

HISTORY  
OF  
NEW ZEALAND.

*George* BY  
G. W. RUSDEN.

SECOND EDITION.

IN THREE VOLUMES.

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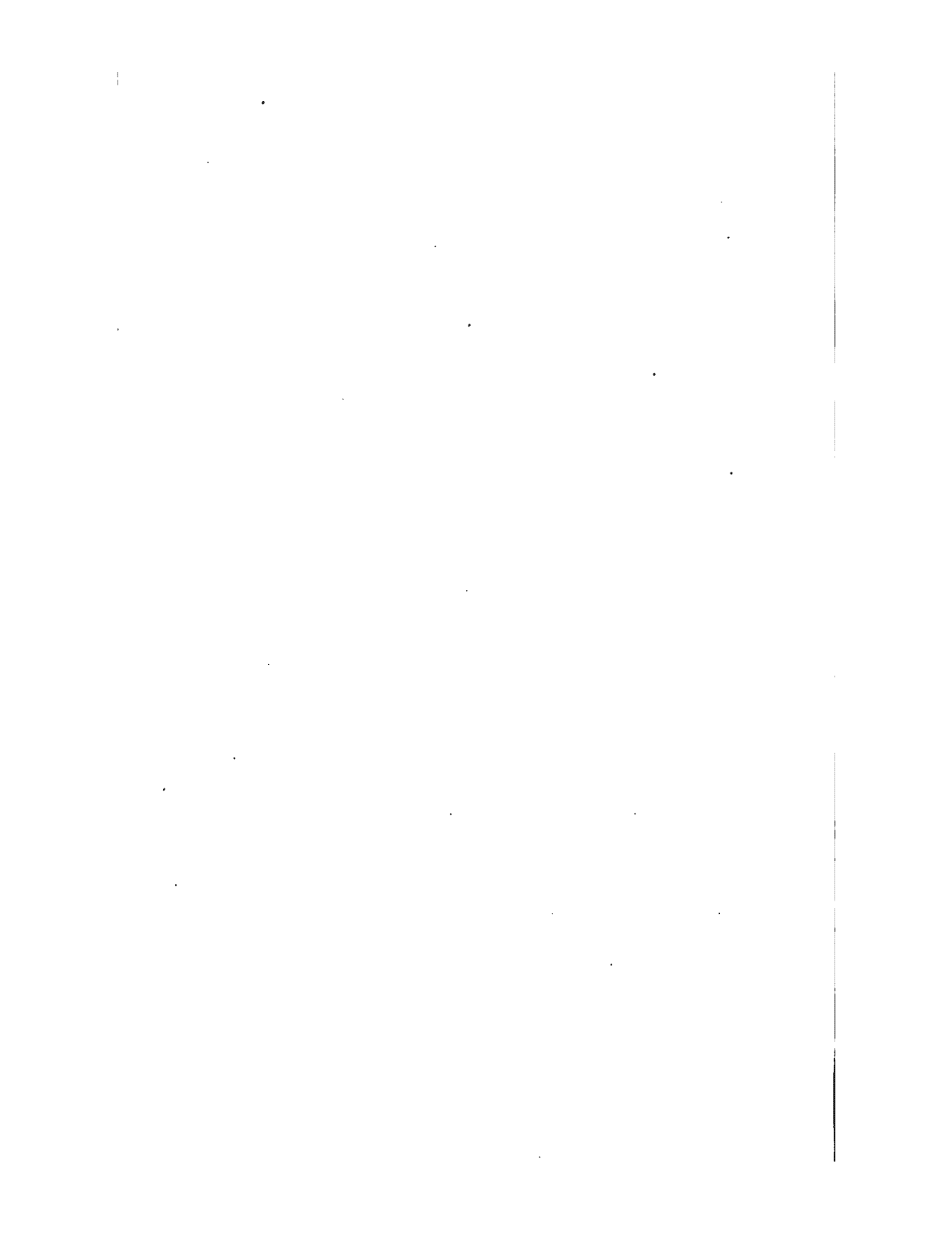
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## CHAPTER XVII.

1872—1874.

MCLEAN AND THE MAORIS.

DONALD MCLEAN, meanwhile, was tempering to the chiefs the loss of their lands by urging them to cultivate flax. A few sentences will show how the Gael accommodated his phrase to the Maori. "Pleiades is high in the heavens, the warm season has arrived, and the thoughtful man considers it time to grow food to enable him to live, and to extend hospitality to strangers, lest he be as the thoughtless one who, when seasons of scarcity arrive, is in a very helpless condition. In former days all kinds of food used by the Maoris—kumara, taro, and other things were largely cultivated; at present their cultivation has decreased. I therefore think that you should again be attentive lest they disappear utterly; and that the word of the proverb ought to be fulfilled, which says, 'The fame of a man brave in war is uncertain, but the fame of a man diligent or brave in tilling the ground will always last.'" He offered prizes for production of flax. "I know that you, the Maoris, are ignorant of the prices, &c., in England; therefore, I think that if you will again turn your attention to these industries you will obtain the benefit of prosperity." The Maoris could not but reflect that former governments had destroyed their plantations and burned their dwellings.

The burly Scotchman was not easily stirred from his policy of peace. A surveyor, Mr. Todd, was shot near Pirongia, in Waikato, by a Hau Hau, who took refuge at once in the king's territory. McLean determined to treat the outrage as agrarian rather than political. It was anomalous that no writ could run within Tawhiao's territory; but a broken pledge to him might entail many more murders. The king's pale recognized by the government could not be infringed. If the Hau Hau who committed the murder had hoped to embroil the races afresh he was disappointed. Even when a chief on the Thames River barred the electric telegraph, and stopped the conveyance of the mail between Auckland and Tauranga, McLean pursued his policy. It was condemned as dilatory by some fiery spirits. In March, 1871, 167 residents in Waikato petitioned the Governor. They asked him to establish a rival pale to that of the Maori king, under penalty of death to any Maori who might cross it. By this bold and firm policy, they said, peace would be secured. McLean was not to be diverted into a path which led to blood.

Sir G. Bowen visited the Middle Island early in 1871. When he returned to Auckland he was confronted by the old difficulty of retaining Imperial sympathy without a symbol of Imperial strength. H.M.S. "Virago" was ordered to England in March, and until the "Rosario" could arrive in New Zealand in May no man-of-war could be placed there by Commodore Stirling, who was in H.M.S. "Clio" at Sydney. Instantly the New Zealand ministry declared that it was "very perilous" to withdraw the "Virago." Mr. Fox telegraphed to the Governor that "the removal of the land forces, and the manner in which it was done, and Lord Granville's celebrated despatch, tried the loyalty of the colony very severely, and I consider it my duty to state, in the plainest possible manner, that should the colony arrive at the conclusion that the Imperial government intends to withdraw the countenance afforded by the presence of a naval force, small as it already is, it will be very difficult for many of the best affected to retain those feelings of attachment to the parent country which have hitherto been so strongly felt and warmly expressed." Whether Fox in-

cluded himself amongst "the best affected," after the "coasting welcome with which he had unclasped the tables of his thoughts" to a foreign consul, it might be hard to tell. But it was clear that many of Fox's supporters would be the "spoils of opportunity." On the day on which Sir G. Bowen received Fox's telegram, he telegraphed to the commander of the "Virago": "I request you to postpone the departure. I take the responsibility on myself. I will write to the commodore." McLean separately urged the necessity of retaining a ship of war. "An imaginative and acute race like the Maori was," he said, "quick in seizing upon any points of apparent neglect towards New Zealand on the part of the Imperial government." The commander of the "Virago" agreed to wait till the arrival of another vessel, and copies of the correspondence were sent to England. The Earl of Kimberley told the Governor that, under the circumstances, the detention of the "Virago" was justified, but he regretted the tone of Mr. Fox's telegram, which that gentleman would on reflection see was ill-calculated to improve and strengthen the friendly relations which it was the earnest desire of Her Majesty's government to maintain. The Earl had shown readiness to retain ships of war in New Zealand, and was able to refer to correspondence in rebuking Fox's intemperance. It is fair to add that Mr. Fox regretted his expressions, and assured the Earl that nothing could be further from his intentions than to disturb the friendly relations between the Imperial and Colonial governments.

A singular turn of fortune about this time brought Mr. Fox into antagonism with his old opponent, Mr. Weld, who became Governor of Western Australia in 1869; the only colony in the Southern seas to which English prisoners had recently been transported, and which had then ceased to receive them.

Both Maoris and colonists had protested against Earl Grey's proposition to send convicts to New Zealand, and they had never been sent thither, although, amongst the troops of gold-seekers, quondam convicts had found their way. When, in order to rid itself of some refuse of the convict system in Tasmania, the government granted pardons enabling criminals, who had not undergone the

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whole term of their sentences, to migrate to other colonies, South Australia, Victoria, and New Zealand at various times passed Acts to keep out convicts. The New Zealand Act was passed in 1867. To the horror of Mr. Fox, eight convicts holding conditional pardons (*i.e.* pardons with a condition prohibiting a return to England) arrived at Port Lyttelton in 1871. Four of them were Fenians, and the New Zealand government had already been troubled at the goldfields by Fenian disturbers. Mr. Fox and many others were indignant with Mr. Weld for subjecting New Zealand to the pest thus cast upon her. There was commotion amongst ministers and in despatches. Four ordinary holders of conditional pardons were sentenced in the resident magistrate's court to be deported to the colony from whence they came. The Fenians were released on bail, on their undertaking to leave New Zealand. Mr. Chisholm, the Colonial Secretary, in an angry letter demanded from Western Australia the cost (£150) of sending back the four convicts, but it was discovered that no New Zealand law gave power to hold in custody the arrested convicts when the vessels containing them should reach waters outside the jurisdiction of the colony, and a claim could legally be urged for payment by one colony to another for the doing of an illegal act. The convicts undertook to depart to New South Wales. Mr. Fox's remonstrance was forwarded to the Secretary of State, and Lord Kimberley answered the wrath of Fox and his friends by directing that the holders of conditional pardons should be barred in future from resorting to any Australian colony, and that breach of the condition should entail forfeiture of the pardon.

The amicable relations which Lord Kimberley established with the soul of the special envoy, Mr. Vogel. He scorned the lower rung of the ladder of promotion. Presuming on his position as a loan negotiator, accredited to the commercial capital of the world, he aspired to be made a knight, without passing through preliminary gradations. Even his New Zealand associates declared that to grant the request of so recent an interloper in New Zealand affairs would arouse indignation. Eventually, but by steps, the New Zealanders obtained the coveted honour. It is fair to mention

that he had never joined in disaffected movements, and had advocated a large view of the advantages which Imperial connection might confer upon colonies, and on this ground his private claims were urged upon the Colonial Office. It was true that his view was not a high one. He valued the connection with the mother-country because the colony might borrow money more easily there than elsewhere. But the Manchester school was in high repute in England, and its principles were not very different from his. His success in carrying his financial schemes in the New Zealand Assembly commended him to moneyed men in England. His reception by moneyed men in England impressed colonists with his importance. His colleagues put off the meeting of their Parliament in order that he might be present to expound his views.

When the relative strength of armed men under the hunted Te Kooti and the quiescent Titokowaru as compared with the Europeans and allied Maoris is considered, it might seem difficult to imagine that the helpless condition of the colonists had driven such men as Mr. Fox to countenance, and others to advocate, that separation from England which all men deemed it Earl Granville's desire to permit if not to procure. After Te Kooti had been brought to bay at Mahaetari—his prisoners being recaptured, his forces annihilated, and his "mana" swept away—he merely slunk from hole to hole to escape seizure by Ropata. Titokowaru was absolutely at peace, and it was not deemed necessary to take any measures against him. Yet when Mr. Fox emitted a spark of disaffection on the proposed removal of H.M.S. "Virago," there were enrolled in New Zealand 4263 militia, 6568 volunteers, 723 armed constabulary, 4000 armed Maoris; total, 15,554. Of this large force less than 3000 (volunteers) were enrolled in the Middle Island. Nothing but the suddenness of Te Kooti's raids can explain the terror which his name inspired, and the loud wail with which, in speeches, despatches, and letters, the hard fate of the colonists was sighed to the Colonial Office. In addition to the Maoris formally enrolled there were others eager for the fray. Old Waka Nene, full of years, erect in stature, but undimmed in mind, passed away in the faith of the Christian, with his last



from the counsellors of King Tawhiao the surrender of the murderers of Mr. Todd, and they would have made refusal a ground for war. But McLean would not yield to such demands. His policy was accepted by all. The Assembly raised no questions about it. Those who had thirsted for revenge against Titokowaru and Te Kooti sullenly consented to leave things alone, trusting to the decimation by disease and death, which the rifle and civilization had ensured.

Two meetings were held by the Maoris—one at Parihaka on the west coast, where Te Whiti was rising into repute as a prophet; the other at the Maori king's residence, Te Kuiti. To both of them colonists and their Maori friends were invited, and Te Wheoro was treated with marked respect at Te Kuiti, where the Maori king no longer kept aloof, but mingled freely with his guests, as had been the custom before the rape of the Waitara in 1860.

When the Assembly met (Aug., 1871), Mr. Fox made more pronounced his past antagonism to Sir David Monro, who retired from the Speakership, himself proposing his successor, Mr. Dillon Bell. Sir D. Monro had been Speaker from 1861 to 1866, and again from 1866 until, at the close of the session in 1870, he announced his intended retirement. He expected that Mr. Fox would then "invite the House to take the steps which are dictated by custom and courtesy," but averred that he "was allowed to leave without a single word of thanks or any acknowledgment" of his services. Fox retorted that it was not usual for a ministry to recommend that their active opponents should be offered seats in the Legislative Council, and he did not doubt that Sir David Monro was opposed to the government policy. Sir David, irritated at the discourtesy shown, was elected to the House of Representatives, and proposed the new Speaker before he was himself unseated on petition. Then the representatives, feeling compunction for their late presiding genius, adopted an address to the Queen, on the motion of Mr. Fox, seconded by Mr. Stafford, praying that some mark of favour might be shown to Sir David Monro, and Sir G. Bowen was requested to intimate that the intention of the House would be met if a seat in the Legislative Council



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should be offered to Monro. Though Fox moved the address to comply with public courtesies, he thwarted its immediate fulfilment. An official memorandum by the Colonial Secretary, Mr. Gisborne, declared that though the government had moved the address, "they would not on any account recommend that Sir David Monro should be placed in the Council during the then session."<sup>2</sup>

A dispute between the Houses threatened to arrest public business. Mr. Vogel carried through the Lower House, though not without opposition, a Payments to Provinces Bill, modifying certain provisions in the cognate Act of the previous year. The Council demurred to a clause which tended, under colour of repayment to the provinces of former outlay on public works, to endow provincial treasuries with additional funds. To divert to a new use a sum authorized under a Loan Act for specific purposes was a violation of the spirit of the Loan Act. The Council expunged the clause. The Representatives impugned the right of the Council to interfere with clauses relating to appropriation of money. The Council claimed a right to exercise its own judgment whether the clause violated the faith pledged by the Parliament. Each House gave reasons for insisting on its position. Conferences were held. Mr. Sewell, who had recently retired from the Fox ministry, held a seat in the Council, and with Major Richmond and Mr. Seymour was appointed to prepare the reasons of the Council. Mr. Fox, Mr. Vogel, and Mr. Stafford performed a like office for the Assembly. Towards the close of the dispute Mr. Sewell openly voted with the majority in the Council, while his late colleagues in the Lower House were active on the other side. It was easy to get rid of a colleague, even if he should be unwilling to go, but it was impossible to pass a measure against which there was a majority in the Council. Finally, the Council resolved that while insisting on its constitutional right to make the disputed amendments, it would abstain from exercising that right if the other House would engage:—1. To amend the Bill restricting its operation to the financial year. 2. For the point in dispute to the law officers of the

Crown in England, upon a case to be prepared by managers appointed by each House. Subject to these conditions, the Council would, on being made acquainted with the names of the managers appointed by the representatives, cease to insist upon its amendments. These terms were agreed to; the limitation clause was passed, and the case was transmitted to England. The law officers, Sir J. D. Coleridge and Sir G. Jessel, were categorically asked—Whether the Council was constitutionally justified in striking out the disputed clause, and whether the claims put forward by the Representatives were well founded, or what were the proper limitations of them? It was contended on the part of the Council that a Privileges Act of 1865, which gave equal privileges to members of each House, had conferred on the Council a power to deal with money bills in detail. It was retorted that if such a power had been acquired it ought to be taken away. The law officers in England held that the Council was not constitutionally justified in its amendments, and that the claims of the Representatives were well founded,<sup>3</sup> . . . “subject of course to the limitation that the Legislative Council have a perfect right to reject any bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous session.” As in 1870 so in 1871 there were many conferences on bills. In most cases it may be inferred from the yielding of the Representatives that they had been in the wrong; for men are loth to admit their error even when they see it. A difference on an amending Immigration and Public Works Bill was only solved after a free conference the day before the close of the session. In that case the Representatives adopted the advice of the conference. Certain amendments were made in the manner recommended by the Council, and the Lower House abandoned its disagreement on all questions not specially dealt with by the conference.

Mr. Sewell did not shrink from displaying his contempt for the Treasurer, and broke off his connection with the ministry before the session closed. A proposition to replace in the provincial treasuries funds already dedicated to

<sup>3</sup> Proceedings of Legislative Council New Zealand, 1872, Appendix 3.

railway purposes by the provinces, and to charge the cost of the railways to the general government, was one which he refused to propose to the Legislative Council. He would rather resign office. Fox could not dispense with Vogel's services, and Sewell resigned. Mr. Waterhouse (without a portfolio) undertook to represent the government in the Council. He resigned his position at the end of the session. Hard words were uttered in both Houses. Stafford could not control his anger against Vogel, whose help he had himself used in the expulsion of the Weld ministry, but to whom he had not given office, and who had crept into place under the wings of Fox and McLean when Stafford was expelled. Mr. Vogel's mission to England formed the staple of much discussion. He associated himself with Mr. Julyan (one of the Crown agents for the colonies) in negotiating the loan on the Stock Exchange at 5 per cent., and raised £1,200,000 at a rate of £95 16s. 9d. Contractors were found who undertook the construction of railways to an extent of £4,000,000. The contractors were guaranteed interest for their outlay, and the government was to have power to purchase the lines when made. Two forms of agreement were signed in England to enable the colonial government to exercise an option. Under one of them it was proposed to give the contractors three-quarters of an acre of land for every pound sterling expended by them in constructing railways and providing plant.

Though not present at the opening of the Assembly on the 14th Aug., Mr. Vogel made a financial statement in it on the 12th Sept. The revenue had fallen off. The invitation to the provinces to co-operate with the government in promoting immigration having produced no fruit, the government proposed to deprive the provinces of all control in the matter, and their policy was not repelled by the House. New Zealand seemed to have put her affairs into the hands of an agent, who, having contracted her debts, was to be allowed time to show whither they would lead her. Attempts were made to abolish the gold export duty, *i.e.*, the trifling royalty collected at the Custom House on the treasures taken from the earth by every comer and goer. By large majorities the proposition was rejected on two occasions.

The revenue was supplemented in 1871 by increased Customs and Stamp duties. Contractors were on the way to the colony to carry out the works for which loans had been raised, and when the session was concluded additions were made to the ministry. Mr. J. D. Ormond became Minister for Public Works, and was to reside in the Northern Island; Mr. Reeves became Resident Minister for the Middle Island. Mr. Vogel was looked upon as a kind of dictator, and to avoid inconvenient responsibility he generally travelled during vacations to England or to the neighbouring colonies, but always upon an errand which imposed upon New Zealand the cost of the journey.

A terrible shock, felt poignantly throughout the southern hemisphere, caused fervent addresses to the Queen. John Coleridge Patteson, Bishop of Melanesia, who ever modestly declared that he sat at the feet of Bishop Selwyn, the founder of his bishopric, was one of those rare mortals who seemed vouchsafed to the world to show that humanity, not altogether vainly, may strive to follow the precepts of the Divine Master. Able, but veiling all consciousness of talent under the simplicity of earnestness; yearning after his dark pupils as veritably and indeed carven in the image of God, and calling in their weakness for help from their more fortunate brothers; gentle, yet bold; considerate of others' fears and prejudices, yet daringly committing himself to the surf and landing defenceless, save by his heroic bearing, amongst the wondering armed islanders who were accustomed to see the scoundrels of the Pacific loaded with weapons which they mercilessly abused—the young Bishop had won the affection and admiration of all who had seen or heard of him. He falsified the adage that no man can be a hero in the eyes of his valet; and proved in so doing how much higher is the type of the Christian than that of the man of the world.

There had sprung up an abomination under the name of labour traffic among the islands of the Pacific. The natives were nominally hired. In most cases it was ascertained that the terms of the so-called hiring were not understood by the hired. Three months was their idea when three years were in the bond. But fraudulent or deceptive contracts were not the only weapons resorted to. By artifice

or force natives were kidnapped when they were unwilling to go with the robbers of men. When crowds of islanders gathered round a vessel heavy weights were dropped upon canoes to crush them, and the natives on rising to the surface were picked up, or sometimes shot in brutal sport if they seemed able to swim to the distant shore. On the sea, terror was the rule—murder the means to enforce it. Seventy lives were sacrificed by indiscriminate firing into the densely-crowded hold of a vessel in which the islanders were packed. The dead, and even the wounded, were cast into the sea when the white savages proceeded to put their vessel in order. One rascal simulated the appearance of the bishop by walking on the deck clad in bishop's garb. The islanders thus inveigled were seized, and their countrymen were enraged. At Nukapu, an island of the Swallow group, near Santa Cruz, the bishop and two companions, one of them a native missionary, were slain in revenge—and never perhaps was there more willing martyrdom. He had earnestly besought the government to restrain the traffic whose atrocities incarnadined the seas. He knew, and others dreaded, that in consequence of it, wherever he went, his life was in his hand. Both Houses in New Zealand declared that there was reason to believe that his death was owing to an infamous traffic, which was a reproach and scandal to the British name. Both Houses implored the Queen to take some steps to redress the wrongs of the islanders, and redeem the character of her subjects.

The addresses were graciously received, and a bill was laid before Parliament to check the horrors which, under a smooth name, and sometimes under the flag of England, vied with the black deeds of the slave-trade. The Admiralty was set in motion, and Commodore Stirling was instructed to be vigorous in repressing "the abominable traffic" which had grown up. A vessel of war was requisite at New Zealand, and another at Cape York; but the other four vessels under the Commodore might be employed in the Pacific, and he was empowered to build some small craft to aid them. The cry of outraged humanity had reached the throne. The law enacted was useful, but the one thing needful, though pressed upon the official mind, was not

accorded. If every vessel proved to contain a South Sea Islander, placed there without his or her consent, had been by that fact confiscated, the labour of the Commodore would have been light, and the traffic in mankind would have been stayed. It was urged upon the Colonial Office that there could be no nobler task than to obtain the aid of the United States, of France, and of other nations in crushing the nefarious trade in which rascals of all countries were engaged. Mutual permission of search in the Pacific would speedily clear the seas of the ruffians. But a proposition so simple did not commend itself to diplomatic minds.

New Zealand laboured in troubled waters as to the relation of provincial and general governments. The subject was discussed more than once, but remained to harass future Parliaments. The Native Lands Court was taken into consideration, and Sir W. Martin was consulted, but no legislation was arrived at during the session. The Maori members were not idle. In August, Hori Kerei Taiaroa carried a resolution that there should be a council of native chiefs for the Middle Island, charged to devise means for the better administration of lands (whether held by Maoris under Crown grants or not) and of Maori property. Mr. McLean supported Taiaroa's proposal. In October, the same chief carried, by forty-one votes against fifteen, a resolution—That all bills or parts of bills specially referring to the native race be translated into the Maori language before discussion, and referred to the committee on Native Affairs. One member, Mr. Reynolds, said that the motion pandered too much to the Maori members. Karaitiana Takamoana raised a larger question. On his motion it was resolved that it was desirable that the native race should be represented in the other branch of the Legislature. He moved further—that a Maori should be appointed a member of the Executive Council to advise with the Minister for Native Affairs; that the Maori Representation Act should be amended, and the number of Maori members "increased to twelve, giving three Maori Representatives to each of the present Maori electoral districts; and that Europeans as well as Maoris should have the privilege of voting at election of Maori members of the

House of Representatives." The propositions were rejected without a division. Katene, stimulated by the example of his colleagues, carried a resolution that "the government be requested to send down to this House a measure by which a runanga will be granted to the districts of the Bay of Islands and Mongonui; the object of such board to be the promotion of public works, education, the carrying out of law and order, &c. &c." Nor was the success of the Maori orators due to contemptuous pity. The Governor reported that he had been assured by Mr. Fox that undoubtedly the best speeches of the session were those of the Maori members. Mr. Sewell declared that the Maori members contrasted favourably with many whom the colonists were pleased to call the superior race. Mr. McLean was in favour of the proposition to give to the Maoris a voice in the Legislative Council. Karaitiana Takamoana's motion was carried on the 15th Sept. On the 29th, Mr. Mantell moved in the Council that it was desirable that the Council should be informed of the views of the government on the subject, but after discussion the motion was withdrawn. Not only by Mr. Mantell and Mr. Sewell were kindly feelings expressed in debate in the Council. Colonel Russell did not scruple to say that the peace negotiated with the Maori king was due to the Maori members, through whom the first communications with the king-party had been made.

The new Maori members in the Representative House were the theme of universal praise in both Chambers.<sup>4</sup> In the prorogation speech the Governor said that the high intelligence of the Maori members, and the judicious manner in which they exercised their functions, fully justified the

<sup>4</sup> Katene's views on parliamentary government were thus reported:—"All parties act in the same way. They always have objections to the government in power. I know very well what they mean by that. I am only deficient in this respect. I cannot hear all that goes on, and am not able to speak in the European language. All that the opposition want to do is to oppose the government in power, in order to take their places upon those benches. I do not think that a proper course for the General Assembly of New Zealand to pursue. . . . It is not right that the desire for the emoluments of office should be the cause of upsetting a good policy which is for the benefit of the whole colony." Sober truth seems almost like the satire placed by Swift in the mouth of the king of Brobdingnag.

recommendation of the Representatives, and that he would consult his advisers as to the best means of giving it effect. A Bill to Amend and Consolidate the Laws relating to the Native Land Court passed the Legislative Council, and was sent to the other House on the 20th Oct. There it was not even read a second time; yet the subject had been earnestly considered by McLean and his colleagues. The Native Lands Act of 1865 had been amended in 1867, in 1868, and in 1869, but yet there were causes for discontent. The certificates issued were deceptive. The original Act of 1865 required that the native owners should be ascertained, but a proviso that "no certificate should be ordered to more than ten persons" was alleged to have deprived of their rights large numbers of proprietors. The definition of the estates or interests of the natives was left so vague, in the form of grant prescribed by the amending Act of 1869, that litigation, if not absolute warfare, would be engendered. Moreover, a single native could call upon the court to deal with a claim to land which nine out of ten of his tribe were unwilling to sell. They could not take refuge in apathy. They had to risk loss of land, or accept the burthen of litigation in a court whose fees were complained of as excessive.

Karaitiana Takamoana, of Hawke's Bay, visited Auckland in Jan., 1870, to lay the Maori grievances before Donald McLean. He had detected faults which had escaped notice. In 1870 McLean consulted many persons, and amongst them was Sir William Martin, who drew up in Jan., 1871, a careful statement of the amendments required. McLean requested Sir W. Martin to draft the necessary clauses, and the work enlarged under his hand until, in July, 1871, a draft bill was prepared which elicited from Mr. McLean the "best thanks of the government for the arduous labour" undertaken. A separate bill dealt with the native reserves, the income from which Sir W. Martin considered it proper to administer through the Native Department, and not in connection with the Land Court. Mr. Fenton, the chief judge of the Land Court, did not agree with all Sir W. Martin's proposals. His assistant judges furnished reports, which, with his own comments, were forwarded to the government.



Colonel Haultain reported upon the whole question. After the surrender by the Crown, in 1865, of its exclusive powers as to sale of land, to the end of 1870, the Land Court had heard 3489 applications for investigation of title in the North Island. Certificates or Crown grants had been issued in 2619 cases for an area exceeding 2,400,000 acres. "The natives are almost universally opposed to the employment of English counsel in contested cases. They say that these know nothing of Maori law and custom, and only protract the sittings and increase the expenses. If one side employs them the other must do the same; but they would like to see them altogether excluded from practising in the court." So wrote Colonel Haultain. Another of his opinions was significant. "The Maoris have always been loth to part with their fertile land, and it is chiefly by confiscation that we have obtained any large tracts of really good land." Many chiefs wrote earnestly to Colonel Haultain. Te Wheoro said it would be better if "lawyers' agents and interpreters were disallowed in the land courts, as they make so many expenses. The money goes, and so does the land. Behold! there is the survey—one; the court—two; the lawyers—three; the interpreters—four; the Crown grant—five; and the giving of the land to the other side. The burden of this is great. Nothing could be objected if it was only the court and its interpreter." Weary of forensic ways, he urged that a Maori runanga should settle all land disputes, and that the magistrates in their different districts should carry out the decisions of the runanga. An Arawa (an assessor in the Native Land Court) argued that the Acts relating to native lands should be translated. "I have never seen a translation of the Acts of 1865, though I have been in the chief judge's office for three years. I myself paid for printing, at the Bishop's press, some portions of the Acts. The natives would gladly read the Acts if they could get them, and there are intelligent men amongst them, well able to explain the Acts to others." The Maoris highly prized the digest of criminal law prepared by Sir William Martin, and a summary of the Land Acts should be translated for their behoof. He also would banish lawyers. "It was to be expected that they would prolong cases in order to get more fees."

In the General Assembly (Nov., 1871), Parata declared that much dissatisfaction existed with regard to adjudication by the Land Court in cases where there had not been actual survey. The Maoris had been informed that a plan ought to be deposited with the court before the case could be tried. How then stood the matter? Was there a law passed by the House, and kept back from the Maoris? Mr. McLean pointed out that there was a clause in the Act of 1865 authorizing new trials without survey. He confessed that in a matter affecting tribal rights the natives ought to have been made acquainted with the law in their own language, and that they had not been so made acquainted with it.

Though the government thanked Sir W. Martin, they did not adopt his draft bill. Mr. Fenton drew another which they preferred. Mr. Sewell introduced it, and took occasion to speak of Mr. Mantell thus: "I say now what I have always said, that if there is one person to whom the colony is more deeply indebted than to another for having brought about a better state of things between the two races through the working of the Native Land Court, that person is Mr. Mantell."<sup>5</sup> On one point, Sir W. Martin, Judge Fenton, and Mr. Sewell agreed, viz., that in order to prevent the sanctioned mischief created by facilities given to an individual to bring his tribe into litigation without their consent, it was essential to provide that there should be a thorough investigation before any title could be brought under the operation of the court. After long debates the bill was passed in the Council, but the Lower House declined to discuss it.

A Committee on Native Affairs, to which Tairaroa's resolution referred all clauses relating to the Maoris, was appointed. There were fourteen members, including Mr. McLean, and the four Maori chiefs. Five formed a

<sup>5</sup> Mr. Sewell averred that the bill framed by Mantell and his colleagues in the Fox ministry in 1862 was (although not passed) the "foundation of the Native Land Court Bills;" that it was revived in Domett and Bell's Act of 1862 (Mantell being still Native Minister), which was inoperative until, "on the return of Mr. Mantell to the administration of native affairs in 1864, it was galvanized into life. . . . In 1864 he gave life to the Native Land Court, which up to that time had been practically dead."

quorum, and they were empowered to send for persons or papers. Petitions from Maoris were referred to and reported on by them.

Ere long the old chief, Te Rangitake, gave convincing proof of his trust in the policy which McLean directed, and in which Maori chiefs had a voice. He had accepted the proffered peace in his retirement in the forests at the rear of Mount Egmont in 1864, but held aloof from the settlers. He refused to countenance Titokowaru, but would not associate with those who had robbed him of his land, destroyed his property, and slain his people. When Donald McLean became a minister in 1869, he lost no time in apprizing Te Rangitake that land at Waitara should be reserved for his use, but the old chief still held aloof. In 1872, his scruples were overcome. McLean was at Taranaki when Te Rangitake, after twelve years of estrangement, mingled again with Europeans. With four hundred followers he marched to Taranaki, where a repast was prepared for them at the Native Office. European inhabitants crowded to see the warrior whom some remembered, and all knew by repute. Children were allowed to enter the room in which he sat, and a bystander reported: "The old chief seemed to enjoy the *levée*, for as each batch of children came in, he laughed with delight as he took their tiny hands in his, and kindly shook them." Mr. McLean pointed out the Maori significance of the speech, that when a chief trod in friendliness the path lately pursued by war-parties, hostility was past, and even the thought of revenge for the dead was put away. Thus did Te Rangitake, denounced by the Governor's advisers in 1860 as "an essential savage," and robbed of his land, return in 1872 with the warm approbation of another adviser. In the theatre of his wrongs the children of his persecutors came round him with affection, and by the "touch of nature which makes the whole world kin," as by the wand of a magician the strifes of the past were quelled—for a time. There were none to carp at the reconciliation, for all men knew that in the past Te Rangitake ever spared the weak and made war only against the proud.

Titokowaru emerged from his forest haunts about the same time. Mr. McLean let him know that he would not

be molested if peaceful, and with about 30 followers he returned to the neighbourhood of Patea, the scene of his successes against Colonels McDonell and Whitmore, and of his discomfiture by Rangihwinui and the men of Wanganui. There was less satisfaction at his implied pardon, but not much was said about it. Te Kooti was compelled to learn that a policy of peace was adopted, and that his day was past. Ropata Wahawaha's myrmidons were scouring the mountain fastnesses in which Te Kooti had lurked, and the passes from the Uriwera territory to Waikato were guarded by numerous bands. Nevertheless, he eluded them, and in June, 1872, it was reported that, "in spite of the various parties watching for him," he passed with less than a score of companions to the sanctuary which Rewi had stipulated for, and Donald McLean had agreed to, at Te Kuiti in 1869. The government, though vexed at the escape of the marauder, whom it had hoped to bring, like Kereopa, to the gallows, did not commit a breach of the peace they had made. On the whole, everything seemed prosperous. There was a large debt to be paid in future; but thoughts of payment are put off like thoughts of death. Moreover, in the case of a State, not the borrower, but a successor pays. The first mixes the potion which the last must drink.

To carry out the authorized public works immigration was actively promoted. Dr. Featherston, the Agent-General, was instructed to send out, in 1872, 8000 adults. He had arranged in 1871 for the deportation of 6000 Germans and Scandinavians. Moreover, the railway contractors were to procure labourers, and the agent was to provide passages for them to an extent, including wives and families, of 5000 persons. There was in London an Emigrant and Colonists' Aid Corporation, of which the Duke of Manchester was chairman. An agent visited New Zealand and purchased for the corporation more than 100,000 acres of land in the Manawatu district, undertaking to convey not less than 2000 statute adults to the island within a limited period. Some Norwegian immigrants were placed, on their arrival, at Palmerston, on the Manawatu river. Twenty acres were reserved for each family for two years, with a right of purchase. On purchase of them within 12 months 20

other acres were similarly reserved for purchase, so that in a short time each family might become possessed of 40 acres at the rate of £1 an acre. Swedes and Danes followed the Norwegians, and an official report<sup>6</sup> stated that "their fears of their future neighbours were much lessened" by a present of potatoes and kind speeches from a Maori chief. Tidings of the illness of the Prince of Wales reached the colony early in 1872, and the general joy at his recovery gave occasion to the Governor to report that the loyal sympathy displayed by Englishmen and Maoris could not be surpassed in any portion of the empire. Prayers and thanksgivings were offered in the churches. At a crowded theatre the audience rose as one man and sang together "God save the Queen" and "God bless the Prince of Wales," on the day when the recovery was announced. It was now known that in the colony, as in England, a few disloyal busy-bodies had put forward their own ideas as those of the public, and had been believed by the mass of mankind which is incapable of weighing evidence. An English newspaper which had deplored the manifest decay of loyalty in England was startled by the outburst of national grief at the illness of the heir to the throne. Its morality had been to study signs and to prophesy the immediate future. It had erred. It avenged itself by declaring, not that it had erred, but that "the community was astonished at its own profound emotion." It professed to believe that Englishmen had been disloyal rather than its scribe mistaken. If men could appease their consciences by casting imputations on others, the world would cheaply become moral. A day of public thanksgiving was appointed in New Zealand. Services were held in all the churches on the 9th May, and the people responded to the proclamation by the government.

After a tour through the province of Marlborough, Sir G. Bowen started on an expedition to Lake Taupo—the abode of Poihipi Tukeraingi, who once stood almost alone in that central spot to resist the tenets of the Hau Haus. He met the Governor with oriental welcome at Tapuaharuru ("resounding footsteps"), where hollow reverberations warn

<sup>6</sup> N.Z.P.P. 1871; D. 3, A. p. 21.

the traveller how thin is the crust which separates him from the subterranean fires which rage continually from Whakare to Tongariro. He told how great had been the troubles of the loyal. . . . "Still a few of us were ever true to the Queen: and, like the Horomatangi (sea-god), that dwelt of yore in Lake Taupo, and swallowed the evil monsters of the deep, we have now destroyed our enemies." The Governor unprophetically told him that the Queen would ever maintain inviolate the treaty of Waitangi which Poihipi had signed. The Hau Hau flag had disappeared in the district, and the Union Jack met the eye. Hundreds of men once active or aidant in rebellion were at work to subdue the land by making roads, and Topia Turoa, the companion of Rangihwinui in his march from Wanganui, welcomed the Governor at Tokano, at the south end of the great lake. Maoris were working for wages on the roads. At their head was Ngatote, a brother of Kereopa who had recently been executed. The loyal Arawa were everywhere eager to obtain good schools and roads. At Tauranga the Ngaiterangi chiefs, some of whom had fought at the Gate Pah, were as cordial as the Arawa. Two of them volunteered to escort the Governor through the forest from Kati Kati to Ohinemuri on the Thames. At Ohinemuri the Governor met Mr. McLean. Sir G. Bowen was anxious for an interview with the Maori king, but McLean's negotiations were resultless. The Governor's tour of the whole was described by McLean as "productive of the most beneficial results;" but the secluded king maintained a boundary which he would not pass to see the Governor, and which the Governor could not cross to look at him. The attempt seemed so easy and McLean's triumphs had been so great that the Governor could scarcely curb his vexation. Mr. McLean essayed to pacify him by declaring that "owing to various tribal differences the interview is likely to be deferred, and it is deemed advisable that no impatience should be displayed to hasten the negotiations." There was a lamentable tone of exultation in some documents of the period, at a rumour that Tawhiao had given way to habits of intoxication—a tone which can be accounted for, but not justified, by disappointment at his obstinate seclusion. While the Governor was thus employed,



“That, Sir,” said McLean in the House, “is the sequel to those operations which have been carried on under Major Ropata.”

A Maori clergyman, Rev. Mohi Turei, rendered thanks, and asked “for the spirit of wisdom and understanding, the spirit of knowledge and of the fear of the Lord, that we may show forth Thy praise and declare Thy goodness, not with our lips only, but with our whole hearts, and turn unto Thee, and walk before Thee in holiness and righteousness all the days of our lives, through Jesus Christ our Lord. . . .” Ropata, wearing the sword presented to him by the Queen, exhorted the tribes to “pray always, in prosperity and in adversity, to be the children of Christ, as the first duty, and to be loyal to the Queen. God preserve the Queen and you (the people), and take you under His Divine protection.”

When the Assembly met (July, 1872), the Governor congratulated it on peace, prosperity, and public works. The government had no representative in the Council. The committee appointed to prepare the Address regretted that the Governor had not been “advised according to constitutional usage” to secure a representative. The omission was especially notable, because new members had recently been appointed. The attempt to dispense with a responsible organ of the government in a legislative chamber was not persisted in, and Mr. Hall and Mr. Miller were appointed to represent the government in the Upper House. Mr. Hall’s first appearance as a minister had been with Fox in 1856. Stafford then cut short Fox’s term of office. Ten years afterwards Hall joined Stafford. Fox turned Stafford out in 1869, and in 1872 Hall again cast in his fortune with Fox. Parata asked why the government had done nothing towards compliance with the resolution of the House, in 1871, that it was desirable that the native race should be represented in the Council. McLean announced that measures would be taken to call two members to the Council. Nearly three months elapsed, two changes of ministry had been made, and the session was almost at an end before the promise was fulfilled. Wi Tako Ngatata from the west, and Mokena Kohere from the east, were then (11th Oct.) appointed. The first had laid the English under-



obligation by checking Hau Hauism at a critical time. The second had risked his life in campaign after campaign, and had received a sword from the Queen. Sir David Monro, whose appointment to the Upper House had been looked for as an act of courtesy, had found a constituency at Waikouati, and sat again amongst the Representatives. At his election he had denounced the policy of the government as "reckless, extravagant, and unstatesmanlike."

The manner in which the ministry made and annulled ministerial offices induced Mr. Waterhouse to move in the Council that it was opposed to constitutional usage. The burning question of provincial and central powers had been raised, but evaded, in 1870 and 1871. Mr. Macandrew's proposition, in the latter year, to substitute, *inter alia*, one provincial government in the Middle Island for the several existing provinces, and to establish a uniform system of dealing with land throughout the colony, had been defeated by 41 votes against 22. In the same session Mr. Vogel had promised that the government would, in 1872, introduce a measure to deal with the whole subject. Mr. Gillies, member for Auckland City West, and Superintendent of the Auckland Province, asked for the fulfilment of the promise. Mr. Vogel said that the government were of opinion that "it would not be feasible to take from the provincial governments their present powers without throwing so much work on the central government as would break it down. . . . We are not in any degree approaching the termination of provincial legislative powers. I think it quite possible that we shall see—perhaps after the lapse of considerable time—the establishment of a single province in each island, exercising larger provincial powers than those which at present exist." The question was evaded without a division, but a future measure was hinted at. Supporters might be lost in 1872 if its provisions should not prove acceptable, and while the bill could be renewed there was no desire to meet its obligations. But no caution could ward off a blow even in 1872. Mr. Stafford moved hostile resolutions. Some effect was produced by a member for Hokitika, who showed how the Treasury had subsidized petty partisan newspapers by advertisements, and squandered most money where least result was obtained. Other favours there were, secret,

sweet, and precious, which Mr. Vogel justified on the ground that, as an old member of the fourth estate, he knew they would be agreeable to many newspaper proprietors. Corruption was hinted at by Mr. Reid, the member for Taieri. "Has the action of the government with regard to appointments been satisfactory? My reply is that they have not, and it would be interesting for us to know how many appointments are yet to follow, especially for members of this House. I may say that there are rumours about the lobbies that appointments are to be given to honourable members, but I do not know that they would condescend to accept them."

Mr. Vogel, to whom the manœuvres complained of were chiefly imputed, showed little sense of the degradation they represented, but he was apparently heard without impatience:—"I should like to know whether entering this House is to be considered as a disqualification from holding office in the Civil Service of this colony. . . . We are carrying the principle to a ridiculous extent if we exclude persons who have been members from receiving appointments. . . ." "The statements which have been made are not reflections upon the government; they are reflections upon honourable members. If there are corruptors there must also be corrupted, and when we are charged with corruption it is also a charge against members of this House that they are capable of being corrupted." By this process it might be argued that when the physician of Pyrrhus offered to poison his master, Fabricius became corrupt although he exposed the corruption of his tempter; or that when Fabricius refused to be dishonourable the physician ceased to be corrupt.<sup>7</sup>

Mr. Fox could hardly rely on such a defence, and early in the debate McLean was put forward. His aid had enabled Fox to oust the Stafford ministry in 1869. Confidence in him gave assurance of peace. His speech was a running

<sup>7</sup> Mr. Reader Wood, a colleague with Mr. Fox in 1864, asked in the debate, and no one impugned him: "Has not patronage flowed backwards and forwards through this House in one continuous stream? How many members have been launched into the Civil Service? Has it not been understood, and have we not intentionally been made to understand, that the direct pecuniary interest of members of this House is to support the government?"

commentary on his dealings with the natives. The Board of Advice at Taranaki, which comprised Maori chiefs; the peace with the Maori king; the campaigns of Rangihiwini and Ropata; the civil service then being rendered by Rangihiwini, "as faithful and good an officer as there is in the country;" the intention of the government to avail themselves still more of Maori advice; the special intention "to restore to Te Rangitake a portion of his ancestral property;" the prospect of a general amnesty;—formed the burden of his address. At its close he revealed a startling proof of the confidence reposed in himself. A suggestion had been made that he should take office in the new government on the downfall of Mr. Fox, but he had stated that he should decline to do so. Yet, after this public statement members expressed a hope that McLean's scruples would be overcome. One member declared: "If the government are saved upon this question it will be through the reputation of Mr. McLean." They were not saved. By forty votes against thirty-seven, Mr. Stafford's first resolution (on administration) was carried. The four Maori members were equally divided, for and against the resolution. Mr. Vogel probably thought them stupid. A ministry hung in the balance, and yet these men talked about peace, patriotism, and justice. Sir G. Bowen wrote that it was reported that the chiefs said that as both sides were profuse in expressions of friendliness they determined not to be unfriendly to either, but to allow the dispute to be settled by the Pakeha votes. Fox resigned (Sept., 1872) and Stafford formed a ministry. Mr. Waterhouse declined to take office. Mr. Sewell became Colonial Secretary. Mr. Fitzherbert, Mr. Gillies (Treasurer), Mr. Reid, and Mr. Curtis were his colleagues. Stafford announced that the government would maintain the unity of the colony with the seat of government at Wellington. He enumerated the measures which he would proceed with before the recess. But he was not fated to reach that haven of rest. His assumption of responsibility for native affairs was not calculated to breed confidence. In 1860 he concurred in the rape of the Waitara; and in later times he had allowed Col. McDonnell so to deal with a few cases of horse-stealing as to rouse Titokowaru

to resistance. He had transported (without warrant, and untried) Te Kooti, who had never been a rebel. He had converted the escape of his captive into a dreary catalogue of murders, which only the gallantry of Rangihwinui and Ropata and the prudence of McLean had been able to crush. He had insulted and dismissed the man on whom Maoris looked as their friend. To secure the aid of that man he was now willing to arrange that if McLean would, on the fall of his colleagues, come over to the camp of the victors, McLean should retain the office for which all men thought him fitted. Failing to secure McLean he would himself be Native Minister, and deal with Maoris through local officers. Not to such hands would either colonists or natives submit themselves. Sir G. Bowen lost no time in soliciting for Mr. Fox, Mr. Vogel, Mr. McLean, and another outgoing minister, permission to retain the title of "honourable"<sup>8</sup> after their retirement.

Eruera Patuone, the brother of Waka Nene, died a few days after Stafford became minister. He announced that the government would accord a public funeral to one of the most faithful allies they ever had. McLean told the House that in anticipation of the old man's death he had issued the necessary instructions before vacating office. Captain Wynyard, son-in-law of the deceased chief (and son of

<sup>8</sup> The craving for the retention of this title might have warned the Colonial Office that by wholesome conferring of heritable honours a valuable order might have been created; while the grace of the Queen would have been revered. Some Governors were blameable for not enforcing the early colonial regulations which declared that it was understood "that outgoing ministers would tender their resignation of office as Executive Councillors." Some defeated ministers declined to conform to this requirement; and Governors did not compel them to obey it. Sir W. Denison in New South Wales was an exception. He told a recalcitrant that unless resignation were tendered removal would ensue. The New Zealand and other examples fixed the evil practice. Amended Regulations for Her Majesty's Colonial Service have stereotyped it. It is now "understood that councillors who have lost the confidence of the local legislature will tender their resignation . . . or discontinue the practical exercise of their functions, in analogy with the usage prevailing in the United Kingdom." The Governor is empowered to "appoint and remove," but the power is ineffective. An ex-executive councillor may misconduct himself without fear of removal. In one colony a man who was dismissed from an inferior post for dishonesty, became subsequently a minister, and induced the Governor to cancel the order of dismissal made by a previous Governor; and the man remained officially "Honourable."

## NEW ZEALAND.

Mr. W. G. Ward, had died in New Zealand, and Patuone was to be carried by the side of his white son-in-law. On the 19th day (19th Sept.) that this tribute to a faithful ally was presented. Tairaroa, who had voted against the downfall of McLean, put a crucial question to Stafford. Would the government consent to the appointment of a committee to inquire into the unfulfilled promises in the Middle Island; or would they inquire into the matter? Stafford was scarcely ingenious in reply. He did not object to the committee, but had no power over the order in which motions were brought before the House. McLean thought the reply unsatisfactory. Precedence could easily be given to Tairaroa's motion. Stafford took the hint. Precedence was given, and Tairaroa carried his motion without a division.

Another Maori matter cropped up. Tauroa, a chief of the Pakakohi hapu on the west coast, had joined Titokowaru. Tauroa's friends averred that he was compelled to do so, and Colonel Whitmore stated in the Legislative Council that Titokowaru "sent parties to bring Tauroa and his hapu to his camp by force." When Titokowaru was routed and Rangihiwini was pursuing Te Kooti, the resident magistrate at Patea and Major Noake (commanding the local force, nearly 300 (composed principally of Maoris) marched to the abode of Tauroa, who had refused to act with Titokowaru any longer. Tauroa had fought against the English in 1866, and his tribal rights had then been declared confiscated, but Mr. Parris had afterwards permitted him to settle on a block of land, on which he was living peaceably when Titokowaru compelled or persuaded him to take arms. Major Noake with his small army found Tauroa willing to submit to the Queen. The resident magistrate reported: "Tauroa does not plead anything in extenuation, and has thrown himself entirely on the mercy of the government." With 122 others the chief surrendered, and was handed over to the Ngatiporou allies, who were serving in the forces on the west coast. But such chivalrous treatment was brief. Tauroa was sent to Wellington, convicted of high treason, and sentenced to be hanged, drawn, and quartered. The sentence was commuted to

three years' imprisonment.<sup>9</sup> Captain Fraser declared that—"The self-denial of the chief, and his affectionate attention to his people during their incarceration, won for him the respect of everyone connected with the gaol, and (Captain Fraser) was so favourably impressed with his conduct that he told him that when the time came for his delivery from the gaol, he would do all in his power to obtain for him the restoration of a portion of his lands." Rangihiwini and others pleaded for their countrymen. At last Donald McLean appeared, and Tauroa with the remnant of his hapu was taken back to Wellington in 1872. Then new difficulties arose. The white settlers at Patea resented the proposal that Tauroa should return to the land of his birth. McLean feared it would be injudicious to restore him at once. The remigration was arrested. The natives were told that they might quarter themselves on their countrymen anywhere except at their homes. McLean hoped to allot land to them out of Tauroa's hereditary possessions, when discontent amongst the settlers had subsided. How the discontent might manifest itself was adumbrated by a paragraph which at this time was quoted by Mr. Mantell in the Council, from a newspaper. "We are assured, however, that if there is any further interference the Maoris

<sup>9</sup> Tauroa could not understand why the colonists punished the body and also confiscated the goods. "I was told" (he said to the West Coast Commissioners in 1880)—"You and your people have done wrong in rebelling against the Queen." I answered, 'I have not done wrong. I have not carried arms against the Queen, but against you, and you now say it is done against the Queen.' I waited, expecting to be told that the land would be all taken for my wrong-doings; but no; all the blame was put on me, and not on the land. . . . If I had been told, when I was tried at Wellington (1869), that my land was to be taken for my offences, then I should have understood it; but I was not told so at the time. My body was punished for my offences." Messrs. Fox and Bell told Tauroa that it was no part of the duty of the judge to say anything about the confiscation; but the facts remained that Tauroa was occupying his land with full knowledge and consent of the government in 1869—that no proclamation of confiscation was or could be made after that date (the Settlements Act having expired)—and yet his land was seized. Another Maori retorted to the Commissioners: "Mr. Richmond's promise to Tauroa was not made verbally only; it was put in writing." "We know that," replied Fox and Bell; "but the war swept away all promises written and verbal to those who joined in it" (N.Z.P.P. 1880; G. 2, pp. 37, 38, 39). How foolish must the Commissioners have thought the hero of Waterloo, who declared that there could be "no higher interest than that of keeping your word!"

will be shot down like dogs, as a number of determined men are armed and ready to act. This is the best argument in such a case with savages, if the Native Agents and Native Office cannot maintain the indubitable right of the settlers. The argument is a potent one with the Australian blacks." Potent indeed had been the rifle and the gun against the Australian native, and the wide domains of Queensland had witnessed and were witnessing in 1872 unnumbered murders committed on a race ignorant of fortifications, and armed only with wooden missiles. But what the editor called argument was not less brutal because it was true. Colonel Whitmore, who had met Tauroa in the field, admitted that it was a Maori custom for a successful chief to compel the adherence of others, "and it seemed to be a peculiarity in the native character that it never occurred to them to resist or refuse under those circumstances the constraint that was put upon them." He sympathized with Tauroa, but said that Fox had created a special difficulty by improperly telling the settlers at Patea that Tauroa should never return there. Thus McLean's hands were bound, and Colonel Whitmore feared that if the unfortunate tribe should appear in its birthplace it would go from imprisonment to death. After an adjourned debate the Council resolved that it was "desirable to act with clemency and liberality towards the chief Tauroa, and the Pakakohi hapu, lately prisoners at Dunedin, who have been dispossessed of their land." On the day when the Council thus resolved, Taiaroa brought forward a kindred motion in the Representative House. Parata supported it. Would the government restore a fragment of Tauroa's birthright to him? Let them not refer to the deeds of the late government. Maoris wished to know what was to become of their brethren,—whether they were to be well or ill treated,—whether they were to exist or to perish. Mr. Fox thought it was highly dangerous for any one but McLean to deal with a problem so difficult. Several members asked Taiaroa to withdraw his motion. Katene joined in the entreaty, but denied that Maoris only were in fault in the past. Was there not the Waitara land seizure? Did they not know that if Te Rangitake had been willing to abandon to the Pakeha what his father on a deathbed

had enjoined him never to lose, the government would have been friendly to him? Say not then that the Maori had committed all the faults. "It was alleged that there were difficulties in doing anything for Tauroa and his people; but the promised act of grace was long in being fulfilled, and therefore it was that the Maori members joined in urging a speedy determination, so that these people who were wanderers on the face of the earth might be settled somewhere . . ." Let not the government make matters worse by selling the land which might be needed for the returned prisoners. In deference to the desire of the House, Tairaroa withdrew his motion; hoping at the same time that the government would leave the matter open for a just settlement by not selling land in the district in the meantime.

On the 4th October, Mr. Vogel moved that "the House has no confidence in the present government." There had been much secret management and Mr. Vogel considered a majority secure. But Fox was not more popular than Stafford, and it was arranged that Fox should declare that his name should not appear in the ministry to be formed on the fall of Stafford. McLean, of course, as Native Minister, was to be a tower of strength. Vogel, resolute to take office, spoke of the "exquisite tact" of the gentleman who thus gave way to a politician so young and inexperienced as himself when compared to Mr. Fox. He assailed the government for having, during their month of office, followed "the footsteps of their predecessors." He revealed unintentionally his own disappointment because he had not in 1865 been taken into Stafford's government when Mr. Weld was driven from office. He stood forward as the champion of provincialism. "All the prominent members of this House who are provincial in their tendencies" (he said) "were members of the party whose vote turned out Mr. Weld's government, and who in a little room in this building asked Mr. Stafford to accept the position of head of the government under the assurance—alas! it was a very delusive one—that he would carry out the policy of his party. It is a matter of history how he became released from his colleagues a few months afterwards, and joined himself with those whom, by the assistance of the provincial party, he had before turned out." He descanted



about the Treasury accounts; he extolled McLean, and predicted that "native affairs in disorder," and a stop to colonization, would be the result of Stafford's continuance in office. A relic of the contempt formerly felt in the colony for the mover was shown in Stafford's reception of the motion. No one rose to reply to it, and when Vogel complained that discussion would thus be "burked," Stafford said there was nothing to debate. By 37 votes against 35 the motion was carried. Parata, the western Maori member, with Katene and Taiaroa supported the resolution which seemed calculated to restore McLean as Native Minister. The influence of the goldfields population was powerful in all divisions. There were 33 members for the Northern Island, and there alone Maori questions were dangerous, but 45 members for the Middle Island were able to overbear them. Stafford asked for a dissolution. Sir G. Bowen wished to know whether the existing Assembly would grant supplies. He added (in a postscript to one minute) that he would not object to testing the opinion of Parliament upon the point at issue:—on condition that his correspondence be placed before it, and that the passing of the Appropriation Act be deemed the proof that Parliament agreed with Mr. Stafford. Stafford replied, that but for the postscript he would have tendered his resignation at once. He submitted that before making proposals in Parliament founded on a contemplated dissolution, he ought to "be enabled to announce that on supplies being granted Parliament would be dissolved. By adopting any other course the duty of deciding whether Parliament should be dissolved or not would in fact be relegated to the House instead of resting, as it constitutionally does, with his Excellency." It was Sir G. Bowen's habit to discuss profusely with men of all parties every question of the hour; and those who thought his confidence most intimate and gracious, were surprised to find that he had poured into the ears of many what they had thought reserved for their own. He had arrived at the conclusion that Vogel could form a ministry, and he declined to give the pledge desired. He laboured to secure a fresh administration containing Mr. Vogel. He urged that all proper attempts to form a ministry had not been exhausted, and that if circumstances

were different his action would be different. He did not touch upon the implication that he had been ready to surrender the prerogative of dissolution to the will of the House. Mr. Stafford, after one month's tenure of office, placed his resignation in the Governor's hands.

Mr. Fox was not to be one of the new ministry. Donald McLean resumed office as Native Minister. The knotty question of the confiscated lands was to be decided by him in conjunction with Maori chiefs. In the management of native reserves, Maori chiefs were to be associated with the existing commissioners. McLean was prone to magnify his office and to assume that none but himself could deal wisely with the Maori question. His colleagues were compelled by public opinion to accept him at his own estimation, and he easily induced them to put Ngatata and Kohere into the Legislative Council. The final constitution of the ministry was deferred until the end of the session. Some offices left unfilled became baits to the expectant, and postponed the anger of the disappointed. Mr. Vogel could not safely assume the position of head of the ministry, but assured himself that he could be the real leader under the name of another, who came from an unexpected quarter. Mr. Waterhouse, a comparatively new colonist, but a man of position who had migrated from South Australia, and had in 1870 become a member of the Legislative Council, had publicly stated to the Council (13th Sept.), that "no consideration whatever would induce him to identify himself with any party or any administration" in New Zealand. Therefore he had declined to join Mr. Stafford, although there was "no difference of opinion between them." It was said that his resolution fell before the persuasive entreaties of the Governor. On the 11th October, Mr. Waterhouse became the chief minister without salary. It was correctly anticipated that he would either be a creature in the hands of others or that he would cast off an ignominious position. Mr. Miller, by whose amendment Waterhouse's condemnation of the Fox ministry had been barely qualified in August, now declined to rejoin the remnant of that ministry which Mr. Waterhouse was nominally to lead. The latter, in announcing the fact,

publicly deplored the loss of Mr. Miller's "ability and integrity of character."

The new ministry was in no danger throughout the brief remainder of the session. The railway policy of the Fox administration was pursued. Seven hundred and sixty-four miles of railway, to be constructed at the public cost, were sanctioned. The inadequacy of New Zealand ministries in fulfilling promises was speedily displayed. Wi Tako Ngata, taking his seat (15th Oct.) in the Council, asked for the postponement of a bill by which lands, to which titles were in dispute, were affected. He wished to see a consideration of the bill, but none had been made. On the 19th October Mr. Mantell carried a motion that in order that Her Majesty's subjects of the Maori race might have full opportunity of considering legislation affecting them, all bills of such purport should be "prepared, translated, printed, and circulated at the earliest possible date prior to their introduction." McLean did not produce his measure for constituting native local councils until the 22nd October. It was to apply only to what were called native districts. Everything was to be done with consent of the Maoris. McLean said they were the best judges of their own disputes, and that no English lawyer or judge could understand them so fully as they could, but the House was averse to entertain the subject at the close of a session, and McLean withdrew it. A measure dealing with remnants of the celebrated Rangitikei-Manawatu land case was introduced at an equally inconvenient date. On the 22nd Oct., McLean moved the second reading. After all Dr. Featherston's labours, and after the judicial decision accepted by so many natives, McLean assured the House that so inexorable was the pugnacity of Maoris that "it would have been dangerous to attempt anything like forcible measures for the occupation of the district. This much he could say, that if such measures had been resorted to, no settlers would now be living upon that block." To justify his position he declared that the imputation that he was responsible for the Waitara wrongs was erroneous. He did not deny that he had advised Governor Browne in March, '9; but long before "disturbance broke out he was on east coast, and did not know what was taking place.

He afterwards removed to the Middle Island, having determined to retire for two years on account of illness. On his return from Otago after an absence of a few weeks he first heard that war had been declared at Waitara." His enemies declared that he had secluded himself under the plea of illness when he saw the gulf into which Governor Browne's advisers were about to plunge, and even friends must have been disappointed, when after twelve years the old man could make no better defence than the ambiguous statement dragged into the debate on the Rangitikei-Manawatu Bill. It may have been that McLean like others had something to learn in 1859, and had been wise enough to learn it. It is certain that his reputation in the colony in 1872 enabled him to take higher ground than he could aspire to when the Taranaki conspirators obtained the ear of the Governor in 1859, and McLean, like Crispus, yielding to the torrent, defended in 1860 at Kohimarama the wrong doing at Waitara.

The bill of 1872 related more to provincial necessities than to Maori tenure. McLean had reserved nearly 14,000 acres for the Maoris in order that the government might derive benefit from the decision of the Land Court in 1869. An Act was required to make valid a grant of the land, which was provincial, and the province of Wellington demanded compensation, although by the reserve of less than 14,000 acres McLean had secured quiet possession of 240,000. A clause added to the bill appointed the Speaker (Dillon Bell) to decide what compensation should be given. The clause was rejected in the Upper House. Vogel asked the Lower House not to insist upon it, but its author, Mr. Fitzherbert, foiled him on a division. Vogel equivocated, and Mr. Fox declared—"The House has now done the maddest thing I have ever known any Assembly to be guilty of." A prorogation terminated the dispute, and the efforts of the session were not altogether thrown away. A Rangitikei-Manawatu Crown Grants Bill, previously passed, enabled the Governor to fulfil agreements with the Maoris. The Speaker furnished an opinion only, as the Attorney-General had formally pronounced that he could not give an award. The opinion (brought before the Representatives in 1874) elicited angry disputes. It recog-

nized the broad facts that after the decision of the Native Lands Court in 1869 there were disturbances, the surveyor's pegs were removed by the discontented, and McLean, with the earnest concurrence of the general government and of the province, had hastened to the spot to allay trouble, and make needful concessions. All were glad when he made them in the shape of reserves. Fox telegraphed from the spot (Nov. 1870): "There were only three possible courses:—1st, to fight for it, which neither the government nor the Assembly would do; 2nd, to render settlement possible, by satisfying the natives as McLean has done; or 3rd, to let it stand over for years. The course pursued has been by far the best and cheapest of the three." For the 13,875 acres reserved by McLean, and taken from the provincial estate, the province of Wellington claimed compensation; and the Representatives, on the opinion of their Speaker, seemed willing to grant it, to an amount of about £15,000. But the government, with questionable morality, strove to evade responsibility for McLean's award by saying that they thought it would bind not them, but the province. They alleged that McLean, though Native Minister, must have been deemed acting as an agent to save the province from trouble, and the province ought to bear the cost. Fox said that such was his impression at the time; but when asked whether—if money had been awarded by McLean instead of land he would have thought that the province ought to pay it—he replied that he "did not think that view occurred to him at the time." The provincial authorities, on the contrary, averred that they believed it to be the duty of the government to put them into peaceable possession of the block. Seizing upon the Attorney-General's opinion, Vogel said: "The government have no intention whatever to abide by the award, but to confine themselves strictly to the terms of the reference." The Speaker replied that when the Native Minister declared to him that the government were willing to leave the matter to his decision he had agreed to act, but that if he had known how the government were about to proceed he would have washed his hands of the whole affair. Angry debates ensued. Mr. Gillies, differing from the award, thought the honour of the government pledged to it. Fox defended, and Mr.

Fitzherbert vehemently attacked the government. By 29 votes against 25 Mr. Vogel was defeated. He then opened a masked battery. He would include the sum in the Provincial Works Advances Bill then before the House, and thus keep the word of promise to the ear, but break it to the hope. Mr. Fitzherbert retorted that such a course would be equal to saying, "We owe you £15,260; we will discount your bill and charge you for it;" and Mr. Vogel resorted to secret means to sap the majority recorded against him. A week later, in committee, a different decision was arrived at by 31 votes against 25; after a debate in which Mr. Fitzherbert averred that Mr. Vogel had "connived, colluded, and conspired with certain members of the Provincial Council, and had informed them that they need not put themselves to the trouble of rejecting a certain bill, for if it were sent up to him he would disallow it." Mr. Vogel denied the impeachment, but his antagonist undertook to prove it in the House, and Vogel could only reply that what he said in private conversation was not said in his capacity as Chief Minister. The New Zealand proverb that land was a cause of war had been exemplified at Manawatu. From the time of Rauparaha's conquests in 1818 until 1874 the land had furnished battle-grounds for Maoris, for soldiers, for land courts, commissioners, governors, and politicians. Sir Charles Dilke thought he had seen it put to rest in 1866, yet in 1874 it was the subject of doubtful contest in the General Assembly for adepts in secret arts which they called diplomacy, but for which other men found other names.

The railway policy sanctioned by the loan schemes of 1870 was pushed on in 1872, although the contracts entered into by the government were largely in excess of the amounts authorized by law. Vainly a member implored the House not to approve a plan which would create a debt of £4,000,000 sterling for works to which, under the existing Loan Acts, only £2,000,000 were applicable, while more than £1,000,000 had already been paid. Vainly some members shuddered at the blankness into which they were asked to plunge. Sir J. Cracroft Wilson reminded the House that two years previously he had warned them of the calamities they were

embracing, and they had now nothing to do but to front the danger boldly. Vainly Mr. Sewell moved an amendment expressing a desire to give effect to the true policy of 1870, but refusing to authorize the government to enter into new contracts beyond Parliamentary control, for which no provision had been made, and by which unlimited liability might be created. Vainly Colonel Kenny entreated the Council to stand between the colony and ruin. Vainly Mr. Chamberlin made "one remark" on the bill: "I am one of those who supported the public works scheme, and never in my life did I make a greater blunder." Vainly did Mr. Sewell declare that they were allowing the Treasurer to saddle a population of 280,000 people with a total debt of more than £14,000,000 sterling. Eleven members of the Council entered upon their journals a protest against the bill. The enormous debt, so disproportionate to the means of the colony; the vague powers put in the hands of the government; the indecent haste with which the measure was forced on at the close of a session, and when many members had left the seat of government,—were recorded for the benefit of the curious.

The royalty or export duty on gold was ordered to be reduced to two shillings an ounce. The government had urged that the loss of revenue would fall on the provincial governments, but the motion was carried, some members ludicrously denouncing the royalty as a tax upon a class. The gold which was public property was allowed to be removed at a rate which for eleven years averaged more than £2,000,000 sterling in the year. Any one of the public could remove it if he chose. The duty was levied only on the amount of public property abstracted, and the amount paid by way of royalty for taking possession of the property was about 3 per cent. Generally, it was removed by persons who were not the material of which worthy colonists are formed. Yet to obtain votes the mining interest was to be propitiated. In vain did Mr. Curtis, a Nelson member, assert that though obtained for convenience through the Custom House the levy was derived as royalty, and was properly Crown Lands revenue. Other Acts of a less objectionable nature swelled the statute-book. But the

## MCLEAN'S POLICY AS TO CONFISCATED LAND SANCTIONED.

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master-stroke of the session was the Railways Bill, which gave blank-charter to Mr. Vogel, who relied upon the necessity under which the colony would be placed to retain him as croupier in the game played under his direction.

After the close of the session the Waterhouse ministry placed two Maori chiefs, Katene and Parata, in the Executive Council. Early in 1873 the Governor was informed that his services were to be transferred to the colony of Victoria, and that Sir James Fergusson (Governor of South Australia) was to govern New Zealand. Sir G. Bowen's last public act in New Zealand was to unveil the monument in memory of Waka Nene, at the Bay of Islands; and he commented on the fact that the close of his government witnessed such "a mark of respect to the memory of the Maori chief who was mainly instrumental in procuring the cession of the sovereignty of the islands to the British Queen." He had sent to England a significant document prepared by McLean in Feb., 1872. At the west coast, as at Waikato, McLean pledged the government to terms on which the Maoris were to live peacefully on their hereditary lands. McLean wrote: "During a late visit to Wanganui and Taranaki, he had been enabled to adjust various points in dispute in connection with land boundaries and other matters which had for some time been a cause of irritation. . . . 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."<sup>10</sup>

The Governor congratulated the Secretary of State on these "very satisfactory assurances of the establishment of permanent tranquillity." Lord Kimberley, in return (May, 1872) had "much pleasure" in conveying to the Governor "the congratulations of Her Majesty's government upon the success which has attended your endeavours and those of your ministers to improve the relations between the Maoris and the settlers."

<sup>10</sup> N.Z. pp. 1872, A. No. 1, p. 63, and A. No. 1 A. (*Vide infra*, chap. xix.,—Mr. Hall's comment on Sir A. Gordon's despatch of 26th Feb., 1881.)



Ten years later it was the miserable fate of Lord Kimberley to assist in violating the arrangements of which in Her Majesty's name he thus approved.

On the eve of his departure the Governor was perplexed by the resignation of Mr. Waterhouse, who found his position irksome. He had taken office to confer dignity upon the ministry, and he had brought indignity upon himself. The Treasurer's office enabled him to drag his colleague through ways of which the latter disapproved. Mr. Hall, the Colonial Secretary, resigned, and in handing Mr. Hall's resignation to the Governor, Mr. Waterhouse tendered his own. He declared that he did not desire that his release from office should terminate the ministry. He was willing to hold office till the return of Mr. Vogel, who, as was his custom, was absent at the charge of the colony at a conference in Sydney. Three of the ministry, Messrs. Bathgate, Richardson, and O'Rorke, entreated Mr. Waterhouse to withdraw his resignation. The Governor was equally importunate. But Mr. Waterhouse resented the Governor's reference to the importunities of his colleagues. "He, while Premier, and not his Excellency, was the mouthpiece of the ministry, and felt bound to observe that the numerous interviews which his Excellency has had with Mr. Waterhouse's colleagues, and the formal meeting which, prior to the receipt of Mr. Waterhouse's resignation, his Excellency arranged to have with them, but to which Mr. Waterhouse though Premier was not invited, have not been in accordance with recent constitutional practice." For a time Sir G. Bowen appeared master of the situation. When Mr. Waterhouse pressed his resignation, the Governor told him that Mr. Vogel would be asked to accept the office of chief minister on his return from Australia. Mr. Waterhouse declined to nominate a new Colonial Secretary, and directed the master of the vessel which was to waft the Governor to Auckland not to sail without directions from himself. He entreated the Governor at the same time to accept his resignation. In dudgeon, Sir G. Bowen wrote a curt minute, formally releasing Mr. Waterhouse. The "New Zealand Gazette" informed the gossiping public of many minor details. Mr. Fox consented to hold office until the return of the man whom the strange "art of the

necessities" of New Zealand had made precious to her. On Mr. Vogel's return he became chief minister in name as well as in fact. He took into the ministry Major Atkinson, of Taranaki, who had been a colleague of Mr. Weld in 1864. McLean was the inevitable Native Minister, and Dr. Pollen accepted office as Colonial Secretary, with a seat in the Legislative Council. Throughout the ministerial changes the Maori chiefs, Katene (the Ngapuhi) and Parata (the Ngatiawa), remained members of the Executive Council.

The material progress of New Zealand during Sir G. Bowen's tenure of office may be briefly recorded. The population, 218,668 in 1867, was 279,560 at the end of 1872. The export of gold had fallen from £2,700,275 to £1,730,992; but it was natural that the hoard of ages at the surface should be grasped in larger quantities by early seekers than by subsequent gleaners. The value of wool exported had risen from a million and a-half to two millions and a-half sterling. The flax exported had sprung from £4256 to £99,405. The kauri gum had risen from £77,491 to £99,405. Of wheat, provisions, tallow, timber, and minor articles, the exported value had mounted from £116,834 to £584,703. The ordinary revenue had declined from £1,195,512 to £1,005,942; the territorial had increased from £561,730 to £618,772. The total imports were £5,344,607 in 1867, and £5,142,951 in 1872; but the importation of capital and labour required for the public works and immigration schemes, the consequent increase of population, and the facilities of communication which would be afforded by the hundreds of miles of railway, the construction of which was in progress, were rightly regarded as sure to remedy, at least for a time, the decline in that table of figures which is the gospel of men of the Manchester school. The electric telegraph already throbbed over much of the island. There were 714 miles of line in 1867. In 1872 there were 2312. The postal revenue had risen from £55,331 to £94,733. There were nearly 10,000,000 of sheep in the islands, which showed an increase of nearly a million and a half since 1867; and horned cattle had multiplied from 312,000 to 436,000.

A laudable ambition prompted the authorities of the universities of New Zealand, and of Otago, to petition for

Royal recognition of their degrees throughout the Queen's dominions. The Waterhouse ministry supported the petitions. Lord Kimberley shrank from advising the grant of charters to an indefinite number of universities in the colony. He had thought that the university constituted by an Act of the general legislature would be looked upon as the central university, and would wait for further information as to the views of the General Assembly. His suggestion was well received. The original Act, founding the New Zealand University in 1870, and enabling the Otago University to merge itself by arrangement with the general university, was repealed by a new Act (1874), reconstituting the New Zealand University, and recognizing it as the institution which was to confer degrees in the colony. The authorities of the Otago University concurred in the arrangements made, and the Queen granted a Charter of Incorporation.<sup>11</sup> Mr. Henry John Tancred, one of the members of the first ministry appointed by Governor Browne in 1856, was elected Chancellor by his brother councillors in 1871, and was re-elected in 1873 and in 1875. The office of Vice-Chancellor was similarly conferred on Mr. Hugh Carleton, previously mentioned in these pages. Mr. Fitzherbert, Mr. Gisborne, Mr. Rolleston, and Mr. Stafford were amongst the public men appointed by the Governor-in-Council to control the university when it was first created in 1870, and an amending Act in 1874 confirmed them and others in their positions. Letters patent of a later date gave rank and precedence to degrees conferred by the University of New Zealand, equal to those of degrees conferred by universities of the United Kingdom.

During Sir G. Arney's temporary administration an event occurred which warned the colonists of the thin crust which separated them from the volcanic fires which lay under what was called the native question. Maoris were in many districts resuming agricultural operations, but commissioners and magistrates reported that there was a growing addiction to strong drink, and that the rising generation were not so fine a race as their progenitors. The chief

<sup>11</sup> Canterbury College, and the Auckland University College prospered. In 1892 Canterbury had 345 students, Otago 213, Auckland 137; and the number of enrolled graduates (by examination) in 1893 was 373.

Katene was complimented upon having energetically promoted roads and public works in the north, and eagerness was shown in many places to establish schools. Mr. H. T. Clarke uttered a warning voice as to the risk of collision, by reason of the eagerness of European speculators and run-holders. Friendly relations with the Ngatihaua ought to be encouraged, inasmuch as "in the event of a conflict with the Waikato, should such a calamity arise, altered relations with the Ngatihaua would tend greatly to the security of the Bay of Plenty districts." At Wanganui, Rangihwinui was commended for having declared that he would look to the law, and to the law alone, for redress of land grievances between his people and the Ngatiraukawa. He had subscribed largely towards the erection of a mill at Pipiriki, in order to win back to their old homes the tribes which had been scattered by the war; and McLean promised a government subsidy of £50 for every mill erected.

Suddenly, where Mr. Clarke apprehended danger, amid the Ngatihaua territory, a deed of blood threatened to revive animosities. The territory of the tribe at the place was about 400,000 acres. Confiscation had taken from them 150,000 acres. They had alienated a larger quantity by lease or sale to Europeans. Of the remaining 90,000 acres about 50,000 were claimed by a "hapu" unfriendly to the remnant of the followers of the late king-maker. That remnant, nevertheless, could put fighting-men into the field. Many of them were Hau Haus, and might meet sympathy among Tawhiao's adherents. Blocks of land in their territory had been surveyed, and the Native Lands Court had, in 1867 and 1868, investigated the title and issued certificates. The surveyor swore that when making his survey of the Pukekura block he was opposed by two Maoris, Tima and Mohi Purukutu. Mohi declared that a portion of the land was outside of the government boundary. The Court found that a large number of natives living with Tawhiao had claims on the land, but it nevertheless issued a certificate in favour of 26 named Ngatihaua claimants; and subsequently a Crown grant was issued to 10 Maoris recommended by the claimants as the persons who were to hold the land in trust for the owners in terms of the Act. One Captain Wilson obtained a lease of the

block, and transferred his lease to Messrs. Walker and Douglas, who placed stock on the land without delay. In Sept., 1870, three cattle were shot. In July, 1871, a hut was burnt on the land, and sheep and cattle were driven away. In 1872 Mohi Purukutu harassed the cattle on the land. A meeting of Tawhiao's friends was held (Jan., 1873) at Maungatautari, and a king's messenger said that the cattle ought to be removed. Mohi Purukutu was the keeper of the march (the king's aukati in the neighbourhood), and after the Maungatautari meeting associated nine others as his "comites," with Maori titles. Unfortunately, McLean's wariness was not brought to bear on these dangerous symptoms. In Feb., 1873, two of the border counts saw Europeans digging near Rotorangi on land which had been purchased, and Paora Tuhua struck one of them. The assailant was seized, but was released immediately. Mohi Purukutu threatened worse proceedings, not only against Europeans, but against natives who had concurred in letting or selling the land. On the 23rd April a Maori, Parakaia, was seized by Mohi Purukutu and armed companions, who carried him off to their settlement. They questioned him sharply, but spared his life on finding that he had taken no part in leases or sales of land. Some of the band kept guard over him while seven went on an expedition. At daylight on the 25th they returned, and saying that "slaying had taken place," released their captive. The man slain was Timothy Sullivan. With two other men he had been engaged (24th April) making a fascine road outside the confiscated boundary. They knew that they were beyond that boundary. While gathering firewood one of them looked up and saw natives. It must have been felt that transgression was dangerous, for the man cried out, "We are dead men, the natives are upon us." All three ran. After a few minutes Sullivan called out, "I am done, I shall stand. Good-bye; take care of yourselves." He endeavoured to hide in some underwood. The others held on their course for two miles, but they heard a shot fired near Sullivan's hiding-place. When they reached the confiscated boundary the leading Maori fired a parting shot, and called off the pursuers. Sullivan's body was found mutilated. The head had been taken away. One of the successful runaways

testified that a friendly Maori had warned him that the Europeans must be cautious, for that natives were out in the fern, but he said, "The reason why I did not take the warning was that I had been so often warned before." He thought that the man who shot Sullivan was Te Pouturura, and suggested the names of two others. An inquest resulted in a verdict that Sullivan was "wilfully and brutally murdered by Pere Te Pouturura and three other natives, names unknown, but one supposed to be a native named Whira, and another named Paora; and that the government be requested to adopt such measures as will effectually prevent the recurrence of such horrible outrages."

How much mischief might have been done by prompt seizure of the Maoris named may be inferred from the official report of Mr. James Mackay, jun., who was ordered to inquire into the circumstances. "The finding of the jury has since been discovered to be incorrect, and that none of the persons mentioned in the verdict were present at the time." The perpetrators, Purukutu and Te Tumu, with Maori candour, made no secret of their work. A significant report was made by Mr. Mair in June. "The unfortunate murder of Sullivan, while working on leased land, now admitted to belong to Mohi Purukutu, but leased to Europeans by others, furnishes considerable cause for uneasiness." Mr. Mair acquitted the Maori king of any responsibility for the murder; he was, indeed, using his influence to withdraw Mohi Purukutu and other dangerous persons to his residence, where he might control them. But his influence was not great. Mr. Mair said:

"In consequence of the repeated warnings about the selling and leasing of land, very few of the kingites will admit that the slaying of Sullivan at Pukekura is a 'kohuru' (murder); with them it is simply a 'patu' (killing). At the same time they think it only natural that we should expect 'utu' (payment) for Sullivan's blood, and if Purukutu could be secured quietly, I believe that they would willingly let the matter rest; but the open advance of a European force into the king country even for the avowed purpose of pursuing the murderers of Sullivan, or the occupation of Kawhia, would, I am satisfied, lead to a war all along on Waikato frontier. Ngatimaniapoto, as a tribe, might for a time stand aloof, but the well-known Maori lust for excitement, recklessness of consequences, would be too much for the hot blood of so warlike a people. Te Kooti does not appear to exert his influence for evil, his desire being to live at peace; but should the tribe go to war, he would, I am convinced, again come to the front."

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murder of Sullivan would be considered. He showed how accurately he had been informed about it: "I have heard that the Maoris who killed the Pakeha (Sullivan) at Pukekura chased another man named Jones, fired at him, and when Jones reached the boundary of the confiscated lands, called out: "Stop, Jones, there is an end of it; you are at the boundary." Mackay said: "Yes, that took place. Jones says so." "Then," rejoined Rewi, "do you not see that the Maori thought that he was acting according to the law? The king said, 'Do not lease the lands outside the boundary.' They are leased and the Europeans are therefore killed. If you demand the slayers they will not be given up." With a body-guard of 19 men provided by Rewi, Mackay rode back to Alexandra, and thence returned to Cambridge, where the government, assisted by Te Wheoro and Kukutai, established patrols and redoubts for the protection of the district. Te Wheoro had a contingent of 60 men. At the suggestion of Mr. Mackay the government withdrew some survey-parties from the Ngatiraukawa district, and Tawhiao kept Purukutu out of further mischief by keeping him at Tokangamutu, where rumour stated that it was his custom to be always armed.

When Sir G. Grey quitted the government in 1868, brief time elapsed before mismanagement under Mr. Stafford provoked Titokowaru and Te Kooti to the field. It almost seemed as if before the new Governor could arrive, in 1873, the Waikato frontier was to be in a blaze. But Donald McLean averted the danger. Sir G. Arney informed the Secretary of State that it was deemed unwise to pursue Sullivan's murderers, who were lying in wait, ready to be attacked, and hoping that an assault upon them would rouse Ngatimaniapoto and Waikato to their aid. It was determined to appeal to Tawhiao, through the mission of Mr. Mackay, and otherwise. Many chiefs expressed their disgust at the murder of Sullivan, and at a meeting of Ngatihaua and Waikato chiefs at Tamahere, on the 5th May, a committee was appointed to take measures to capture the murderers. The Ngapuhi tribe offered their services as usual to uphold the law. The government resolved "to treat the outrage as an ordinary case of murder;" to secure if possible the aid of Maoris in arresting Purukutu



and his comrades, and by no means to endanger peaceful relations with the Maori king, or embroil the centre of the island in war. Sir James Fergusson, having arrived in June (1873) met the Parliament in July. His speech dwelt more on renewed declarations of loyalty by friendly chiefs than on the atrocity committed, and announced the grounds on which the government had abstained from precipitating a war. Both Houses accepted the policy of McLean. The fact that Purukutu was really an owner whose interests in the Pukekura block, though asserted, had been unjustly neglected, was not forgotten in a Native Land Bill which McLean introduced and in the preparation of which Sir William Martin assisted.

Almost for the first time was heard a voice expressing doubt whether the Maoris were destined to disappear from the face of the land. A more accurate census than had previously been obtained indicated, in 1874, that their numbers were greater than had been believed.

	Males.	Females.	Total.
There were in the North Island ...	23,639	19,769	43,408
In the Middle Island ...	1,417	1,191	2,608
Total ...	25,056	20,960	46,016

The returns furnished to Sir G. Bowen in 1868 had ascribed to the North Island 37,017, and to the Middle Island 1500, making a total Maori population of 38,517; and though hundreds had fallen in the field in the mean time, the later census showed that the Maori population was larger by nearly 20 per cent. than had been supposed. Mr. Fitzherbert declared that the race was not in his opinion destined to be swept away so rapidly as some who professed to be great authorities imagined, "and he saw no reason, looking at the matter from any point of view, why such a consummation should be expected. He believed the natives would yet form an important part of the permanent population of the country."

McLean's Land Bill thrust increased responsibility on the government, and gave more power to restrain improper traffic in land. It professed to guard the native reserves as an ancestral patrimony inalienable by temporary occupants; it threw on the government the charge of the

surveys of lands, leaving it to make necessary arrangements for the recouping of the cost; it prevented any litigious member of a tribe from forcing upon the Land Court the investigation of a title when the tribe who were joint-owners were almost unanimous against it. It required that, not ten names only, but that those of all native owners should be included in a grant. Mr. McLean declared that the native members had made "valuable and thoughtful suggestions" which he had embodied in the bill. Critical members almost shrank from the task of analyzing the bill, which Mr. Rolleston pointed out was hopeless in face of the fact that "last session it was impossible in the view of a considerable number of the members for any government to exist that had not Mr. McLean in it." Takamoana opposed the bill because it had no retrospective action in regard to lands already unjustly dealt with. Mr. Fitzherbert did not oppose the bill, but objected to the provision that the lands of original native owners should be unaffected by provincial or county laws. With his views that the Maoris would not vanish from the land, he thought it monstrous that their lands should for ever be exempt from local taxation. He saw danger in legalizing large purchases by speculators. It would be well to suspend all transactions temporarily. One person had negotiated for 50,000 acres, at fourpence an acre. How, if such things were allowed, could the Legislature afterwards burden the country to make roads and railways for the benefit of owners of lands thus acquired? Parata supported the bill, not because it was brought in by his honourable colleague (McLean), but because it embodied a principle in vogue with Maoris for eleven years. He maintained that the Native Land Courts had conferred great benefits, and averted frightful evils. The absence of compulsion in the new bill was prized by Maoris. Mr. Reader Wood supported the bill. Mr. Sheehan, the first of the New Zealand legislators of European descent who could claim Maoria as the land of his birth, supported the second reading, but suggested alterations, and after a short reply by McLean, the second reading was agreed to without a division. There was one palpable blot in the bill, which was not removed. The judges under the Act of 1865 held office during good behaviour, and their salaries were fixed.

NEW ZEALAND.

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“We have,” they said, “suffered from mortgages, from sales of land, and spirituous liquors; . . . we trust you will permit our land to abide with us, for such was the Queen’s promise at the treaty of Waitangi in 1840. The same promise was renewed by Governor Browne (at Kohimarama). Friend, Mr. Speaker, . . . the Queen has certainly no desire to see her Maori people, her New Zealand subjects, live without estate. Should you nevertheless sanction these laws, then our very existence will be crucified. . . . We ought to project laws for ourselves, inasmuch as you have been these 32 years enacting laws for the Maori people, and grievances to the Maoris are the only results of your labour and your guidance.”

It may seem incredible that, after Mr. Mantell’s motion was carried in 1872, the New Zealand ministry had done nothing in the way of compliance with the resolution that bills affecting the Maoris should be translated for their information. The defect was exposed by Mr. Mantell himself. He moved for a return showing the titles of the bills translated, and the dates at which they had been circulated. Dr. Pollen, the new leader of the Council, confessed that the return would be—*nil*. Mr. Mantell carried his motion, and the return, when furnished, was a blank.

It was natural for Wi Tako Ngatata to demand time to consider the new bills. It was not unnatural that the Vogel government should be careless about compliance.

The Native Lands Bill was passed with amendments added in the Council. The warnings of Mr. Fitzherbert were justified by events. Rogues and capitalists plied their various arts to cajole the Maoris and procure their lands. McLean probably had not intended to promote those arts; but it was difficult to resist the wiles of schemers whom he was unwilling to offend.

A Native Reserves Bill, brought in by him, proposed that receipts and expenditure connected with the reserves should be published annually in the Maori language. It consolidated and amended the existing law on the subject. In the early occupation of New Zealand it had been customary for purchasers from Maoris to make reserves for the natives. If the purchasers desired to appear honest such reserves were absolutely essential; for Mr. E. J. Wakefield told the House in 1873 that the claims of the New Zealand Company, with those of private purchasers, amounted to 13,000,000 acres more than were comprised in the islands of New Zealand. The “tenths” which the New Zealand Company allotted

would have left to the Maoris 5,000,000 acres, if under the circumstances such a quantity could be found for them. Other instructive remarks were elicited in 1878. Mr. Sheehan stated that he "could name scores of instances in which the land had mostly gone in paying for the survey and recovering the survey fees." Against one block surveyed for about £25 there was a judgment obtained for £120, and it was about to be "sold by public auction to satisfy the surveyor, and to pay the expenses attendant on enforcing his claim." Wi Tako Ngatata said that the prevailing difference between the Pakeha and the Maori was that the Pakeha had for thirty years always tried to rob the Maori; and Dr. Pollen, who represented the government, declared: "I have myself seen natives hovering about the streets of Auckland who owned an estate of 30,000 acres against which there was a surveyor's charge of some £150 or £200, and I have known that estate sold for one shilling an acre to pay the surveyors. The unfortunate proprietors left the town without a sixpence in their pockets, feeling that their estate had been unjustly and ruthlessly sacrificed."

Dr. Pollen illustrated the manner in which Maoris were made "victims of licensed interpreters, land-sharks, and lawyers." There was a block of 48,000 acres of land, between Napier and Taupo, with natural boundaries so complete as to require only three or four miles of fencing to enclose it:

"That land was let, or purported to be let, by the native owners, for what did the council think? £18 a year!—48,000 acres of land for £18 a year! In the document which purported to be the lease there was a covenant inserted to the effect that at the termination of the lease the natives should pay to the lessee compensation for every kind of improvement he might have effected upon it during the term of the lease. What did that mean but absolute confiscation of the land. But there was more to be said about this particular transaction. The clause which he had just referred to in the deed was ruled over with a black pigment of some kind, as if it were meant to be an erasure. There was not the usual memorandum in the margin, showing that the erasure had been effected at the time the deed was signed; there was nothing to show when or how it was done. The whole affair seemed very remarkable. It struck him that the colour of the ink was unusual, and he took the document into a survey-office, and having asked one of the draftsmen what was the character of the ink, he took a sponge and showed that it was quite possible to wipe out the erasure by simply washing it over. That came within his knowledge in his capacity as commissioner. It was an extreme case, but it illustrated the system of fraud, under the authority of the law, the natives had been subjected to for years."

Such were the acts that goaded the Maoris. These were the resources of civilization which made them appeal across the ocean to the Queen for some impartial judge to stand between them and Governor Browne's advisers, who hurried him into the Waitara war.

It was impossible that in any assembly containing English gentlemen redress should not be sought for such grievances. Sir William Martin was at hand to strive for justice. Mr. McLean declared in debate that he was about to add clauses to the Native Reserves Bill which Sir W. Martin had suggested. Takamoana was not satisfied with the bill. It did not define the reserves. The Assembly was making many laws, so many indeed that the Maoris were not able to carry them all on their backs—they had better be provided with a cart to put them in—but he did not approve of a bill which did not explain clearly what it meant. After debates in which Mr. Fitzherbert and Mr. Fox took part, and Mr. Rolleston said that nothing new which was in the bill was good, Mr. McLean steered it safely through the Lower House. In the Council the two Maori members found friendly aid in the Standing Orders. Mr. Pharazyn pointed out the neglect of the order that bills relating to Maoris should be translated and printed. The Speaker could not allow the bill to be proceeded with unless on suspension of the Standing Orders. Wi Tako Ngatata asked Dr. Pollen not to be in a hurry, but to wait until the bill was translated and understood; and the second reading was deferred. When, subsequently, Dr. Pollen moved it, Wi Tako Ngatata asked :

“Why should our lands and our houses be taken care of? My house is my own; my coat is my own;—why should they be interfered with? Have you Europeans a similar law? I believe not. And this law is to apply only to the Maori. . . . For what reason was I invited to this council? Why was there not a reserve put upon me? Let us have no such provision made for the Maoris. You tell us that we are equal to you. . . . Do not enact that the Maoris shall be treated in one way and the Europeans in another. That is wrong. Now listen. It is thirty years since the European came here, and there is this difference between him and the Maori; that it was the European who had the desire to rob the native. My opinion of the bill is that it is wrong. I asked that it should be translated so that the tribes should be able to read it for themselves. These two things I cannot do. I cannot read English and I cannot understand it; and that is the reason my people have presented to you a petition upon the subject of printing bills in our language. I wish you to know that I

am well-disposed towards you, as I now live amongst you. We have assisted the Europeans when we have been disregarded by our friends; and our property has been taken from us. We had no disturbances till these laws were introduced, and I am forced to believe with regard to this bill, that you are now tying us up with a rope, and placing us in the position of horses. You tie the Maoris to a post, and the commissioners are to come and take care of us. We have no affection for this. . . . You know a great deal about legislation. You say our lands should be taken for the benefit of the natives; and our lands are taken, and our children are to be taught the English language. And after they come out of the schools what land are they to live upon? Are they to live upon the earth, or fly like the pigeon? What is the good of saying that the Maori children shall be educated in English? When you take the land from under them what is the good of education? Serious thoughts have oppressed me during the last few years. I have not seen any justice done by the Europeans lately. . . . As to commissioners being appointed, that is something new. They are to be substitutes for the Queen. It is not right that somebody else should take care of my house and land. I can take care of them, and of my wife, and of my children too. It pains me much to see these laws passed. . . . My people have seen this bill, and they say it will be like the time of Pharaoh when the yoke was placed upon the necks of the children of Israel. The same thing is being done now. Whilst we live we can ward off dangers, but when we are dead our children will be like the children of Israel. Our lands will all be in the hands of commissioners. What I have to say upon the subject is, that if you wish this bill to be read, I am quite agreeable that it shall be read—this day six months.”

Mokena Kohere seconded the amendment and briefly declared his agreement with Ngatata. Colonel Whitmore supported the chiefs. Mr. Mantell was “not surprised that the natives were opposed to this abominable measure.” He read to the Council some words spoken there ten years before:

“I was present when the treaty of Waitangi was made, and an attentive and an anxious listener to all that passed. I heard Her Majesty’s representative arguing, explaining, promising to the natives, pledging the honour of the Queen and of the British people for the due observance of it; giving upon the honour of an English gentleman the broadest interpretation to the words in which the treaty was couched. The ink was scarcely dry on that treaty before the suspicions which had been temporarily allayed by the promises of the Governor were awakened with redoubled force; and I need scarcely remind the Council that from that time to this every action of ours affecting the natives has presented itself to their eyes, and has been capable of that interpretation, as showing that the one object and business of Europeans in New Zealand was to obtain possession of the lands of the natives, *recte si possint, si non quocunque modo*. Before we talk of the duties of the native to us we ought to be able to show that some of the duties which the Crown undertook to discharge to the native people have been so discharged. I ask any one to point out on the statutes of this colony any of those measures which might fairly be said to have fulfilled any of those obligations which devolved upon the Crown at that time.” “Those,” said Mr. Mantell, “are remarkable words. They come from an authority which even the honourable gentleman representing

the government will not question—from the Honourable Dr. Pollen. I hope the time will come when we shall see him in a position to give utterance again, unfettered, to similar sentiments.”

Mr. Mantell denounced the clauses which gave power to Commissioners to extinguish native titles and vest land in Her Majesty as a reserve subject to the operation of the Act. He would be ashamed to give his assent to such iniquitous provisions. He entreated the Council to listen to the request of Wi Tako Ngatata. Mr. Waterhouse, on the other hand, urged that to throw out the bill would leave the existing law in force. Let them rather amend the bill. If they could not do so, he would join in opposing the third reading. Dr. Pollen did not attempt to answer his own words. He complimented the intelligence and ability of his “honourable friend, Ngatata,” and undertook to avail himself gratefully of assistance in amending the bill, which was read a second time and referred to a select committee, on which Dr. Pollen placed Ngatata. The committee amended the bill in such a manner that some who opposed the second reading voted in favour of the third, but Mr. Mantell and Mr. Pharazyn were hostile to the end. One amendment may be cited as a proof that Ngatata's appeal was not wholly in vain. “In every district created under this Act there shall be elected by the natives resident in the district from amongst themselves . . . three persons as Assistant Commissioners, who, together with the Native Reserves Commissioners, . . . shall form a Board of Direction for the administration of the native reserves in such district. . . . The Native Reserves Commissioner shall from time to time . . . call a meeting of the Board, who shall by a majority of its members decide on all matters connected with native reserves in the district for which they are constituted, &c.” The Representatives agreed to the amendments made by the Council.

Mr. McLean was unable to carry a Native Councils Bill through the troubled waters of the session, and withdrew it in the Lower House, promising to introduce it afresh in 1874. A Native Grantees Bill was passed to remedy grievances suffered by native grantees under Crown grants. The bill afflicted their tenancy. Mr. Sewell and Mr. Hart dis-



cussed the legal bearings of the question from hostile points of view. Colonel Whitmore could not learn from their arguments how to decide, and advocated delay, though the session was almost at an end. Mr. Waterhouse derived as little help from the lawyers as Colonel Whitmore, but said "it was satisfactory that they had in the Council honourable members of the native race who had been successful in understanding the bill, and he would compliment the Council on the fact that the natives comprehended a bill that was beyond the comprehension of the rest of the Council." Supported thus the bill was passed on the 1st October.

Taiaroa was unsuccessful in establishing the claims of the natives in the Middle Island. He obtained a committee which reported to the House on the antepenultimate day of the session. Mr. McLean opposed the adoption of the report. It might lead to "forfeiture of a large proportion of the public estate." Mr. Rolleston and Mr. Fox objected also. Taiaroa had a word to say. Why did not Mr. McLean and Mr. Rolleston attend the committee of which they were members? There was no trouble likely to flow from adopting the report.

"It said that the government should, in the first place, consider the claims of the Maoris; and the appointment of commissioners, one by the government, and one by the natives, was only an alternative course, . . . promises had been left unfulfilled for the last 25 or 26 years; he would like to know why the member for Avon and the Native Minister who had been connected with the government had not caused those promises to be sooner fulfilled. It was on these promises that the land in the Middle Island was sold, and they ought therefore to be fulfilled. . . . If these promises were not fulfilled he would be compelled to accuse the Europeans of having committed a great crime. He would be glad that the government should take the matter in hand; but if they did not there was a Parliament of greater magnitude than this in another part of the world to which the natives could have recourse."

Mr. Sheehan formally moved the adoption of the report, but withdrew his motion on the assurance that the government would endeavour to settle the matter fairly during the recess.

The conduct of the "Waka Maori" newspaper, which was in 1877 to shake a government to its foundations, was discussed in 1878. On appeal from Mr. Stafford, Mr. Waterhouse had in Jan., 1878, promised that no partisan

spirit should appear in it; and Mr. Mantell, to enable the public to watch the paper, carried a motion that for the future the "Waka Maori" should be printed in English and in Maori in parallel columns. The article complained of by Stafford was an indictment of himself, and a panegyric upon McLean.

The difficulty of coercing a Legislative Council has always provoked the indignation of the leader of the larger House, where to sustain his position, he must make promises which it is not in his power to keep while another House has a free voice. A glaring attempt (1861) to overwhelm a nominee Upper House in New South Wales by the sudden creation of members in order to carry a particular measure had been foiled by peculiar circumstances, which became known in New Zealand, and the members of the Council were on the alert to guard the rights of the people of which they were the depository. The busy brain of Mr. Vogel was equally vigilant, and the ministry devised a plan formed upon the model which in England had been condemned in the House of Lords stirred by the eloquence of the veteran Lord Lyndhurst. The day after the Assembly met, Dr. Pollen introduced a bill to provide that all persons summoned in future to the Council should hold their seats for a limited period instead of for life. The measure was heralded by the Governor's opening speech as one "to initiate a reconstruction of the Legislative Council." A call of the Council was ordered. Mr. Waterhouse moved for a committee upon the best method of reconstructing the Council, and enlarged upon the necessity for a second Chamber and the best means of creating it. But the Council were disinclined to be led by him. They adjourned the debate until Dr. Pollen's Temporary Appointments Bill had been disposed of. Without debate it was rejected. Mr. Waterhouse's motion for a Select Committee on the Constitution of the Council fared no better.

Mr. Vogel increased the public burdens, by a new Loan Act, for public works and immigration, of two millions sterling; and by a General Purposes Loan Act for three-quarters of a million. Vain objections were made in both Houses. By the first of the bills power was given to the Governor to buy land in the North Island from the natives

at a cost of £500,000. A portion of the province of Canterbury was in an anomalous state. The watershed on the west coast, which comprised the grandeur of Mount Cook and the lure of the Hokitika goldfields, had been in 1867 created the county of Westland. It had a county council, but that council had not legislative powers equal to those of the provinces. When it was created there had been an impression that provincial powers would be diminished, but in 1873 no steps in that direction had been taken. Mr. Vogel had always advocated provincial powers, and one of the charges which had driven him from office in 1872 was that he manœuvred with the provinces to secure support in his immigration and public works policy. He brought in a "bill to constitute the county of Westland a province," and it became law. On the 25th July a Provincial Council Powers Bill was read a second time. It removed some of the restrictions which the Constitution Act imposed on the provinces with regard to courts of judicature. It entrusted them *inter alia* with the control of valuation and assessment of property for rating purposes and other matters. Mr. Vogel believed that "a provincial council would be better able to look after and attend to local requirements than the general legislature." One member protested against such a provincial policy. It would, he said, "be better to hand over everything to the provinces and let them take the management of the Land, the Customs, and be separate States at once." The bill passed the Representative Chamber, but was lost in the Council. With an Education Bill of a permissive character the government was hardly more fortunate. The industrious Vogel carried it through the House in spite of active opposition. It was declared to be suspiciously akin to a bill introduced two years previously by Mr. Fox, and found favour with the Otago province. Supported by many members the bill passed through the Council with amendments. Amendments and reasons were interchanged between the Houses at the assent, and the prerogative caused the bill to die in the hands of the representatives. It was in the wrong mind of the ministry to determine where the control of the colony could best be exercised. A government he had in 1863 got rid of Mr.

Weld, and in 1873, as on former occasions, he bitterly complained that in 1865 he had only pulled chestnuts out of the fire for Mr. Stafford, who gave to the catspaw no fruit of its labours. Parties were so balanced that, fearing to offend either, he advocated a policy of equilibrium, with the natural result that neither was contented. Till a majority could be assured it was dangerous to declare too strongly for provincialism or centralism. In spite of taunts in both Houses about the phantom of equilibrium which eluded his embrace Mr. Vogel pursued the arts by which he maintained his ground.

But financial questions pressed for settlement. There were adverse critics of the manner in which the public works policy had been carried out, and it was expedient to shift responsibility for blunders to vicarious shoulders. A Provincial Loans Bill was introduced to relieve the central government of a portion of the burden, and to permit the provinces to raise loans for certain purposes. It was declared to be a government measure, and no exertion was spared to secure a majority. The house rang with imputations that secret influences were resorted to. Mr. Gillies, Mr. Reader Wood, Mr. Stafford, Mr. Sheehan, Mr. Reid, Mr. Rolleston, and others opposed the bill in vain. One supporter of it, Mr. Steward, candidly stated that if it had not been brought down as it was with an intimation that the fate of the government was involved, "it would have been immediately kicked out of the House." Mr. Fox threw himself with vigour into the fray on the side of the government, and spoke with an air of authority which offended Mr. Fitzherbert, who intended to vote for the bill, though hostile to some of its details. Mr. Vogel wound up the debate. Other members always considered how their provinces would be affected by a measure. The government only thought of the welfare of the whole colony. In proportion to its resources New Zealand was not heavily burdened. Scanning the debts of European nations, he asserted that the colony compared favourably with any of them. He harped upon the virtues of Mr. McLean. "I feel absolutely certain that if the government had been in the hands of Mr. Stafford and his colleagues we should be meeting now not to devise schemes for prosperous settle-

ment, but for carrying on a sanguinary war. We owe to the moderation of the Native Minister the fact that we have escaped war." Mr. Reader Wood hinted that the Upper House would reject the bill, but Mr. Vogel considered that it would "have a large respect for the House composed of representatives of the people upon matters which more properly belonged to them than to a nominated Chamber." When the bill went to the Council, Mr. Waterhouse condemned a clause which provided that notwithstanding any Loan Ordinance creating a liability, the provincial revenues should be subject to be dealt with as if no such liability had been created. Only the special security described in the ordinance was to be held pledged. Such a clause was unparalleled in the annals of any legislature. Provision for a loan was coupled with provision for its repudiation. Mr. Waterhouse affirmed that in the end the colony must become liable. By 19 votes against 12 the bill was thrown out. When the decision was known, the government found its supporters almost unanimous in deprecating a struggle with the Legislative Council. Mr. Vogel yielded; but took up his parable against the offending body. He denounced their presumption in talking of finance, and the Speaker, Sir F. D. Bell, being appealed to by Mr. Stafford, ruled that the word "presumption" was unjustifiable, and that the Council had an undoubted right to deal with questions brought before them. Mr. Vogel tempered his remarks; but said the crisis was grave, and the government would be justified in using all strictly constitutional means to secure obedience to the behests of the elected Chamber. But the government did not contemplate the "swamping" of the Upper House by creating new members. He proposed to open a door for penitent members. The ancillary Provincial Loan Bills were before the Assembly. He would modify them. Perhaps the Council, which objected to give a general power to the provinces to borrow on specified securities, would not object to modified bills dealing with specific cases. Hawke's Bay, Marlborough, Taranaki, Wellington, Otago, Nelson, and Auckland Loan Empowering Bills were proceeded with so rapidly that they reached the Council on the 25th Sept., on which day that body was considering the Native Lands Bill. Mr. Pharazyn implored members "to save the honour of

New Zealand by voting against the bills." Mr. Bonar quoted a speech in which Mr. Vogel had formerly denounced the wrong which would be done by adopting any such principle as that contained in them. Unaided in debate, Dr. Pollen found only 5 members to vote with him against 23. All the bills were thrown out. On the 29th Sept., Mr. Vogel said that there might be a prorogation, but the government believed that the Council would in a new session reject measures as summarily and ignominiously as in the current one. The Appropriation Bill could not be used for tacking purposes, because special legislation would be required to provide security in land. "There is no doubt that the victory lies with the Council at present. It has set itself against the wishes of this House, and has thrown out the measures which this House has passed by large majorities. To those who ask, Are we to succumb to such action?—are we to allow the people to be governed by the nominee branch of the Legislature?—the reply is, that without very extreme action no other course is open at present." The government would consider the subject during the recess. When the Appropriation Bill was before the House, Mr. Fitzherbert and Mr. T. B. Gillies animadverted upon the conduct of the government. The former declared that no prime minister ever more flagrantly violated constitutional usage than Mr. Vogel, when he suggested that members should endeavour to stir up men's minds against the Legislative Council; and when, instead of sending measures to that body boldly, he tampered with individual members of it in order to ascertain how they would vote upon certain propositions. Mr. Vogel had, moreover, promised to propose to borrow money for the works desired, on the credit of the colony, *pari passu* with a measure for a property-tax. The promise solemnly made had not been redeemed. The breach of faith had humiliated the House. The Council had the honour of sincerity. The House was, by its leader, made to appear dishonest. Mr. Vogel's reply did not traverse the charge thus made, but attacked Mr. Fitzherbert on various pleas, and enumerated the measures which did credit to the session. The government would not resign because a nominee House chose to throw out any of its measures. Mr. T. B. Gillies gave a different summary of

the session. He spoke of the miserable outcome of the large promises of the government. He declared, in conclusion, that "a system of log-rolling was the mode by which the government endeavoured to maintain its position." Strongly against his wishes, he had been convinced that provincial institutions ought to pass away. They had once done good; but corrupted as they had been, and applied (as by the government in the Provincial Loans Empowering Bill) to a use which would have rendered government by log-rolling the only possible government, he must thenceforward be ranked as an uncompromising opponent of provincial institutions. These words were significant. The colonists had clung to their provinces in spite of many inconveniences. They had maintained their Provincial Councils, and had made provincial laws in spite of obstructive incongruities, which the veto of the Governor on provincial enactments was able to temper, but not to remove. Others besides Mr. Gillies thought that if their provincial machinery could be wielded injuriously, it would be better to abandon it. Intercommunication between New Zealand provinces and ports had become more easy. Railways were being constructed. Larger population had brought into use more powerful vessels to supply daily needs. Journeys which once occupied weeks could be performed in a few days, or even hours. The knell of the provincial system was rung when leading men began to think it was perverted to sinister uses. Like all institutions, it might have friends staunch to the last; but when they who were of its own house distrusted its capacity for good, there could be little hope to avert its doom, though few could foretell what hand would deal the final blow.

The growth of commerce in the South Seas gave the colonies weight in matters connected with postal and telegraphic services. An intercolonial conference was held in Sydney in 1873, and separate postal lines by way of Suez to Melbourne, and by Torres Straits to Queensland, as well as the continuance of the line through America to New Zealand, were recommended. Intercolonial commercial reciprocity was discussed. The representatives of New South Wales, South Australia, Tasmania, and Western Australia advocated "a common tariff based on the prin-

ciples of free trade, and a Customs union" between the colonies. The representatives of Victoria, Queensland, and New Zealand (Vogel and Reynolds), opposed them. Earl Kimberley gratified the discordant conference as well as he could. An Australian Colonies Duties Act was passed by the Imperial Parliament in 1873. It defined the word "country" as meaning "any country or place except Australian colonies and the colony of New Zealand." It empowered the colonial legislatures severally to remit or impose duties on articles exported intercolonially, with a proviso that, for such purpose, "no new duty shall be imposed upon, and no existing duty shall be remitted as to, the importation into any of the Australasian colonies of any article, the produce of any particular country, which shall not be equally imposed upon, or remitted as to, the importation into such colony of the like article, the produce or manufacture of any other country." Two things were clear to all students of political events. One, that in thus classing Great Britain as a foreign nation, the bulk of the colonists had taken no part, and that in the abstract they would have been opposed to it; the other, that when their political leaders for the time being had made the demand it was acquiesced in without inquiry by the colonial public, and would probably have been supported vigorously if those leaders had had occasion to appeal for popular sympathy. Public sentiment will make common cause with its own creatures, even when public reason disapproves of their conduct.

The contract for carrying mails by way of San Francisco, in which Mr. Fox had taken so much pride, did not prove prosperous. Irregularities in delivery had not saved the contractors from pecuniary loss. Penalties had been enforced, but more were due, and on the request of Mr. Vogel the Representatives declared that they need not be exacted.

An angry debate arose in the House with regard to Dr. Featherston, the agent-general in London. In moving the second reading of a bill to attract a better class of immigrants to the colony by a remission of £20 in the value of land to each adult member of a family, Mr. Vogel hinted that the relations of the government with Dr. Featherston



were unsatisfactory. A private member followed with a violent diatribe against that gentleman, and many members resented an attack upon an absent man. The government, in deference to the more manly instincts of the House, consented to produce a despatch, which had ungenerously been alluded to by the government, but had not been laid on the table. The storm passed away, and the bill, which had been the innocent cause of it, became law.

The difficulty of obtaining from immigrants a repayment of any portion of the cost of their passage money was put before the Assembly in a petition for relief. The railway contractors had undertaken to import labourers. The contractors took promissory notes from the immigrants for repayment, but could not recover the money. They averred that if they sued the defaulters they were compelled to pay ten shillings a week for the maintenance of each in gaol. The same inevitable difficulty had existed elsewhere. Gibbon Wakefield had warned a committee of the House of Commons, in 1836, that all conditions partaking of the nature of a promise to do something after the obtaining of land would become dead letters. On the scale which the New Zealand loan works involved, the contractors averred that their loss from deserters was nearly £40,000. It was urged that the government which imported immigrants ought to re-imburse the contractors. A select committee reported adversely to the claim, and deprecated the production of the evidence taken. Mr. Fitzherbert moved that it be printed. The House had been generous to the defaulting contractors for the postal service, because it had benefited the colony. The country had gained 2000 immigrants by the railway contractors. Justice demanded the application of the same principle of leniency in both cases. In the existing state of the House the subject created confusion, and a debate upon it was abruptly broken by Mr. Fox, who called attention to the presence of strangers.

Colonies have always been full of activity and apparent prosperity when immigration has poured in upon them. A simultaneous expenditure of many millions sterling on public works made New Zealand resound like a bee-hive with the hum of workers. The revenue sprang from about £1,300,000 in 1871 to more than £2,700,000 in 1873. The

ordinary revenue of 1873 was in excess of the total revenue of 1871, and the territorial almost equalled the combined revenues of the former year. Mr. Vogel conceived the idea that a handbook ought to apprise the world of the progress of the colony. He announced (15th Sept., 1873) that a pamphlet would be issued describing the resources of New Zealand. It appeared in 1875. Vogel was editor. Fox, once his master but now his pupil, described the early settlement. Donald McLean told of the native race. Superintendents of provinces lent their names. Dr. Hector, the government geologist, described the climate and the mineral and agricultural resources. Though published in London in 1875 the book was printed in New Zealand in 1874. "It has been printed here" (Vogel wrote to Dr. Featherston) "solely for the sake of enabling the editing to be effected with greater facility. I have decided that the book shall be printed and published in England. . . . I suggest for inquiry whether it might not be well to incur the cost of stereotyping the work." Embellished by photographs and maps, and "edited by Julius Vogel, C.M.G.," at a cost of more than £2000, the work found an unappreciating public in the colony, but served as an advertisement in more senses than one; and its editor attained the honours which he coveted. He became, in 1875, a Knight of the Order of St. Michael and St. George. He wrote to Dr. Featherston<sup>12</sup> in London, as Masaniello might have written after discarding his fisherman's dress. Even when the agent's arrangements prospered he was told that he deserved no credit, but that if he had obeyed orders sooner success would have been earlier attained. On one occasion (24th Nov., 1873), Vogel imputed corruption to the emigration officers appointed under the Passengers Acts in England. "I positively instruct you (Dr. Featherston) that you place no reliance whatever in the examination of the officers of the commissioners." The commissioners asked for an explanation, but Vogel's progresses made it inconvenient to furnish one. In April, 1875, he wrote in London to the

<sup>12</sup> On one occasion Dr. Featherston significantly replied: "I still hold that the course which I adopted, in the case referred to, was the only one that any gentleman would, under similar circumstances, have pursued towards another."—N.Z.P.P. 1874; D. 3, p. 52.

Secretary of State that "his letter was of a confidential character and its publication was a mistake." After his return to the colony he would decide whether to furnish proof of the truth of his statements or to withdraw them. The Governor wrote from New Zealand (Jan., 1875), that search had been made, but nothing found, to account for Mr. Vogel's accusations. There were signs that the colonists were becoming weary of the idol they had set up. But the prosecution of the financial schemes could hardly be withdrawn from Mr. Vogel. Its supporters thought that it could best be done justice to by its author. Its opponents thought it right that he should have a fair trial, and that if it should produce disaster the workman and the work should be condemned together. Already there were rumours that the successful adventurer was, after all, only making New Zealand a stepping-stone to London, and that if he could secure a position there, either on the Stock Exchange or as Agent-General for New Zealand, he would flit from the colony with the plumage obtained at her cost. In dismissing the General Assembly, Sir J. Fergusson congratulated it on the measures passed.

In 1868, the House had agreed that inquiry should be made with a view to preserve the forests of the colony. In 1870, a Joint Committee recommended that the government should encourage the planting of forests, and the agency of the provinces was chosen as the best means of promoting the object. In 1871, a bill, devised in the Canterbury Province, was introduced by Mr. Hall. It provided that every one who, in accordance with regulations made by the Governor-in-Council, planted one or more acres with timber trees, should be entitled to a grant of two acres of waste land for each planted acre. The provisions of the bill were made applicable to any province on due requisition from the province to the Governor. The province of Canterbury was not inactive. It established nurseries, distributed plants, and voted money to encourage plantations. Nevertheless, the waste of public forests proceeded with alarming rapidity, and in 1873 a private member moved that the Governor be requested to appoint a commission on the subject. The Government admitted its importance, but opposed the appointment of a commission. They would consider the

matter. New Zealand was on this question like other colonies. In all, the governments allowed the riches of the woods to be remorselessly squandered or destroyed. In all, some colonists, wiser than their rulers, implored that something might be done to arrest the waste, which was never arrested. For a nominal fee anyone obtained license to cut down and sell the growth of ages without being required to plant successors to the forests swept away. Prophecies of deterioration of climate and failure of harvests did not move the destroyers. The gold-seeker, whose occupation was to prey upon the carcass of the colony, found imitators. It was deemed harsh and unpopular to prevent waste. A Select Committee on colonial industries (in 1873) suggested that the provinces should be invited to consider how best "the wasteful destruction of the forests of the colony" could be prevented. The rate of the waste was approximately shown by Dr. Hector. There had been in New Zealand in 1830, 20,370,000 acres of forest land; in 1868, 15,276,000; and in 1873 there were only 12,130,000. Four millions of forest land in the Auckland province had dwindled to less than one million and a quarter.

When the session of 1873 was at an end, Dr. Pollen communicated with the provinces. Earl Kimberley sent official reports on the Ceylon forests, and fervid appeals from Dr. Hooker (Director of the Royal Gardens at Kew), who dreaded disasters in Ceylon. From Australian colonies, where the subject had been more or less languidly taken up; from England; from India, where conservators of forests had made valuable researches; from Germany, whither some of those conservators had travelled to observe the careful system pursued by skilled Forstmeisters, information was received. It might be well to narrate here the legislation resorted to in 1874 upon the subject were it not the fact that it led to unexpected consequences.

While it was popular to do so, Mr. Vogel supported provincialism. When the elements of public opinion seemed to be in a state of fusion, he watched for signs of the new form into which that opinion would crystallize. While the result was uncertain he was a votary of equilibrium. As soon as there were indications of the manner in which the divided particles would coalesce his mind was made up. It

might perhaps be said that his conversion into an ardent centralist was unworthy, but it mattered not what might be said if only the manœuvre should succeed. A people willing to be deceived can only be enlightened if the deceiver be dull. If the New Zealand atoms were about to crystallize, Mr. Vogel would be among the first, and would become conspicuous in the new order of things. He would make his defence as remarkable as his apostasy. If upbraided for abandoning his principles he could rebut the charge as "much ado about nothing"; and could truly affirm that when he said he would die for provincialism, he did not think he would live to destroy it. Before obtaining office he had published a pamphlet to prove that the English national debt might be paid off if England would borrow money and lend it to the colonies at an advance of half per cent. on the English rate of interest. The colonies would fatten, and at the same time would pay off the mother-country's debt in a hundred years.

It was fortunate that Dr. Featherston in stimulating emigration from Germany to New Zealand had employed German agents only. The English *chargé d'affaires* at Berlin reported in 1873 that the Prussian government, to discourage emigration, had resolved to expel all emigration agents or sub-agents not of German nationality. Not content with providing emigration to New Zealand, the ministry devised a plan of annexation of islands in the Pacific Ocean. Sir G. Grey had during his first government urged that England ought to assert dominion over many of the island groups. In 1871, an emissary was sent to the Navigator Islands to report to the New Zealand government upon their capabilities. In 1873, Mr. Vogel "respectfully submitted that a policy or line of conduct should be decided on, not alone in connection with one or two clusters of islands, but applicable to all Polynesia." In Feb., 1874, more precise propositions were made. Mr. Vogel thought that New Zealand might "earn for reluctant Great Britain—without committing her to responsibilities she fears—a grand Island Dominion." A company was to be formed. A man who had been arranging preliminaries for a bank at Fiji had furnished the idea of founding a trading company which, like the East India Company, was

to acquire ascendancy; although, unlike that company, it could procure no monopoly. The projector thought that Mr. Vogel might be useful in "floating the company." Mr. Vogel suggested that a commercial company should be formed, and that New Zealand should give a guarantee of 5 per cent. on the share capital (£1,000,000 sterling) for fifty years. New Zealand was to be the centre of operations. Factories were to be established there, and steamers were to ply with their products to all the islands. The company was not to ship goods to the islands except from New Zealand, and on all goods shipped to them "other than the produce or manufacture of New Zealand" the company was to pay a royalty of 7½ per cent. The government was to appoint a managing director in London and another in New Zealand. How the company could contend with the outer world which had no royalty to pay upon trade was not explained. Like the Mississippi system of Law, the New Zealand scheme was to shower benefits at home and abroad. The islands were to be "one dominion, with New Zealand the centre of government." The scheme was submitted to the Governor in Nov., 1873. In Feb., 1874, promoters had been found for "The New Zealand and Polynesian Company," and Mr. Frederick Whitaker negotiated for it with Mr. Vogel. He objected to the royalty on shipments, and Mr. Vogel accepted, instead, a provision impounding profits to repay advances made by the government. The outer world, unfortunately for the scheme, was still free. Voluminous papers on the capabilities of the islands were laid before the Assembly in 1874, but the Governor's opening speech only said that "the civilization, settlement, commerce, and forms of government of the islands present problems of great interest and importance to this colony." At the close of the session, Mr. Vogel, in reply to a question, stated that he "believed that instructions had been received to reserve the bill if it had passed."<sup>18</sup> But the ministry submitted no bill

<sup>18</sup> In 1876, a Mr. Phillips petitioned for compensation for having made known to Vogel the Polynesian scheme. In 1873, Phillips saw Sir James Ferguson, and Vogel told Phillips afterwards that the "quieter he should be with regard to his plans the better." In 1874, Vogel told Phillips that he intended to carry out the scheme himself, and would not require help

to the Assembly, and the England of 1874 escaped the temptation of France in 1718. Lord Kimberley gave a significant hint to Sir J. Fergusson, when Mr. Vogel's financial statement (of 1873) reached England. Passages which asserted that the Imperial government were concluded in an "undisclosed guarantee" for colonial loans, and that "the Governor being an Imperial servant, the Imperial government would be responsible if their nominee did not respect the priority which the law established," were pointed out as totally unwarrantable, and the Governor was enjoined to give a copy of the despatch to his advisers.

After the session of 1873, disturbance about land was apprehended between a section of the Ngatiraukawa and Muaupoko tribes. McLean resorted to the telegraph, and the Governor reported that the influence of Rangihiwini was effective in averting war. It was arranged that the case should be reheard by the Native Land Court. Released from anxiety, Sir J. Fergusson visited Canterbury, Otago, and Westland. His published despatches were neither so numerous nor voluminous as those of his predecessors. The Waitangi treaty, the Wairau affray, the wars of Heke and of Rangihaeata had given exceptional interest to New Zealand, and Parliament had been fully supplied with information. With the triumphs of Sir G. Grey curiosity languished, and was only revived by the rape of the Waitara block, when again volumes of blue-books were produced. The Waikato war and the wars in memorandum carried on by Sir G. Grey exhausted curiosity and patience, and Sir G. Bowen with discursive pen vainly strove as special correspondent with Downing Street to stimulate curiosity. Those who knew anything about New Zealand were satisfied that so long as Donald McLean was Native Minister there would be no native war. Those who knew nothing wished to know no more. Though Sir J. Fergusson con-

from Phillips. "Under a promise of compensation of £2000 the petitioner reluctantly resigned" his plan to the government, and Vogel in that year told the House that Phillips was "entitled to substantial compensation." A Select Committee examined the rival projectors, who cross-examined one another. The Committee reported that Phillips had given information to Vogel, and that he should receive £150 for it, and a like sum for his other expenses.

SIR J. FERGUSSON ON TRAINING OF CHILDREN OF CHIEFS.

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tracted the limits of his correspondence he apprised the Colonial Office of his movements. In March, April, and May, 1874, he visited the east coast and the Waikato district, travelling without unusual escort from Cambridge to Rotorua. He reported with sadness the evident decline of Maori morality. "I wish," he said, "that some systematic effort were made to fit the children of chiefs by higher education for their proper work among their people, and even for taking a part in the future government and business of the country. In spite of the comparative failure of some former attempts, I hope, through private association if not by the action of government, to set on foot some definite organization for this purpose." The very hope thus expressed breathes sweetly among the dusty records of New Zealand story.

Early in July the General Assembly met at Wellington. In that month Earl Carnarvon wrote that on his recommendation Her Majesty had promoted Donald McLean to be Knight Commander of the Order of St. Michael and St. George.



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bers or friends of the government. Mr. Waterhouse brought no charge against the Native Minister, but urged that if the Assembly would not entrust provincial councils with control over the confiscated lands, still less should it be delegated to one person. The Council carried a motion declaring that the question ought to be regulated by Act of the Assembly and not by orders "made at the will of the government of the day." The Governor replied that so important a subject could not be duly considered during the session, but that his advisers would consider it during the recess. Mr. Waterhouse also took up the subject of the "indebtedness of the colony." Seventeen millions sterling, at which he computed it, might be too great a burden. The Native Lands Act of 1873 had justified the fears of some of its opponents. Mr. Fenton, the chief judge of the Land Court, with his brethren Messrs. Munro, Maning, Rogan, and Smith, had drawn up weighty objections to the Act. The clause which required a judge to make a preliminary inquiry to ascertain whether an application accorded with the wishes of ostensible owners of land, seemed "of all things most likely to shake the confidence of the natives in the justice and impartiality of the Court (which has never hitherto been doubted); to impede its action; and to jeopardize the peace of the country." Moreover, the emissaries of the Maori king and others might make objections and assert claims which no judge could disregard. "Thus in process of time few claims would survive the preliminary inquiry." They subjected the Act to careful criticism, but expressed no opinion on its general policy. The fact that they had sent a report to the government became known, but for a time Vogel refused to produce it. When it was obtained, the Committee on Native Affairs made suggestions founded on the judge's remarks. McLean adopted many suggestions, and an amending bill, in a shape which left large discretion to the judges, passed both Houses at the close of the session. One important provision was made. The concurrence of at least one native assessor with the judge was required to justify any decision or judgment. Mr. Mantell presented a petition from Maoris in favour of this provision. Under the existing law the assent of an assessor was not necessary. "We ask you to amend

this, so that the assessor or assessors may have authority, when in court, equal to that of the European judges. Let no one be greater or less than the other, lest the judgment be wrong."

Taiaroa renewed his motion for a Select Committee on "the unfulfilled promises to natives in the Middle Island." "Let not members be annoyed at his importunity. It was not his fault; it was the fault of the government in delaying the question." Mr. Vogel procured a postponement, and although Mr. Fox admitted that there were "unfulfilled promises," the committee was refused. On a later day Taiaroa asked whether the Native Minister would agree to arbitration, but McLean declined. Mr. Mackay, Commissioner of Native Reserves, reported that the claims of the Ngaitahu tribe, in the Middle Island, were "good on all three grounds,"—1. Hereditary. 2. Conquest. 3. Occupation or possession. Their ancestors had conquered the territory 300 years ago, and the tribe had continuously occupied the land from the time of the conquest. "I trust," Mr. Mackay wrote, "it will be understood that in advocating the cause of the natives I am not actuated by feelings of sentimentalism." Mr. Macandrew, in opposing the committee moved for by Taiaroa, said that Taiaroa's resolution might "cover a claim for 2,000,000 acres in the Middle Island." Mr. Vogel thought "the House was not in a position to come to the conclusion that there were unfulfilled promises." Mr. Mackay had reported that they were "not entered in the deeds of purchase, as full reliance at the time was placed in the honour of the Crown that they would be fulfilled to the letter." Mr. Vogel could not find them in the bond. He knew as well as other members how indignantly Mr. Mantell had discarded service under the local government because it would not fulfil its pledges, but his mind was exercised upon another matter—the advisability of turning from provincialism to centralism!

A bill "to provide for the establishment of State forests and for the application of the revenues derivable therefrom," was the solvent of the problem. He spoke for hours.

"The investment of £1 a year in creating forests would," he said (14th July), "in thirty-five years give back many many times £100." Old sinking funds were now proved delusive; but the growth and value of

forests was indubitable. "The government came to the conclusion that if the provinces would allow three per cent. of the whole of their land to be taken and set apart as forest-land, we would propose to Parliament to release the provinces from the payment of the principal cost of their railways—that is, would relieve them from the payment of the one per cent. sinking fund they now pay . . . if the amount its railways will cost is reckoned up, and the total of one per cent. sinking fund upon that amount is estimated, the exchange which is offered will be found to be very profitable to the province. . . . As far as can be done by bill we put upon the State forests the charge of repaying the public debt of the colony incurred for the construction of railways."

Mr. Stafford in supporting the bill exposed the manoeuvres of Mr. Vogel, who replied: "The feeling with which the bill has been received in the House and the approval it has met with throughout the country have led the government most earnestly to desire that the bill should become law during the present session." Mr. Fitzherbert in a trenchant speech attacked the bill. Under the modest guise of three per cent. of provincial lands it grasped 2,000,000 acres, and those, if chosen as doubtless they would be, the best land in provinces. The real intent of the bill was to take land indirectly which could not be taken directly. It had nothing to do with forestry, concerning which Mr. Vogel had culled from encyclopædias to confuse the common sense of the House. As to paying off the colonial debt by its means the idea was absurd, and redounded neither to the credit of the ministry nor of the colony. Mr. Rolleston told how Canterbury had in four years distributed 65,000 trees for planting, and was further promoting the good work. In 1874, the province had appropriated £13,000 to it; whereas Mr. Vogel's bill only contemplated an expenditure of £10,000 in the year throughout all the provinces. Mr. Rolleston was prepared to discuss the question of abolishing the provinces at any time, on its merits, but not when under cover of a beneficial object they were insidiously assailed. Mr. Vogel complained of the bitterness of Mr. Fitzherbert's speech. . . . "When we are told that the establishment of State forests in the North Island is inconsistent with the maintenance of provincialism, it seems to me there can be but one reply:—Abolish the provinces in the North Island." There was throughout the island a feeling of real abhorrence to provincial institutions. "I state fearlessly that such is the fact. There is no one who has done more than I have

to stem that feeling." It was plain that having discovered the public feelings, Mr. Vogel would sacrifice his own, or what he represented as his own when he had misunderstood those of the public. But he was accommodating. He would cut down the Forests Bill. He would "remove all the provisions as to the acquirement of land." "The State forests should be such land as the General Assembly should determine, and such as the superintendents and provincial councils should request the Governor to set apart."

Two days afterwards Mr. Vogel notified to the House that the government had received assurances from many members, and believed, that a large majority were anxious to abolish the provinces in the North Island, the capital being maintained at Wellington, and the compact of 1856 between provincial claims and the general government being recognized in any Act to be passed. The government would not ask the Assembly to give effect to their proposals in the current session. They did not think it fair to the country to take it by surprise on such a subject. Other members, however, gave notices of motion, and the determination of the government was revoked in six days. Mr. Vogel announced (12th Aug.) that he would, on the 13th, propose that the provincial form of government in the North Island should be abolished; and that in the measure giving effect to the same there should also be included a provision declaring Wellington the seat of government, and continuing the localization of the land revenue in accordance with what was known as the compact of 1856. If the House should not agree to these resolutions, "of course, the government would pass into the hands of those who hold other views." On the 13th, Mr. Vogel confessed that the debate on the State Forests Bill had brought to light facts which forced the government to adopt their new policy. He admitted that he had at one time strenuously supported separation of the North Island. But the provision of funds for carrying on settlement made changes desirable. He "recognized the widely-spread feeling in the House that it is not desirable these exceptional assistances—not to use the term 'sops'—should be continued." But a field would be still left for the power of the purse. Aid might be given to road boards clustered

round a central board, as was the case with the Timaru system in the Canterbury district. Something of that kind might replace the provinces of Auckland, Hawke's Bay, Wellington, and Taranaki. It was probable that the superintendent<sup>1</sup> of "the great province of Auckland would object." Mr. Vogel would make a life-provision for that honourable gentleman, who had devoted a lifetime in serving the province. The compact of 1856 he would respect, because "any attempt to depart from it would be simply dishonest, and, besides, would be to the last degree impolitic." The government having been questioned on the subject, would "accept any provision the Middle Island may think necessary to make it most clearly understood that the land revenue of the Middle Island shall be applicable to Middle Island purposes, and that the land revenue of each province of the Middle Island shall be applicable to the purposes of that province." The provinces were distrustful, for Mr. Vogel declared: "There is in the great provinces of Otago and Canterbury a feverish impatience manifested to put apart land, or to sell it, so as to place it beyond the reach of the colony." He emphatically denied that his resolutions were "an attack upon the Middle Island land fund." He believed that the general government could do provincial work better and more cheaply than the provincial legislatures were doing it, and there would be great gain in the removal of the provincial opposition displayed in the North Island against the immigration and public works policy of the government. He declared that no personal ambition prompted him to a change of opinions which might forfeit the confidence of many political allies. Another minister then rose. Mr. O'Rorke, member for Onehunga, Secretary for Lands and Minister for Immigration, startled the House by disclaiming all complicity with Vogel's proposals, for which, if he were to vote, he would "deserve to be branded as a base political traitor." . . . "I obtained admission to this House on certain principles, and I do not feel that I am at liberty to fling them to the winds, either for the sake of office, or to suit my own caprice."

<sup>1</sup> Mr. Williamson. He was in the House, and spoke vigorously against Mr. Vogel's resolutions.

With more words of like import Mr. O'Rorke disclaimed any personal motives, and left the astonished House. Mr. Vogel, rising to explain, was interrupted on the point of order, but being allowed by the Speaker to make a personal explanation, was arrested by that functionary when he proceeded to reveal a discussion in the Cabinet. The pith of his statements was that Mr. O'Rorke had opposed the resolution from the first, but that Mr. Vogel was unaware that he intended to retire from the government, or to speak in the language which the House had heard. Mr. O'Rorke lost no time in handing his resignation to the Governor. Major Atkinson (member for Egmont), who was about to succeed to the office vacated by Mr. O'Rorke, cast in his lot with those who would abolish the provinces. Mr. Thomson, member for Clutha, asked why there had been no hint in the Governor's speech of such vital change as Mr. Vogel now proposed. "The stormy eloquence of the honourable member for the Hutt" (Mr. Fitzherbert), in debate on the Forest Bill had engendered the new idea, "not a fortnight ago," in the excited Treasurer. Mr. Reid, quoting from a speech delivered in 1868 the words, "You cannot have a greater curse in such a country as this than that the general government should be constantly educating the people to dissatisfaction with provincial institutions," was challenged to name the speaker. He answered: "I intended to do so, but I will do it now. It is the honourable the Premier whom I am now quoting, whose opinions will have great weight in this House. He goes on to say: 'you may take away the constitution, but you cannot give to the people another which will earn so much of their respect and veneration. . . . We have lived under it. We love it. We shall never get another which we shall love as we have loved this one. We will stand by and preserve that which we have.'"

By metaphysical aid it would almost seem that Mr. Vogel, while keeping a shop in Victoria, transported his affections elsewhere. Mr. Macandrew declared that if the resolutions should be carried "no interest in the State would be safe against the caprice or neediness of the government of the day." Mr. Montgomery, from Akaroa, foresaw that to settle the Northern Island an enormous

debt would be created which the revenues of the Middle Island would be seized upon to meet. Mr. Sheehan declared that a fit of spleen against Mr. Fitzherbert had exposed the fact that New Zealand was "suffering from personal government in one of its very worst aspects." A constitution was to be uprooted because Mr. Vogel was irritated, and members were meek enough to do his bidding. Mr. Williamson, for whom Mr. Vogel had promised to make permanent provision, declared that the people of Auckland would return to the next Assembly no man who would support Vogel's revolutionary proposals. On the 20th Aug., the foregone conclusion was duly recorded by a division in the House. Vogel had not given notice of his resolutions until he had ascertained that he could command a majority, and Stafford had been the manager behind the scenes. Tairaroa thought general government more likely than a provincial government to be just. "I myself had a case which I brought forward. It was discussed in the different Parliaments of New Zealand, and they could not settle it, neither could any court in the colony settle it; but when I laid the matter before the Privy Council then the Superintendent agreed to pay." By 41 votes against 16 the resolution was carried.

Mr. Fitzherbert (24th Aug.), bowing to the decision arrived at, asked the House to resolve that the change should not be "made without first testing the opinion of the people through the constituencies," and that the Governor should be asked to grant a dissolution for the purpose. Mr. Vogel denounced the dangerous doctrine that a special appeal to constituencies should precede a serious change in the law. Mr. Gladstone had stigmatized it as "ultra-democratic—more than democratic—anarchical," and rightly so. But where, as in New Zealand, there were several provinces with separate legislatures, the objections to such a doctrine were fatal in the abstract. To appeal from halls of counsel to the hustings has indeed the appearance of appealing from Philip sober to Philip drunk, and in New Zealand there were several Philips to be consulted. Vogel had the courage of his position, though as he had so newly assumed it, it could not be said that he had the courage of his opinions. He moved an amendment



recommending that the provincial government in the North Island should be followed by "an inexpensive but more thorough form of local government, under which the island should be divided into districts and sub-districts, endowed with substantial revenues, and the residents therein be enabled to take a larger and more direct share in the management of local affairs and the expenditure of local revenues than is at present the case." "Endowment with substantial revenues" was a tempting bait, but the term was vague. Who was to decide upon the substance? Stafford supported Vogel's amendment, and Mr. Fitzherbert demolished Vogel's speech. He pointed out that already success had stirred the government to wider schemes, and that the altered tone of the Treasurer in moving his amendment implied that abolition of southern provinces would follow speedily. Mr. Fox confessed his conversion from ardent "provincialism" to centralism. Mr. Johnston, member for Manawatu, candidly said: "Now that the Premier undertakes to endow each district with substantial revenues my doubts vanish. I confess that I do not see where the money is to come from, but inasmuch as passing this resolution commits the House to a certain extent to find it from somewhere, I will vote for it." The "sop" system admitted by Mr. Vogel as to time past was triumphant in the anticipations of the Johnstons of the House, and by 45 votes against 20 Mr. Vogel's amendment was carried. Mr. Swanson vainly moved that the amending bill should be circulated "at least two months before the next meeting of Parliament." So far as the existing House was concerned provincialism in the North was doomed, but the southern majority did not foresee that the measure they were meting to the North Island would be forced upon themselves.

After such proofs of strength the government carried their bill to amend the Native Lands Act of 1873. A bill to authorize advances for provincial public works was more successful than the Provincial Loans Bill of the previous session. Lands in the provinces were to form the security, and superintendents of provinces were authorized to agree with the Treasurer upon terms of repayment. A Railways Bill, appropriating money and empowering the government

to purchase from the provincial authorities certain existing lines in Otago and Canterbury passed the Lower House, but was lost in the Council. On the same day which saw the Railways Bill rejected by the Council Mr. Murray moved in the House—"That in the opinion of this House the nomination of tenants of the Crown to seats in the Legislative Council is highly objectionable and inconsistent with the independence of Parliament." In New Zealand, as in Australia, the pastoral occupation of the country was the avocation of some of the most intelligent settlers. The original theory was merely to occupy temporarily until a more permanent form of settlement might become as necessary as it was natural, and freehold would be substituted for the lease or license held by the tenants of the Crown. This was part of Gibbon Wakefield's plans. He argued that the annual grass crop could properly be so availed of—the government holding the power to sell land at a fitting time. How that theory was unwisely departed from need not be here discussed. Mr. Murray's motion implied that there was danger lest servile submission should pervade the Council. But he moved it at a time when the Council had given proofs of independence. His grievance was the rejection of Land Bills; and when he said that "interested persons who never ought to have voted" had thrown them out, the Speaker called him to order. Jealous of the honour of the whole Parliament rather than of the aggrandizement of the House of which he was Speaker, Sir F. Dillon Bell added that he had consulted the Speaker of the Council, and if "his colleague" had considered the motion an improper interference with the Council, he (Sir F. D. Bell) would have removed it from the Order paper. The motion was withdrawn. When the Appropriation Bill had passed in the Lower House, Mr. Vogel moved the second reading of a second Railways Bill divested of the provisions on account of which the Council had rejected the first. It was passed through both Houses without a division. An attempt was made to authorize, by resolution, negotiations to effect a purchase, at Otago, contemplated in a defeated bill. Mr. Vogel opposed it, and the Speaker pronounced that it was "not

in accordance with Parliamentary practice for the government to carry out by resolution what it had failed to carry out by bill." But the Otago province was supposed to be weeping at the door. Mr. Vogel "felt that it was a very hard thing that Otago, which required money for the construction of branch railways, should go away from the Assembly without any money in its pocket, while other provinces went away with plenty," and an Otago Provincial Public Works Advances Bill, to enable the Government to advance £60,000 for railways, on terms to be agreed upon, was passed. An Immigration and Public Works Bill was passed to give effect to provisions of the Loan Bill. It dealt with the purchase of land from the natives, for which £700,000 had been authorized at various times. Friends of the Maoris declaimed against artifices resorted to in obtaining their lands; and Captain Fraser declared that in the Middle Island, where temptation was not applied by colonists covetous of land, "the Maoris had abjured drinking altogether." "How would the Europeans have got the land in Hawke's Bay if the Maoris had not been encouraged to drink? He paused for a reply,"—but none was vouchsafed. "Gross injustice had been done to the whole Maori race, and he would never cease to express his opinion on that subject." The question of payment of members of the Assembly out of the public funds was examined by a committee, Mr. Rolleston's contention, that the subject ought to be dealt with as a matter of principle by a bill, being ineffectual.

Sir J. Fergusson, having resigned office, introduced valedictory words in the prorogation speech (31st Aug.). He told the members that the session would be memorable for having rung the knell of the provinces in the North Island. He was advised to say that the decision was accompanied by ample proof that the land fund would, nevertheless, "as far as possible, be localized," and not absorbed by the general government.

The Marquis of Normanby succeeded Sir J. Fergusson, but the latter had various acts to perform before demitting his authority. In place of the indignant Mr. O'Rorke,

Major Atkinson, after the close of the session, became Minister of Immigration, and as Vogel wished to go to England to negotiate the new loan, Dr. Pollen became the leader during Vogel's absence, and on the 3rd Dec. the new Governor (the Marquis of Normanby) arrived. He received a petition from Sir G. Grey on the subject of appropriation of funds arising from the sale of lands. The petition urged that the Auckland province could justly ask for time to enable it to come to fair terms with regard to land revenues before vital changes should be made or sanctioned by the British Parliament. The Governor referred the petition to Dr. Pollen, who sneered at Sir G. Grey's statements. The Marquis transmitted the documents to the Earl of Carnarvon. Before any reply was received Sir G. Grey was elected member for Auckland City West, and on the death of Mr. Williamson, the electors conferred the office of Superintendent of the Province upon Sir G. Grey. His speeches were received with acclamation. It was sad, but not unnatural, that the treatment he had encountered from more than one Secretary of State had jaundiced his judgment, and he proposed that the Colonial Office should be set aside and that New Zealand "should have a Secretary of State of our own." But he was facile and persuasive. Everything he said was applauded. Those who did not agree with his opinions admired his rhetoric.

In 1875, the meeting between the Maori king and Sir D. McLean, so anxiously sought by the latter, was brought about by the aid of Te Wheoro. McLean went to Alexandra (26th Jan.), and remained there while friendly chiefs conferred. Te Paea, the king's sister, had recently been buried, and Te Wheoro and other chiefs attended at Waitomo to take part in a "tangi." On the 3rd of Feb. McLean was welcomed, and after formalities (a part of which was an interval of strict silence), Tawhiao said that his word was, "Let the Pakeha who are spread over the world return to the appointed place (probably Maungatawhiri, where General Cameron commenced the war and which the Maoris had called their boundary). If they return thither, I will follow and return to Waikato." Tawhiao thus made the demand which his deputies had

previously made. McLean replied that the abandonment of the territory confiscated in Waikato was not feasible, and Tawhiao said: "Don't suppose that this will be your last visit to us. Come again." McLean proposed: 1st. That Tawhiao should exercise authority over tribes within his district. 2nd. That he should choose a council of chiefs to keep order and repress wrong. 3rd. That the New Zealand government should assist him. 4th. That the government should build a house for him at Kawhia and grant to him certain lands on the Waipa and Waikato rivers. Nothing was agreed to, but much was thought to have been accomplished. The Civil Commissioner, Mr. Kemp, who accompanied McLean, wrote that the meeting, "whether viewed politically or in connection with the welfare of the settlers, could not but be regarded as of paramount importance."

Death was busy amongst the elder generation of Maoris. Mohi Tawhai, a companion-in-arms of Waka Nene against Heke, more than eighty years old, was mounting his horse after attending Divine Service and fell and died. He it was who was mainly instrumental in preventing Colonel Despard from repeating at Ruapekapeka the assault so disastrous under that officer at Ohaeawae.<sup>2</sup> His services were not forgotten. At his funeral at Hokianga it was said that every respectable European in the district joined in paying respect. In Wanganui, Pehi and Tahana Turoa passed away. The resident magistrate reported that he should much miss Tahana, who as assessor and otherwise had always given him wise counsel. Tahana was owner of much land, and left a will which was duly proved in the Supreme Court. Officers reported from various districts a slight improvement in the condition of the Maoris. With less dissipation there was more intelligent industry amongst them.

Sir D. McLean busied himself in purchasing land. At Maketu he conferred with chiefs, and the result was an order to the Land Purchase Commissioners to discontinue negotiations in the Arawa territory. He communicated the result of his departmental labours to the Assembly.

<sup>2</sup> "Life of Archdeacon Williams," vol. ii., p. 120.

The land acquired, or under negotiation, under the Public Works and Immigration Acts was, in 1875 :—

	Purchased.	Lease.	Incomplete Purchase.	Transactions. Lease.
In Auckland ...	490,784	391,601	1,618,686	1,214,667
In Hawke's Bay ...	240,537	-	37,000	—
In Wellington ...	429,702	-	1,202,026	307,835
In Taranaki ...	170,499	—	84,130	—
	1,331,522	391,601	2,941,842	1,522,502

The prices paid averaged 2*s.* 5½*d.* an acre. Money paid for completed and incomplete transactions was under control of the Native Department, and there were not wanting men who denounced the mystery in which Sir Donald McLean shrouded his proceedings. He urged the Assembly not to press him unduly, but to leave him to work out the problem "as the government may deem safe and advisable."

Again it was reported that Te Kepa Rangihiwini's advice had restrained the passions of his countrymen, who would have resorted to violence rather than to the law in the Wanganui district. At the Chatham Islands the Moriori race was said to be rapidly disappearing. Their peculiar dialect was spoken only by a few aged persons. The young were sickly. They presented a picture which might haunt the minds of their late masters. The Maoris might regard their own fate in that of their helots. The education of the chieftain class, to which Sir J. Ferguson had drawn attention, was little regarded. Two or three boys at the Grammar School at Auckland and one at the Wellington College were distinguished from about 1500 on school registers throughout the provinces. Out of £12,000 devoted to Maori education in the year nearly £2000 were native contributions.

Like his predecessors, the Marquis of Normanby journeyed throughout the provinces. He told the Secretary of State that, bold as had been the plunge into indebtedness, he believed the policy sound, "provided that it is not carried too far"—a safe prediction, which seemed to hint misgivings. The march of events had so completely carried questions affecting the Maoris into the hands of McLean that despatches rarely alluded to them.

The speech opening the Parliament in July, 1875, proved the truth of the contested prophecies of the opposition in 1874. The Assembly was to be invited to decide whether it might not be well to abolish provinces as well in the Middle Island as in the North. The meeting of Tawhiao with McLean was spoken of as a herald of future good. The negotiations of the new loan for £4,000,000 in London was declared successful. Mr. Vogel had not returned to the colony. His colleagues in negotiating the loan were Sir P. G. Julyan, Dr. Featherston, and Mr. Sargeaunt. He had differed from them. They thought it best to sell the debentures in two instalments. He desired to sell the whole at £94 to the house of Rothschild, giving a commission of 2 per cent. to Messrs. Rothschild for their aid in floating the loan,—they giving a guarantee for the immediate sale of three millions. Reluctantly the other agents yielded. The net price received, after deducting accrued interest, was £90 19s. 7d. Vogel became K.C.M.G. and remained in England for a time. The absence of the head of the ministry during a session was thought likely to give umbrage. He tendered his resignation in May, and his colleagues reconstructed their ranks in July. Dr. Pollen became their head. Vogel was Postmaster-General. Major Atkinson took the post of Treasurer. McLean was immovable. There was no sign of weakness in the reconstructed ministry, but the representatives unanimously replaced in the Chairmanship of Committees, Mr. O'Rorke, who had so indignantly severed his connection with Vogel in 1874. Sir D. McLean and Sir G. Grey were his proposer and seconder.

The question of abolishing the provinces was destined to distract the Assembly throughout the session. Not much was done with regard to native affairs. Tairaroa reminded Sir D. McLean that the government had promised in 1873 to place a native chief of the Middle Island in the Legislative Council. McLean admitted the promise but alleged that circumstances had prevented its fulfilment. The government would consider the matter.

Mr. Alexander Mackay, having compiled a statement of the lands purchased by Europeans in the Middle Island, Tairaroa moved (30th Sept.) that it be printed in Maori.

McLean objected to the expense. But Wi Tako Ngatata in the Council carried a similar motion there. Taiaroa learned from the statement that the government had bought land in the Middle Island for about an eighth of a penny an acre. The chiefs of the north learned that they had obtained more money, but that it was sprinkled with blood. The Native Affairs Committee in the Lower House reported on the petition of Middle Island natives that a Commission ought to be appointed on the alleged unfulfilled promises in connection with land purchases. Taiaroa had fought his battle in the committee with the aid of counsel. Mr. Sheehan moved (6th Oct.) that the report be referred for "the favourable consideration of the government." Taiaroa ran over the years in which he had vainly asked for justice as to the claims. He would still consent, as in a former year, that the government should nominate one commissioner, the Maoris another. Mr. Carrington desired that a portion of his evidence before the committee should be read. He had therein declared that, "having knowledge of the matter through meeting directors and gentlemen of the New Zealand Company in 1839 and 1840, prior to coming to the colony as the chief surveyor of the Plymouth Company of New Zealand," he thought it right to make a statement. The value of his declaration may be shown in a brief extract: "The question as to one-tenth of the land being reserved for the natives in the inhabited districts, so far as my knowledge goes in this matter, had special reference to the North Island. . . . Hence I never heard of its being contemplated by the New Zealand Company that a reservation of one-tenth of the land of the Middle Island should be set apart for its natives." In the agreement of the company with Lord John Russell it was expressly stipulated that the reserves should be made everywhere, and in the instructions issued by the company to Colonel Wakefield before he sailed in the "Tory" in 1839—of which period Carrington claimed a knowledge—were these words: "You will take care to mention in *every* booka booka, or *contract for land*, that a proportion of the territory ceded, equal to one-tenth of the whole, will be reserved by the company, and held in



trust by them for the future benefit of the chief families of the tribe." Those instructions were published; Mr. J. J. Symonds in purchasing the Otago block expressly stipulated "on behalf of the natives for one-tenth of each description of allotment;" and the company was lauded for making reserves on such an imposing scale. The company was bound to hold the reserves in trust for the "chiefs, their families, tribes, and successors for ever;" and on surrender of the company's charters their obligations devolved, not only naturally, but by express stipulations, upon the Crown.<sup>3</sup> It is disheartening to read such a statement as that of Mr. Carrington. McLean having characterized Tairaroa's claims as extravagant, but admitted that he was "quite aware that unfulfilled promises existed," the debate was adjourned. Mr. Macandrew moved an amendment (13th Oct.) declaring that there were no unfulfilled promises, but could not carry it. Mr. W. Kelly declared that "there no doubt remained many unfulfilled promises, and something should be done in the matter." McLean had stipulated that a decision arrived at by the Native Land Court at Canterbury, which was ratified by "the Ngaitahu Reference Validation Act of 1868," should not be challenged. The Act in question will be remembered as legalizing retrospectively an improper reference to the Native Lands Court. The field of justice was circumscribed, but it comprehended "schools, hospitals, and other advantages." Even this Mr. Macandrew would have refused; and it was only agreed to by the members on the understanding that for final decision it must be again submitted to the House. McLean positively refused to "go behind 1868" (in which the Land Court had overruled the claims of Heremaia Mautai). Mr. Sheehan moved: "That this House regrets to hear of the scandalous and dishonest dealings of certain Europeans in the acquisition of native lands at Hawke's Bay, . . . and considers that such transactions are a stain upon the good name of the colony." He animadverted upon the manner in which, after the Crown had waived the sole right of purchase, the natives had been inveigled by artful

<sup>3</sup> See p. 338, Vol. I., and notes pp. 264 and 364, Vol. I.

agents. He showed how signatures had been extorted from Maoris; how to relieve themselves from debts they had been under duress persuaded to sell their rights; how Henare Tomoana, who foiled Te Kooti, had in equipping Maoris to fight the Hau Haus incurred a debt of thousands of pounds, the cancelling of which was the engine brought to bear upon him to extort his signature; how Karaitiana Takamoana, the Maori member, half brother of Henare Tomoana and co-proprietor in the land, had moodily resisted and vainly besought the Native Minister to avert sale by such untoward methods. The freehold of the Heretaunga block, close to Hawke's Bay, comprising about 18,000 acres, illegally occupied by settlers before the government abandoned the exclusive right of purchase had, by the arts he described, passed into the hands of settlers. Mr. Ormond, member for Clive, was amongst the purchasers, and Mr. Sheehan complained that, in bargains for lands bought for Sir D. McLean himself, an agent had been employed, who, having been previously dismissed from the public service for embezzlement, had plied base arts against Maoris with whom he dealt. The Native Minister and Mr. Ormond replied at great length. Many members spoke. It was admitted that wrong had been done in many cases. Karaitiana Takamoana declared that if the House yielded to Sir D. McLean and stifled discussion, he would appeal to England. "Maoris prefer to be destroyed themselves rather than see their lands destroyed. Neither the Superintendent of Hawke's Bay (Ormond), nor the Native Minister (McLean), had a good name with the Maoris at Napier. If the House will not deal with the matter, the Maoris will go on until they lose their skins in the Supreme Court. . . . If the House will not agree with this question there will be mischief in Hawke's Bay. The Maoris consider that treachery has been committed there." Mr. Sheehan's motion was lost. Sir D. McLean met a motion of Sir G. Grey's by promising that, in future, agents should not be permitted to traffic privately for lands, but neither he nor the House would probe past transactions, and Sir G. Grey was defeated. With regard to a transaction at the Piako swamp the government had broken the law. The minimum upset price of land in the Auckland province was five shillings.

NEW ZEALAND.

... exceeding 70,000 acres had been parted with by  
arrangement for a less sum than the legal minimum.  
Sir D. McLean presided that the land could not have been sold at  
... by special arrangement, and that though Mr.  
Thomas Russell and his friends had paid less than the price  
fixed by law, they had been bound to make a road through  
the Piako swamp which would compensate the public,  
the rebate of half-a-crown per acre being the maximum  
allowance to be made to them for the cost of the road, in  
which case the price paid per acre would fall to half-a-crown  
per acre. McLean was able even by such an explanation to  
satisfy the House. His colleague, Dr. Pollen, brought in  
two bills in the Council—one to enable Mr. Russell to  
exchange some land for other waste land; the other to  
enable Mr. Whitaker to resign land claimed by him, and  
select an equal quantity elsewhere. Both bills were  
thrown out at different stages. A select committee recom-  
mended with sarcastic simplicity "that in all future trans-  
actions any alterations in the law that may be desirable  
should precede, and not follow the agreement for the  
purchase of land." Sir D. McLean's committee in the  
Lower House was more lenient, but it declared that "deal-  
ings by private contract with the public landed estate are  
improper, and they are glad to observe that the govern-  
ment have proposed to bring the confiscated lands under  
the operation of the ordinary waste lands laws of the  
country. The subject was not dead, however. The time  
within which Mr. Russell had been bound to pay had  
expired, but he had not paid. Dr. Pollen stated before a  
committee that unsettled native claims and the confused  
condition of the confiscated boundary were obstacles to  
the transaction. He seemed to think the govern-  
ment had power to complete it. Mr. Whitaker's name was  
prominently in connection with the Piako swamp.  
After sweeping confiscations in 1864. Sub-  
sequently, when superintendent of the province of  
and also government agent at Auckland, he was  
responsible for the sale and disposition of the  
lands. His own claims were involved in one of  
which Dr. Pollen strove in vain to induce the  
... He had purchased the interest (dating

from 1844) of other persons in land, of which about 18,000 acres had been awarded to him by Mr. F. Dillon Bell. But the natives had never surrendered their claim to about 14,000 acres of the block, and Whitaker abstained from taking steps which Dr. Pollen declared might have created a native disturbance. He had never taken possession. Maoris were in occupation. Mr. Mackay, Government Land Purchase Commissioner, reported that he could negotiate for the purchase of 200,000 acres if the 14,000 acres claimed by Whitaker were abandoned to the natives. Pollen's bill proposed to allow Whitaker to select elsewhere. The Council thought an undue advantage would thus be conferred. The casting vote of the Speaker crushed the bill for the time, but in after years the subject was revived. Meanwhile Sir D. McLean was harassed by the checks which he received. He passed in the Lower House a Confiscated Lands Bill, which it was hoped would enable the Piako swamp to be dealt with, but it broke down in the Council.

A debate took place (8th Sept.), which awoke kindly feelings. Mr. Williams moved an address to the Governor, praying that a sum might be put upon the estimates to maintain in "decent order the graves of the officers and men who fell during the wars with the natives." He told how the Ngapuhi warriors, who under Heke and Kawiti at Ohaeawae slew English soldiers, had in after years built a church on the site of the fatal pah, and granted land as a sacred resting-place for the dead; how reverently they had assisted in placing the remains in hallowed ground, and joined in the burial service spoken in Maori by Archdeacon Clarke; how volleys were fired over the graves as fit for a soldier's farewell; and how the two races had joined in hand and heart throughout the ceremonial. Mr. Kelly, from Taranaki, suggested that honour should be paid to the gallant Maoris who had fallen at Mahoetahi and Huirangi. Sir D. McLean and Sir G. Grey chimed in with friendly voice. Katene and Parata welcomed the kindly feeling shown by the House. Parata said: "I speak not now only of those who fought for the Queen, but of all. There is no fighting now, and the time has come when the Legislature may pay equal honour to those who fought on both sides.

Hearts which are now dark will be comforted when these things are done."

It has been contended an absence at *Māori* sessions, but the business of the session was the abolition of the provinces. Vogel was not in the House. McLean obtained leave of absence for him for the session. Mr. Ballantyne remarking that the country would gain if the absence were prolonged indefinitely." Major Atkinson (St. Andrew) moved the second reading of the bill to abolish the provinces. "I recommended a clause for enactment of Road Boards, but the government, not knowing what form of government those bodies would be desirous of assuming," would be prepared to make any alteration which honourable members representing those districts might desire. Road rates and licenses were to be handed to cities and town boards. But for the title of the bill, which warred against the provincial ideas, by means of which Mr. Vogel had expelled Mr. Weld from office in 1865, there was no evidence of a desire to destroy local government; and through the enactment of Road Boards, the arts by which Vogel had maintained a majority in administering public loans, might be revived under another name. Gaols, harbours, police, lunatic asylums, and education were to be the care of the General Assembly. Major Atkinson admitted that in the past the distribution of public revenues had been injurious, had been indeed "a gigantic scramble on the floor of this House, or in the lobbies," but he expected that annihilation of the provinces would purify the parliamentary air. Sir G. Grey opposed the bill in a speech, of which a member said, that, though it had not convinced, it was admirable for its eloquence. Mr. Reader Wood analyzed the financial aspect. "Pass this bill, and the last trace of the land fund of the colony will vanish like a streak of morning cloud; pass it, and you strike a blow at the credit of the colony under which it will reel again." The House sat late night after night. Mr. Montgomery quoted the public complaint of Vogel, that instead of £8,000,000 sterling, only £6,500,000 had been spent on railways, the difference being "represented by the expedients to which we have had to submit in order to purchase support from the provinces." "I can understand this regret,"

said Mr. Montgomery, but "history will say that the government might have withstood unjust demands, that they should not have been afraid of losing their positions, that it was the lust of power that made them thus dispose of public property. . . . They regret it, not for the wrong done, but for the amount of money it cost to do it." Mr. Tribe said that because change was necessary he would vote for the second reading. "If I have the honour of a seat in this House next session I shall have to come down and take part in a scramble. I suppose I shall have to fight the battle and log-roll as well as I can." Vogel's method of "purchasing support" had so dulled the moral sense of the House, that no exception was taken to this language. The government had a majority in the House, and the fame of the devices of the opposition spread beyond the bounds of New Zealand. On the 17th Aug., after long debate upon formalities, and further debate when points of order had been set aside, the House sat till daylight streamed in upon the Chamber. That night Mr. Rolleston denounced the bill. If it should pass, separation of the two islands would follow. The ministry was governed by Mr. Stafford, and who guided Mr. Stafford Mr. Rolleston could not tell. The House was asked to launch into chaos. If the bill should pass, the land laws of the provinces would soon be moulded on a uniform plan, and the land fund would be common revenue. He had but one hope; that the Council, which had already averted many mischiefs, would refuse to pass the bill. Mr. Bowen (Minister of Justice) admitted that Vogel had "given way to provincial pressure, as all Colonial Treasurers had to give way before him;" but he did not quote the opinion of any other Treasurer that the support was bought at a price. He affirmed that if the bill should not be passed "a scramble would take place within a year that would ruin the finances of the country." Stafford threw his ægis over the men who had hurled him from office in 1872. He disclaimed the post of guide to the ministry, but supported them. Mr. Fitzherbert ruthlessly showed (20th Aug.) how earnest had been the praise bestowed by Vogel and Fox in 1868 upon the provincial governments, which Vogel and his colleagues in 1875-

faithlessly strove to destroy. Mr. Stafford was in 1856 a party to the compact to localize the land revenue. Then he acted in a provincial spirit. Now he "comes forward as the champion of centralism." . . . "By all that is honest, by all that is respectable, by all that is honourable in political life, and by all precedents in countries where parliamentary government exists, I say most plainly that, as men of honour, maintaining the opinions which they came into office to support, the ministry should no longer be sitting on those benches. They were pledged by all that men hold sacred to vacate their seats. There is no term of opprobrium too strong for men who so abandon their principles. These are facts. I have proved them in the course of my speech." The second reading of the bill was carried by 52 votes against 17. The struggle in committee was yet to be encountered, and the government announced (2nd Sept.) that to secure general support they would introduce ancillary bills—to divide the provinces into districts in which Boards of Works would be elected, and in which the balance of the land fund would be appropriated—and to create or confirm in each province Boards of Education in which existing reserves of lands for educational purposes would be vested. Sir G. Grey had already provoked ironical laughter by high-sounding allusions to the rights and liberties of man, especially of man in New Zealand, and he made a speech strangely compounded of such sentiments and of assertions that the New Zealand Assembly ought not to pass the bills without obtaining the sanction of the British Parliament. The government seemed determined to sit in silence until the opposition speakers might be exhausted. Mr. O'Rorke, before the committee sat, denounced the mode in which Vogel, having "floated into lucrative office" on the strength of provincial professions, "turned traitor to the cause which placed him in office." The government remained silent, and victorious. But the defeated did not abandon the field. Every material for debate was seized upon. Public meetings were held at Auckland and elsewhere to strengthen the hands of the opposition, who were pertinacious in committee, and battled throughout a night. At six o'clock in the morning (10th Sept.) there was an adjournment

until ten. All day long the battle—*si rixa est ubi tu pulsas, ego vapulo tantum*—was waged in the same manner. When the time arrived for the ordinary sitting of the House (10th Sept.) the mace was removed from under the table, and a debate on the imputed irregularity of procedure arose. At last progress was reported, and Sir D. McLean moved the adjournment of the House until the 14th Sept., in order that an arrangement might be made “to terminate the existing differences.”

On the 15th Sept. he announced the terms agreed upon. The bill was to be allowed to pass without unreasonable opposition in committee, the government agreeing that the date for bringing it into operation should be the day after the prorogation of the first session of the new Parliament. Sir G. Grey did not approve of the terms (made by Mr. Fitzherbert and others), but agreed to respect them. They were loyally adhered to. In dealing with the revenue derived from gold, Sir G. Grey made known his subjection to the mischievous delusion that the gold export duty was a class-tax. He compared it unfavourably with an export duty on wool. He spoke as if he were blind to the fact that though sheep depastured on Crown lands produce wool derived partly from the public property, they use only the annual grasses which nature rears again (the soil remaining public property); whereas the gold extracted by the miner has been taken from the State treasures for ever; and if no royalty by way of Customs duty or otherwise be charged, has been lost to the public.

The mode of dealing with the land fund was earnestly debated. The Speaker, Sir Dillon Bell, warned the House that to pass a certain clause would force the land fund into the general treasury. He shrunk from the “log-rolling” which he dreaded as inevitable if the local bodies should have funds placed at their disposal by the vote of the House. With few changes the bill was carried and was easily passed in the Council. A Local Government Bill was to have complemented that for the abolition of the provinces. But the government shrunk from proceeding with it. Read a first time on the 30th July, it was afterwards dropped. The ministry held in their hands, therefore, the strings with which they thought to move the



minds of members, and to excite the hopes of constituencies. Pliability of the first, and contentment of the second, seemed yet in their control. The opposition vainly demanded that the new bill should be "made public at least one month before the next session." A motion to that effect was defeated.

But the government could not always command a majority on all questions. A member of the ministry, Mr. Reynolds, introduced a bill to lower the qualification of electors. British-born or naturalized subjects, holding freeholds of £50 value, and certain leaseholders and house-holders of not less than £5 yearly value, as well as holders of miners' rights, were already voters. Mr. Reynolds proposed to make the suffrage almost universal. Every resident for twelve months, except a Maori, was to be entitled to registration as an elector. Mr. Rolleston and others objected to the bill. Tairaroa asked: "What is the good of allowing people to vote having no qualification beyond simply living in New Zealand in a house for twelve months? Why if such votes were to be lawful should not Maories have them?" He read a clause in the Constitution Act which prevented infliction of disabilities or restrictions on natives. Parata and the other Maori members opposed the bill. Mr. Reynolds admitted that he could not blame them. "I am not at all astonished that they should be suspicious of me; for no doubt they have been reminded that I have stood alone on the floor of this House and objected to any Maori being admitted except under the usual franchise." The bill was thrown out. Mr. Wakefield subsequently carried a Lodgers' Franchise Bill in the Lower House, and it passed easily through the Council, where Mr. Waterhouse remarked that it might have the effect of averting the misfortune of universal suffrage.

A bill to raise the number of the Representatives to 84, exclusive of the Maori members, was carried through both Houses. An Act was passed (Immigration and Public Works Appropriation) which restricted the powers which the ministry had exercised over the expenditure of borrowed money. On the 21st Oct. the session, memorable for all dwellers in New Zealand, came to an end, and the agitation within was exchanged for that without the halls of legis-

lation. Vogel did not return to New Zealand while the Assembly was sitting, but his correspondence on the loan was produced. There was, as usual, bitter animadversion on Dr. Featherston by Sir J. Vogel, who could not forgive the fact that the Crown agents, Sir P. G. Julyan and Mr. Sargeaunt, agreed with Dr. Featherston. He endeavoured to weaken the position of his colleagues by denying the accuracy of their statements, though aware (he wrote) "that you have the advantage of numbers." Those who knew Dr. Featherston knew also that the advantage was not confined to numbers. Writing angrily about immigration to Dr. Featherston, Vogel communicated to him a telegram from New Zealand to the effect that one of Featherston's despatches was "intolerably disrespectful," and would not be recorded; and he rudely set aside Featherston's disclaimer that there was no intention to be disrespectful. Simultaneously with making personal charges, the Treasurer, as if bent on extruding the obnoxious agent, dictated elaborate changes in the agent's department. With sad dignity Dr. Featherston defended himself by admitting that he had been compelled to write much that he would have wished unwritten, as, during the year—"there are not many charges that could be brought against the character of a public officer respecting which I have not had occasion to defend myself in replies to your despatches. . . . It was my duty to my own character, it was my duty to the colony in whose service I have spent many and not useless or unhonoured years, not to leave such charges unanswered." Frequently called upon in times of difficulty to serve the colony, he had ever received ungrudging acknowledgment of his services, and conscious of his rectitude he did not lose confidence that, notwithstanding temporary misconception, the labours of his department would yet be appreciated by the people of New Zealand. The followers of the *novus homo* of New Zealand could hardly read such a paper without compunction, but they did not free themselves from his yoke.

The position of members was found equivocal with regard to a Disqualification Act of 1870. Passed in a spasm of virtue, its provisions were found too cramping. One member complained that because in his capacity as



actions of Homer seem to have been as little cared for by his contemporaries as were those of Shakspeare by the bulk of Englishmen. If Shakspeare's partners had not printed his works soon after his death; if his dedications of his poems to the Earl of Southampton had not furnished unshakeable proof of his position among the best spirits of the time; if Milton's immortal praise had not hymned him while the sound of his voice still lingered in the ears of his lovers; if Ben Jonson and a few others had not vouched for their knowledge of the man and of his works, there might, even though printing had then been invented, be a lack of evidence to resist the ridiculous fable that although Shakspeare lived he did not write Shakspeare's plays. It was not likely that the pioneers would find favour if their claims had been reasonable; and it could not be denied that their opportunities as firstcomers had, like their difficulties, been great. Many of them were still eminent amongst the successful. For the others new men cared nothing.

The Governor sent a special report upon the Act to abolish the provinces. When its provisions were analyzed an impartial observer might well think that the opposition to it had been based, if not upon distrust of its propounders, upon the subtle influences of sentiment. It enacted (§ 11) that contracts, &c., with provincial superintendents could be enforced against the Crown; guaranteed compensation (12) to displaced provincial officers; appropriated certain fees, &c. (14) to local boards and municipalities; appropriated (15) certain goldfields' revenues locally (declaring them to be no longer land revenue!); charged the land fund (16 to 19) with all provincial encumbrances of principal and interest, surveys and annual payments to local governing bodies; and imposed on the consolidated fund the costs of police, gaols, harbours, and many charitable institutions. The provincial spirit breathed in the Act which slew the provincial bodies. It might safely be predicted that either the spirit would be exorcised in the future, or that the central government would lose credit and usefulness. The land fund would be a bone of contention.

In the end of 1875 the Governor dissolved the House, and elections were held immediately. In Otago and in Auckland some members who had voted for abolition were

rejected; but in other parts of the colony the result was favourable to the ministry. Sir J. Vogel's return to the colony induced Dr. Pollen to resign the leadership, which the former reassumed. Before doing so he arranged with Dr. Pollen that a sum exceeding £4000 should be allowed to meet the expenses of his recent mission to England. He wrote: "I do not pretend to have been economical." About a third of the sum had been agreed upon when the mission was undertaken, but no one seemed to think it necessary to respect the agreement. Sir D. McLean retained the office which had become his indefeasible right. To facilitate the formation of an Executive Council when the Governor visited Auckland, Mr. Swainson, who resided there, was retained as an Executive Councillor. His high character, his long acquaintance with New Zealand, and his services as Attorney-General in former times, rendered the compliment such as none would object to; but it was understood that he would have declined to accept it if political sympathies or services had been included in the acceptance. A succeeding ministry continued the arrangement.

The deference shown to Sir J. Vogel was manifested by postponing until his return the consideration of a circular despatch on the subject of island annexation. The horrors of abduction and brutality practised by white scoundrels in the Pacific, the retaliation by islanders who slew their best friend in revenge, the intercession of the colonies, and a sentiment of honour, had induced England to annex the Fiji Islands with the declared consent of the ruling chiefs. In 1874, Lord Carnarvon had inquired whether the Australasian colonies would join in contributing a small sum (in no case exceeding £4000) to maintain the Fiji civil establishment whose creation they had urged. The colonies did not agree. New South Wales was ready to share the burden with England. Queensland shrunk from all responsibility, although the "labour traffic" amongst the islands had contributed to her needs; New Zealand would not assist unless with a voice in administration. Victoria asked for more information, and suggested that no colony should be permitted to acquire privileges in Fiji from which any other "should be shut out." The burden

remained with England. In July, 1875, Lord Carnarvon asked whether any principle could be adopted by which colonies advocating annexation might in future meet a proportion of its costs. Pressure at the time was brought upon the Colonial Office to colonize a part of New Guinea. It was not until April, 1876, that his ministers enabled the Marquis of Normanby to reply to the circular, and the reply was more argumentative than precise. The Marquis himself was of opinion that, in future, England, if urged by a colony to annex islands, should arrange with the applying colony as to the terms of contribution to maintain the government to be established. Long before the New Zealand reply reached England the Earl of Carnarvon had decided not to take possession of New Guinea and other islands, the annexation of which had been proposed to him.

Among other objects to which Vogel devoted himself was the inscription of colonial stock. Mr. Westgarth, a colonist of Victoria, who had returned to London, had for some time striven unsuccessfully to obtain the registration of colonial securities and to make them passable or not passable to the bearer. The New Zealand negotiator was more fortunate. The Bank of England agreed to inscribe New Zealand stock. The Colonial Office undertook to consider the propriety of introducing a bill to facilitate such transactions for the Australasian colonies, by defining the stamp duties payable, and fixing the rates at which they might be compounded. Vogel left to Dr. Featherston and others the task of promoting the bill. It was not concluded when in June, 1876, resignation, speedily followed by death, removed Dr. Featherston from the scene in which he had borne contumely from the man who was to succeed, and who had been suspected of a design to supplant, him. The Colonial Stock Bill was passed in 1877, while Vogel was Agent-General for New Zealand. No Imperial guarantee, direct or indirect, was attached to the stock. By enabling colonies to convert bonds and debentures into registered stock it was held that business in colonial securities would be facilitated.

Reports from officers in native districts were in one sense encouraging. Major Mair reported that Tawhiao's advisers had "introduced a temperance movement" amongst his



already intervened, and the government had been placed in a minority in opposing the suspension of the Standing Orders. Indisposition of the Maori petitioner having debarred his attendance, McLean moved the dismissal of the petition. A member pointed out that, if the petition were dismissed and no fresh writ could be issued, the Eastern Maori district would be unrepresented. Major Atkinson revealed that the government weapon had two edges. On dismissal of the petition a new writ might be issued, and thus he presumed the House "would comply with the object of the petitioner." Taiaroa said that, pending inquiry, Karaitiana ought to take his seat. The fault was with "the government officers, who, perhaps, were vexed at what Karaitiana had said in the House." Mr. Reader Wood suggested inquiry by a committee. Vogel, asserting that the government "had no feeling in the matter," desired an adjournment to enable them to consider so "novel" a case. As two of his colleagues had proposed measures for dealing with it, the assertion carried little weight. A select committee was appointed. Mr. Curtis, member for Nelson city, was chairman, and a proposition that, pending a decision, Karaitiana should take his seat, was rejected. On the 4th July, without having heard any evidence, McLean carried in the committee a motion that as no member had been returned a fresh writ should be issued. An interim report to that effect was made to the House, and Vogel moved that the Governor be requested to issue a writ. Mr. Swanson asked for the evidence taken by the committee. Mr. Tole dissented from its report. McLean vied with Vogel in asserting the indifference of the government. The speediest way to confer their electoral rights on the Maoris was to issue a new writ. A member retorted that the speediest way would be to direct Karaitiana to take his seat. The Western Maori member, Nabe, though he would have preferred a different representative, thought it but fair that Karaitiana should at once take his seat.<sup>4</sup> After much

<sup>4</sup> Two years afterwards, Mr. Ormond, while endeavouring to disfranchise Maoris, unguardedly threw light upon the subject. The government hoped to reverse the first verdict of the electors with regard to Karaitiana. "The truth was" (Ormond said, 26th Sept., 1878) "that it was in con-



Senator Mr. Stout (Dunedin city) moved that the interim report be referred back to the committee with instructions to report within a week whether any persons were prevented from voting, and whether if so the result of the election had been thereby altered. Vogel, fearing defeat, withdrew his motion. Mr. Stout's motion was carried. The committee took evidence. The tribal influences prevailing were shown in the returns produced. At Napier, Karaitiana, the Karikahungunu chief, polled 127 votes. His three opponents polled none. At Opotiki, Karaitiana polled one vote. One Arawa chief polled 64 there, another Arawa 105, and the Ngatiporou candidate 5. It was alleged that at the place where no poll was held the Ngatiporou, though lowest on the general returns, would have received enough votes to place him at the head. Contradictory evidence was received. Henare Tomoana, the foiler of Te Kooti, was named in a list of eighty who had intended to vote for his candidate, Karaitiana, but were prevented. Mr. Tole moved that Karaitiana had been duly elected, and should be allowed to take his seat. Mr. Stafford moved that an additional poll should be taken at Kawa-kawa, and the votes be added to those already returned. Mr. Stafford's amendment (the third device to exclude Karaitiana) was carried. Mr. Tole's proposition was carried, together with the suggestion that, though the evidence was conflicting, the committee were of opinion that the result would not have been altered if a poll had been taken at Kawa-kawa. Mr. Tole, making a merit of necessity, announced that the committee would not oppose the conclusions arrived at by the committee. The return was ordered to be amended, and on the 8th August Karaitiana took his seat, well knowing the efforts which had been made to exclude him. After such an electoral campaign, McLean could hardly wonder at Karaitiana's opposition. On one occasion he declared that he had known McLean from his youth, and "did not know that his works had been good."

the intention of that very returning officer (who looked upon government returning officers) that the candidate who was a government man was not returned. How often a simulated vote is given when the removal of former difficulty would be a result to our difficulties!

. . . "The reserves made by the natives for themselves at the time he was Commissioner had been purchased by him. While he was minister, some of these lands were passed through the court, and he bought them. He had bought large blocks for himself. . . . Through plunder he had gained his present position. . . . It was through deceitful sales that he had got so much land." . . . Karaitiana, distrustful of the government, threatened to go to England for the justice which was denied to him in the land of his forefathers. Meanwhile he supported Sir G. Grey, the accredited leader of the opposition.

War in New Zealand was transferred from camp to Council. The Governor's opening speech (June, 1876) invited the Parliament, in consequence of the abolition of the provinces, to give to towns and country districts a larger share of self-government than they had previously enjoyed. Counties were to be established, with "powers and revenues of an independent character, but with liberty to adopt concerted action with boroughs and road districts." A Land Bill was promised. Before the government could proceed to business, an act, done by them before the meeting of the Houses, stopped their way. It will be remembered that a bill, under which Mr. Whitaker would have been enabled to make good a defective title at the Piako swamp, was lost in the Legislative Council in 1875. Mr. Whitaker was a power in the House. He had been frequently a minister. It was convenient to strengthen his friendship. Before the Parliament met, the government ventured upon a bold step. They published an Order-in-Council, making regulations for sale of the land at the Piako swamp to Messrs. Russell, Whitaker, and their associates. Before business was entered upon, Sir G. Grey obtained the suspension of the Standing Orders in order to move that the hand of the government be stayed until the House could discuss the Order-in-Council. When the motion to stay procedure was submitted, the government secured 29 supporters against a like number of opponents. Mr. Fitzherbert voted with the Noes, "that an opportunity might be given for further discussion." (He had been elected Speaker on the motion of Sir J. Vogel, seconded by Sir G. Grey. Mr. O'Rorke was again Chairman of Com-

mittees.) The debates proved that Vogel had more than once discussed the subject with Mr. Russell when the Piako swamp was applied for (1873), but Vogel declared that to assert that he would favour Mr. Russell or others was beneath contempt. Yet favour had been shown. The Piako swamp was open for selection between 1866 and 1871. At the latter date, under fresh regulations, it ceased to be eligible. Nevertheless, in 1873, the selection at 5s. an acre was unlawfully permitted, with an arrangement that the government should contribute at the rate of 2s. 6d. per acre towards the cost of making a road. Even these terms were designated by Mr. Russell as "too hard;" and Sir D. McLean "considering the heavy outlay" to which the purchasers would be subjected "in roads and drains," agreed "to accept the payment of 2s. 6d. per acre within two years." Nor were these all the favours conferred. The block was about 82,000 acres. There was an adjacent block (Tawera) of 5370 acres of good land, and it was added to the Piako block without allowing the public to compete for it,—the government negotiating for its purchase with resident natives, so as to enable Mr. Russell and his friends to receive it. A member told the House that the Tawera block was itself worth all the money paid for the 87,370 acres. Such were the facts which furnished debates extending through many days. But the time was unpropitious for doing justice. The abolition of the provinces seemed to demand that the ministry which abolished them should complete the subsidiary arrangements; and at a meeting of his supporters, Sir J. Vogel coupled continuance of the government with support of the Piako transaction. The members submitted. He carried a motion (22nd June): "That this House will not interfere to prevent the issue in the ordinary course of the Crown grant for the Piako swamp." It was not until the ministry was thus assured that an unopposed address, in reply to the Governor's speech, was carried. In the Council, in debate on the address, Vogel's former colleague, Mr. Waterhouse, quoted a speech in which Major Atkinson urged electors, if they "desired to secure their interests, to elect Mr. Bryce and Sir J. Vogel unopposed." Another man wrote to them: "I have no hesitation in saying that a vote of at

least £100,000 might be obtained next session for harbour works for Wanganui by the election of Sir J. Vogel for this district, &c." "If that is not an attempt at bribery and corruption I do not know what is," said Mr. Waterhouse. The Piako swamp difficulty engrossed Vogel's attention at the time; but when it was surmounted he called Mr. Waterhouse's attack "coarse and disgraceful." He insinuated that the letter about the £100,000 was published to damage his election. He did not deny that Atkinson had expressed a hope that his colleague would be returned unopposed; but the Major was pure and the constituents were pure. Major Atkinson virtuously declared that he knew the constituency too well to make such an offer as Mr. Waterhouse had "dared to insinuate."

Early in July, Vogel's financial statement was made. The gross public debt was stated to be £19,543,194. The annual charge exceeded £1,000,000 sterling. The general revenue was about £1,703,000; land revenue, £750,000; gold revenue, £85,000. To supplant the provinces, and distribute monies locally, districts to be called counties were to be created. The ministry were "still willing to give" to the counties the license fees collected within them; and "the subsidies payable by the legislation of last year, amounting to £2 to £1, we intend to equally divide between the road districts and the counties." There would also be granted from the Consolidated Revenue 5s. for every pound raised by private subscriptions "for charitable" purposes. To make the grants possible, the upset price of land was to be changed. Wherever it was less than £2 an acre it would be raised. The government were about, by "a revolution in the system of native land purchasing," to crown the edifice of New Zealand greatness. The formal resolution moved was to sanction the demand of increased price at all future sales of land, but the amount of increase was not defined. As might be expected, the finger of the government was dreaded. At Canterbury and Otago the provinces had always striven to conform to Wakefield's idea of a sufficient price. At Canterbury it was £2 an acre. At Otago it varied according to classification, reaching sometimes £2 5s. an acre. At Auckland first-class land was 15s. an acre; second-class, 10s.; third-class, 5s.;—and

... was not ... while ... the government ... the Piako ... Mr. Vintager hardly ... had no idea of ... the government with regard to price. ... "statement absurd:" ... the Piako transaction. ... self-condemnation. Sir G. ... and stamp with repro-

... the death of Dr. ... in London. Both Houses ... the loss sustained. Vogel ... his insulting letters to ... were "owing to the necessities ... Sir G. Gray significantly said ... "an example of high- ... advantages for himself at the ... Mr. Fincherbert, in committee ... and the colony has lost a ... it is that he died poor.

... opportunities to enrich ... who coveted the opportunities ... which rejected them. ... suspected the covetous. Mr.

... whether the government would ... appointing an Agent-General. ... had not discussed the ... opportunity should ... "considering any appointment

... purpose making of Agent- ... "that the government ... confidence as soon as they ... Mr. Murray withdrew his

... whether Vogel ... appointed, and the suspected appointee gave a ... adding that it was "impos-

... under considera- ... challenged the position of the govern-



ment." One of the resolutions was moved by Mr. Whitaker, a beneficiary in the Piako swamp transaction. On the 1st Aug., he moved that the law by which the land fund was made provincial revenue ought to be revised. "All assets and liabilities of the several provinces should be assets and liabilities of the colony." When Whitaker had been defeated, Sir G. Grey moved that the state of the colony required revision of its financial and constitutional arrangements,—that "the unity of the colony should be maintained,—and that there should be two local governments, one for each island." Auckland was to be the seat of the local government of the North Island; Christchurch of the South; and Wellington was to remain the seat of the colonial government. Mr. Woolcock reminded the House that Vogel had in 1874 declared "that £1,500,000 had been diverted from its original purposes through the log-rolling pressure of provincialism. On that point I blame the present occupants of the ministerial benches, and I say to them now that it would have been far more dignified, and would have been far better for their own good name, if they had adhered more firmly to their policy and less closely to their seats on the benches." Mr. Stout sarcastically showed that in 1870 Mr. Vogel lauded the Public Works and Immigration Acts because they tended to constitute "one province within each island." "The greatest torture you could give him now would be to compel him to read his speeches in the past." But victory remained with the tortured. It was while the case was undecided that Vogel said that the government could not consider the appointment of an Agent-General. When Takamoana supported the resolutions, Mr. Tole, who had urged that the chief should take his seat in the House pending an election inquiry, pointed triumphantly to the demeanour of the "gentleman whom it was sought by every possible means—by summary jurisdiction I may say—to oust from the seat in this House to which he was so justly entitled."

A new member, Mr. Edward Wakefield, made an onslaught upon the government. He had been private secretary to Mr. Stafford. Though now arrayed against Stafford, it was not against him that his shafts were

directed. On the contrary, it was to him he attributed the wholesome measure of abolition. He declared that he supported Sir G. Grey's resolutions as the complement to abolition. He attacked McLean as an incubus upon the country. He denied that McLean had secured peace. He denied that the prosperity of recent years was due to Vogel's policy. "I say distinctly, and I am prepared to prove, that the ministry which has virtually been the ministry of the present Premier since 1869, has been the most corrupt ministry that ever held office in this country." Abolition was advocated by Stafford from the heart; by Vogel "to prolong his tenure of office."

The resolutions in favour of reconsideration of financial and constitutional arrangements and of maintaining the unity of the colony were accepted. On the question "That there should be two local governments, one for each island," the government successfully resisted. But they were weaker in the new than in the old House, and Vogel recognised the expediency of feathering his nest elsewhere. He announced (29th Aug.) that his colleagues had pressed him to accept the office of Agent-General, and that he had consented to do so for a brief period. At his suggestion Major Atkinson had been called upon to form a new ministry. Opinions were excited. That there was foundation for them was exposed in 1878 by Mr. Stout, and was generally confessed by Major Atkinson. The words spoken in 1858 throw vivid light upon the deeds of 1876. "Was Sir J. Vogel," asked Mr. Stout, "that Sir J. Vogel was to cease to be Agent-General, and that he was to get an enormous sum, something like £18,000, for inscribing the stock?" Atkinson denied. "The honourable gentleman deny that it was proposed that Sir J. Vogel should receive an allowance for inscribing the stock." "Major A.—No, Sir. As one of the agents. Mr. Stout.—Of course not. He was to cease to be Agent-General, and a friend of the government (Mr. Stafford) was to be rewarded for his protection of the government put into the position of Agent-General." Atkinson denied that there was any arrangement; he would not be fooled. "I admit," he said, "there was no bargain, but was it not intended if the

government remained in office that Sir J. Vogel should cease to be Agent-General and that (Stafford) the friend and guide of the honourable gentleman was to be appointed in his stead? *Major A.*—If he wished it. *Mr. Stout.*—Exactly. If he wished it. And the honourable gentleman does not call that an arrangement. *Major A.*—An official offer had never been made. *Mr. Stout.*—It was arranged behind the scenes,<sup>5</sup> and that is why we want a Disqualification Bill, because arrangements of this sort do not tend to the purity of Parliament.”

These things were studiously concealed when, with the potentiality of place in the eyes of Stafford, and commission on inscription of stock looming large in his own, the budding Agent-General of the hour addressed the House in 1876. With much truth and equal affectation of sorrow he affirmed that the land, “which would always remind him of the successes he had won,” would be left by him with great regret, but he felt he was pursuing the right course. Mr. Rolleston said that Vogel, employed on his return from England, in order to carry out the loan policy, was now, by grasping at a subordinate post, inflicting an unconstitutional wrong upon New Zealand. Mr. Waterhouse in the Council declared that just as a crucial period of the loan policy had been reached, and it was imperative to substitute a new form of government for that which had at Vogel’s instigation been destroyed, Vogel, on a plea of ill-health, was slipping from his responsibilities. The plea of ill-health might be disregarded inasmuch as the office of Agent-General was engrossing and responsible. Moreover, no steps should have been taken to appoint him to that post while his unauthorized drawing of an advance of £4000 from the Agent-General in 1875 was unexplained to Parliament. The ministry formed under Major Atkinson on the 1st Sept. did not live a fortnight. Mr. Ormond was a member, and so was Mr. Whitaker, who had a few days before divided against the ministry on Sir G. Grey’s separation resolutions, and was therefore hostile to the policy which Major Atkinson announced that the new ministry would maintain. Mr. Waterhouse (4th Sept.) showed that under a Disqualifications Act there could legally be only

<sup>5</sup> See p. 143.



seven ministers sitting in Parliament, and that Mr. Whitaker (under the Attorney-General's Act 1866) was incapable, while Attorney-General, of being a minister or sitting in Parliament.

In the Lower House Major Atkinson had no sooner announced the formation of the ministry than Mr. Andrew asking the House to disapprove of the offer of the post of Agent-General to Vogel, reminded it that the Crown agents in London had requested that "their names might not in future be associated with that of Sir J. Vogel," and contemptuously added that if the friends of the latter wished to set him up in business in London, it would be better to vote him "£3000 or even £4000, and have done with the matter." The "previous question" averted sentence, but could not silence censure. One member denounced the appointment as "the most infamous job that ever disgraced the annals of the colony." Mr. Reader Wood reminded the House of the insults cast by Vogel upon the unsullied Featherston—"evidently as it appears to me with the object of driving him to resign his office as Agent-General in order that he might accept that coveted position into which he has schemed himself at last." Tairaroa was sorry that Vogel was going away before the public works he boasted of could be completed, and the loans definitely dealt with. He saw no harm in employing Vogel in England if he wanted employment, but he was by no means the only man of knowledge in New Zealand. "I think there are many other people here wiser than he. . . . The government say he is the only man. Who knows whether he is? The colony has done him much honour. Let him be treated as Mordecai of old; let him be put upon a horse . . . let him be sent away from New Zealand." Mr. Whitaker affected to be ignorant whether Vogel would accept the appointment under the conditions with which it would be clogged. Vogel raised his voice no more in the House. On the 16th August he had complained of the "foul-mouthed abuse" he had heard in the House, which made him "almost ashamed at times to be a member."

His words were taken down, and he said the result was "eminently unsatisfactory" to him.<sup>6</sup>

<sup>6</sup> The censure was expunged, with others of like nature, in 1892.

On more than one occasion, and in more than one Australian colony, deliberative institutions have been abused by a resort to the physical force represented by bodily endurance. New Zealand became the scene of such a display after Major Atkinson's junction with Mr. Whitaker. The Disqualification Committee of the Council reported (8th Sept.) adversely to Mr. Whitaker's contention as to his position, and on the 12th the Council adopted the report. In the Lower House a committee was appointed (7th Sept.) to consider whether the law had been infringed by the ministry. Confronted by inquiry, Mr. Whitaker did not adhere to his first opinion. He introduced an Attorney-General's Bill to save his position. It was set down for the second reading (8th Sept.) but the government had not circulated it to members, and it was postponed. On the same night the government by a large majority carried a Waste Lands Bill, which extended the principle of deferred payments throughout the colony. On the 11th Sept. Major Atkinson moved the suspension of the Standing Orders, in order that he might force through all its stages a Civil List Bill then exhibited for the first time. Mr. Whitaker had (4th Sept.) invited Mr. Rees and Mr. Stout to test his opinion in the Court of Appeal, and Sir G. Grey put the law in motion to test the value of Whitaker's invitation. The Civil List Bill was an ample reply. Sir G. Grey assailed the ministry for breaking their pledge to test the matter in the courts. The ministerial whip retorted subsequently that Sir G. Grey was "a common informer," for endeavouring to act upon the pledge. On the 12th Sept. Mr. Whitaker, whose position afforded the main butt for the missiles of the opposition, moved the second reading of the Civil List Bill. Mr. Stout answered him, the debate was adjourned, and the ministry sought to evade difficulties by a resignation of office by all except Major Atkinson, and the resumption of office by the limited number permitted by the law. The Disqualification Committee made an interim report (13th Sept.), not obscurely hinting that the ministerial position was unsound, and Major Atkinson promptly announced the fact that the resignations had been tendered. The House adjourned for a few hours, and reassembled again to hear

from the distressed Premier that a further change had been found needful. He also had resigned and had been re-appointed, and the once-confident Whitaker, abandoning his position as Attorney-General, had become, temporarily, Postmaster.

Before the new state of affairs was discussed, Tairaroa moved the second reading of a Maori Representation Bill. He wished to give five members to the North Island and two to the Middle. The House generally sympathized with him, but Whitaker and Sir D. McLean urged that the bill should only be read a second time, and that the matter should then be left to the care of the government in the recess. Tairaroa reminded the House that the existing law would expire in the following year. In 1872, he and Katene had saved the Maoris from electoral extinction by an early visit to Sir G. Bowen. "If this matter be put off till next year, and a dissolution should occur before the end of the year, what will be the position of the Maori members? I suppose we shall be expected to go betimes in the morning and wake the Governor again." Four Maori votes were of some consequence, and Tairaroa carried his bill. In committee the provision to increase the number of members was rejected by a majority of 15, Sir D. McLean voting against the increase. In the Council, Captain Fraser, Mr. Hall, and Mr. Holmes remarked, in passing the bill (27th Sept.), that the legislature had profited much by the intelligence of the Maori members. Captain Fraser said:—"The conduct of the Maoris in the Council would compare very favourably with that of the European members." The European members in the Lower House were meanwhile presenting a strange spectacle to the Southern world. By 37 votes against 15, Mr. Montgomery carried (13th Sept.) the second reading of a bill to preclude the acceptance of paid offices by members. Throughout Thursday, Friday and Saturday, night and day, wordy war was continued on points of order and amendments in the House. The government having maintained their position, Major Atkinson introduced an irregular Indemnity Bill, which relieved the ministers from all expenses of the actions initiated after Whitaker invited Mr. Stout to test the question of disqualification

in the courts of Law. The bill was passed. When Mr. Whitaker denounced the conduct of the opposition as disgraceful, Mr. Wakefield retorted that every honourable member must recollect the infinitely more disgraceful scene in 1868, when Sir J. Vogel was scheming to expel the Stafford ministry, and the House was made "a perfect pandemonium." Favours secret and precious had converted the foes of 1868 into the co-mates of 1876.

Atkinson's new ministry was formed on the 13th Sept., and the Counties Bill was successfully proceeded with. Power was given to the Governor in Council to alter the boundaries of counties by proclamation. A scale of voting was fixed, by which persons rated at less than £50 were to have one vote; persons rated at £50 to £100 were to have two votes; those rated at from £100 to £150 were to have three votes; those rated at from £150 to £350 were to have four; and those rated at £350 and upwards were to have five votes. An analogous provision had been in operation in Victoria for many years in boroughs and shires. It did not extend to elections for either House of Parliament, nor was it proposed that it should do so in New Zealand. Strenuous efforts were made by a minority, including Sir G. Grey, to excise the provision from the bill. The third reading was made a vehicle for opposition to the abolition of provinces, to which the bill was ancillary; but there was a majority of 21 in its favour. Rates, tolls, fines, and other endowments were secured for the counties, and under a separate Financial Arrangements Act a portion of the land fund in each district was allotted to them. The Legislative Council objected to the borrowing powers conferred, and more than one free conference was held before mutual concessions secured a final agreement, and the bill became law. The same fate attended a Rating Bill. The Financial Arrangements Bill provided for subsidies to county councils, to road boards, and to river boards. A member complained that provincialism had been abolished only in name while its evils were kept alive; but the bill was passed.

It will not have been forgotten that when Vogel was Treasurer he declared that a million and a-half sterling devoted to railways had been diverted to provincial pur-

poses, and represented the amount paid to purchase support in the provinces. The evil which he privately pampered and publicly bemoaned was kept in vigour by the measures of his successors. The fourth section of the Financial Arrangements Act having charged the land fund with interest on provincial debts and subsidies to county councils, road boards, and river boards, and various local wants—and the 13th section having commanded the consolidated fund to issue for five years to every borough council a sum equal to its general rate not exceeding one shilling in the pound, and to every county council and road board a “sum equal to the sum payable to such county or board out of the land fund”—the 15th section kept alive the purchasing power of the government by enabling the Treasurer to make temporary advances “to meet payments authorized by this or any other Act, *before it is known* to which of the accounts provided by section 4 the same are chargeable.” It was in vain that the opponents of the abolition scheme averred that the evils of the provincial system, if any, were stereotyped under another name, by the new law, while provincial independence and local government were destroyed. A Waste Lands Act (40 Vict., No. 51) defined the territories which were to become land districts throughout the colony, and substituted the word Governor throughout for the familiar term of Superintendents of the provinces. Sent to the Legislative Council a few days before the end of the session, the bill was amended, amid many complaints that more time had not been afforded for its consideration. After conference between the Houses, it was passed confessedly as a temporary measure. It did not abolish the existing differences in the upset price of land in various provinces, and left a legacy of trouble to a future session. The prophet of the age in burning words had denounced the gospel of mammonism which he saw, like a many-handed monster, crawling over Europe, and choking the nobler aspirations which from the truer heart of man teach that the end of government is “to guide men in the way wherein they should go, towards their true good in this life, the portal of infinite good in the life to come; to guide men in such way, and ourselves in such way, as the

Maker of men, whose eye is upon us, will sanction at the great day.”<sup>7</sup> That against which he raised his trumpet-voice in the old world was unchallenged in the new. To make well-ordered and to train for infinite happiness the dwellers in New Zealand was not the task to which its law-makers were invited. To make the land clank with the multitudinous noises of labour, to swell its lists of exports and imports, to wrest from it its mineral wealth regardless of the ends to which it was to be applied—this was the highest hope of those to whose guidance the land was committed, and they were mainly enabled to perform it by the scrapers for gold who controlled elections in the populous south, which first sent Mr. Vogel to the halls of legislation. More money was required in 1876, and a new Loan Act (£1,000,000) was passed. The public debt at the end of the year exceeded £20,000,000 sterling. Sir G. Grey protested against the new loan on the grounds that Auckland “had not received anything like that share of the loans to which it was entitled,” and that the Abolition Act had been passed without fair appeal to the constituencies; but, as the House in which he spoke had been elected in the beginning of 1876, members paid little heed to him. In his wrath at the destruction of the provinces, whose cradle he had rocked, and at whose funeral obsequies he was so piteous a mourner, he embittered the enmities existing between himself and others. Nor was he scrupulous in the use of weapons. There is no greater danger to public order in a population injected in a random manner from abroad, rather than growing up as a community on the spot, than the plots of party leaders, who, failing to carry a measure, gratify their spleen by seeking to subvert the Constitution. In lands where law has broadened down from precedent to precedent, and where generation after generation has entwined with the love of country veneration for ancestry, the danger has culminated in rapine and disaster. In a colony where eager adventurers carve with strong hand their own way, they are, from the nature of things, procacious, and, when thwarted, turbulent. The responsibility and the sin are the greater in him who incites them, and Sir G. Grey must bear full blame for the steps

<sup>7</sup> Carlyle, “Past and Present.”

he took to effect his objects. Only reverence for the principles of English common law preserves English colonists from dangers which men from other countries have found sufficient to debar them from founding prosperous communities; and that reverence Sir G. Grey did much to impair. If existing institutions would not bend to him, he would impeach them. Like angry Juno,<sup>8</sup> thwarted above, he turned to those below. On their passions he might play. The disease of democracy, an ignorant tyranny of numbers, might waft him into power. The base Cleon persuaded the select citizens of Athens, where all menial work was done by voteless slaves, to decree the destruction of all citizens of a Greek town, and the sale of their wives and children. What might not an eloquent demagogue hope to do when the mainstay of his power resided not in citizens of ancient lineage, but in the *proletarii* of the age, thousands of whom had swarmed to the shores of New Zealand to gather gold, and were endowed by the folly or arts of her politicians with as ample power over her happiness as the soberest of her sons? On the 21st Oct., Sir G. Grey having failed to carry a Manhood Suffrage Bill, brought in a bill to establish Triennial Parliaments.

Triennial Parliaments, unless they produce the same men for the most part, and thus show that a fresh election was not needed, are violent disturbances. They tend also to neutralize the efforts of the patriotic. In the first session of a new Parliament an appreciable proportion of new members has not acquired a fitness for its work. If the third session be also the last, their minds are unsettled by the approaching dissolution. There is but one session in which they can hope to be of use. They are driven or led to shun the function of representatives by accepting the meaner task of delegates. Thus only can they hope for a renewal of what they call public confidence, but feel in their hearts to be a negation of principle. Sir G. Grey averred that "public opinion changed so rapidly in colonial countries" that triennial parliaments would be an improvement. His bill was shelved by 32 votes against 22. His enemies decried him for the wild opinions which he advocated with the apparent desire to grasp power; and

\* "Flectere si nequeo Superos Acheronta movebo."

not in New Zealand alone there were many regrets that a man who had done good service to the State should strive to destroy the temple in which he was not allowed to act as high priest. To aim at constitutional changes for their own sake is one thing. But for a statesman sworn to obey the Constitution to aim at change in order to wreak his own will is another. It is the act of the discontented gambler, who, having been a loser, breaks up the tables. In this instance the laws had been for the most part framed by the loser. But he had many friends and admirers in New Zealand. His reputation, as to knowledge of Maoris and their language and laws, was superior to that of Donald McLean, who was no longer the accepted oracle that he had been when on each side of the House candidates for office were suppliants for his aid. Sir G. Grey was a power in the House with which McLean had no pretensions to cope, and men said that the Native Minister's life was embittered by the attacks made against him. The old man found defenders; but it was evident that his day had departed.

Sir G. Grey did not improve his own position by entering into controversy with the Marquis of Normanby. Forgetful of his own contests as a Governor, he threw obstacles in the way of the Marquis which should have been repugnant to a noble mind. Once he had wrestled, and not in vain, with the rash injustice of Earl Grey. He had resisted the clamour of Fox and others for popular institutions, which would have been wrested to the wreaking of wrongdoing upon the Maoris. Again, when Fox, wanting the heroic faculty himself, would not recognize the qualities which in the person of Te Oriori rebuked him, Sir G. Grey had occasion to feel how critical and galling the position of a Governor could be made, and how right it was that no man should run even the slightest risk of dragging into the arena of public debate the name of any Governor who was himself sensible of the impartial duty of his position. Yet he strove to embroil the Marquis of Normanby in the political discussions arising out of the abolition of the provinces.

A Taranaki land-claim bill deserves special mention because it throws light upon the methods by which Vogel



and his colleagues carried their measures with the aid of Mr. Stafford. Mr. F. A. Carrington, Superintendent of the Taranaki province, was a member of the House. In August he moved for a committee upon what he called the Sartoris and Downe claims. Money had been paid for land selected at Taranaki under the supposition that the transactions of the New Zealand Company in 1840 could confer a title. Mr. Carrington, who had been employed at Taranaki, went to England in 1844, and importuned the New Zealand Company on behalf of his clients. He averred in 1876 that it was through his means that a clause in the Imperial Act 10 and 11 Victoria provided that "those lands whenever they were acquired should be the property of the parties who held the land orders." The claims and liabilities of the company had fallen upon the government when the company expired. A local law (Land Order and Scrip Act 1856) appeared to Carrington to "deprive the parties of the land originally selected." He interceded, and the Act was amended in 1858. The rape of the Waitara was in 1860. War and confiscation followed. But, according to Carrington's statement, when the booty had been seized the robbers disagreed about its distribution. In 1866 an Act was passed against which he appealed to the Secretary of State. Further steps were taken on the spot, and in 1872 Carrington, having obtained a seat in the House, was instrumental in the passing of the "Taranaki New Zealand Company's Land Claims Act 1872," which authorized the valuation of the land (originally selected) by a commissioner. Blood-value was to be the reward, not of the land-order holders, but of the province. The land was valued, and Carrington "got the land orders. When he produced the land orders he was told that there was no land." Such was his tale on the 17th Aug., 1876. He obtained a committee, which (4th Oct.) reported that the order-holders could best be satisfied by money awards, or by grants of land in other parts of the Taranaki province, howsoever acquired by the government.

Major Atkinson brought down a message from the Governor (26th Oct.), with a bill "to settle certain land claims in the province of Taranaki." "It was proposed to

set apart a block of land . . . and to allow the Waste Lands Board of Taranaki to fix the conditions and the price of the land which the claimants (represented by Carrington) were to take." The Taranaki land fund was "very small," and the bill, thus suddenly thrust upon the House on the eve of prorogation, proposed to recoup the province from the general revenue one-third of the amount of the award to the claimants in order that "the road passing by this land" might have a certain expenditure "upon it, in order to carry out the settlement of the country." Major Atkinson said little to rouse suspicion. But a member from the south "did not see why the colony should be compelled to spend £6000 when the claim was entirely on the land fund of Taranaki." Stafford rushed to the rescue. The demand was moderate. He trusted Mr. Reynolds would not persist in his opposition. But other members scented danger. One said the affair "looked very much like a job, as the Premier came from that province, that this money should be given to it at the expense of the rest of the colony." Nevertheless, Atkinson carried the bill through all its stages on the same day. On Saturday, the 28th, it reached the Council, and Dr. Pollen moved the second reading immediately after the first. He dissented from the Act of 1872, and the award made under it, but considered that the honour of the colony was committed to the principles in the bill. Mr. Waterhouse had met Mr. Carrington in a lobby, and that gentleman had "assured him on his honour that it was all right." Mr. Waterhouse was confident, nevertheless, that it was not right that, in such a bill, there should be a clause foreign to its title, and applying the sum of £6000 out of the public works account to the purpose of a road. The Governor could not assent to such a provision in such a bill. Some members thought that the claimants would be severely treated if they should be made to suffer because the fourth clause was irregular. The Speaker, remarking that the bill had only at that moment been put into his hands, thought that the tack of an appropriation clause made it necessary for the Council "either to reject the bill altogether or accept it." Mr. Mantell declared that he would vote against the third read-



put an end to by prorogation, which decided at the same time the fate of the bill.<sup>9</sup> On the 31st Oct., 1876, the wearied Houses were dismissed to their homes without the usual vice-regal speech.

After the colonies in the Pacific became self-governing, their public debts advanced with gigantic strides. In 1873 the New Zealand debt was little less than £11,000,000. In 1877 it exceeded £20,000,000, and there was little prospect that Treasurers would resist the pressure which, according to his own statement, had made one of them misappropriate a million and a half sterling. The payment of interest on the debt was not oppressive while trade was prosperous, but there were ominous signs that when more money might be needed there were partisans who would, to elude economy, raise funds by class legislation which would be but a thinly veiled act of plundering those who were, or were thought to be, rich.<sup>10</sup>

One or two facts as to the revenues of the provinces will explain the feverish excitement about provincial land funds, and at the same time furnish a striking proof that the colonization principles of Edward Gibbon Wakefield had borne best fruit where most faithfully adhered to. New Zealand contained nearly 68,000,000 of acres: of which,

<sup>9</sup> There were many comments upon Mr. Carrington's position, and on the patronage afforded to him. In the session of 1877 he read documents to prove that his claims were righteous, and that he had made no contract for personal remuneration. He looked to "the House to put him right." Mr. Stafford read a letter from England in confirmation of Carrington's statement. Subsequently Major Atkinson expressed a hope to settle during the session "these long outstanding claims." Accordingly a bill was introduced, but it was killed by the fall of the ministry, whose successors deemed it desirable to satisfy the claimants with money rather than with land. On the 6th Dec., 1877, Sir G. Grey being Premier, the bill was discharged from the paper, and on the same day, without a division, £15,000 were voted for the "land claims of Sartoris, Downe, and others, final settlement." When it was voted Carrington had become a supporter, for the time, of the new government, and Mr. G. McLean, a member of the expelled ministry, moved a reduction of the amount in order that Carrington might redeem his undertaking, that "nothing would induce him to take more than 10 per cent."

<sup>10</sup> 1894. Sir H. Maine in his "Popular Government" (London, 1885) thus sanctioned the prediction (1883) of the text. "There are two kinds of bribery. It can be carried on by giving to expectant partisans places out of the taxes, or it may consist in the more direct process of legislating away the property of one class, and transferring it to another. It is this last which is likely to be the corruption of these latter days." P. 106.

omitting fractions, there were 17,000,000 in Auckland, 13,000,000 in Otago, 8,000,000 in Canterbury, 7,000,000 in Nelson, and smaller quantities in the other provinces. It was undisputed that Canterbury had striven to adhere to Wakefield's principle of demanding a sufficient price for land:—sufficient, *i.e.*, to bar the employed from becoming landowners until it was desirable for the general weal that they should do so, and to bar capitalists from acquiring large areas at insufficient prices. It was equally undeniable that, surrounded by provinces some of which offered land at a cheaper rate (and not remote from Australian colonies which did likewise) Canterbury was compelled to test Wakefield's theories under great disadvantage.

Yet Canterbury, out of her 8,693,000 had sold 2,300,000 acres for £3,608,000, while Auckland out of her 17,000,000 had for 2,144,000 acres received only £274,000.<sup>11</sup> Otago had striven to adhere to Wakefield's principles. She had received for little more than 2,000,000 acres £1,787,000. Joining together the results in Canterbury and Otago (including Southland) the comparison with other provinces is startling. Out of 11,915,393 acres sold, from the foundation of the colony till 31st Oct., 1876, for £8,101,859, the enormous proportion of £5,395,000 had been received by Canterbury and Otago for less than 4,500,000 acres. For about the same quantity of land as that sold by Auckland, Canterbury had received thirteen times as much money. And Canterbury was so prosperous that the hearts

	Area.	*£	Acres sold.
<sup>11</sup> Auckland ... ..	17,000,000	274,000	2,144,000
Taranaki ... ..	2,290,000	23,000	70,000
Wellington ... ..	7,000,000	585,000	1,640,000
Nelson ... ..	7,000,000	424,000	1,337,000
Marlborough ... ..	3,000,000	176,000	540,000
Canterbury * ... ..	8,693,000	3,608,000	2,300,000
Westland ... ..	3,045,760	51,096	65,000
Otago ... ..	13,257,808	1,787,000	2,047,000
Southland ... ..	2,780,592	760,000	779,000
Hawke's Bay ... ..	3,050,000	409,000	991,000

It must be borne in mind that Marlborough, Southland, and Westland were created in 1859, 1861, and 1868. (Returns laid before New Zealand Legislative Council in 1876.)

\* Cash received for land from foundation of colony to date of abolition of provinces, omitting fractions.

of Gibbon Wakefield's pupils might rejoice. It was not to be wondered at that the dwellers in Canterbury, while aiding to abolish the provinces, strove to retain for themselves the reaping of that which they had sown. It was perhaps impossible to see what was plain to unbiassed observers,—that no sense of justice would restrain the new central government from opening the purse which they had seized. Having combined with others to override the will of her neighbours, Canterbury was to learn that others would combine against her.

It could not be doubted that the special advantages secured for Canterbury by the sagacity of her founders and the exertions of her settlers would be swallowed up by the needs of a minister in search of money, assisted by craving representatives from other parts of New Zealand. The waste lands of the province to which peculiar value had been given by local laws, and which would under them have been applied for local needs, were to be clutched by others than the dwellers in the province. Raising the price of land elsewhere was likely to promote purchases in Canterbury, and to alienate rapidly the territory on which she had relied for her own aggrandizement, and to which her regulations had given exceptional value. It was little consolation to think that in after times the value of land in other districts might be enhanced, for that also would disappear, and then taxation would lay its hand upon the accumulations of the past to meet the demands (for interest and principal) of the millions, which, at the rate of about £1,000,000 a year, were being added to New Zealand debts. There was much to be said for the policy of centralizing the colonial administration on general grounds, although it was bitter for the provinces to receive their death-draught from the hands of him who gained confidence as their champion. Bitterer still would it be for the men of Canterbury to feel in after times that the safeguards on which they had relied to protect their local revenues would be rent asunder by the centralism they assisted to create. Their remedy was about to be sought under a ministry of which a Canterbury settler was the leader, and it consisted in a rough resort to single electorates of equal population, because at the time when the experiment was made.

Canterbury and Otago were more populous than other districts.

An event, of which the significance was felt beyond the confines of New Zealand, occurred during the recess. The man whose existence as Native Minister had made ministries possible passed away. A sufferer from rheumatic fever in bygone times, worn by anxiety, and harassed by the fierce light thrown upon his official position by unfriendly criticisms, Sir Donald McLean died in Jan., 1877. He had resigned office in December, and had entreated the Maoris to support the government in which his successor (Dr. Pollen) would pursue McLean's policy. He left devoted friends, Pakeha and Maori. The latter assembled to hold a tangi, or mourning celebration. The ancient war-dance, the imported funeral volleys, the orations by chiefs, the chants, and wailing of hundreds of natives, declared the grief of the tribes. Mr. Ormond addressed them, and Mr. Douglas McLean expressed his gratitude for the love shown to his father's memory. A grand war-dance closed the obsequies in honour of "the great Maori mystery-man."

Dr. Pollen had an interview with Rewi, who agreed to discuss matters within his own territory, in order that he might stand on a good footing. The chief recurred to the burden of Tawhiao, "the return of the Waikato to their ancestral lands;" but Dr. Pollen adhered to the policy of Sir Donald McLean. The re-cession of the confiscated land was impossible, but the government would deal liberally with such of the tribe as might return and settle on unalienated reserves available for the purpose. Diplomacy was at a stand.

Litigation meanwhile raised hopes. The Hawke's Bay purchases had afforded opportunities to Mr. Sheehan. When all the legal talent at Hawke's Bay had been secured for the purchasers of the Heretaunga block, he had been invited from Auckland as the Maori advocate. At Napier he had, in 1873, appeared before a commission appointed under an Act of 1872 to inquire into the alienation of native lands. Judge (C. W.) Richmond presided. The Pakeha Maori, Mr. Maning, assisted, with two Maori commissioners, Hikairo and Te Wheoro. The report and evidence filled 256 pages of a New Zealand blue-book, and

Judge Richmond feared that its mass would seem "as untractable as was the business with which we had to deal." Fraud in transactions was the gravamen of the complaints of the Maoris. Inadequate consideration, pressure of old debts, the appropriation of "part of the purchase-money to pay off old scores for spirits" (at a time when it was illegal to allow such debts to be created), incompleteness of payments, secret gifts to procure signatures, deceptive acts on the part of interpreters, want of explanation and of legal advice, were some of the grounds on which Mr. Sheehan's clients impugned the Hawke's Bay purchases.

The European commissioners intimated early in the proceedings that they would not allow the payment of consideration in spirits to vitiate a transaction otherwise unexceptionable. In one case £370, or nearly 40 per cent. of the total, had been so paid. Mr. Justice Richmond reported:—

"This resolution of ours was adopted as members of a court of conscience expressly freed from the obligation of legal precedent. Whatever the law may say upon the matter, it appeared to us that it would be unconscientious on the part of a native who had received value in this shape to attempt to rip up the transaction. . . . At all events, that the law allows repudiation cannot make repudiation honourable or right. On this ground we determined that the native vendor was, *in foro conscientia*, debarred from raising this objection."

There was a flaw in this reasoning to which the judge made no allusion. The signatures of the vendors were signatures of those who had become Crown grantees to satisfy the New Zealand land laws. They were fiduciaries for their tribes, and were so deemed by the Maoris. By Judge Richmond's dictum, if a wily agent could obtain the signature of a drunken trustee the rights of innocent hundreds would in a court of conscience be set at naught. It would have been possible to punish an offending Maori trustee without defrauding the innocent. As Judge Richmond has occupied, deservedly, considerable space in New Zealand story, he may be permitted to explain the moral grounds of his dictum.

"That a breach of law should be remunerated by allowing one of the offenders to break a contract is an anomaly with which it is to be hoped that the native people will not be allowed to make practical acquaintance, as it would tend doubly to weaken their still feeble sense of legal and moral obligation. It would make the matter worse that to the Maori should belong



all the pleasure and the profit,<sup>12</sup> while on the Pakeha would fall the whole penalty of wrong-doing. No worse lesson could be given to a people who have yet to learn that they must themselves bear the burden of their own follies and misdeeds, and not hope to shift it on other shoulders."

No one denied that it was unlawful to include a charge for spirits in the accounts, and that many transactions were completed in public-houses.

Hikairo could not agree with his brother commissioners. He declared that the ten grantees were "chosen as trustees" by the majority of those interested in Heretaunga; they were not to sell. He challenged the inclusion of store and spirit debts in the price for the land, the undue pressure brought separately to bear on the trustees, "sometimes on the roads, sometimes in public-houses, sometimes in bedrooms, sometimes upon the sick. I do not think this was a proper way of making a sale of land." He thought the interpreters, "acting only for the lessees and storekeepers," had caused trouble; and it was elicited in cross-examination that they were to receive from the purchasers a special fee on the sale. On this point Judge Richmond sympathized with Hikairo. "The position was a false one. . . . I cannot wonder at the distrust of the interpreters displayed by the native vendors. . . . The interpreter who translates and explains the contract or conveyance ought to be absolutely neutral. . . . His private business may send him to serve a writ sued out by the purchaser to compel specific performance. . . . Something very like this occurred in the case of Heretaunga." Nevertheless the judge thought that the interpreters had at Heretaunga acted uprightly; although the double functions assumed by them would have "strongly affected his mind"<sup>13</sup> if he had doubted whether the sellers knew what they were doing. He did not close his report without admitting that simple as were

<sup>12</sup> "Resolute against a decision which might weaken the moral sense of a drunken Maori trustee, Judge Richmond gave legal effect to his unlawful acts, and in so doing rewarded the unlawful and immoral act of the debauching and corrupt Pakeha. To him the judge awarded the profit of the debauch. From the widow and orphan that award may have torn the means of living."—Aureretanga, Ridgway, London, 1888.

<sup>13</sup> "What would have been the result of his 'mind being affected' did not appear."—Aureretanga, p. 151.

the requirements that the native ownership should be ascertained, and the general consent to its extinction secured—"they have been disregarded in the existing law as practically administered." He recommended alterations in the law in which he substantially agreed with suggestions made by Sir W. Martin and Dr. Shortland. They had also advised a very crucial check upon fraud, viz., that all purchase-money for native land should be paid into court; but the Commission thought such a provision unnecessary if other improvements should be made in the law.

In the evidence tendered to the Commission, Mr. Ormond was shown to have been one of the purchasers of the Heretaunga block. He was at the time Government Agent and Superintendent at Hawke's Bay. When he persuaded Henare Tomoana to enter upon a campaign against Te Kooti, Ormond had induced a man named Sutton to stay proceedings against H. Tomoana, and Sutton adroitly obtained judgment by default against Tomoana behind his back in the matter of a writ. It was after consultation with Tanner, the lessee, that Ormond obtained suspension<sup>14</sup> of the proceedings against Tomoana. Various devices were resorted to by Sutton and others to procure signatures to deeds of sale. Originally the Heretaunga block had been leased for 21 years, and the lessees inserted improvement clauses the tendency of which might incommode the Maori owners if they should wish to re-enter into possession. But more rapid improvement was desired. There had been an invalid lease in the first instance. Another was made after the Crown grantees were constituted in 1867. In 1869, various trains were laid to extort their consent to a sale. With grantees who were drunkards little difficulty was apprehended. One of them, Kawatini, was persuaded, without consultation with the others, to convey his interest to a butcher, who served Tanner, the lessee, with notice to pay to the butcher Kawatini's proportion of the Heretaunga rents. Tanner (to bar expensive proceedings, though at first he had slighted Parker's position on the ground that a grantee could not sell without consent of the others)

<sup>14</sup> Mr. Ormond's evidence before the Heretaunga Commission.

employed a solicitor (Nov., 1869) to watch for him an action in the Supreme Court, which Kawatini (said to have been seldom sober at the time) had been induced to bring against Parker. The case was discontinued by consent. It was arranged that the friendly Tanner should buy Kawatini's interest; and an equally friendly solicitor, Cuff, kindly examined the accounts with Kawatini. "I see an entry (Cuff deposed) 'Attending on Waaka (Kawatini) and going through accounts.' I went through the accounts with Waaka several times." The result was that Tanner secured the signature of the drunken grantee to the sale of the Heretaunga block. The evidence filled nearly 300 pages. Two will exhibit some of its peculiarities. Mr. Ormond admitted that an additional sum was paid after the execution of the deed. "We took advice and were advised to pay it." Some of the grantees were to receive annuities. One of them was Pahoro. Asked if it was ever proposed to give him an annuity, Ormond replied in the negative, adding: "It would only have been an additional drunk in the course of the year." Asked by the chairman (C. W. Richmond) if the after-payment was understood to be a secret matter, Ormond replied: "No. My understanding was that we had to pay a bribe to secure his co-operation, and the simple question in my mind was whether it was worth doing so or not."<sup>15</sup> According to Mr. Ormond public opinion had been so far educated that it was unnecessary to conceal what was understood to be a bribe in obtaining signatures of trustees who were fiduciaries for their tribe. Amongst devices to obtain signatures of the grantees was paying sums of money for them, in order to make them debtors to the plotters. Mr. Sutton was asked if he paid away a large sum shortly after an arrangement about Pahoro's and Paramena's claims. He said: "£250 for a steam-threshing machine. I suspect it had been bought previously with Paramena's money." "Then" (said counsel) "he had the satisfaction of paying for it twice over?" "I believe so," responded the knowing Sutton. "Why did you retain Pahoro's money instead of paying it over?" "He has never asked for it. He has come to me

<sup>15</sup> Hawke's Bay Native Lands Alienation Commission. Napier: 1873.

for sums of £5 or £10, which I have always paid when he has been sober." "Then you are still in his debt?" said the chairman. "There is a small balance of £40 or £50 still." "Is he aware of this?" "I believe he is—as much as a man can be aware who is almost constantly drunk." One Davie, an hotelkeeper, was in the habit of dealing with Paramena. The negotiators resorted to him. The interpreter whom they employed told Davie that it was desired to obtain an order from Paramena. Davie went to Paramena with the interpreter. "It was useless to ask Paramena for so small an order as £30, as I could get that sum from him at any time. . . . He had settled with me only a week or two before. I had no doubt he would pay when I asked. I was unwilling to go at all, thinking it was coming rather sharp on him." Forty pounds was the amount fixed upon. Paramena was unwilling "to receive money on account of Heretaunga," but the interpreter overcame his scruples and he signed. The order was drawn on Williams, one of the purchasers, but he did not pay it. Davie asked Williams twice and Ormond once for payment. When Ormond was reluctant to pay Davie said: "If he would not give me a cheque I would tear up the note. He then gave me a cheque." The careful Sutton, according to Paramena's evidence, obtained a power of attorney from Paramena, and when the latter was asked to sign the conveyance he did so, saying: "There is nothing for me to do but to sign. I am always signing. I am not desirous to sell." Tanner asked him in court if he raised any objection to the terms of the document, and he replied: "No; because you said it would be useless for me to oppose it." Pahoro said that when the agent went to him to procure his consent at a public-house, "we drank a good deal. There were twenty persons drunk." The interpreters employed by the purchasers were promised (irrespective of their authorized fees) a bonus of £300 if the purchase should be negotiated. The chairman (Judge Richmond) condemned such a procedure. "As soon as an interpreter takes a lump sum for his success, he necessarily becomes a negotiator. The notion that a mere interpreter can have a client is monstrous. With perfect propriety the government regulations afterwards prohibited negotiation

by interpreters." Nevertheless the procedure was not allowed by the chairman to invalidate the transaction before him.<sup>16</sup>

The Maori assessors vainly objected to sanction the arts employed against their countrymen. A licensed interpreter having asked permission to correct his evidence, Hikairo said: "You appear to correct your statement a great many times; is this the last?" and the conscious witness replied: "I hope so."

Unsuccessful before the commission, Mr. Sheehan's clients resorted to the Supreme Court. The arts by which purchases had been made in the first instance were freely used to protect them. Mr. Sheehan told the House in 1877 that a Maori girl, eight years old, was induced to "sign a deed of mortgage to secure payment of certain sums of money," and that an interpreter endorsed the deed, with a "solemn declaration that he had explained the deed, and that the child fully understood it." This, he said, "is only one of scores—absolute scores—" of the Hawke's Bay transactions. The report of the Heretaunga Commission reproached by its recommendations the practices which it had not condemned. It advised that the power of selling land under mortgage should be abolished, together with that of selling land under a Supreme Court judgment; and that costs against natives in cases against Europeans should be forbidden. It admitted that the absence of legal advice "would in an English Court of Equity be a very serious objection;" and Sir D. McLean, in 1873, introduced a bill to remedy the defects pointed out. The weakness of the original transactions was patent; and, to shelter them, the purchasers resorted to strange devices. It was hoped that want of money would bar the prosecution of actions. But self-interest was strong, and many transactions defied justification. To secure a title, where the original purchase-money was about £2000, one set

<sup>16</sup> How one chief, to escape the importunity of Tanner and the interpreter, hid himself in a willowtree one day and in a loft on the next, but finding that others were receiving money he also submitted and signed, and how he was told that the £1000 he became entitled to thereby was swallowed up in paying his previous debts—may be read by the curious in the report of the inquiry.

of conspirators paid no less than £17,500. Numerous cases were pending when the General Assembly met in July, 1877.

In September, 1877, Mr. Rees moved that a committee be appointed to inquire into all dealings with native lands by landed proprietors in Hawke's Bay. Mr. Ormond, the Minister for Public Works, in reply, quoted the words of the Chairman of the Commission, exculpating him from any blame with regard to the Heretaunga purchase. He assailed the "organization in Hawke's Bay . . . known as the Repudiation Association," which stirred the Maoris to ill deeds. He rashly charged Sir G. Grey with having, while Governor, striven to become one of a company to acquire from the natives, in 1867, an estate of more than a quarter of a million acres, near Lake Taupo. Sir G. Grey demanded inquiry. Ormond promised to produce convincing letters, and when the House expected compliance it was found that Whitaker (the Attorney-General), custodian of certain letters, declined to produce them without permission from two persons, although he had allowed Ormond to base charges upon the letters, and to say that they would be produced. In debate, one of the members of the company alluded to by Ormond declared that Sir G. Grey "had no more connection with the partnership, no connection meanwhile with the negotiations, paid no money," and no more interfered with the matter than the Speaker "or anybody else in this House not belonging to the company." Whitaker himself was found to have been one of the company. Unable to prove their charges, the ministry endeavoured to shelve the subject by means of the "previous question." In debate, a member proved that the company spoken of by Ormond never intended to buy an acre of land. Ormond retorted: "I said 'acquiring' country, which I knew just as well then as I do now referred to leasing and not purchasing."

The effect of such proceedings was to damage the reputation of the ministry. But members were unwilling to see Sir G. Grey, the foe of abolition, placed in power. The ghost of provincialism still stalked in the land. The government secured a majority by 41 votes against 34. But subsequent events weakened their position. Ormond's

and Whitaker's speeches were found to have been significantly altered. Their speeches, revised by themselves, contained no allusion to the "purchase" of land imputed to Sir G. Grey. The letters asked for were produced by their writer, Mr. H. R. Russell, who declared that Ormond's statement that Sir G. Grey used his position as Governor in the transaction was "absolutely and entirely false, and without a shadow of foundation."<sup>17</sup> The engineers had been "hoist with their own petard." On the 2nd Oct., the letters and Mr. H. R. Russell's statement were laid on the table by the Speaker. On the 8th, the select committee submitted to the House in parallel columns Mr. Ormond's speech as first reported and as altered by him. On the 10th, the ministry was declared by 42 votes to 38 not to possess the confidence of the House.

Some of their measures deserve mention. Taxation had troubled them. The Treasurer made his financial statement on the 31st July. He proposed to raise a loan of £2,000,000, but not to interfere with the incidence or character of taxation. On the 3rd Aug., one of his supporters (Mr. Woolcock) moved that "the time has arrived when a change in the incidence of taxation has become necessary. . . ." Mr. Whitaker having in the meantime brought a Native Land Court Bill into the House, Mr. Woolcock's proposal was discussed on the 17th Aug. On that day Mr. Bowen (Minister of Justice) suggested an amendment, accepting the principle of Mr. Woolcock's proposition, with the proviso that "the financial propositions of the government next session should embody it." The motion that the Speaker do leave the chair having been negatived, Sir G. Grey moved—That the system of taxation should "immediately be altered," with a view to lighten the Customs duties and impose burdens upon income and property. His desire was to put "an acreage tax upon all landed property." Mr. Macandrew supported him. There was a succession of amendments, but on the 23rd Aug. it was resolved in words proposed by Major Atkinson, with alterations accepted from Sir G. Grey, that

<sup>17</sup> Tairaroa said: "I am much ashamed of the manner in which this debate has been carried on. I can only think that the words of King David were right,—All men are liars."

“the incidence of taxation should be so adjusted as to impose on property and income a fair share of the general burdens entailed on the colony, and thereby afford means for the reduction of taxes on necessaries; and that the financial proposals of the government next session should embody this principle.” Sir J. Vogel’s successors were at last brought face to face with the result of purchasing support in the provinces, and of abolishing the provinces at the risk of confiscating the land resources of one district and employing them for the behoof of another. Probable reprieve to another session had been gained; but the dread of politicians—an abstract resolution—was to haunt the ministry if they should obtain a recess. Scarcely had the equivocal haven of postponement been reached when Mr. Reader Wood barbed the darts of the huntsmen afresh by moving that, as the government could not equalize their receipts and expenditure “without interfering with the appropriation of the land fund made by the 16th section of the Abolition of Provinces Acts 1875, the land fund should be at once made part of the ordinary revenue, and appropriated annually by this House.”

The Abolitionists of the Middle Island were alarmed. Mr. Reynolds, so ready to blow to thin air all treaties or compacts with Maoris, rose in disgust. The Compact of 1856, the Abolition of 1875, the Financial Arrangement of 1876, would be broken by “even entertaining for a moment any alteration of those laws. . . . If the southern part of the colony is goaded by such motions (as Mr. Reader Wood’s) there is sufficient moral strength to make any government of the colony impossible.” A member retorted that Reynolds must have been simple if he had failed to see that the natural consequence of abolition would be that which he now deplored, and which was foretold by many members of the House. There were acrimonious debates. A month elapsed before it was determined whether the House would gratify the government by going into committee of supply. Mr. Fox, who had recently returned from England, shielded them when he could. Mr. Stafford did the same. An Education Bill which the government passed in mutilated form in 1877 may be mentioned here in order to disconnect it from



the confused proceedings of the session of 1877. The proposals of 1873 had been abortive. Mr. Bowen, the Minister of Justice, proposed in 1877 to establish school districts, local boards, and a capitation fee of 10s. for each child, in consideration of which all school fees were to be remitted. The State was to contribute about £3 10s. for each child. He thought it unwise by making education gratuitous to sap the moral responsibility of parents. The compulsory clauses of the bill were to be carried out by the local committees. He wished the Bible to be read in the schools, and startled some members by citing a passage in which Professor Huxley hymned its praise as noblest and purest English "woven into the life of all that is best and noblest in English history. . . . By the study of what other book could children be so much humanized and made to feel that each figure in that vast historical procession fills, like themselves, but a momentary space in the interval between two eternities, and earns the blessings and curses of all time, according to its effect to do good and hate evil, even as they also are earning payment for their work?" The bill provided that there should be Bible-reading at the opening of the school. From such reading parents could withhold their children. The bill was generally well received. Dr. Wallis "supposed the time would never come when a minister would be so atheistic as to take all the school-books and erase the name of God from them."<sup>18</sup> On the 3rd Sept. the second reading was carried. The clause empowering local committees to levy capitation fees was struck out. The reading of history was opposed by six members, of whom Mr. Stout was one; and it was determined that no child should be taught history if his parents or guardians objected. The provisions by which Mr. Bowen hoped to leave religion in honour in the schools, without enforcing instruction upon conscientious absentees, were all struck from the bill. In the Council, Dr. Pollen carried the second reading without a division, but he and his

<sup>18</sup> Strangely enough, what Dr. Wallis considered impossible was soon afterwards recommended in Victoria by a Minister of Education. For an account of the preaching of St. Paul at the Areopagus, the government substituted a treatise on Manchester and bags of cotton.

colleagues had ceased to hold office during the later stages of the bill. The Council restored the provision for reading the Bible and made other alterations, but the more important were subsequently abandoned.<sup>19</sup> An amendment, making the voting for school committees cumulative, was agreed to by the Representatives. There were in both Houses some qualms about relieving parents of the solemn duty of contributing, when possessed of means, to educate their children, but the profaned name of liberality was appealed to, and it was resolved, in defiance of reason and experience, that, because it was to be compulsory, education must be free. There was no other subject on which such a fallacy was allowed to prevail, but it is popular to dispense money. The exchequer was to be robbed with clean hands. The bribe to parents blinded them to their demoralization. No member had the hardihood to point out that many things are compulsory which are not free—that a man is compelled by law not to starve his child's body, and is bound by solemn considerations not to starve the mind. Nay, more—the law steps in in numerous cases to compel, without providing funds for the compelled. It is not wonderful that the study of logic has been found repulsive to the bulk of mankind. Men are creatures possessed of reason with a violent repugnance to use it. Sir G. Grey was not ashamed to lend his abilities to the prevailing fallacy.

There was one measure, of which Whitaker the Attorney-General was sponsor, which deserves notice. He declared, "that the object should be, not only to have the surplus land dealt with, but to put the whole under a Crown title, whether retained by the natives or not, because it is of the greatest importance that the native title should be extinguished as speedily as possible." Such had ever been the object of Whitaker and his congeners. By law or by war they had striven to attain it. By confiscation of the joint rights of tribes they had attained it in Waikato. Mr. Whitaker

<sup>19</sup> Protests were recorded in the Council against the bill because it "failed to provide for any recognition of the Christian religion or even of the Supreme Being." Mr. Hall and Mr. Menzies protested that "such a law is not only absolutely wrong, but is opposed to the general wishes of the people of New Zealand."

... at ill-used race. Even in  
... and—

... they are dying out very fast.  
... owners in a certifi-  
... case may be, and by the time the  
... twenty some of the other owners  
... purchaser has to go to the Native  
... By the time these successors  
... All this renders the land in point  
... are approved  
... of the

Such was the wail. Unhappy Maoris! Not  
... the foe who professed to be  
... Whitaker! Even from the tomb  
... of obstruction to the one thing  
... annihilation of the rights guaran-  
... Waitangi. His moan was not prompted  
... It was part of a plain plodding  
... an hour and a-half, and purported to  
... had circulated his bill before the House  
... for a measure which he des-  
... How ill such a term defined  
... one clause, which kept alive a retro-  
... of a former Act (proposed to be repealed),  
... that the Maori grantees "shall be, and shall  
... have been, tenants in common and joint  
... other words, it was sought to destroy in  
... extensive and joint tribal perpetual tenure  
... by the Queen. But blots were seen in the bill.  
... showed that one clause enabled the government  
... trial or legal proceeding at any stage. "What  
... tampering with courts of justice have we in that  
... Dr. Wallis said that a provision that, after  
... of land, the government might release it, seemed to  
... at "rewarding their friends and punishing their  
... enemies." Mr. Bunny declared that "a more pernicious  
... was never brought before the Assembly. It would  
... subject the Maoris to a few rich men." Mr. Ballance "did  
... not believe that the House ought to legislate upon what he  
... might call a basis of immorality." The Maori member,  
... Nahe, disapproved of the bill. His countrymen condemned  
... it. "Clauses 88 to 87 took away the land of the Maoris."

Taiaroa declared that the government had not explained the real objects of the bill.

"I propose to call it another Land Bill to take away the land of the Maoris—that is, to plunder them of their land. . . . The bill provides that the assessor may sit with the judge, but he has no authority in the decision. Of what use is it to place men in such a powerless position? . . . It is provided that the government, or some capitalist, may advance money for survey of lands; but if the Maori has no money to repay the cost of survey, the land is to be seized and kept till he can pay the cost. If he cannot pay, the land is to be taken. This is but a method of mortgaging to make our lands pass away from us."

Mr. Rees, calling to mind the time when Henare Tomoana raised troops and foiled Te Kooti, said the government had not reimbursed a sixth part of the cost incurred by Henare. "I tell you this, as it ought to be made matter of history." The chief and his brother, having contracted debts, were threatened with imprisonment unless they signed conveyances of land. "Under such pressure these men who saved the country from the rebel natives actually signed the deeds." Was not Mr. Ormond (a minister) now part owner of the property so acquired? One Maori described the bill as a "monster called the new government Land Bill; and oh! Maoris! regard the teeth of this monster, and see how you like them." The debate was adjourned (7th Aug.), while yet the government was strong in the House. On the 14th Aug., Major Atkinson moved that the order of the day to resume the debate on the Native Land Court Bill be discharged. The government would withdraw the bill and would consult with the natives during the recess. Mr. Gisborne invited attention to the insidious clauses in Whitaker's bill which Taiaroa had assailed, and which enabled a speculator to lend money for survey purposes, taking security and becoming mortgagee in anticipation so that without his consent a Maori could not obtain a certificate of title. He believed in his "heart that Sir D. McLean would sooner have cut off his right hand than have allowed it to affix his approval to this bill." Captain Russell, a ministerial supporter, with strange simplicity observed that it was natural for Maoris to oppose the bill, "because the 35th clause distinctly takes away the '*mana*' from the chiefs." He averred that the "supposed unscrupulous swindlers in Hawke's Bay never robbed the natives to the extent the government did." He

designated the Maori as belonging, according to Judge (C. W.) Richmond, to "an age prior to morality." He "considered Henare Tomoana one of the most accomplished liars it had been his misfortune to listen to," and sat down as he quoted the words in which Shakespeare makes Iago descant on the blessings "of a good name." The borrowed eloquence roused Henare Tomoana's half-brother, Takamoana, who (16th Aug.) read a petition concurred with by 3050 Maoris. It complained:—

"1. That in the bill too much power is given to the Governor. 2. Too much is given to the judges. 3. The entire absence of power in the native assessor. 4. The authorizing one man to apply for investigation of title to land. 5. Authorizing one man to sell or lease land. (We do not like these provisions. It would only be right if done by the majority in the grant.) 6. Authorizing one man to subdivide land. This is not right; the application should be from the majority. 7. Authorizing children to sell land. This is not right. Authorizing married women to sell or lease land. This is not right. This law does not exist among Europeans. If you authorize your children and your married women to sell their lands, then only will it be right to let this become law for the Maoris. 8. Authorizing people to mortgage. This must not be. We have suffered very greatly indeed through mortgages. 9. We have fully seen the evils of these clauses, viz., 12, 17, 18, 35, 38, 40, 41, 47 to 56, 58, 63 to 72, 77 to 87, 95 to 98, 110 to 112, 113 to 116, and 120:—all of them. And we pray that the investigation of titles to Maori lands should be by the chiefs and men of knowledge of the Maoris."

Takamoana read the petition, "on account of the speeches made by Sutton and Captain Russell." The natives had been robbed of their land "through the law and under the law." Captain Russell called Henare Tomoana a liar, but gave no reason for doing so. Henare's evidence was confirmed by others, but nevertheless it was not believed. "Who had got justice from the Hawke's Bay Commission?" Nahe, the Western (Maori) member, said: "In every year the government upsets its own laws. I conclude therefore that they must be bad, seeing that the ministers bring them in, and then throw them out." If they were just they would not need to be discarded. "I suspect that the Europeans are not so expert at legislation as I once supposed. Though they may seem to have great legal talent, it appears they do not know how to make permanent laws, and it would be well for the Maoris to make an experiment in drafting bills. I think they would make quite as good a bill as the Europeans can." Tawhiti, the Maori member of the ministry, advocated the withdrawal of

the bill and consultation of all natives as to a new one. Mr. Bryce said that members were in error who supposed that Maoris would be irritated if prevented from selling land. The fact was otherwise. "At present they entertain a suspicion that every one is trying to grab their land." The bill was withdrawn.

It may be mentioned cursorily that a virulent article in a newspaper published at Oamaru induced Mr. Whitaker to move (16th Aug.) that it was "a breach of privilege." The whole of it "was absolutely false." It suggested that Whitaker's Native Land Bill ought to be entitled a bill to further enrich at the expense of the colony the Attorney-General and his colleagues in land speculations. The printer was ordered to appear at the bar. When he appeared he averred that the article complained of was written in compliance with duty. It was desirable to check the growth of land-monopolies. He quoted speeches of members which were as denunciatory as the article. He was sorry to come into collision with the House in doing his duty, and should it be held that he had "acted with indiscretion" he was prepared to submit to the judgment. It was resolved that "the Attorney-General be instructed to prosecute . . . for a libel on a member of this House in his place in Parliament; and in the event of the verdict on the trial being for the defendant, or should the jury disagree, all costs incurred on behalf of the defendant should be defrayed by the government as between attorney and client." Mr. Whitaker said in the debate, "I feel this, that either Mr. Jones ought to be placed in gaol, or I should be turned out of this Parliament." When the trial took place Mr. Whitaker was out of office. His counsel resorted to dilatory pleas—but in vain. The counsel for Jones called no witnesses. The jury found a verdict for the defendant. Whitaker, having failed to put Jones in gaol, retained his seat in the House, and the taxpayers of New Zealand paid the costs.

## CHAPTER XIX.

1877—1881.

## THE "WAKA MAORI" NEWSPAPER.

MR. ORMOND'S refuted charges against Sir G. Grey cooled the friendship of some ministerial supporters. A newspaper was to furnish the weapon with which the ministry was to be slain. Mr. H. R. Russell, a member of the Council, had brought an action against the "Waka Maori" newspaper (edited by the government). The action was pending when the Houses met, and Mr. Whitaker said (1st Aug.) that the plaintiff would probably pay the costs. On the 2nd a member moved that it was unconstitutional for a ministry to use influence in defending one citizen against another, and that the carrying on of the "Waka Maori," after its dole had been struck from the estimates, was "highly reprehensible." Mr. Whitaker thought that while an action was pending the subject ought not to be discussed in Parliament, and an interrupted debate was not resumed until the end of September. Meanwhile the law officers advised that a "plea of justification could be maintained" against the prosecutor. Mr. H. R. Russell, however, gained a verdict for £500. Mr. Larnach, member for Dunedin city, gave notice that he would move: "That this House disapproves of the action of the government in continuing to publish the "Waka Maori" newspaper at the public expense in defiance of the vote of this House, and in allowing its columns to be used for the publication of libellous matter." The government accepted the challenge. Mr. Whitaker denied that the government had disobeyed

the wish of the House. The "Waka Maori" had ceased to exist when condemned, but many chiefs had petitioned for it, and it was decided to carry it on,—“a number of gentlemen guaranteeing to subscribe towards the cost.” Dr. Pollen, who succeeded McLean as Native Minister, had supervised the publication, which was continued until July, 1877, when Parliament assembled. Stafford and Fox still clung to the remnants of the ministry which the latter had constructed to do Vogel's pleasure, and to which the former gave his adhesion when Vogel determined to abandon his provincial pledges and support abolition. Mr. Rolleston marked his sense of the occasion by alleging wider issues than the existence of a newspaper:—

“We find Sir J. Vogel with a considerable number of the present ministers buying support to what I consider to be a most wicked and foolish change in the constitution of the colony by giving three distinct pledges. The first was that the counties should have substantial endowments and higher powers of local self-government. The second was that the compact of 1856 should be carried out in its entirety, or that there should be what is now termed localization of the land revenue. . . . Well, we have now in power the same ministry, or at any rate a ministry which is generally looked upon as representing the abolition policy, and these gentlemen have entirely falsified those pledges and promises. The subsidies have been taken in support of charitable institutions. The localization of the land fund is being gradually refined away by the Colonial Treasurer, and a gross fraud has been perpetrated upon the province of Canterbury in taking, upon no principle of justice, a portion of the fund it has in hand.”

Mr. Stafford, in defending himself, explained the secret of his sudden conjunction with Vogel in destroying the provinces. Studholme was entrusted by Stafford with the task of “sounding” Vogel and the government supporters. Stafford undertook to sound the opposition. Thus was the abolition scheme secretly ascertained to be safe, and thus were Vogel's arts transferred from one camp to another by the counting of heads. Denying that he had licked the hand that smote him, Mr. Stafford claimed to have made marionettes of the actors who strutted on the ministerial stage. Of the secret negotiation by which he was, “if he wished,” to become Agent-General if Vogel could secure a commission on conversion of New Zealand stock, Mr. Stafford said nothing.<sup>1</sup>

<sup>1</sup> *Vide supra*, p. 111.



It will be remembered that a needless insult to Donald McLean shook Stafford in his place in 1869. He now adverted to it as "an unfortunate difference," which made Mr. Ormond adhere to McLean. Mr. Stout criticized the "humbling confession" in which Mr. Stafford acted so ignominious a part. Mr. Murray reminded Stafford that he had "played into the hands of a government which he formerly denounced as corrupt." Mr. Ballance inveighed against the manner in which ministries maintained their position. "When honourable members are taken over from the opposition—its distinguished members, its debaters—by such a course you destroy all reasonable hope of any constitutional opposition being formed. . . . This is at the root of all the demoralization and obstruction that have taken place in this House." On the 1st of October Mr. Larnach's proposition was rejected by 42 votes against 38.

It was on the 2nd October that Mr. H. R. Russell declared that Ormond's statement about Sir G. Grey's conduct in the Lake Taupo affairs was "absolutely and entirely false." On the same day Sir G. Grey moved that the reporter's proofs of the debate on the Hawke's Bay land purchases be laid on the table. Major Atkinson saw danger to "the character and privileges of every member" in Sir G. Grey's proposition. Fox agreed with Atkinson. On the production of Ormond's alterations (of his reported speech) Mr. Larnach moved a direct vote of want of confidence. There were rumours that the opposition hoped to persuade Sir W. Fitzherbert to quit the Speaker's chair and form a ministry. Mr. Larnach in a few words charged the government with mal-administration, and by 42 votes against 38 the ministry at last received its deathblow. Like those animals of low type of which the different organs can perform functions when an animating principle no longer pervades the whole, it had occupied the post of power under many mutilated forms, but had at last exhausted its resources. Mr. Larnach did not obtain the co-operation of the Speaker. It was rumoured that Sir W. Fitzherbert could find no precedent for the step he was asked to take, and considered it unbecoming, unless in response to an unanimous or almost unanimous desire of members.

Sir G. Grey was appealed to, and (13th Oct.) he, Mr. Larnach, Mr. Macandrew, and Mr. Sheehan, became members of the Executive Council. On the 15th, Mr. T. W. Fisher joined the new band. Sir G. Grey was the leader, Mr. Larnach was Treasurer, Mr. Sheehan was Native Minister. Colonel Whitmore on the 18th became Colonial Secretary, and explained the ministerial policy in the Council. The ministry accepted the abolition of the provincial system as an accomplished fact, and hoped "to localize a certain portion of the land fund." In the Council, where men did not toil to make or to mar ministries, Colonel Whitmore's statements were received without dissent, and public business was proceeded with. It was otherwise in the Representative House. The tentacles which had been riven from place were sore, and the creatures to which they belonged were waving their invertebrate members in search of the places of old attachment. Five days after Col. Whitmore joined the ministry Major Atkinson said that he would move that the "House has no confidence in the government." Sir G. Grey asked the representatives to allow "one clear day" to the government, so that they might make themselves "masters of the subjects" to be discussed, and on the 26th October, Major Atkinson conducted the assault. He denounced Sir G. Grey's accession to power as a surprise. "It is perfectly certain and beyond dispute, that more gentlemen voted against the late government than the actual majority which displaced them, who would not so have voted if they had believed that the honourable gentleman would succeed to power." Sir G. Grey, after declaiming upon the abstract advantages which would accrue to the colony, if not to the human race, by giving him an opportunity of applying his principles, and after declaring, with an eye to the votes of Middle Island members, that he would have scorned to plunder the revenues of Canterbury and Otago as the Atkinson ministry had plundered them, said: "Honourable members may try to ostracize me . . . but every effort they make in that direction . . . will only endear me more to the people of this colony, and will ensure my speedy return to office if I am now driven from it."

There was a singular solution of continuity in the House. Mr. Reynolds, who stepped in to the rescue of the new government, had voted to retain the Atkinson ministry in office. Mr. Gisborne, who had voted with the majority which expelled Atkinson, supported Atkinson's proposition to expel Grey. Mr. Curtis said that with about ten other members who had also voted against Atkinson he had agreed to support Atkinson's motion. The "middle party" to which they belonged having swung too far in one direction, was resolved to show a balancing power by swinging equally far in another. Mr. Fox attacked Sir G. Grey. A baser policy than his "was never heard of, and it must result in inevitable ruin though it may lead to the temporary elevation of a demagogue." Mr. Ballance pointed out that if there was one member who should sympathize with Sir G. Grey in advocacy of provincialism, Mr. Fox was the man. How long had Fox advocated abolition? He had been the staunchest of provincialists. "In 1874 he was a provincialist; in 1874 Sir J. Vogel converted him in a single night, and now he stands forward as an ardent centralist." Tairaoa grimly told the House that the site of the capital consorted with the wavering opinions of members. "It is a very good thing that the meetings of this Parliament are held in Wellington, because it is a windy place, and we hear the wind blowing about here every day. I liken the wind to the speeches of members. The winds blow from all quarters. So it is with the votes of honourable gentlemen; they are given this way to-day, and that to-morrow—and another way the next day." Let the government have trial for a year. Day after day the debate was adjourned. On the 1st Nov., Mr. Stout interrupted it by raising a question of privilege. The ministry had asked the Governor to call Mr. J. N. Wilson to the Upper House. The Marquis of Normanby declined to make the appointment "pending the decision of the Assembly" as to the support of the ministry by "a majority of the House." Mr. Stout averred that the privileges of the House were involved. The manœuvre was successful. A select committee, of which the Speaker was chairman, reported that notice by the Crown of a matter in agitation in Parliament

was an infringement of constitutional privilege, and Mr. Travers, in moving the adoption of the report, wished that an address to the Governor should state that the infringement was inadvertent. The resolution was adopted by 33 votes against 19. Fox, Atkinson, Ormond, and Whitaker were in the minority. The Governor without delay responded that as soon as he might receive the advice of his ministers he would forward his reply to the address. Meanwhile the debate on Atkinson's motion was resumed. On the 6th Nov., the member who had moved the adjournment did not respond to the Speaker's call, the question was put, and voices were given. A member rose to speak, but the Speaker interposed on the ground that as the ayes and the noes had been called for, the debate was at an end. Three ex-ministers, Atkinson, Reid and McLean, strove to arrest the putting of the question, but the Speaker was not brow-beaten, and 39 voters eyed their opponents from each side of the House. To give "a further opportunity for the House to know its mind," the Speaker gave his casting vote with the Noes. Atkinson attempted to move that "as the government has not a majority it should immediately resign." There was much debate on points of order, and eventually the word "that" remained on the paper.

Escaped from the snare of the fowler, the gasping government, eagerly watched, proceeded with business. The fact that in the struggle temporarily postponed, several members who had voted (8th Oct.) to expel Atkinson had within one month abandoned Grey, lent a dramatic interest to the scene, which was heightened by other members, who, having striven to arrest Atkinson's fall, now deserted his standard for that of Grey. Atkinson canvassed so eagerly that Mr. Sheehan said in the House that if it had not been openly announced that Atkinson was leader, he would have "looked upon him as the principal opposition whip." On the 8th November, Atkinson moved the postponement of the orders of the day with the view of proceeding with the remnant of the "want of confidence motion." Mr. O'Rorke (chairman of committees) versed in Parliamentary lore, promptly pointed out that, by the standing orders, on the resumption of the chair by the

... it was ... to read ...  
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The privilege question of what Mr. Travers complained was ... The Ministry advised the Governor to inform the House that his infringement of privilege was unintentional, and might be beneficial in establishing a precedent to be avoided. The Marquis requested them to ... They were constitutionally responsible to Parliament for his acts, not he. If his memorandum about Mr. Wilson contained any breach of privilege, it was a confidential document, and they were bound by their oaths to point out the fact to the Governor, who would "readily have reconsidered the answer he had given." The presentation of the memorandum to Parliament was "solely on the advice of Sir G. Grey in writing, and there-

<sup>1</sup> Mr. Travers piteously complained that he (who had moved the appointment of the Privilege Committee; had been used as a red-herring "dragged across the trail" to divert the House. It was "contemptible." Mr. Barff asked the Speaker if Travers was justified in calling himself a "red-herring." Travers replied: "I am justified in calling myself what I like, but I do not know what I should call the honourable gentleman if I spoke my mind."

<sup>2</sup> 1884. The points of order appealed to were mentioned in the first edition of this work, but need not be repeated.

fore ministers were solely responsible." The ministry, in reply, admitted responsibility for "acts done on their advice." Out of respect for him they "refrained from offering further advice" when their advice had been "twice rejected." They respectfully pointed out that the presentation of the memorandum, made by their advice, was not styled by the House a breach of privilege. They suggested a message in the following words: "The Governor has received the resolution of the House of Representatives, by which he is informed that he has inadvertently committed a breach of the privileges of that House. The House is constitutionally guardian of its own privileges. The Governor having now called Mr. Wilson to the Legislative Council in accordance with his promise to his advisers, does not think it will answer any useful purpose to discuss the question any further, but he will transmit the papers to the Secretary of State for the colonies."

The Marquis did not choose to condemn himself in the language of others. He did not accept the limitation of responsibility claimed for themselves by the ministry, "because if the act of the Governor is such that the government cannot accept or defend it, it is their duty to resign, in order that the Governor may be able, if he can, to form a government who would support his views, in which case he would have, of course, to justify his conduct to the Secretary of State, to whom alone he is responsible." In Mr. Wilson's case the Marquis concurred in thinking that the ministry were not called upon to resign, but they accepted and were responsible for the Governor's act, and the question should then have been at rest unless they pressed further advice upon him. But the constitutional principle which he contended for—that ministers, so long as they retain office, are alone responsible to Parliament for the acts of the Governor—was of such vital importance to the colony and to the position of a Governor that he would be recreant to his duty if he "did not try to the utmost of his power to have the matter finally and definitely settled." He was ready to assume that the ministry did not see that his memorandum could be construed as a breach of privilege when they asked for its production. He would be sorry to impute to them "any intention of

accepting him." He saw so little "necessity for producing the memorandum that he was on the point of refusing his assent, and only refrained from doing so because he did not like for the second time to refuse their advice." A question of privilege was immediately raised. "The government by whose advice the papers were published, and who are the constitutional defenders in the House, either took part against him, or remained in silence, and refused him their assistance. The Governor was condemned unheard."

Criticism received more consideration. He would forward all the papers to England, and begged Sir G. Grey to understand that he looked upon the matter as "political, not personal." The ministry replied that if the law were such that while a vote of want of confidence was pending the Governor could decline advice it would only "be necessary to cause suppressive votes of want of confidence in the government to enable the Governor to act for long periods of time without responsible advisers." They protested against a reference to the Secretary of State, whom they designated as an "external authority." They had nothing to add to their former advice. The Governor said that the Secretary of State was "the only constitutional channel through whom the commands of the Crown are conveyed," and as he at any rate felt "bound to obey the command of Her Majesty," he would submit the case, and would lay the papers before the House. In a message to the House he repeated his constitutional reason for not accepting their resolution, but assured them that "nothing was further from his intention than in any way to trench upon their privileges."

The first debate on the Governor's message has been mentioned. On its resumption on the 12th, it was obvious that not the Governor — not the constitution of New Zealand—but the prospect of retaining or storming the social benches actuated most of the speakers. After discussion, the adjournment of the House was agreed at midnight, and the privilege question was shelved.<sup>4</sup>

<sup>4</sup> Governor's despatch to the Secretary of State was published in the colony with the reply of the Earl of Carnarvon fully approving the Governor's construction of the duties constituted upon him.

On the 14th Nov. Sir G. Grey formulated a demand for a dissolution, but the Governor thought there was no evidence in favour of Sir G. Grey's opinion that an appeal to the electors would secure a large working majority for the ministry. As far as the Governor was aware no supply had been granted, and though such a condition involved no difficulty in England, because Parliament there "uniformly voted the supplies necessary for an appeal to the country," in the colonies the case was otherwise. He reminded Sir G. Grey that in October he had said that if a dissolution were accorded to him he would dissolve with or without supply. The Marquis could not grant a dissolution. If, however, Sir G. Grey could satisfy him that three months' supply had been granted, he would be "happy to reconsider his determination." Sir G. Grey admitted that he might have said that if "duty demanded it, he would dissolve without supply," but urged that throughout his conversation he "unflinchingly maintained that it was in his belief impossible that such a case as the Governor put could arise" in New Zealand. The Governor regretted "that there should be the slightest discrepancy between the impression left" on his mind and on that of Sir G. Grey, and was, "of course, quite ready to admit that he must have misunderstood what Sir G. Grey said. Notwithstanding this, he must still adhere to the decision he has expressed as regards a dissolution."

Loose language is often used about the prerogative which summons and dissolves Parliaments, and the ministry thought the Governor mistaken in deeming the power of dissolution "a prerogative of the Crown" in New Zealand. It was derived from the Constitution Act. Ministers claimed for themselves and for the people the same constitutional rights which existed in England, and maintained their right to a dissolution, unfettered by any condition with regard to supply. In a separate memorandum, Sir G. Grey argued that the Governor's expressed "desire to secure a government, no matter how constituted," commanding the confidence of a majority in the House, would be destructive of the principle of party government deliberately adopted by the people. The Marquis briefly replied that the Constitution Act, without mention of an



Executive Council, empowered the Governor to dissolve, and that his commission from the Queen delegated to him the Royal powers of summoning, proroguing, and dissolving the legislative body. He could not admit that ministers had the unqualified rights they claimed. They (21st Nov.) "felt it their duty to point out the mistakes into which they cannot but think the Governor has fallen." They discussed the abstract ideas of a Privy Council, a Cabinet, and an Executive Council. The Governor respectfully but distinctly declined for the future "to enter into any controversy or discussion of a general or abstract character regarding his constitutional position, his responsibilities, or his duties." On all occasions he would give most attentive and favourable consideration to any particular matter on which he might receive advice. Ministers, of course, had an undoubted right to complain of any act they might think "illegal, unconstitutional, or wrong," and he would at all times forward such complaints to England with any necessary explanation. The ministry (who had just been permitted to go into Committee on Supply) answered (23rd Nov.) that they had regarded the questions raised as practical, not abstract, points, the maintenance of which was essential to the welfare of the colony.

By one of those involutions which entangle men's reasoning faculties when self-interests are at stake, the ministers thought, or affected to think, that the prerogative of the Crown in dismissing representatives of the people was really one of the rights of the representatives. The Governor was hardly called upon to controvert such allegations. Meanwhile Mr. Sheehan (15th Nov.) had made a statement on native affairs which was well received. The Treasurer's financial statement (20th Nov.) was also applauded. The ministry waxed bolder. They pressed the Governor (26th Nov.) to waive his objections to a dissolution. Delay added greatly to their difficulties. He courteously but firmly held his ground. He was at all times willing to consider the subject under any new light thrown upon it, but could not, under existing circumstances, alter his decision. An unreserving promise to dissolve would put undue pressure upon Parliament, which he felt bound to avoid.

The ministry threaded their way through the parliamentary labyrinth, adroitly shunning the blow which Atkinson longed to deliver. Their Financial Arrangements Bill was so commended by Sir G. Grey's eloquence (3rd Dec.) as to command 41 votes against 13. Twenty members paired. Atkinson voted for the bill, while three of his recent colleagues, McLean, Bowen, and Reid, opposed it. The majority of the House had plainly determined to support the policy of the new men during the current session. On the 6th Dec. the ministry again pressed the Governor for power to dissolve. On the same day he declined to accord it. Frequent dissolutions, tending, in the words of the great Sir Robert Peel, to blunt the edge of "a great instrument in the hands of the Crown," were to be avoided. The Marquis did not wish to deny that in matters not affecting Imperial interests ministers had similar rights to those of English ministers, but did "not believe that under similar circumstances a minister in England would ask for a dissolution."<sup>5</sup>

It is proper to notice the result of the discussions between the Marquis and his advisers. As to the calling of Mr. Wilson to the Legislative Council, Lord Carnarvon commended the Governor's conduct. As to the dissolution of the Assembly, Sir Michael Hicks Beach, who (4th Feb., 1878) succeeded Lord Carnarvon, supported the Marquis. A Governor "ought to pay the greatest attention" to the representations of his advisers, "but if he should feel bound to take the responsibility of not following his ministers' recommendations, there can, I apprehend, be no doubt that both law and practice empower him to do so." Sir G. Grey's views seemed "unduly to limit the prerogative of the Crown." There was a further important point on which it would have been difficult for even the weakest functionary to fail to support the Governor. When the session was about to end, leaving Sir G. Grey in power (10th Dec.), he advised that a Land Bill, then ready for the Royal Assent, should not be assented to. Introduced

<sup>5</sup> The Marquis of Normanby's conduct is dwelt upon at some length, because it furnishes proof that the allegation that Governors in colonies have not such duties to perform as demand political sagacity, is a shallow one.

by the Atkinson government in August, it was in committee when the government fell. On the 15th Oct. Sir G. Grey included it in a list of bills which his ministry would take up. In committee there were divisions in which Whitaker and Tairaroa were found voting with Atkinson and Reynolds, against Larnach and Stout. There was a division (19th Nov.) in which Atkinson, with the aid of Stafford, Whitaker, Rolleston, and others, foiled by one vote a proposition made by Stout and supported by Sir G. Grey. Col. Whitmore, the Colonial Secretary, took charge of the bill in the Council, and it was passed with amendments with some of which the Representatives declined to concur. Reasons were prepared by Messrs. Stout, Ballance, and Reid for insisting on certain provisions. Stout and Ballance were supporters of Sir G. Grey. The House adopted the reasons. The Council waived some amendments, but eventually asked for a free conference, which was held. A report from the conference was adopted by both Houses, and the bill thus hammered on the anvil awaited only (in the words of Lord Hale) the Royal Assent to give it "the complement and perfection of a law." Conceived by the Atkinson ministry, duly produced in the House, adopted by Sir G. Grey and his colleagues, the subject of conference between the two Houses—the bill might be looked on as the genuine offspring of the New Zealand Assembly. Yet Sir G. Grey strove to strangle it. There was an Executive Council meeting at half-past twelve o'clock on the day fixed for prorogation at half-past two. Many members of the Legislature had gone to their homes. At that meeting Sir G. Grey advised the Governor to refuse to assent to the bill. The Governor declined to withhold his assent. The Clerk of the Parliaments, after the Executive Council meeting was concluded, carried several bills to the Governor, who observed that, with regard to the Land Bill, Sir G. Grey had not attached his name to the customary formal recommendation for assent. The Marquis determined neither to veto the bill nor to assent to it in an unusual manner. The hour of prorogation drew near. The Speaker arrived with the Appropriation Bill. That lever of the House of Commons against the Crown became an instrument in the hands of the Crown to foil the strange device

SEC. OF STATE ON DECLINING TO REFUSE ASSENT TO A BILL.

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of a colonial minister bent upon frustrating the action of the two Houses and foiling the Governor. The Marquis requested the Speaker to retain the Appropriation Bill, while Mr. Macandrew, a minister, took a memorandum from the Marquis to Sir G. Grey. After some delay Mr. Macandrew obtained from Sir G. Grey the usual recommendation, and the bill was signed by the Governor. Sir M. Hicks Beach laconically said: "I approve the action taken by you in declining under the circumstances which you record to refuse your assent to the Land Act of the last session of the New Zealand Parliament."

When the approval of the Secretary of State reached him the Governor communicated it to his ministers. Sir G. Grey railed at the Secretary of State as an "exterior authority" unknown to New Zealand law. He declared, in terms which the difference between the Lord Stanley of 1843 and the Duke of Newcastle of 1860 ought to have made it impossible for him to use, that it had "long been universally admitted that in the Colonial Department the real power vests in the permanent Under-Secretary." With much subtlety he spun webs of words. He declared that the Governor was making his ministers not advisers but servants, when he submitted constitutional questions to the Secretary of State without their advice, and then commanded the correspondence to be published. He would not consent that his conduct in relation to the Assembly or to the Governor should be submitted to the Secretary of State, whose decision upon it he would not "recognize or accept." He would not discuss New Zealand questions "with any officer who is outside the Constitution, or who has no responsibility in the matter, or who has no lawful right to interfere with it."

So far as subsequent misdoing could justify former ill-usage, Sir G. Grey laboured to indemnify the Duke of Newcastle and Earls Carnarvon and Granville for the past. He had complained that they would not do their duty. He now contended that a Secretary of State had no duty to do. The Marquis declined to discuss the "position or authority" of a Secretary of State. Such an argument was "too serious to the future interests of the colony to be dealt with in a correspondence of this kind." He remarked

that Sir G. Grey had in 1876 invoked the authority of the Secretary of State with regard to the abolition of the provinces. He was ready to admit that correspondence which in any way might commit ministers "should be done by their advice and at their instigation." But the Governor had asked the Secretary of State for a decision on his own action. A Governor had "certain rights and duties to perform." He "was as much a part of the Constitution as either branch of the Legislature." "While he had no wish to trench in the slightest degree upon the rights and privileges of the other branches of the Constitution, he is bound to preserve intact those which have been entrusted to his care by his Sovereign. Should the Governor exceed his powers or commit any action to which exception can justly be taken an appeal is at all times open to the Secretary of State; but the Governor cannot admit his responsibility to any other authority." Sir G. Grey retorted that the Secretary of State "was the constitutional adviser, not the mouthpiece of the Sovereign," but did not show how the Crown prerogatives could be exercised without a channel of communication. The Governor declined to make any remarks upon Sir G. Grey's paper, on the ground that "no public advantage could be derived by a prolongation of the correspondence." The despatches were published in the "New Zealand Gazette" in June, 1878.

The financial proposals of the government secured its position, to the disgust of those supporters of abolition who had hoped that local revenues would be locally appropriated after "local habitation and name" had become an "airy nothing" under the treatment of Atkinson and Vogel. They had been warned in vain. They were now punished. The Grey government had no difficulty in showing that the provincial land funds had been so encroached upon by their predecessors that "the idea that a large proportion was available for localization was a delusion." The government would by law appropriate locally 20 per cent. of the land revenue in each provincial district, and would ask parliament to pass a land law fixing uniform prices throughout the colony. They would ask for a new loan of £4,000,000 rather than increase taxation; but would consider that subject in the recess. They found a deficiency of

more than £700,000 on the 30th June, and would endeavour "to secure a state of equilibrium." Such was Mr. Larnach's statement (19th Nov.). Major Atkinson disputed it. The short sight of those representatives from Otago and Canterbury, who had thought to procure abolition of provinces without loss of provincial funds, was apparent. The two provinces which, by partial adherence to Gibbon Wakefield's principles, had accumulated wealth, were about to be plundered by their professing friends. The first serious defection from the opposition was on the 22nd Nov. Mr. Gisborne, thinking the Grey ministry "a standing menace to the unity of the colony," had been hostile to it. The financial propositions justified him in opposing it no longer. Mr. Ormond had made charges against Sir G. Grey which the House compelled him to withdraw; yet even he, pleased with the prospect of plundering the Middle Island, announced that he would support the government in "generalization of the land fund, and, when that was carried," strive to eject them. The Financial Arrangements Bill which dissolved the opposition was read a second time (3rd Dec.), Sir G. Grey, in the absence of the Treasurer, commending it to the House. It was broadly stated in a newspaper that as Canterbury had divided land revenues amounting to more than three-quarters of a million sterling amongst its local bodies in a part of the year "it was high time to make a change, but of course Canterbury does not like it." Atkinson, the promoter of abolition, though he spoke against the ministry, voted for the bill. Grey, the opponent of abolition, thus consummated it when in office. The men of Canterbury, who had been potent in procuring abolition, in vain deplored its consequences. By 41 votes to 13 the second reading was carried. It made the land fund throughout New Zealand a part of the consolidated fund. It enacted that out of the latter there should be paid to each county a sum equal to 20 per cent. of the land revenue accruing in such county. Mr. Fox was absent when the death-blow of his "compact of 1856" was thus dealt. When the bill went to the Legislative Council, Mr. Hall, who had been Fox's colleague in 1856, was unable to restrain his feelings. The measure constituted (he said) "a breach of the compact solemnly

entered into between one portion of the colony and another' in 1856. In Canterbury, by selling 2,331,000 acres on Gibbon Wakefield's principles, £3,671,000 had been obtained. In Otago, in similar manner, for about 2,000,000 of acres, £1,807,000; while, by neglect of those principles, Auckland, for 2,144,000 acres, had obtained only £274,000. Was it fair to rob the south of the profit of its prudent management? Mr. Hall might as well have questioned with the wolf. The Council passed the bill. A Crown Land Sales Bill regulated the price of land throughout New Zealand. Lands taken under free selection were in no case to be obtained at a less price than £2 an acre. The upset price at auction was not to be less than £1 an acre. The bill which Sir G. Grey wished the Governor to disallow swept away fifty-six provincial and general Acts. It classified all lands as town, suburban, or rural. The first were to be sold by auction at not less than £30; the second in like manner at not less than £3 an acre. Rural lands were not to be sold in larger quantities than 320 acres, nor in less than 20. Land would be taken on deferred payments in proclaimed areas. The New Zealand government thus avoided the profligacy by which in portions of Australia the selection of land was converted into an engine for robbing the public treasury, and for levying blackmail upon pastoral tenants of the Crown. The New Zealand legislature avoided another evil created by the land laws of New South Wales (1861) and Victoria (1862), where, if more applicants than one selected the same site, the land agent was to determine by lot the fate of the site. If there were more applications than one for the same allotment on the same day in New Zealand, the land was to be put up to auction, at which the bidding was limited to the applicants. Corruption or favouritism could thus be excluded, while the public might derive benefit from an increased price. The old provincial arrangements were not altogether abandoned. The ten new land districts were bound to certain conditions embodied in the Act. Sir G. Grey and his ardent admirers contended that undue advantages were conferred on pastoral lessees of Crown lands; but the rent of runs was to be determined by the Land Board of the district within a range fixed in the Act—the board;

and not the lessee, determining the carrying capacity of the run.

A Government Native Land Purchases Act deserves mention. In August Major Atkinson withdrew his Native Land Court Bill, intimating that a bill would be introduced to stop all private dealings with native lands "until after the close of the next session of Parliament." He brought in the bill (6th Sept.), but it did not reach a second reading. Its author expressed his regret when, after his ministry fell, the bill was by the order of the House discharged from the paper (28th Nov.) on the motion of the new native minister, Mr. Sheehan, who declared that "sinking all party feeling, forgetting all past differences, it would be unfair to deny that to Sir D. McLean we are largely indebted for the fact that from 1869 up to the present time we have been at peace with the native people. . . . I hold that on entering upon the immigration and public works policy it would have been an act of suicide to have provoked or sought for a native disturbance." There were few natives not loyal to the Queen. Less than 3000 Maori men were "in the king country," and though Maori women could fight, the fact that "we have 25,000 or 30,000 loyal natives on our side showed that the chances of a native outbreak are simply *nil*." He deemed the £3,200,000 already spent by the colony in putting down native disturbances as "simply thrown away." He approved the policy of teaching the English language to the Maoris, which McLean had encouraged; and proposed to increase the sum, £11,000, placed on the estimates of the year. He did not approve the manner in which land purchases from Maoris had been effected by the government. The official return of land negotiated for (after 1870), was—freehold, 4,613,000 acres; leasehold, 1,540,000—but "of the freehold transactions only 1,967,000 acres have been completed" . . . and "at least in regard to one-third of (them) it will be found that the titles are invalid, and it will require more money to be paid away and other acts to be done in order to make those titles good." He proposed that native chiefs should ascertain the native titles, and that the European judges should be "simply for legal purposes only." He regretted the abandonment of



the pre-emptive right of the Crown in 1862, but the step could not be retraced. He wished to raise the number of Maori members in the House from four to seven, hoping that after some years, "by the operation of a suitable land law and by the conversion of native titles to a freehold tenure under Crown grant, we could call upon them to give up all special representation of the race and to vote as Europeans do." With regard to the dual vote which Maoris would exercise, he stated that it was almost inoperative—such votes being "not more than 5 per cent. of the whole," although the proportion of Maoris to Europeans was very much larger. He took credit for the influence of Sir G. Grey, which had elicited friendly missives from Tawhiao. His statement was favourably received. He introduced a bill "to amend the Native Land Act 1873," which passed through both Houses without discussion. One of its provisions may have been necessary, but it was capable of being rendered oppressive. The Act so easily passed enabled the Land Court to award costs, provided for their recovery, and gave the court power to order a deposit as security for costs, and to refuse to proceed with a case, or "hear any person who does not comply with such order." The Native Minister was empowered "at any time" to obtain from the court a determination of the "interest in any block of land . . . acquired by or on behalf of Her Majesty," and all lands declared by an order of the court to have been acquired were, from the date of the order, to be "absolutely vested in her said Majesty." Whether the Maoris in the Legislature could have qualified the measure by guarding the rights of their countrymen unwilling to submit joint tribal rights to the court it is impossible to say. Perhaps they trusted that Sir G. Grey and Mr. Sheehan would not abuse or strain the law. The chief, Rangihwinui, and others, petitioned for postponement of the bill in vain.

In the course of the session the sum of £5000 in final settlement of native claims on account of the Dunedin Prince's Street reserve was voted as already described.<sup>6</sup>

It is necessary to watch occurrences in the New Zealand Parliament as regards the condition of the Maoris. It is

<sup>6</sup> See Vol. II., p. 409.

also desirable to scan the increase of the colonial debt. The new South Sea scheme for which Mr. Vogel at last obtained a favourable hearing differed from his earlier proposals. He had once suggested means by which to astonish the world and handle hundreds of millions of pounds sterling. With the trifling difference of half per cent. between the borrowing and lending rates the national debt of England could be paid off by an agency under Mr. Vogel. If half per cent. would do so much for England, what might not twice that amount do for Vogel? Warned by experience, the men in power declined to promote a project suspiciously related to that of the scrivener Blount.

After floating into office, Mr. Vogel, in 1874, propounded a scheme by which, if the provinces would yield 3 per cent. of their land to be afforested, he would be able to release them from their railway obligations. By an excise of 3 per cent. upon provincial lands, the modern alchemist would convert into untold wealth the possibilities of growth of trees, although, under the colonial rule, the ancient forests were being wasted at a rate which created alarm lest even in that ocean-cradled land sterility should be brought about by diminishing the moisture of the atmosphere. Schemes for enrichment abound at all times. It was but in the 18th century that Cagliostro received money to arrest the foot of time. Schemers of every kind crave the handling of other men's wealth. The straightforward rogue advertises now, as in 1720, that if ready money deposits be sent to his office as earnest, and a few hundred pounds be remitted at a future time, untold wealth will accrue to his dupes. After a few days or weeks he decamps with the remittances of those who had, at the most, less wit than cash. The South Sea Bubble and the Pacific Islands' schemes were framed on a different model. Shareholders were not to be robbed. In the handling of money the promoters would perforce find that some adhered to their palms, if only as a business percentage. There is, however, an indestructible commodity on which rests the security of nations, and the hope and the pride of their people. On land all usurers will lend. The Public Works and Immigration Scheme, based upon that principle, had poured many millions into

New Zealand, and waifs of the stream had attached themselves, or had been attached, to its propounder. There was occasional demur; but a glamour of assumed public good cast a mist over the eyes of men in general, and they were grateful. In 1876 the House had refused to vote the sum proposed for Sir J. Vogel by the Atkinson government. In 1877, a few members, more careful of New Zealand than of him, disputed the propriety of awarding a sum far exceeding the amount stipulated for when Vogel had undertaken his last mission to England. There was a sharp debate, but the money was voted. Though Vogel's personal applications might disappear from the Treasury the fruit of his labours was to be more enduring. Abolition of provinces had increased colonial burdens. Both Atkinson and Grey were compelled to deal with the financial problem. The day had not yet arrived when capital would be openly borrowed or encroached upon to meet demands for interest; but the policy of "purchasing the support of the provinces" had made many mouths gape. Only more loans could enable the appetite to be gratified. In July, Major Atkinson had announced that he would ask for a loan of £2,000,000. There was an invested sinking fund which he proposed to respect. The gross debt in December, 1876, had been almost £19,000,000 sterling. Mr. Larnach in November declared that there was a deficit in revenue of more than £700,000, and proposed to ask for a loan of £4,000,000, and do away with a multiplicity of local loans by creating one consolidated colonial debt. Major Atkinson impugned the accuracy of Larnach's calculations.

The Loan Bill was read a second time (5th Dec.) without a division, but after discussion the loan was limited to £2,500,000, of which £300,000 were to discharge provincial claims; £800,000 to redeem guaranteed debentures; and £1,400,000 to carry on public works and immigration. No provision was made for a sinking fund, although the maximum rate of interest was fixed at six per cent. The Legislative Council accepted the bill. In committee on a Consolidated Stock Bill the Speaker, Sir W. Fitzherbert, departed from his usual custom, and seriously addressed the House. As agent for the colony, in 1867, in negotiating a large loan, he was entitled to speak with authority, and

was heard with respect. In the loan negotiated by him, one per cent. was devoted annually to the cancellation of the stock. Earnestly he implored the House not to damage future prospects by grasping at deceitful present gain. To convert securities from other forms into one compact responsibility was good; but in so doing, to absorb the provision (by way of sinking fund) already accumulated to about a million and a-quarter sterling, was fraught with danger, and would alarm the dealers in New Zealand stock. "Heretofore we have evaded our stern duties; in an uncourageous spirit we have shut our eyes to them. . . . If we do not act prudently our credit will fall." No one attempted to reply, and on the following day, without discussion, by 38 votes against 13 the principle of the bill was sanctioned. In public and in private life there is no subject on which men's consciences are more elastic than on one which holds out hope of immediate gain, although it may lead to distant disaster; and there is such a weakness as unconscious gambling. The Immigration and Public Works Appropriation Bill of 1877, though dealing with millions of money, caused no debate in the Lower House. In the Council, the Speaker, Sir J. L. C. Richardson, on putting the question of the second reading (8th Dec.) pointed out that the privileges of the House had been infringed by clauses which authorized certain acts to be done by the corporation of the Thames county, and vested certain property in that body. He assumed that the infringement was unintentional, and suggested that a message should be sent to the other House, to the effect that the Council would waive their objection to the insertion of the clauses, "in the full belief that it was not the intention of the House of Representatives to annex clauses to one of their bills of supply, the matter of which is foreign to and different from the true matter of such Bill of Aid or Supply."

Colonel Whitmore, on behalf of the government, assured the Council that there was no intention to infringe their privileges. Mr. Hart and Mr. Mantell thought it would be desirable to guard privilege against invasion; and Sir F. D. Bell (a former speaker of the Lower House) thanked Sir J. Richardson for his watchfulness and Colonel Whitmore for

the manner in which he had met it. Sir Dillon Bell raised a warning voice against the extravagance with which, in the Appropriation Bill and the bill under discussion, votes were "crowded on to the supplementary estimates at the last moment, in utter disregard of the certain fact that we have not money to pay them." Nothing would "save the country from insolvency unless the government of the day, let them be who they will, sternly set down their foot against this madness." The New Zealand Legislature seems to have shrunk from seriously considering the question of payment of its members, originally sanctioned merely to reimburse members for the difficult task of journeying to the seat of government when means of conveyance were rarely to be procured. In 1877 Mr. Stevens (from Christchurch) moved a reduction in the item, which was called "honorarium;" but he found little support. The session ended on the 10th December. The members were dispersed with irritated feelings. The men of Canterbury who had supported abolition felt the iron in their souls when the prophesied seizure of their provincial land fund became an unwelcome fact. The extension of the pastoral leases in Canterbury roused the wrath of Sir G. Grey. His reputation served to procure a friendly interview, in January, with Tawhiao, and his bitterest foes acquiesced in the belief that, as regarded the Maoris, his influence might prove useful. At Wellington he addressed the electors, by invitation, and harangued them on the policy which he fondly said would make them happy, and give the world assurance of beatitude unknown on earth before. Taxation was to be imposed on all holdings exceeding 350 acres. Universal suffrage and equal electoral districts were to convert ignorance in the halls of legislation into supreme wisdom. All would be well if the people would support Sir G. Grey.

At an election of a member to supply the place of Mr. Reader Wood at Parnell, an Auckland suburb, a supporter of the government was elected without opposition, and the high hopes of the Vogel party that in 1878 they would easily drive Sir G. Grey from office began to wane. Nevertheless Major Atkinson, Mr. Whitaker, Mr. Ormond, Mr. Bowen, and Mr. McLean, recently expelled from office, addressed

their constituents with success. The endeavour of Sir G. Grey to strangle the Land Bill furnished a weapon which they were not slow to use. He, in the meantime, addressed crowded audiences at Westland, Canterbury, and Otago. At Christchurch, Mr. Rolleston and others vainly endeavoured to check the tide. The local magnates were howled at, and Sir G. Grey was received with acclamation. After a triumphal progress he returned to the North Island to meet again the Maori King. The ministry received an addition to its ranks in the person of Mr. Stout, who became Attorney-General. Two representatives from the Otago district still held office with Sir G. Grey, although Mr. Larnach, the Treasurer, resigned his position and went to England, bearing powers to represent New Zealand in negotiating the new loan. Mr. Ballance succeeded Mr. Larnach as Treasurer. Mr. Stafford had left the colony. The star of Sir G. Grey seemed for the time in the ascendant, and the failure of the prosecution of Jones for libel against Whitaker seemed to show that outside as well as within the walls of Parliament the Atkinson ministry was condemned.

Long as the peace between Pakeha and Maori had endured, there were fears that, at any moment, a rankling sense of injustice, a superstitious confidence in a leader, and carelessness about consequences, if not absolute love of fighting, might bring about a Maori rising. A man named Moffatt was tried in 1877 for unlawfully manufacturing gunpowder, which it was said the Maoris were secretly accumulating. The resident magistrate at Wanganui reported (May, 1877) that at Mokau, Waikato, and Tuhua, the man had long been traitorously supplying powder and repairing firearms. Two chiefs took umbrage at Moffatt's conduct towards them, and executed a warrant for his arrest. He was tried before Judge (C. W.) Richmond. Evidence to support some serious charges was defective, but a conviction, on the ground of manufacturing unlawfully, was followed by the maximum penalty—imprisonment for two years—the judge telling the prisoner that hanging would not have been too severe a punishment for his murderous crime of supplying a semi-barbarous and merciless foe with means for rapine and destruction of unoffending settlers.

There was a cloud at Parihaka. The great block of land declared to be, with reservations, confiscated by proclamation at Taranaki in 1865 comprised all the coast line of the Cape Egmont promontory from Waitotara on the south to the White Cliffs on the north. Within it there were patches held by Maoris under English tenure. The government had pledged itself to make reserves for Maori uses, but had not made them. Even awards made to the natives by the Compensation Court in 1866 had not been carried out. Content with his practical autocracy in native affairs, Sir D. McLean, in 1872, permitted the scattered natives to return, with the public sanction, to their old homes. "I think it would be politically undesirable, and I fear practically impossible, to attempt to prevent their occupying the country north of Waingongoro, the confiscation of that country having been abandoned by the government so long as they behave themselves and keep the compact about not crossing Waingongoro." These words (written by one of his staff) were officially approved by McLean in 1872; and the Waimate Plains were included within the territory over which confiscation was thus treated as abandoned. So completely did McLean recognize the resumption of their land by the Maoris, that he entered with them into formal deeds of cession and sale by them of lands within the confiscated block.<sup>7</sup> The Ngatiruanui tribe originally held the coast from near Opunake to Waitotara. The fertile Waimate Plains were part of their heritage. It has been seen that although the joint tribal rights ought naturally, by accretion, to have devolved upon the unoffending, if by treason or otherwise any *deminutio capitis* had been incurred by any outlawed persons, the colonial government had not adopted the wise suggestion of Mr. Cardwell to take by cession, and not by confiscation, lands required in order to punish Maoris who had taken up arms against injustice and had been worsted in the field. The proclamations of the colonial government, nevertheless, invited the rebellious Maoris to come in, and land was promised in those proclamations to those who would do so. Even to Titokowaru, Sir D. McLean had

<sup>7</sup> In accordance with "arrangements" made by McLean, lauded by the Governor, and sanctioned by the Secretary of State. *Vide supra*, p. 39.

declared that if he would be peaceful he would not be molested, and he had settled at Okaiawa, near the scene of his exploits at Te Ngutu-o-te-Manu. But he was not now the accepted prophet of the people. Te Whiti was their guide. Month by month—year by year—he convened meetings and harangued his countrymen with an eloquence of which they did not tire, though he sometimes spoke for hours. Mr. Parris, the agent employed in 1859 to create war at the Waitara, reported (1872):—

“The general character of Te Whiti’s influence is altogether in favour of peace, and I think that if he be prudently dealt with it will continue so, as it corresponds with the essentially peaceful and amiable nature of this singular man. . . . His total want of sympathy with, and indeed his scorn for, our action of progress, and the absence of all desire for money, or anything that we have to offer him, renders it difficult if not hopeless to obtain any active aid from him in facilitating the work of colonization.”

He had acquired “predominating influence,” not only over his people at Taranaki, but in far distant tribes. Thus said Mr. Parris. Te Whiti was described as being in 1879 about 50 years of age, as having clear intelligent eyes quickly flashing, a well-chiselled nose, almost European features, which in repose appeared Spanish, and a muscular frame of fine fibre, symmetrical like his hands. His voice was powerful and clear, and as he stood

“erect and bareheaded, it could be heard all through the village, now thrilling with passion, anon replete with scorn, and then plaintive in entreaty. He revels in mystery, and for copiousness of language and imagery, for gracefulness of action, modulation of voice, for self-possession, and command of his audience, Te Whiti certainly ranks high as an orator. To the usual (Maori) metaphor, he adds all that can be gleaned from Scripture. His memory in private conversation with visitors shows that he is well informed on both ancient and private history.”<sup>8</sup>

The colonists wondered whether he was mad or cunning; whether under the cloak of prophecy he was secretly organizing resistance, or was the dupe of the enthusiasm which asserted that he was inspired. His figurative speech fomented doubt. He spoke as if in him the Deity uttered oracles,<sup>9</sup> but it was the custom of his countrymen to

<sup>8</sup> Reports of eye-witnesses.

<sup>9</sup> “When I speak of the land, the survey, the ploughmen, and such small matters” (Te Whiti said), “the pencils of the reporters fly with the speed of the wind, but when I speak of the words of the Spirit, they say



impersonate thus; as a chief would often say, "I slew a tribe," when he meant that his ancestor had done the deed arrogated to himself. Of his commanding influence there was no doubt, but there was no sign that the followers of Tawhiao encouraged him. Some persons thought he hoped to test the validity of the confiscation proclamations before the Privy Council; or that by mingled demonstrations of power among his own people and passive martyrdom before the colonists the justice of the Queen might at last be invoked. There were others who saw with chagrin that his influence rebuked that drunkenness which was so profitable to dealers, and so potent in decimating the Maori race. At Parihaka, between Mount Egmont and the sea, his admirers assembled in such numbers that it was said there had not been seen so much Maori cultivation in one locality since Europeans had inhabited New Zealand. Men from distant tribes were assembled under his protection. In May, 1877, a magistrate reported: "The Maori prophet, Te Whiti, still holds his periodical assemblies at Parihaka, in the Taranaki country, and the natives continue to attend, and have not yet lost faith in his prognostications." But though he preached peace no man doubted that at his command any follower would gladly take life at risk of his own.

Te Rangitake maintained a peaceable demeanour, but dwelt apart from Europeans, high upon the Waitara river. Scattered in various places on the confiscated territory were many of the Taranaki, the Ngatiruanui and others formerly hostile, who professed to rely on the assurances of the government that they would not be molested. As

this is the dream of a madman! They are so greedy for gain that nothing seems to concern them except it be in some way connected with accumulation of wealth. The dealer who gains wealth by short weights and vile goods, and by the numerous modes of picking and stealing known to the initiated—the men who steal the land of the Maori, and acquire flocks of sheep and herds of cattle—the men who would snatch the bread out of the mouths of the widows and the fatherless, and become rich by so doing, are all looked upon as respectable persons of property, while the humble seeker after truth is passed by unknown and unheeded. The time is at hand when their goods will rot in their stores, their ships will rot in their harbours for lack of sailors, their merchants will wring their hands in despair when they shall see their ill-gotten gains melt away like the mists of the morn at the rising of the sun."

far as various officers could ascertain, there was no likelihood of troubles if those promises should be respected. There were occasional dangers from native feuds. Even among the friendly Arawa strife was at one time apprehended, but it was averted by the mediation of a commissioner with the aid of native assessors. Cultivation of land and sobriety were reported to be on the increase in several districts, but the decay of the race had not been appreciably arrested. In Canterbury, the Rev. Mr. Stack wrote (June, 1877) that the old order and reverence among Maoris which had been displaced by the loss of influence of chiefs and the voluntary abolition of slavery had been succeeded by a coarseness which degraded the morals of the people. They still craved education for their children. Many of them had been impoverished by their efforts to provide funds to enable Tairaroa to appeal to the Privy Council in the matter of the Maori reserve at Dunedin.

The returns laid before the Assembly showed that 1131 boys and 789 girls attended native schools; the average attendance being respectively 791 and 565. The cost contributed by the government was £15,392. Maoris had given towards salaries £464, and for erection of buildings £573 = £1037; total, £16,429. There were about 50 village schools. The superior schools for which Sir J. Fergusson had touchingly pleaded had not been altogether forgotten; 26 boys and 18 girls were stated to have received education at provincial district schools; and there were boarding establishments at which 99 boys and 126 girls had been taught. A petition signed by nearly 1000 Maoris, in 1877, might be styled a general grievance petition, with thanksgiving for certain acts. They declared their loyalty to the Queen. It was good that the tribes should meet every year to lay their grievances before the Assembly.

“We say that the present Maori Representation Act should be repealed, —*i.e.*, the law which only allows a few representatives for the Maori people in proportion to the European representation. We say that the conduct of the native land purchases under the Act now in force is very confusing and bad, and that purchases under these regulations should be stopped. Land should not be sold while the original title exists. If the tribe, the hapu, and the chiefs consent to survey and to have the title investigated by the court, then only will it be right that such survey and investigation should take place. If all consent to sell the land, then only will it be right to sell. When the consent to sell has not been obtained,



such evils; and the meeting says that Mr. Sutton's words in Parliament should not be listened to, and that members from all other places should try to discover the reason why such a man as Mr. Sutton is allowed to fill Sir D. McLean's seat. The meeting approves of the action of the people of Ngatahira—that is their keeping hold of it, lest Mr. Sutton should get it; and the meeting asks that neither the Parliament nor the Government should support Mr. Sutton in doing this great wrong to the Maoris under cover of the sacred name of the law (*i raro o te ingoa tapu o te Ture*). . . . All the chiefs of the tribes are utterly to overthrow the drinking of spirituous liquors (*waipiro*—*lit.* stinking water), and the Parliament should pass an Act inflicting penalties on persons taking *waipiro* to Maori settlements. This meeting desires that Parliament will not put any obstacle in the way of the Maoris in reference to lands wrongly taken from them. It is better that the courts of law should decide such cases. These thoughts of all the Maoris are committed to the consideration of the Parliament of the colony. . . .”

The Chairman of the Committee on Native Affairs reported (7th Aug., 1877), that the petition deserved careful consideration, but the committee were not prepared to—

“make specific recommendations in relation to the numerous political opinions expressed by the petitioners—that inasmuch as the petitioners threw great light upon the opinion of the natives as to the shape which should be given to legislation upon native lands, the committee would recommend that the petitions be printed. . . . The committee desire to express its disapproval of the insertion therein of that portion of it which reflects upon the character of a member of this House, and hope that, in future, Maoris petitioning the Legislature will refrain from making such reflections.”

Such was the aspect of native affairs when at the end of the long reign of the Fox, Vogel, and Ormond party, supplemented by Atkinson and Whitaker, the reins fell into the hands of Sir G. Grey. It was believed that only the tact of Donald McLean had averted dangers which men deemed possible, if not probable. The unruly Maori had his counterpart in the low European. No traveller<sup>11</sup> could go into public places without finding that there was a section of colonists (happily in a minority) thirsting for another war in order that the weakened condition of the Maoris might lead to their extinction. But though in a minority, that section was not powerless. It could by crooked methods thwart a ministry which would not pander to it. There was another section composed of speculators, who, without any

<sup>11</sup> The reader may find an instance in a work written by Mr. Kennedy, a member of a Scotch family, which travelled from colony to colony in Australasia, singing the songs of “Auld Lang Syne” to gratified audiences.

wish for war, looked upon questions of war, of right and wrong, and of the treaty of Waitangi, as trifles in comparison with the acquisition of Maori lands. Their morality was couched in their ledgers. They abominated the despatch in which Lord Stanley trampled into dust the vile image which the New Zealand Company wished to set up.

Sir G. Grey and Mr. Sheehan encountered opposition. Some Maori experts, who had followed McLean, and expected no patronage from the new government, strove to inspire Maoris with distrust of Grey and his friends. The interpreter's license of Mr. C. O. Davis, already familiar to the reader, was cancelled; and after a time Mr. Mair and his brother and Mr. Searancke were removed from office. The personal government which had been condemned in McLean was repeated, and was to be defended by Mr. Sheehan, who could not or did not assign reasons for ostracizing some whom he displaced, and was to discover that, in the instances of Mr. Davis and Major Mair, he offended men whose aid might have been potent in overtures to Tawhiao.

Amongst documents printed during 1877 was one concerning the claims of Mr. Whitaker, which had been the subject of the bill passed through the House but rejected in the Council in 1875, in spite of the efforts of Dr. Pollen, Whitaker's colleague. Mr. Murray obtained a select committee, which reported that a proposed exchange of land between Whitaker and the government was judicious, and that delays had subjected Whitaker to loss which ought to be ascertained and settled. The committee gravely stated that they had not "the means of examining the natives interested, but had taken all available evidence." Much labour would be avoided by inquisitors if such a mode of inquiry should become the rule. The original claim was based on an alleged purchase (Maukoro) near the Piako river, by one Webster in 1839, and Sir G. Gipps' wise edicts had rendered that transaction nugatory. Governor Fitzroy, nevertheless, made certain irregular grants of land in 1844, and Sir G. Grey's Quieting Titles Ordinance of 1849 was alleged to have invested the claims of Webster with validity. Rights under awards of the Land Claims Commissioner were purchased by Whitaker and Heale, and

there were protracted negotiations to gather in the native interests. Mr. F. D. Bell, being a Commissioner under a Land Claims Settlements Act, heard the case in 1861, and made an award of 12,065 acres to Whitaker and Heale. He admitted that under Gipps' law only 2560 acres could have been awarded, but urged that the Quieting Titles Ordinance enabled the court to validate the wrongful grants of Fitzroy. But, in 1861, it was one thing to make an award and another thing to act upon it. By the seizure of the Waitara block in 1860 Mr. Whitaker and his friends postponed the day of the gown, and he slept upon his rights. In his evidence in 1877 he plumed himself (and was congratulated) upon not having urged his claims, for fear of creating a "native difficulty." He must, as one concerned in the "rape of the Waitara," have smiled at the imputation of such weakness. After the war the native titles were still undealt with at the Piako, and to enable a government land-agent to purchase a tract of country, it was proposed that Whitaker should agree to exchange his Maukoro block if the government would permit him to select an equivalent elsewhere. Dr. Pollen made the bargain, but the Maoris did not wish to lose Maukoro. The land-agent told the committee that they "lived on the land, and would not" allow Mr. Whitaker to take possession . . . "because their ancestors and chiefs of the tribe were buried there, and they did not wish to give it up."<sup>12</sup> Dr. Pollen was very gracious to Whitaker in 1874; but the burial-places of ancestry could hardly be wrested from the natives, and McLean might not have consented to such an act.

It was agreed that Whitaker should surrender his title, and that the government should allow him to select 14,783 acres elsewhere (Puninga) between the Piako and Waitoa rivers, of which he was to receive a Crown grant. Whitaker thought the transaction was to be completed without delay under an Act passed in 1858, but a law officer told Pollen that the Puninga block had to be paid for out of a loan raised under the Immigration and Public Works Act, and money thus devoted was inapplicable to lands selected

<sup>12</sup> N.Z. P.P. 1877; I. 15.

under any scrip, and could not be awarded by way of compensation. Whitaker pleaded that a *bonâ fide* exchange of land was outside of the scope of the Act, but Dr. Pollen would not depart from legal advice. Then followed the Piako Land Exchange Bill, which was lost in the Council, and Whitaker complained that he was "badly treated," but he obtained no "satisfactory answer." He returned to Auckland and "reopened negotiations" with the Maoris, "and after the dilatory proceedings which always" attended them, arranged to give the chief the Maukoro block with a Crown title in exchange for Puninga, for which the chief was to obtain a Crown title. The latter put his case before the Land Court, but so largely had civilization encroached upon the tribal domains while he was at Maukoro that he could only prove a claim to 8000 acres. This was insufficient for Whitaker. The chief then negotiated (Whitaker deposed) "with other natives, and agreed to give them 5s. an acre, which they accepted. But the next difficulty was the money; Terapipipi declaring that he had none, and urging me to pay it, and he would advance about £2000 for survey fees, and to pay up the outstanding claims, which was done. . . . In the meantime Terapipipi has made a selection at Maukoro, and I have had it surveyed, so that I am in a position to obtain a Crown grant on application; but I do not do so because Terapipipi wishes the Crown grant to be in his name, which I cannot agree to till my title at Puninga is made good. Thus the matter stands at present." Whitaker did not tell the committee whether—

the matter was thus standing—interest for monies was destroying the native inheritance, but an item in his own claim for compensation, as put before the committee on the 11th Oct., 1877, aroused the worst fears for the chief placed at his mercy: "Date, Nov. 15th, 1854. Purchase (original), Abercrombie. Acres, 5000. Price, £2000. Date to June, 1876, 21 years 199 days. Simple interest at 10 per cent., £6809 0s. 10d. Compound interest at 10 per cent., £15,609 7s. 10d." It may be remembered that in 1878 Dr. Pollen made piteous moan for a chief who, for a amount of survey fees (£150 or £200) was, by litigation, plundered of an estate of 30,000 acres. His mind

had suffered change in 1877. When examined before the committee he was indignant. He was asked: "Did the government think it desirable to acquire this block of land which witnesses say is apparently worthless, and to give up this Puninga block, part of which, we are told, was sold at £1 an acre by Mr. Whitaker before he acquired it?" He replied: "That is a question you can hardly expect me to answer. I think it is exceedingly undesirable that, as chairman, you should put such a question to me. I expect courtesy at least, and not to be accused of dishonesty. My hands are infinitely cleaner of native land dealings than yours are." "My honour (retorted the chairman), "as a gentleman, in dealing with native lands, has never been impugned. What actuated the government in making this exchange?" Dr. Pollen could give no explanation. Asked why Whitaker had been allowed "to acquire 4000 acres in addition to the 14,000 he was to get from the natives," he replied, "I cannot say." Yet he was able to say, "I think Mr. Whitaker has reason to complain that the agreement made with him by me, on the part of the government, has not been carried out." Writers of fiction have drawn terrible pictures of the rapidity with which the human mind can slide down an inclined plane. Yet surely nothing more lamentable has been seen than the conversion of the Pollen of 1863 and 1873 into the apologist of 1877.<sup>13</sup> The picture has been necessary to show the condition of the colony. The state of the Maoris cannot be estimated without a knowledge of the arts of those by whom they were pursued, in the attorney's office, in the camp, and in council; and last, not least, where "waipiro" was brought to oppress them.

When the Parliament of New Zealand assembled in July, 1878, the Governor congratulated it on the friendly relations which Sir G. Grey and Mr. Sheehan had established with "the leading chiefs" of the Waikato and Ngatimaniapoto tribes. He added: "The question of the survey and settlement of the west coast of this island has been firmly taken in hand, and the immediate survey of the Waimate Plains has been ordered." By what obliquity of judgment the

<sup>13</sup> *Supra*, pp. 52, 54, 55.



Grey ministry were led to announce so peremptorily the survey of the Waimate Plains it is difficult to understand. All men knew that McLean had guaranteed possession to Maoris who might return to the land. Nor did their claims rest only on his words and the concurrence of the government. A proclamation of peace, issued on the same day (2nd Sept., 1865) as that of confiscation, had announced—"the Governor (Sir G. Grey), will at once restore considerable quantities to those of the natives who wish to settle down upon their lands, to hold them under Crown grants, and to live under the protection of the law. For this purpose commissioners will be sent forthwith, . . . who will put the natives who may desire it upon lands at once. . . ." The words "forthwith" and "at once" had indeed been neglected, but Donald McLean had so completely recognized the right of the returned Maoris to the confiscated lands, that in 1875 he had negotiated for the purchase from them of 185,000 acres,<sup>14</sup> and full information of the conveyances to the government was regularly given to Parliament. His arrangements for acquisition of land by purchase (within the confiscated block) "with the good will of the natives," were reported to and approved by the Secretary of State.<sup>15</sup> His system, if that could be called system which depended so much upon the blank charter entrusted to him, was to invite all natives to return, to promise them undisturbed occupation of lands which they might settle upon, to purchase from those who claimed, under awards of the Lands Compensation Court, land at the rate of £1 an acre, and to rid himself of the general rights of the tribe over particular areas by compensation not exceeding 5*s.* an acre. This rate, defined in 1872, was in 1876 raised by him to 7*s.* 6*d.* an acre, and the formal instructions which empowered the Civil Commissioner so to raise it dwelt especially on the fact that it was most important to secure for settlement the valuable plains

<sup>14</sup> West Coast Commission, second report, 14th July, 1880.—N. Z. P. P., 1880; G. 2. A. A return (N.Z. P.P. 1879; A. 8, A.) showed that on the 10th July, 1879, "sums of money paid to natives within the confiscated block on deeds of conveyance to the Crown" were £54,412, on 434,702 acres.

<sup>15</sup> *Supra*, p. 39.

between Waingongoro and Stoney river. Of those plains the Waimate were esteemed the most precious. The Civil Commissioner, Major Brown, encountered opposition in surveying the Waingongoro river, but negotiated successfully for several blocks to the south of that river. Added to former acquisitions by his predecessor, the concessions thus purchased within the confiscated boundary were 363,000 acres. In 1877 he reported that after finishing "south of the Waingongoro" he proposed to cross that river and settle the question of the Waimate Plains. At that date Dr. Pollen was Native Minister, and Major Atkinson was Premier. The method pursued by Major Brown and others was called bribery by some persons and gratuity by others. Its native name was *takoha*, or "spread abroad," but some of it was dispensed secretly. A portion he paid publicly to buy up the tribal rights, and a portion (Brown said) was "to cover the *mana* of the chiefs, which was privately paid.<sup>16</sup> To acquire the Waimate Plains large sums were disbursed, but he deposed (March, 1880) that he had gained nothing by his largesse. In 1878 he charged, to his Waimate Plains "takoha" account, £1000, which he had paid to a Ngatiawa chief to defray the cost of a feast at the Waitara, and he pleaded that Mr. Sheehan, the then Native Minister, considered such a charge justifiable although the native feasters were of the Ngatiawa tribe, and the Waimate Plains were the inheritance of the Ngatiruanui. Nor was this all. Close to the Waimate Plains was Titokowaru. He was solicited by Brown, and consented, to receive "takoha" for his "mana" over the Waimate Plains which was unquestionable. But when a voucher containing his name was seen at the Audit Office, it was returned "with the intimation (Brown testified) that no expenditure of public money

<sup>16</sup> West Coast Commission Report.—The Commissioners, Sir W. Fox and Sir F. D. Bell, remarked on this statement: "As described by the Civil Commissioner in his evidence it was nothing but secret bribery." The Commissioners extracted from Brown the manner in which he paid public money to Titokowaru. They also ascertained it from the Under-Secretary for Native Affairs, who told them that but for the discoveries of the Commission it would not have been known that £2000, represented to the Audit Office as paid to certain natives by Major Brown, had not been paid to them, but devoted to purposes "not disclosed to the audit."

to that individual could be passed." Brown was told to pay the money to the public account. He was equal to the occasion. Titokowaru's original name was Kohi Rangatira, and he was afterwards christened Hohepa. In the war he had taken the name of Titokowaru. An Under-Secretary suggested to Brown that he "had better get the voucher signed in some other name." Ever since (quoth Brown) Titokowaru has "signed as Hohepa and Kohi Rangatira, either jointly or separately."

In the end of 1876 Brown, pleading that he had been so instructed by Sir D. McLean, abandoned his practice of procuring deeds of cession, and relied upon "takoha," which he said was given as "compensation for former rights previous to the land becoming Crown land through confiscation." On Donald McLean's resignation the Native Department under Dr. Pollen continued the practice of bribing certain natives to surrender rights which, by the proclamation of 2nd Sept., 1865, the government professed to have confiscated, but which from 1872 to 1876 they purchased under deeds of cession. In 1877 Major Brown prepared, under order from the Atkinson ministry, to survey the Waimate Plains. Sir G. Grey formed his ministry in Oct., and the Maoris at Waimate objected to the survey of the plains, though Brown reported that Titokowaru (who had received "takoha" from him) was "moderate" at a meeting on the 12th Dec. Mr. Sheehan (3rd Dec.) directed Brown to "suspend the survey" until he might be further instructed. Te Whiti's influence had puzzled Brown, who declared afterwards: "As I got nearer to Parihaka (Te Whiti's home) I found the necessity for paying 'takoha' diminish. It diminished after I crossed the Waingongoro. I account for it by the influence of Te Whiti preventing natives from taking the money." One Blake had stirred the Maoris against Brown's proceedings, and with the approval of the Atkinson ministry Brown, with the promise of £500, bribed Blake to desist.<sup>17</sup> Blake, nevertheless, wrote (Nov., 1877) to a Maori that it was "not right that the survey should be commenced first and the discussion should take place afterwards," and that he would see Sir

<sup>17</sup> N. Z. P. G. 2. West Coast Commission second report, section iv. 1880.

G. Grey and Mr. Sheehan. Whether his efforts were influential or not was undiscovered by the Commission of 1880, but the survey was stopped by the government, and it was understood that Mr. Sheehan would visit the spot in order to ascertain what reserves ought to be made. On the 22nd May, the Colonial Treasurer (Ballance), wanting money, asked Brown if he would recommend the immediate commencement of the survey. If the work were once undertaken, the "government would sustain you by sufficient force." Mr. Macandrew, Minister for Lands, submitted a minute to the Cabinet (22nd May): "My belief is that it will place in the Treasury close on half-a-million sterling." A strong detachment of armed constabulary ought to be sent to protect the surveyors, and Mr. Sheehan ought to be apprized of the intention to sell "— unless he is of opinion that good policy absolutely forbids it." Macandrew's minute was approved on the understanding that nothing should be done until Mr. Sheehan had visited the district.

These proceedings strongly conflicted with the tenour of meetings which Sir G. Grey and Sheehan had held with the Maoris in Tawhiao's territory. Rewi, Manuhiri, Tapihana, with hundreds of others, attended a preliminary meeting at Kopua. In May, a meeting was held at Hikurangi, and the command of Tawhiao that no spirituous liquors should be there was obeyed. He had a body-guard of 100 men. Sir G. Grey told him that the government would give him 500 acres of land at Ngaruawahia, near the grave of his father, would restore other lands for his people, would erect a house for him at Kawhia, and consult him as to surveys and roads. Tawhiao neither accepted nor rejected the proposals. It was plain that the counsels of the chiefs dictated his words. Nevertheless the meeting was thought successful, and high hopes were entertained. Rewi was not at Hikurangi, and Sir G. Grey with Mr. Sheehan visited him at Puniu. Macandrew's demand to sell the Waimate Plains without any fulfilment of promises to the Maoris took place a few days after the Hikurangi meeting. In June, Sir G. Grey and Mr. Sheehan went to the Waitara. With them went Wi Tako and others. Rewi travelled thither, but his demeanour was disconcerting. Before the

assembled people he told Sir G. Grey that he "wanted the Waitara back." The meeting was friendly, but there was no decision. Mr. Sheehan travelled to the Waimate Plains to see Titokowaru and Te Whiti, who had not visited the Waitara. Sober and just, never in arms against the Queen, and worshipped by his countrymen, preaching continually that no blood should be shed, Te Whiti was considered by Mr. Sheehan impracticable, if not mad. Sheehan thought it discreditable to Te Whiti's judgment that he had rebuked Titokowaru for taking "takoha" from the government. With such opinions, Mr. Sheehan thought Te Whiti was better at Parihaka than at Waitara, where "takoha" was profusely scattered. It was after these events that the Governor informed the Parliament that the immediate survey of Waimate had been ordered, although no steps had been taken to fulfil the pledges of the government spread over thirteen years. In August the survey was commenced. A chief protested in a friendly manner, and a deputation of Maoris consulted Te Whiti, who told them "not to oppose the survey." The surveyor was delighted. Titokowaru was on good terms with him, but warned him that the Maoris would resist the cutting of any lines through their cultivated grounds. Mr. Sheehan promised the Maoris that "large reserves should be made for them, that their burial places, cultivations, and fishing grounds should be respected," and that ample "takoha" should be given to assist them in fencing their reserves and to promote their social improvement.<sup>18</sup>

Such was the aspect of affairs at the commencement of the session of 1878, in which no serious attempt was made to disturb the policy of the government, although one or two members resented the stoppage of the survey of the Waimate Plains in 1877; and Mr. Fox derided the laudatory accounts given of the native meetings and the influence of Sir G. Grey. Mr. Sheehan thought the arrangements for surveying the Waimate Plains so satisfactory in Oct., 1878, that he took credit for having prevented interruption by firmly telling Te Whiti and Titokowaru that he "would go on with the survey no matter what they might determine." But he took no steps to fulfil promises.

<sup>18</sup> West Coast Commission Report, G. 2, 1880.

Before the session closed (2nd Nov., 1878), the murder of a European (McLean) by a Maori (Hiroki) was reported. The murdered man was a cook for a survey-party near Waverley, not far from Waitotara, far to the south of the Waimate Plains, and no political influence was attached to the act. Hiroki fled, and his tribe offered to assist in capturing him. He was pursued, shot at and wounded. He took sanctuary at Parihaka, where Te Whiti refused to surrender him on the demand of Hiroki's tribe. The survey at Waimate was in progress and unopposed; Titokowaru aided the surveyors with advice. But in February, 1879, the surveyors began to encroach with their lines. The chief surveyor, Humphries, though told by Brown (Civil Commissioner) that a reserve of 2000 acres for the chief, Manaia, was promised, and that it was "to be left without being sectionized,"<sup>19</sup> determined to cut it up into sections, and Brown assented (Dec., 1878). The natives were alarmed. They had been promised reserves, and they saw the lands plotted out (apparently for sale) without any attempt to fulfil the promises of McLean, Brown, or Sheehan. "In December (Humphries testified) the surveyors were stopped by the natives. It was on account of the road going near to the native settlements." Confident that the Maoris could easily be crushed, despisers of Maori rights were not displeased at the prospect of collision. Brown, meanwhile, resorted to conference and "takoha." He admitted that, having no instructions from the government as to reserves, he "went on with the survey of the Waimate Plains without making any reserves."<sup>20</sup> In February a surveyor was interrupted near a native settlement Mawhitiwhiti, on the border of the Plains. "Two old Maoris chased the men with long-handled fern-hooks," and some, "mostly women, closed round the men" and succeeded in taking away an axe. The surveyor said they were very excited, and "it was useless to talk to them, and *very unfortunate that this line should run through their cultivations*, as Titokowaru had

<sup>19</sup> Humphries' own language (Answers 1002, &c.). West Coast Commission Report.—N. Z. P. P. 1880.

<sup>20</sup> West Coast Commission Report (Answer 656). He added that he informed the Maoris that they "could have the lands which they had under cultivation."

said the day before that they would resist any lines being cut through their cultivations. The meridian line is right into one the first thing, and is likely to go into several."<sup>21</sup> Brown had received a telegram (15th Jan.) from Sir G. Grey, suggesting that before concluding as to reserves at the Plains, "the government should have the proposals before them and consider them." Brown then asked the surveyor, Humphries, "to go round the lands which the natives had under cultivation or in occupation; but he said he could not do so; he must survey them, and then (Humphries) could submit them to the government."<sup>22</sup> Brown was aware that "one road was surveyed through cultivated and fenced land belonging to Titokowaru."<sup>23</sup> He said he "did not anticipate objection;" but (1880) inconsistently informed the West Coast Commission that he was not surprised that the natives felt "anxious at the survey being taken so near to their settlements."<sup>24</sup> He complained afterwards that Sir G. Grey's telegram restrained him in making reserves, but was reminded that he could have requested that his instructions might be modified, and had not done so. Whether his motives were sinister or not, there is no doubt as to the tendency of his deeds. They may be told in the words of the West Coast Commissioners (1880), Sir W. Fox and Sir F. D. Bell:—

"On the 12th March, one of the surveyors reported that the section-pegs were rapidly disappearing from one of the blocks, and that from station to station for several miles the pegs had all been pulled up. The surveyor to whom this happened would not allow that the changed conduct of the natives was connected with his laying off a road-line near Titokowaru's settlement at Okaiawa; but after careful inquiry we ourselves entertain no doubt that this road was a principal cause of the surveyors being turned off the Plains. When the road approached Titokowaru's clearings, his grass-paddocks and his village, the surveyor, for engineering reasons, which certainly appear to us very inadequate, insisted on taking this road-line in a direction where it cut into a large fenced enclosure, sown with English cocksfoot grass, a yearly source of income. Captain Wilson, at the request of Titokowaru, interfered, but without avail, and the line was taken in the direction to which the chief had objected. It had only just been finished when he left for Parihaka, and within a fortnight the surveyors were all removed. . . . But though this unlucky step alienated Titokowaru and lost us the benefit of his friendly influence, there was a far more wide-spread cause of dissatis-

<sup>21</sup> West Coast Commission Report (Answer 1016).

<sup>22</sup> Answer 659.

<sup>23</sup> Answer 671.

<sup>24</sup> Answer 677.

faction influencing the whole body of the natives interested in the Waimate Plains. This was the omission of the government to make proper reserves for them." Citing McLean's and Sheehan's promises, the Commissioners added: "When the natives saw the survey of sections for sale nearly completed, and not only no signs of their reserves being made, but, on the contrary, silence maintained by the Commissioner and the surveyors on the subject; and when they heard that the surveyed land was to be offered for sale, they probably thought it was time to forbid any further progress, so they (24th March) quietly removed all the surveyors to the south side of the Waingongoro river."

Those who remember how Te Rangitake was forced to resist at the Waitara will have no difficulty in understanding the "engineering reasons" which led to an invasion of Titokowaru's enclosures.

"We can come to no other conclusion (said the Commissioners) than that it is true both in the letter and the spirit that no reserves were made either previous to the commencement or during the progress of the surveys; that none were ever marked off on the ground, nor on any plan except in the manner just described,<sup>25</sup> and that not even those marked on the plan were ever made known to the natives."

Mr. Sheehan went to Parihaka, but produced no impression on Te Whiti, though he discoursed much with him (22nd March) as to the land. On the 24th March, a surveyor was told that as Te Whiti had overcome Sheehan in debate the surveyors must retreat to the south of the Waingongoro. On the 25th, with courtesy on both sides, the various surveyors were escorted from the district, having been warned by the Civil Commissioner not to leave the Plains of their own accord, but not to oppose force. One surveyor reported to Humphries: "The natives came to remove my camp, and I was very much pleased with their quiet behaviour, the utmost good humour prevailing on both sides." The next step taken by the ministry almost entitled them to the character they imputed to Te Whiti. Without having made any arrangements as to reserves, burial-places, cultivations, or fishing-grounds, and without having sketched their intentions on any map, they advertised for sale 16,000 acres at the Waimate Plains. The Treasurer was to make reprisals by the hammer of the auctioneer. A Land Act (1877) had declared confiscated lands to

<sup>25</sup> After the stoppage of the surveys Major Brown went to Wellington and marked on a plan some proposed reserves, but neither the surveyor nor the Commissioner of Crown Lands of the district heard anything about them until they were made known to them by the West Coast Commission in 1880.



be Crown lands, and the Local Land Boards in provincial districts were the administrators through whom the government acted. Mr. Ballance, by telegram (25th March), directed the Commissioner of Crown Lands to call an "emergency meeting of the Taranaki Land Board to arrange for the sale of the Plains within the next few weeks. Draft preliminary advertisement will be telegraphed to you immediately." The board met forthwith—aware that on the previous day surveyors had been expelled from the Plains—"resolved to look upon the act of the ministry as one of public policy," complied with Mr. Ballance's desire to advertise 16,000 acres at Waimate to be sold by auction at Patea on the 6th May, declared the land to be of special agricultural value, and recorded that their acts were not done *proprio motu*, but to conform to the Treasurer's will. The advertisement was promulgated in New Zealand (26th March) and forwarded for publication in Australia. The Commissioner of Crown Lands implored for instructions as to reserves for natives, and "details of cash, and deferred payment sections." He only received answers as to the latter, Mr. Ballance caring more for money than burial-grounds. The Taranaki Land Board met his views on the 2nd April. On the same day Major Brown (in Wellington) thinking it prudent to seem to provide reserves, went to the Survey office and marked off about 8000 acres as reserves on a map, but did not acquaint his own officers, nor the surveyors, nor the Taranaki Land Board, nor the natives, with the fact. It could hardly be hoped that such proceedings would escape public attention, or be concurred with by Sir G. Grey, who after an angry scene with his Treasurer suspended the proceedings at Waimate.

The government had deputed Mr. James Mackay (accompanied by Blake) to visit Te Whiti. On the 2nd April Mackay tried his eloquence on Te Whiti. Indulging in historic illustrations, he was checked by Te Whiti saying: "Cease to speak metaphorically, say plainly what you want." He wanted to make amicable arrangements about the land.

"The land is mine," said Te Whiti. "I do not admit your right to survey it. My blanket is mine. Think you it would be right for you to

try to drag it from my body, and clothe yourself with it? If I attempted to tear your coat from your back you would resist, and would not be to blame. What right have I forcibly to wrench your coat from you? The land belongs not to the government, but to me. I told Major Brown to take away his guns. He said he had none. He misunderstood me. He thought I meant firearms. The surveyors themselves are the guns; that is, they will cause guns to be used. I want not war. All I want is to be allowed to remain at peace on my own land. If you try to take the eggs from under a hen she will peck at your hand, and you would not rail at her for protecting her young. The eggs are my land. You would wrongfully steal it from me. I defend it. You say I am a murderer. I say it is the government who are the thieves. I gave up land from Waitotara to Waingongoro<sup>28</sup> under arrangements with Donald McLean and Parris. That ought to satisfy you. Parris also paid money to Maoris for land now held by the government. . . . Waimate was untouched. Waingongoro was the boundary. I turned the surveyors off quietly because they had no right on my land. I made no terms with the government that they should claim my property. You spoke of the good intentions of the government. Tell the Governor not to insist on the survey and I will remain in peace on my land. I do not go on your land to disturb you. Why do you interfere with me in the occupation of mine? . . . As you came hither, Blake, did you show Mackay the line cut through the cultivations at the door of Titokowaru's house? (Captain Blake: Yes, we saw that.) Where then is the piece to be retained by the Maoris? Where are the promises of McLean and Parris that the lands in the occupation of the natives should not be taken from them? But for the expulsion of the surveyors we should receive no consideration at the hands of the government. . . . You know in your own mind that I have right on my side. . . . Are you authorized by the government to offer me a part of my land and agree for them to take the other part?" Mackay replied: "I am not authorized to make any definite proposal, but will convey to the government any suggestion you may make." "You had better get the government (answered Te Whiti) to fix their proposals. Not I, but they are active in the matter. I am living quietly on my land."

On the 4th April, Mackay telegraphed the result of his interview, and on the same day the government withdrew the advertisement of the sale of the Plains. On the 24th April it was announced that the sale was "postponed until further notice." Of those who knew anything about Maori affairs, there could be none who did not see that, after the proclamations and promises of the government, the invasion of Titokowaru's homestead was a gross breach of promise, if not inherently wrong.

Mackay (4th April) reported that the natives were dissatisfied because Crown grants awarded to them by the Compensation Court in 1866 had not been issued; because the title to lands confiscated by the government, and after-

<sup>28</sup> There was a side-issue about land between those rivers, with which it is not necessary to encumber the narrative.

wards abandoned, had not been determined; because promises were not regarded by the government; because the government, having kept no accurate record of their promises, were "unwittingly" diverging "from previous understandings and arrangements;" because Te Whiti feared that the measure applied to Waimate would be applied to Parihaka; and because natives dwelling on lands reserved for them at Patea had been told that they were only allowed to dwell there on sufferance. He recommended the appointment of a mixed commission of Europeans and Maoris to examine the "whole question of confiscated lands from Waitotara to Tataraimaka," to confirm previous awards, to ascertain the proper grantees, and to take evidence as to previous promises of the government or its officers. Mr. Sheehan thanked Mackay, and announced that he had "provisionally" "speckled" the map with reserves. He would recommend reserves of at least one-fourth of the land. That which should have been done before undertaking the survey he was willing to do after its interruption. At Taranaki he discussed with Brown and Parris, in the presence of Mackay, "the question of unfulfilled promises in respect of lands between the Waitotara river on the south and the White Cliffs on the north." The result he stated in Parliament (23rd July, 1879): "I was not aware in 1878, nor was the country aware, nor do I believe the House knows as a fact, what the exact position of those lands on the west coast was. It has only been made clear to us by the interruption of the surveys. It turns out that from the White Cliffs down to Waitotara the whole country is strewn with unfulfilled promises." He gave an instance, and added: "From Hawera to Waingonoro and down to Waitotara, similar cases have occurred. . . . As a matter of fact, grants have been kept back until the people have come to the conclusion that the whole thing is a sham and a delusion." He reported from Taranaki to his colleagues in April, 1879, that Te Whiti's influence was "the most important and powerful of all" elements of disturbance. "There can be no question as to the immense ascendancy which this remarkable man has obtained over his people. . . . It is a moot point whether he is a believer in his own fanaticism, or whether

he is not, under the guise of a prophet, endeavouring to become the saviour of the lands of himself and his own particular following. As a fact, it is well known that he looks down upon Tawhiao and the Waikato people, characterizing them as degraded." The time for meeting Tawhiao was approaching, and Sheehan left Mackay to prosecute inquiries, and to give incredible assurances that promises would be fulfilled. On the 6th May, Mackay reported that although Te Whiti and Titokowaru denied the right of the Crown to any confiscated lands, others were willing to concur in any arrangement to fulfil the pledges of the government, and that their grievances were "the outcome of a series of mistakes and negligences extending over the past thirteen years."<sup>27</sup>

Before describing Te Whiti's proceedings in May, Sir G. Grey's meeting with the Waikato tribes must be mentioned. It was rumoured that skilful linguists and political enemies intrigued to thwart him. On the 6th May, 1879, 5000 natives were gathered at Kopua. Tawhiao had an armed body-guard of 180 men. Rewi, Wahanui, Te Heu Heu of Taupo, Te Ngakau, and the keen Tapihana were present. With the party of the government were Te Wheoro and Rangihiwini, the Rev. Heta Tarawiti, the fast friend of Bishop Selwyn, and many others. The aged Manuhiri (the Tamati Ngapora of former days) was brooding in his tent. Sons of the king-maker, Waharoa, were there as allies of Sir G. Grey. Topia Turoa, with Rangihiwini, his old comrade in arms, and Mete Kingi, now represented Wanganui as friendly to the Hikurangi propositions. Hori Tupaea from Ngaiterangi, now about fourscore years of age, lent his countenance to the government. Ngatiraukawa sent Hitire Paerato, known in the Waikato war, and others. Ngatiwhatua sent the genial Paora Tuhaere, Paraone Ngaweke, Arama Karaka and others. Ngatipaoa was represented by Waata Tipa, Puhata and others. Ngatitamatera sent old Tukukino (whom the Thames County Council laboured to coerce as to forming a road) and others. The Rarawa and Ngapuhi, ever proud of their loyalty to the Queen, sent Tawhai, Tawhiti (a member of the New Zealand

<sup>27</sup> West Coast Commission, 1880, second report, p. xxii.

Parliament) and many more. The Arawa sent Wiremu Maihi Te Rangikaheke, learned in ancient lore, with Te Pukuatua and others. The Ngatituwharetoa sent Te Heu Heu, with Poihipi Tukeraingi and other chiefs. The Ngatiraukawa, who dwelt on the southern lands which old Rauparaha invited their fathers to possess, sent Te Rauhihi, Te Kapukai and others. Of the Whakatohea, Ngatiawa, Ngatikahungunu, Rongowhakaata, Ngarauru, and Ngati-porou there were representatives. The chiefs prohibited the use of spirituous liquors at Kopua. It was significant that Tawhiao<sup>28</sup> was, during the meeting, sedulously guarded from free converse with Sir G. Grey's friends. His guard was ever with him. Te Ngakau appeared to be the soul of opposition. Rewi was deemed loyal to his professions, and to counteract his influence, plotters against Grey strove to create discord between Rewi and Tawhiao. When the conference formally commenced (7th May), Rewi was active in marshalling the people, but Te Ngakau preceded the king with a band of young men dressed with feathers, and Wahanui accompanied his king. Tawhiao, adorned with feathers (after prayers, in which only his soldiers joined), rose and invited all the people from the South to the North Cape to listen. . . . "The word is this. Potatau alone is the ancestor of all people. He alone is the chief of this island—of you all—and you cannot deny it. The whole of this country was his. . . . I say this. Sir G. Grey has no right to conduct affairs on this island, but I have the sole right. . . . I do not consent to any of the arrangements which prevail. . . . One of them is the bringing of war into this country. It must be removed utterly. We must have no fighting whatever; whether about roads, leases, or anything else. . . . All foreign innovations must be swept away. There will then be no evils."

Rewi rose from his seat, walked to Tawhiao, and sat near him. Whether patriotism, treachery, or malice had worked singly or in combination, the result was undoubted. Sir G. Grey had failed. There was a pause. Tawhiao's people said prayers. Wahanui declared that what Tawhiao had

<sup>28</sup> Official and other reports.

said would not be added to on that day. The eloquent Te Rangikaheke recited a chant apparently friendly. At intervals he was responded to. Te Heu Heu announced his adherence to the words of Tawhiao. After brief speeches the discussion was adjourned till the morrow. The silent Sir G. Grey must have reflected wistfully upon the days when he alone wielded the Queen's authority in the land, and when the seizure of Rauparaha created lasting distrust of his captor. On subsequent days Tawhiao was absent; but, in the order proposed by the genial Te Wheoro, the chiefs of Aupouri, Rarawa, Ngapuhi, Ngatiwhatua, Hauraki, Arawa, Taupo, Tauranga, Ngatiporou, and numerous tribes, including those on the west coast, spoke tribe by tribe. Tawhiao's claim to the whole island was rejected by many. They clung to the treaty of Waitangi and the authority of the Queen. On the 9th, Sir G. Grey said that Tawhiao had been answered by those who rejected Tawhiao's claim, and he rejected it also. Wahanui insinuated that takoha was the bribe with which Sir G. Grey sought to seduce the Maoris, and was vigorously answered by Paora Tuhaere and others. To the question—Who was to blame for past strife—Sir G. Grey answered: "Let him who is without sin among you cast the first stone. Rewi has asked: 'Why the difference between the words of to-day and those at Hikurangi a year ago?' To that I say there is no difference on our part. Let those who have complaints to make stand up and state them openly here." Aporo vehemently replied that Rewi and Sir G. Grey had shed precious blood, that Tawhiao only could give blessings, and that, even since the meeting at Hikurangi, attempts had been made to form a road through the land of the king, in defiance alike of what was right and of the pledges at Hikurangi. Then Rewi defended himself. He had been a man of war and shed blood; but, for the salvation of his people, had now grasped the hand of another, Grey, who had shed blood also. Some people thought that he had been tempted by lucre. "I say no. My treasure is my land. I hold Sir G. Grey, because he was my opponent. . . . I will hold to him because we can arrange matters and devise the means for living in peace. . . . When this work is done I will turn to the matters of my soul. I will build up my spirit. . . ." Sir

G. Grey then spoke of his friendship with Potatau. There would never have been war in Waikato if Grey had remained in the island. He looked on Tawhiao as his own child. Love for the people of the island was the bond between Rewi and himself. Wicked men had arisen to spread false reports about Rewi and himself. Those reports were untrue. With Tawhiao's declaration that there should be no more fighting he was delighted. There spoke a son worthy of his father. On the 12th, the final discussion took place. Wahanui denied that the arguments of Tawhiao's friends had been refuted, and was answered by Paora Tuhaere, who but for the "shadowed livery of the burnished sun" was a fit representative of a burly English country gentleman. Tawhiao was present, but left Wahanui and Te Ngakau to reiterate their arguments. At the close Sir G. Grey strove to confute Aporo's attack about the road, and infelicitously pointed out that, as the servant of New Zealand, he could not have refused to make the road when the Parliament directed that it should be made. He reminded the meeting of his offers at Hikurangi, and their advantages. If not accepted now, they would be cancelled. On the following morning he wrote to Tawhiao that he was about to leave—"not in anger, but sorrow, because you have not been wise enough to accept the benefits offered to you, and because the hope which I have cherished for years that I might be the means of placing yourself and your people in a condition of prosperity and peace has been again deferred." Tawhiao made no sign. Wahanui and others had complained that Sir G. Grey and others had severed the Maoris from the Queen. "It is urged that we should become one under her shadow. That is right, for she is my mother; but who severed this unity and caused war? It was not the Maori, but Grey and his friends." The seizure of Rauparaha, moreover, could never be forgotten. Many persons believed that Tawhiao's rejection of Sir G. Grey's overtures was brought about by intrigues of Grey's enemies, amongst whom was reckoned Mr. C. O. Davis, the Maori scholar, whom Mr. Sheehan had offended. Major Mair had been dispensed with by the over-confident Sheehan, at a time when Sheehan more lightly esteemed Mair's powers than

when the ministers returned crestfallen from Kopua. In Parliament (July, 1879) Sheehan said that "the change in the king's notions as to the terms of settlement was a change brought about by evil counsels at the last possible moment."

At Kopua Te Whiti's wrongs were not discussed. Mr. Sheehan cultivated the friendship of Rewi, who reviewed at Awamutu a troop of cavalry, and informed them that their vocation was gone, for that thenceforward peace was to prevail. Mr. Sheehan contemplated with satisfaction the effect of a visit to Auckland. A few days before Rewi arrived there<sup>29</sup> Mr. Sheehan's hopes were rudely dashed by Te Whiti, although some days elapsed before the settlers ascertained that Te Whiti was the author of their astonishment. On the 26th May, Maoris invaded a farm at Oakura, and ploughed up grass-lands. Telegrams were sent to Sir G. Grey. Alarm was general, but no violence was displayed towards the settlers. The "Taranaki Herald" declared that "if it should come to fighting, then we have very little hesitation in saying the struggle will be a short one, and afterwards this district will never more receive a check to its progress from the same cause." The ploughing went on, and the ploughers said "it was done in order to force a settlement, and that Te Whiti only wanted the Governor to come to settle affairs."<sup>30</sup> Far and wide, from the White

<sup>29</sup> Crowds assembled to see the old warrior, who had not been in Auckland for 20 years. The mayor welcomed him with a speech, and the citizens awaited his reply. It was not on a railway platform, or to such an audience, that the old man poured out his words. He said: "My reply will be brief—a descendant of Motai will yet journey on the sands of Hakerekere." It was supposed that this ancient proverb implied confidence that Rewi would accomplish his task. He was feasted, and visited public places. At the gaol he saw some Maori prisoners, and gravely told them that their own faults had justly brought them there, but that as the law of the Pakeha enabled them to shorten their imprisonment, he advised them to behave well so that they might return to their homes, where he told them "to sin no more." He made longer speeches at banquets. The Governor, Sir Hercules Robinson, visited Auckland, and Rewi returned to Waikato in his company.

<sup>30</sup> West Coast Commission (1880), second report, section viii. It was admitted by the Commissioners that Te Whiti's object was to test the "legality of the confiscation." "We, of course, knew from the first (3rd report, p. 3) that it would be contested before us by the adherents of Te Whiti. . . . We therefore refused to hear counsel who wished to question it."



Cliffs to Hawera, the ploughmen worked, commencing before sunrise, and taking away their ploughs in the evening. Great numbers of Te Whiti's followers congregated at Parihaka. The government strengthened their armed forces, and made arrangements to procure Maori allies from the east coast. Mr. Parris went to Te Whiti, and was told that the prophet did not desire hostilities, but to bring the land question to an issue. It was not against settlers, but against the government that his measures were directed. The Governor, with Sir G. Grey and Colonel Whitmore, went to Taranaki. The magistrates there reported that "the settlers should be armed." If the natives persisted in "molesting property" they would be shot down. An Auckland newspaper thought it impossible to use violence until the allegations of the natives had been investigated. "In the Waitara case our troops drove off Te Rangitake and his people, and destroyed his villages and cultivations; and years after, and after a bloody and protracted war, we found we had been all wrong. It would be a pity if something like the same mistake were committed now." In June, Te Whiti said:—

"Come to me and be saved. So long as you remain with me, no man can harm you. . . . If any man molests me, I will talk with my weapon—the tongue. I will not resist the soldiers if they come. I would gladly let them crucify me." To the ploughmen he said: "Go, put your hands to the plough. Look not back. If any come with guns and swords, be not afraid. If they smite you, smite not in return. If they rend you, be not discouraged. Another will take up the good work. If evil thoughts fill the minds of the settlers, and they flee from their farms to the town as in the war of old, enter not you into their houses, touch not their goods nor their cattle. My eye is over all. I will detect the thief, and the punishment shall be like that which fell upon Ananias."

Seeing the wonder of the reporters, he rebuked them for their eagerness to note mundane things and their disregard of the word of the Spirit. A few days afterwards Sir G. Grey telegraphed his consent "to the removal of the ploughers without any unnecessary disturbance" (22nd June). On the 23rd he sanctioned the removal of the ploughmen by settlers, but said that arrests under warrant should be made by the police or by the armed constabulary. On the 25th he authorized the police to arrest the ploughmen if disturbance should seem probable, and at once to bring a charge against them. Arrests were made. The prisoners

were willing captives. Day by day fresh ploughmen appeared with joyful faces, and entreated to be taken. Some Taranaki settlers, surprised at the demeanour of the Maoris, and confident in the armed force at hand, proposed an attack upon Te Whiti. But the government were not able to indict the prisoners they held, and it was suspected that if he should be arrested, the demon of revenge might be aroused among his followers. The Poverty Bay massacre by Te Kooti was remembered. Before many weeks had elapsed 200 willing captives<sup>81</sup> had been sent to Carlyle and to Wellington, nominally for trial, although the authorities knew not how to arraign them. At the end of 1879 it was computed that the expense incurred was at the rate of £200,000 a year.

The Treasury was in straits, and a sale of rich lands might replenish it. A treaty and the word of the Queen were in the way. Governor after governor, minister after minister, had abounded in pledges. The pledges had not been kept, and if the Maoris would but have died quickly enough there would have been no need to keep faith. If they would not die they must be killed. After all, so much had been already done at Taranaki that an additional crime might escape condemnation. It was but the complement of acts of former ministries, sanctioned by a Secretary of State. They had smitten the Maori body; their successors must bury it. He was a poor assassin who scrupled to get rid of the corpse of his victim. Such was the impulse of the worse spirits which had never been wanting in the land since the days when Colonel Wakefield struck his foul bargains. There were others who were weary of obstacles to what they called the progress of New Zealand. They did not desire the slaughter of the Maoris; they only wanted their land. The highest good was anise and

<sup>81</sup> Among them was Matakatea. He was known to have saved the lives of European men, women, and children wrecked on the coast during the Taranaki war. He was afterwards ill-treated by General Chute. Sir G. Grey testified that none of his or of Arama Karaka's land was confiscated, and that a solemn promise was given to them that none of their land should be taken. Several members, Sir W. Fox, Mr. Rolleston, &c., visited Matakatea in prison. Mr. Rolleston declared in the House (18th July) that "the world would declare it a terrible thing that the blundering of any ministry should have brought about such a result, that a man who deserved so well of the British people should now be in gaol."

## NEW ZEALAND.

... exports and imports; and weightier matters of  
... and faith were not compatible with the  
... policy to which New Zealand was committed.  
... was large, and the interest heavy. Mer-  
... must be maintained. Debtor and creditor  
... nearer to them than righteousness or judg-  
... Those who deny the proneness of mankind  
... might find refutation of their theory in the  
... of colonists who thus throughout New  
... to the schemes of outspoken foes of the  
... There were thousands who knew no more of  
... progress, and condition of affairs at Taranaki than  
... in a provincial town in England. But all  
... progress of events recorded in the newspapers.  
... they read that Te Whiti's influence waned  
... his followers were in prison; sometimes that he  
... opinions of eminent lawyers. When plough-  
... no longer arrested, but quietly removed, he still  
... peacefulness. Mr. Mackay continued his inquiries  
... broken promises of the government; and in  
... when the ploughing ceased, political events had  
... the ministry. They placed Tairaroa in the Legis-  
... Council, and his seat for the southern Maori district  
... by Tainui after a contest. The Parliament  
... meet in July. The resignation of Mr. Stout  
... Attorney-General) was said to be owing to private  
...; but when Mr. Ballance had resigned in  
... it was known that serious disputes had occurred.  
... an Attorney-General, and undertaking the duties  
... Treasurer at a few days' notice, Sir Grey met the  
... opposition which had been maturing its plans  
... against him. Mr. Gisborne became Minister for Mines  
... and Immigration, and Mr. Thomson Minister for Lands.  
... the Marquis of Normanby had prorogued Parliament in  
... November. A new Governor, Sir Hercules Robinson, con-  
... ed it in July. The Speaker of the Council, Sir J.  
... Richardson, had died, and in June, 1879, Sir William  
... Fitzherbert, the Speaker of the Representatives, accepted  
... the Speakership of the Council. Sir G. Grey moved that  
... O'Rorke be Speaker. Major Atkinson echoed the  
... that all O'Rorke's decisions would be just, and

Mr. O'Rorke was unanimously elected. The wily Whitaker took occasion to congratulate the Speaker elect, although he had "invariably been opposed" to him in politics. The Governor's speech promised a measure to secure manhood suffrage for Europeans, and a ratepayer's vote for Maoris. Native lands would be dealt with, after inquiry. Fanaticism on the west coast had "assumed an alarming appearance," but steps had been taken to ensure peace, and it was "possible that a peaceful solution would be found." Tawhiao was still friendly, and "the well-known chief, Rewi, had given further important proofs of good faith and loyalty." The general revenue was flourishing, but that derived from land had fallen off. An income tax would be proposed, and a Loan Bill to raise £5,000,000 for construction of railways. A bill to deprive municipal voters of their proportional influence at local elections seemed a further instalment of the design of Sir G. Grey to stifle the old English representation which carefully regarded "the communities of shires and boroughs as the collective organizations<sup>82</sup> of those who paid taxes," and tended in no manner to subject the earnings of the industrious to the votes of a numerical majority. Sir W. Fox moved (18th July) an amendment on the address, which was carried by 47 votes against 33. Sir G. Grey's speech had intensified the bitterness of opponents, and on the 30th July the Governor's consent to a dissolution (on the understanding that it would be immediate, and that the new Parliament should be called together on the return of the writs) was announced. A formal address from the Council had been presented, but the speeches were as uncompromising in one House as in the other. Mr. Waterhouse and Sir F. Bell so unsparingly criticized the government that they were upbraided for supporting Te Whiti. The latter said:—

"You may not go and take possession of the confiscated land by force of arms. If you do, you must be prepared to fight for it; and who is there, looking at the experience of past years, that will advocate the acquisition of that land at the price of blood? Your cause is unjust, and you must retreat from your position. The humiliation of doing so signifies nothing. . . . You must, in justice, give up at once the attempt to get that land except in strict accordance with the promises of Sir D. McLean.

<sup>82</sup> Stubbs, "Constitutional History," Vol. ii., p. 166.

. . . If you are generous enough to do this you will have no further difficulty on the west coast."

He told the truth. There was no difficulty on the west coast except what the government created. Distrust was exhibited as to delay of the dissolution, and refusal of supplies was threatened; but after some manœuvring they were granted. A Loan Bill was passed for £5,000,000, although the debt recorded<sup>88</sup> on the 31st December, 1878, was £22,608,000. On the 6th August, Tairaroa asked in the Council whether, and if so, when, the prisoners would be tried. Colonel Whitmore replied that it was intended to try them in October. On the 8th, Major Atkinson demanded protection for settlers on the west coast. Mr. Sheehan would rather cut off his right hand than pass a retrospective measure to deal with the prisoners. It was one of the stipulations with the Governor, when granting an immediate dissolution, that no contested motions should be brought on. If the opposition would agree not to debate the matter, Sheehan would bring in a bill to postpone the trials. Atkinson, who had privately negotiated with Sheehan, was sure that the House would willingly pass the bill. The rule of the House, that all such bills should be translated into Maori, was evaded. Standing orders were suspended. Sheehan brought in a Peace Preservation Bill, which the House read three times without remark. It said that, as the peace of the colony was endangered by certain natives, and, "from divers causes it has hitherto been difficult to bring such persons within the ordinary operation of the law," it was expedient to deal with them otherwise. The Governor was to proclaim that such natives were to withdraw from their abodes. If they should not withdraw they were to be "deemed guilty of misdemeanour, and, upon conviction, to be liable to be imprisoned with or without hard labour for any period not exceeding one year." (Thus Te Whiti might be put in gaol.) Such Maoris, when arrested, might be "detained without bail until the end of the session" next succeeding; and "no judge or justice of the peace shall bail or try any such Maori without an order from the Governor until the end of (such next succeeding session), any law or statute to the contrary notwithstanding." The Governor was to order

<sup>88</sup> "Hayter's Victorian Year Book," 1879-80. Australasian Statistics.

time and place for trial, and might send the prisoners to any part of New Zealand; and the Habeas Corpus Act was specially suspended.

Such was the measure which Sir G. Grey's government were assisted by Sir W. Fox and Major Atkinson to pass as "uncontested."

A Maori Prisoners Trials Bill was introduced by Mr. Sheehan. The time of gaol-delivery had elapsed with regard to some of the prisoners and they had not been tried. The bill enabled the Governor to fix the day and place for trial, which was not to be delayed beyond three months after the passing of the bill. It declared it "indispensable for the peace and safety of the colony that the ordinary course of law should be suspended, and (the trials) should take place under special legislation." The Governor was to declare what number of prisoners should be tried at any sitting of the court. The bill was not passed in silence. Tainui protested against passing the bill without having it printed in Maori. The natives generally desired that the trials should take place in due course of law as soon as possible. Mr. Macfarlane protested against the "abominable" bill altogether. Orders in Council ought not to supersede the law. Mr. Swanson followed in the same strain, and declared that the bill was brought in at the behest of Major Atkinson. Another member deplored the public shame to Englishmen with which such a measure was fraught. Mr. Stewart denounced it as a gross infraction of the Great Charter. It placed the government above all law. The Maoris were committed for trespass; let them be duly tried. Major Atkinson called the objections to the bill theoretical. He was as careless of the safeguards of British law as of the treaty of Waitangi. Captain Russell scorned all law. "Lawyers were very useful in their way, but a great nuisance in legislative bodies." As far as he could judge, "these natives . . . are really not British subjects at all." Tomoana said: "The new Parliament is to meet in thirty days. Let the matter then be dealt with." The bill was unfair. The prisoners were entitled to be tried. Why were they, without conviction, kept at hard labour? The Speaker said that as a Maori member had complained that the bill was

not printed, it would have been his duty to insist on compliance with the Standing Order were it not for the fact that the House had at an earlier hour suspended the Standing Orders. The bill was read a second and third time. It was Saturday, and the Parliament was to be prorogued on Monday.

The bills were dealt with in reverse order in the Council, The Prisoners Trials Bill was taken first, and was hurried through all its stages. The Peace Preservation Bill, easily smuggled through the Lower House, was proposed, "as being in the interests of humanity," by Mr. Wilson. Sir F. D. Bell at once moved that it be shelved—

"We are asked to pass an Act such as no Legislature in the world, I believe, has ever been asked to pass. We are not only to create a new offence, but to enact that a native who commits that offence is not bailable. . . . Sir, I can hardly trust myself to speak upon such a measure. . . . You will make it absolutely certain if you put this law into force, that you will have war on the west coast. Nothing on earth can prevent it."<sup>31</sup> I know the natives well. . . . I say you are absolutely mad to think of proposing an Act like this. I warn you that, so sure as you are guilty of so perfidious a reversal of the promises of the Crown, so gross and unwarrantable an injustice to those who have never committed a crime, as to pass such an Act as this, so surely will you have bloodshed the moment you try to enforce it. I will not say, as members in the other House have said, that I shall wash my hands of it, but I shall record my protest against so utterly shameless an Act." Could the Governor assent to it? If Colonel Whitmore could say that such assent was promised—"respect for his Excellency's office would prevent me from expressing any opinion on that promise. But, till I hear that statement made, I shall not hesitate to say that, under the Royal Instructions, he cannot give his assent to this bill. It is of a nature expressly violating all former Royal Instructions."

Dr. Pollen conceived that the object of the bill was to "give legal authority to capture Te Whiti. Te Whiti ought not to be condemned before he was tried." Colonel Whitmore vainly pleaded that "the bill did not originate with members of the government. It had been previously suggested by people who took an interest in the matter." Mr. Waterhouse declared it—

"The most iniquitous proposal that was ever submitted to the Legislature of any country. Hundreds, even thousands, of people, occupying a large tract of country under the assurance conveyed by a proclamation of the Governor would (under the bill) be made liable to a year's imprisonment. I would sooner submit to have my right arm cut off than be a party to it."

<sup>31</sup> It was probably because they agreed with this opinion that Atkinson and some others thought the bill "necessary."

By 16 votes against 6 the bill was shelved. The Parliament was prorogued on the 11th Aug. But, though the plot to subject all the Maoris at Parihaka to seizure was defeated, the passing of the Prisoners Trials Bill effectually thwarted any hope which Te Whiti's friends entertained of testing the lawfulness of the proceedings of the government.

Taiaroa, Wi Tako Ngatata (members of the Council), Hoani Nahe (a representative member, and one of the ministry), with Rangihwinui and others, took legal advice with a view to cause the questions concerning confiscated lands to be tried in the Supreme Court. They issued a Panui, or manifesto, to the tribes. They circulated it in Maori and in English.<sup>85</sup> They deputed Parata to urge

26th August, 1879.

<sup>85</sup> Manifesto to the Maori tribes interested in the lands confiscated by the government in consequence of the wars between the Maori and the European peoples.

We, the committee appointed to inquire into and to take proceedings for testing the validity of the laws under which the said lands have been confiscated, and are now claimed by the government, and to inquire into and test the validity of the acts done by the government under the provisions of those laws, send greeting :

Know ye, that we have consulted lawyers at Port Nicholson touching these matters, and we are informed as follows :—

That, in the month of December, 1863, the General Assembly of New Zealand passed a law authorizing the Governor, whenever he was satisfied that any Maori tribe or hapu had been engaged in war against the government since the first day of January, 1863, to declare and fix the boundaries of districts within which the lands of such tribe or hapu were situated, and then to set apart any of such lands as sites for settlement ; and, by the said law, every site so set apart was to become the property of the government, freed from the title of the native owners of the same.

But it was by that law provided that compensation should be made for the taking of such lands to any of the native owners who had not been engaged or concerned in the war for which the same had been confiscated.

Now, we find that the government, purporting to act under the provisions of that law, and of other laws passed by the General Assembly in connection therewith, have created districts in various parts of the North Island of New Zealand, and claim to hold the lands of the Maori people within those districts, on the alleged ground that the said lands have been lawfully confiscated by reason that the owners thereof had been engaged in wars against the government since the first day of January, 1863.

We know that the right of the government to confiscate those lands, and to retain the same, has long been disputed by the Maori owners thereof, but that no proceedings have ever been taken in any court of law to test the validity of the Acts of the General Assembly under which they



have been taken, or of the proceedings of the government under those Acts, or the right of the government to retain any portions of the lands, so taken, which have not been set apart as sites of settlement.

We therefore, having been appointed to inquire into these things, have been advised that the proper course for the Maori people who object to them is to commence proceedings in the Supreme Court of New Zealand, in order that the following questions may be heard and determined by law:—

1. Whether the Acts of the General Assembly authorizing the confiscation of the Maori lands are valid Acts or not?
2. Whether those Acts, if valid, authorized the government to confiscate any of the Maori lands by reason of wars which happened after the third day of December, 1863?
3. Whether those Acts, if valid, authorized the government to retain any of the lands within the proclaimed districts which had not been specifically set apart as sites for settlement before the third day of December, 1867?
4. Whether the proceedings of the government under those Acts have been regular and proper, so as to bind the native owners of the lands taken?
5. Whether, if those Acts be valid, proper compensation has been made to those who had not been engaged or concerned in the wars?

These are the principal questions which we have been advised by our lawyers to bring before the Supreme Court, but there are many others in connection therewith which will also have to be decided, and all such questions will be duly raised in the interests of the Maori people.

We have also been advised that if we are not satisfied with the decision of the Supreme Court upon any of these questions we shall be entitled to appeal to the great court of the Queen of England, by which the case will then be fully heard and decided.

Now, in order that these things may be properly done, we, the committee, call upon you to assure the government that you will not commit any deed of violence or attempt to assert your claims to those lands by force, and that you will leave your rights to be settled by the law, and not by the sword. And we will urge upon the government, on the other hand, not to proceed with the surveys or to deal with the disputed lands until the law has decided the questions we raise in respect of the same.

And we further make known to you that, acting in the belief that it is your wish that these things should be peaceably done, we intend at once to take steps for bringing all questions touching your claims to the confiscated lands before the Supreme Court.

From the committee,

HORI KEREI TAIAROA, M.L.C., *President.*

WI PARATA TE KAKAKURA, *Secretary.*

WI TAKO NGATATA, M.L.C.

MOKENA KOHERE, M.L.C.

HENARE TOMOANA, M.H.R.

HORI KARAKA TAWITI, M.H.R.

IHAIA TAINUI, M.H.R.

MAIHI PARAONE KAWITI.

KEEPA TE RANGIHIWINUI, *Major, N.Z. Militia.*

PEETI TE AWEAWE.

Te Whiti "to desist from any further ploughing,"<sup>86</sup> and the ploughing "entirely ceased at the end of August."<sup>87</sup> The general elections took place under unusual excitement. Sir G. Grey flew from place to place, embittering the feelings of his enemies, if that were possible, by setting class against class, and winning cheers from crowds by declaring that they were serfs, and would remain so unless they would empower him to rescue them. He declared (doubtless without knowing that it was untrue) that New Zealand was the only British possession in which manhood suffrage did not prevail; he sneered at the Legislative Council; denounced "political rest" as ruin, and predicted that by obtaining the government which he aimed at the people would found "one of the greatest, most powerful and beneficent races that the world ever saw." The opposition were as energetic as he. Nevertheless he gained strength by the dissolution. The Auckland members who had supported Fox were rejected. Amongst them was the astute Whitaker. Sir W. Fox was beaten at Wanganui. Sir G. Grey was returned unopposed at the Thames; and at Christchurch, which had previously returned three opposition members, he headed the poll, and one of his supporters was second. The opposition had not depended only on Whitaker and Fox. In the Upper House sat Mr. Hall. He had been a member of Fox's brief ministry in 1856, of a Stafford ministry from 1866 to 1869, of the Fox ministry which supplanted it, of a Waterhouse ministry in 1872, and of an Atkinson ministry in 1876. He was versed in New Zealand affairs, general and provincial; had shown that he was unscrupulous enough to use the Governor's name without warrant in the matter of the "order of reference" of the Ngaitahu deed; was deemed sagacious; had immense capacity for work; and could say clearly what he desired to say. On the 18th August, he tendered the resignation of his seat in the Council in order to seek election to the House of Representatives. Sir G. Grey unwisely threw obstacles in the way,

<sup>86</sup> Speech of Taiaroa in Legislative Council, 11th Dec., 1879. New Zealand "Hansard."

<sup>87</sup> West Coast Commission, second report, 1880, p. 23.—N.Z.P.P. 1880, G. 2.

and reminded the Governor that his acts must be done under ministerial advice. Sir Hercules replied that the argument was sound, but that as he would unquestionably decline to refuse the resignation, if so advised, Sir G. Grey would be left with the constitutional alternative of resignation or acquiescence. The resignation was accepted, and great confidence was inspired amongst the opposition by the election of Mr. Hall. He moved an amendment on the Address when Parliament met. Influence was brought to bear upon members. Hall himself plied Tomoana and Te Wheoro with persuasions, at a private house, in presence of Mr. Ormond and Mr. Rolleston. He was courteous, and the chiefs engaged to put in writing their views, with some of which he left them to think that he agreed. On 6th Oct. Tomoana handed to Ormond the promised paper, but Ormond declared that he did not look at it until its delivery was unimportant. He did not tell Tomoana that Hall had not agreed to it. Whatever Tomoana's reasons were, he declared on Friday that he would vote with Hall. He said that when he found that Hall "agreed to his ideas" about the native question, he "agreed to support his side." All he wished for was justice. He was sorry to vote against the ministry, but not one promise to the native people had been fulfilled by them. Tawhai said: "I was elected to support Grey, and will do so. If any one blame me for so doing, I would remind him that at least I shall act as a chief and keep my word." The votes were 43 against 41. On the 8th October Hall formed a new ministry.

Much was said about the intrigues by which Tomoana had been induced to turn the scale; and Hall produced a memorandum in which Ormond described the interview between Hall and the Maori members, and denied that Hall was committed to their proposals. Tomoana soon quitted the ministry. The Native Minister, Mr. Bryce, made (17th Oct.) a statement which reflected rather the cupidity of the Taranaki community than the negotiations of Hall with Tomoana. He was "of opinion that there are probably no grievances to speak of on what is known as the Waimate Plains proper." On the next sitting day Tomoana rose and said that he had listened in vain for proposals beneficial to his people. He was grieved at Bryce's statement. He had

asked the ministers to find some other colleague, because for years he had seen his people suffering; some were in gaol; women and children were in misery, and nothing was done to alleviate their sufferings. He had promised to support Hall honourably. He had no personal complaint to make, but he could not honourably continue to be the colleague of the Native Minister, because from the speech of that functionary no benefit could be expected for the Maoris. His duty as a chief was clear. Leaving his seat, he bowed to the ministers; as he crossed the floor he similarly saluted the Speaker, and before he took his seat bowed profoundly to the House, being loudly cheered<sup>88</sup> by those who thought themselves his superiors as well as by some who felt their inferiority.

A few words may be said as to the ministry and their opponents before the thread of native affairs is pursued. Whitaker entered the Upper House as Attorney-General. Two of the cabinet were supposed to share the Taranaki predatory ideas as to Maori lands and the spirit of the riotous Peace Preservation Bill which the Council had crushed in the previous Parliament. Mr. R. Oliver, a Dunedin member, became Minister for Public Works. Mr. Rolleston (from Canterbury) was Minister for Lands and Education; and the offices of Minister of Mines and of Justice were held in abeyance, as baits for expectant mouths. The Native Minister, whose statement induced Tomoana to quit the ministry, was Mr. John Bryce, member for Wanganui. Major Atkinson was Treasurer. Though he held two ministerial offices at his disposal Mr. Hall's pathway was not clear. He was without a working majority. To win two votes by gifts of place might repel others not propitiated. It was determined to disintegrate the opposition. Sir G. Grey's friends were told that he, being the object of distrust, might, by heroic retreat from the post of general, enable the army to win the campaign. Accordingly, before the new ministry was sworn in, Mr. Macandrew, a Middle

<sup>88</sup> An eye-witness wrote: "I have seen two ministers leave the ministerial bench for the purpose of opposing them; one was a European, the other was a Maori, and it must be admitted that the Maori acted his part in by far the more dignified manner. . . ."

Island member, was, at a meeting of the Grey party, proposed and accepted as leader. He gave notice (10th Oct.) of a motion of want of confidence, which he was willing to move at once in order "to come down on Tuesday with a government which will possess the confidence of the House." He defeated Mr. Hall by two votes on a question of adjournment on the 10th, and there was much wrangling as to the conduct of business. Hall wrote to him (13th Oct.): "My colleagues and myself consider it would be unconstitutional for the House to entertain a motion of no-confidence in a government until it has had a reasonable opportunity of placing its policy before the country." Change of position changes opinions. Atkinson and Whitaker had, in 1877, striven to eject Grey without allowing him time to propound a policy. Grey and his friends were leagued in 1879 to do towards Hall and Whitaker what they had resisted in 1877. As Hall would not afford a place for Macandrew's motion the latter, wielding a majority, prevented the government from proceeding with business. There were many conferences besides that in which Tomoana's support was contracted for. Hall indicated that to remain in office he was willing to adopt Sir G. Grey's measures. Triennial parliaments, universal suffrage, and other changes which Hall had formerly opposed, were to be embraced. With malevolent glee Sir G. Grey exclaimed (15th Oct.):—

"My desire is accomplished. . . . I have had the pleasure of hearing honourable members on both sides . . . irrevocably pledge themselves to most liberal measures, bidding against one another as men do at auction, promising the community at large to introduce a system of democracy which we should not have reached for years under other circumstances; and all through yearnings for place and desires for pelf. . . . They cannot retract; they must aid. They may say, No, but they cannot help themselves. Out of office or in office I will drag them as my slaves at the wheels of my chariot. They shall pass those measures. Though they hate me they shall . . . go into the same lobby as myself, and shall bestow . . . measures so liberal that I should not have dared to propose them, knowing they would be defeated."

His anticipations were wrecked in results. On the 21st Oct. the ministry were defeated by 37 votes against 31. Several members for the Middle Island who had voted against Grey now voted against Hall. On the 22nd there were secret negotiations. Their nature may be inferred

from a letter which a former member addressed to one of the opposition: "I would very much like . . . to see you turn over before the no-confidence motion is taken, as you will then occupy a much more influential position with the present ministerial party . . . I am assured on the most reliable authority that the government are sure to win." It is needless to record the writer's name. The member addressed replied that "for treachery, duplicity, and moral turpitude," he had never seen a parallel to the proposition; and submitted the letter and the answer to the House as a question of privilege.

Mr. Hall denied that privilege was involved in a private letter—"which in my opinion contains very good advice, although the honourable member does not appreciate it." While he spoke, Mr. Hall had secured "the support" of four Auckland members, who, while conspiring with him, had conferred with the opposition. Mr. Swanson's conversion was wondered at, and explained. Atkinson lay in his way, and he found him. Money was required in the north. The unblushing Treasurer replied:<sup>39</sup> "How can you, Swanson, expect me to pay when you are doing your best to prevent the government getting any money to pay with?" Terms of arrangement were found. Whitaker plied his arts upon his old colleague Reader Wood. Wood's statement<sup>40</sup> was: "Whitaker sent for me . . . he said he had seen Mr. Swanson," and agreed that if four deserters—Wood, Swanson, Hurst, and Colbeck—would go over to the government, Auckland should receive gracious treatment as to money-grants and electoral distribution of seats. The transaction seemed incredible when first bruited. Mr. Wood told a friend (23rd Oct.) that half a million sterling would flow to Auckland in consequence of his defection, and the written statement of the friend was read in the House. In fine, four members having left the opposition, Macandrew's notice was not proceeded with. There was recrimination as to the manner in which, and from whom, support had been purchased. An attempt was made to procure Hall's correspondence,

<sup>39</sup> Speech of Swanson. Auckland, 30th Dec., 1879.

<sup>40</sup> Speech of Wood. Auckland, 7th May, 1880.

but he said there was none;<sup>41</sup> and Swanson said that what there was was in his pocket, and would not be produced without the consent of all concerned. Swanson had written a paper; the ministry had struck a bargain upon it, and the paper had been returned to Swanson.

The disintegration of the opposition was complete, and at the close of the session the government commanded a substantial majority. The passing of the Triennial Parliaments Bill, and of a bill to confer universal suffrage, promised to rekindle strife at an early date. Fresh taxes were imposed. The Treasurer estimated the deficiency at £911,000. Nevertheless, it was resolved to abolish the gold export royalty gradually. After debates which proved that the local bodies did not desire the reduction, it was decided to reduce it annually by 6d., so that it might cease in 1884. A Property Assessment Bill was to raise £470,000. Stamp duties were to yield £200,000, and Customs duties were to add nearly £300,000 more than before. Treasury bills were authorized, and before the close of the session (19th Dec.) a Property Tax Bill was passed, the ministry claiming credit for having done much to rectify the disordered state of finance which they had encountered. Mr. Bryce, accustomed in the Committee on Native Affairs to the easy mode of shelving a petition by abstaining from any recommendation, made (17th Oct.) the ministerial statement which drove Tomoana into opposition while the echo of Hall's promises had hardly died away. He desired to "destroy that part of the department which he had so often called the personal government." He was of opinion that there were "probably no grievances to speak of on what was known as the Waimate Plains proper." There were perhaps grievances, "magnified somewhat, of one kind or another along the west coast," and for the sake of the colony they ought to be inquired into. Te Wheoro glanced at the blunders of the government in causing the Waitara war, at the unjust allotment of Purukutu's land to

<sup>41</sup> In Aug., 1892, a member having referred to the transaction, Hall said "certain Auckland members approached my government"—"it was the best arrangement ever made"—"it is one of those transactions of my life which I can look back upon with perfect satisfaction."—N.Z. "Hansard," Vol. 76, p. 426.

another, at the slaying of Sullivan by Purukutu,<sup>42</sup> at the failure at all times and places to fulfil promises made to the Maoris. That had led to the ploughing on the west coast. Why should not the control of the Native Department be left to the Maoris as Te Wheoro and Tomoana had stipulated in the paper which Ormond took possession of for Mr. Hall, but did not look at until the division had been taken in which Tomoana's vote gave Hall his majority? "Try, and see the result. I believe if this House will not take my suggestion, the Queen will."<sup>43</sup> He almost despaired of good being done by the local government. Why was gunpowder being sent to Taranaki? "What had the ministry done for Tomoana, their friend? What functions had he? He is simply sitting on his seat." . . . He suspected that if Major Atkinson had been Prime Minister shots would have been fired at Taranaki; for he had heard of the persecuting bill which Atkinson had abetted in a former session. The Hall government was in effect a revival of that of Atkinson, which produced no good works. Macandrew, the opposition leader, was a new man, and Te Wheoro would give him his vote. Four days after this speech Tomoana shook off his connection with the government. Then the four Auckland converts joined the ministerial camp. On the 24th Oct. the desertion was discussed in the House. Readers in England may be spared the recital of the recriminations amongst Europeans, but may feel interest in the language of the Maori chiefs. Tainui reprobated the purchase of votes by promises to districts; it would lead to evil. If grants were refused to

<sup>42</sup> *Vide supra*, pp. 44-45. Te Wheoro said:—"Purukutu did not act rightly in killing the man, but the land was Purukutu's, and the officers of the Native Department had no right to give the land to the other Maori." Europeans who subsequently rented the land from "the other Maori" sent poor Sullivan and others thither.

<sup>43</sup> Constantly against officers, ministers, governors, and even Secretaries of State, such as Earl Grey, there was confidence that the Queen herself, in whose name the treaty of Waitangi was made, would do justice to Maoris if they could make known to her their wrongs. A member (Oct., 1879) held a very different view. He said: "An honourable member referred to the treaty of Waitangi. I thought we had heard the last of that long ago. We have nothing to do with the treaty of Waitangi. We have to do with our business, and not what was done 30 or 40 years ago."





set us an example in this House." Sir F. D. Bell in the same session said: "Moreover it may be said that the Maori representation in both Houses has been a complete success, so far as regards the intelligence, moderation, and good sense shown by the natives themselves."<sup>44</sup> Whitaker himself was constrained to say on the same occasion: "I have sat in the House of Representatives, and I am satisfied that there are no members in that House who conduct themselves with more propriety than the native members." Nevertheless the Qualifications of Electors Bill (1879) introduced by him and his colleagues provided that votes should only be exercised on property held "in severalty." A member moved the omission of words which would "disqualify a very large proportion of the Wellington and east coast natives." Whitaker advocated them because "holding of lands in common in large quantities by a number of people greatly stood in the way of progress and was most objectionable." Taiaroa threw light upon the bill:—

"Possibly 100 natives may own a certain block. If the clause be allowed to remain as it is, those natives will not have power to register themselves or become voters. If that is to be the law it would be better that the government should cease to purchase native lands altogether where a number of natives are concerned in a block. Let them wait until the land has been properly subdivided, and it is known what is the share of each native, and then let them buy the land. Neither branch of the legislature is sufficiently careful in dealing with affairs that concern the natives. The government advance money on blocks of land the title of which is not very clear. I am not altogether understood, perhaps, but I will explain. If there are 100 claimants to a block of land, and one of them chooses he can get an advance upon the block, although the others may not approve. That shuts out a number of people who have claims in the block. That is to say, through the action of one claimant the whole block becomes pledged to the government."

Bills respecting native lands were brought in. A newspaper said that Mr. Bryce would be remembered as the minister who was bidden by a greater authority to introduce them, who could not understand them, and did not know what to do with them. In submitting his estimates he

"Sir F. D. Bell's argument was peculiar. When the Maori members were first chosen there were, he said (21st Nov., 1879), only four, although the Maori population was 60,000 and the European 250,000. "There are now only 40,000 natives in the country, while there are nearly 500,000 English people. Therefore, by all parity of reasoning, instead of the number of Maori members being increased it ought to be reduced." In other words, a man who commits an injustice is entitled to found his subsequent conduct upon it as if it had been an act of justice.

declared that he would purify his department and reduce expenditure or retire. He dispensed with some native assessors, diminished salaries, reduced the number of judges of the Native Land Court, and consented to cut down the amount set apart by his predecessor for printing judgments of the court.<sup>45</sup> On the 2nd Dec. he moved the second reading of a composite Confiscated Lands Inquiry and Maori Prisoners Trials Bill. Three commissioners were to inquire into land grievances on the west coast. "Any two of them" were to have full powers. As to the prisoners, it was declared "indispensable for the peace and safety of the colony that the ordinary course of law should be suspended and the trials of the said natives should take place under special legislation." The Governor was to fix the number to be tried, and the date and place of trial, and notwithstanding any order of committal could change the place appointed for trial.

Mr. Stewart, member for Dunedin, raised a warning voice against placing "the executive of the country above the judiciary." It was a violation of one of the first principles of good government. The government had arrested persons on suspicion and "were afraid apparently to go to trial to ascertain whether they were guilty." Imprisoned on suspicion, the Maoris were "condemned untried." Mr. Turnbull denounced the treatment of the prisoners as "not only barbarous but cowardly." Te Wheoro and Tawhai urged that at least promises should be fulfilled, and that it was hard that the prisoners who had fought for the English and had been invited to occupy the land should see it ravished from them again and be denied the common justice of a trial. Captain Russell supported the bill as a means of averting war, which was more perilous than southern members supposed. "It could not be denied that the Maoris had always displayed the most conspicuous bravery, and that had their battles been fought under the eyes of Europe, their heroism would have been handed down to posterity by poets; and though they had been beaten when assembled in numbers and massed at a particular point, still that had not secured peace." Mr.

<sup>45</sup> Important Judgments . . . published under direction of Chief Judge, 1879.

Tole declared that the measure "took away all the rights held dear by British subjects."

Mr. Sheehan admitted that "there were unfulfilled promises; it might be a hardship to keep men imprisoned without trial. . . . Our action is possibly strained and illegal. It is quite possible that if this were done in other countries the whole world would talk about it." . . . Mr. Bryce echoed his predecessor's opinions. "If the House declared that these trials were to come off in due course he would not like to take the responsibility of remaining in office." He did not "say that there were unfulfilled promises," but it had been "loudly proclaimed in the country and in the House that there were," and therefore inquiry would be permitted. The bill was read a second time, and was hurried through all its stages on the same day. Whitaker in recommending it to the Council said little, but that little was significant. "The probability was that a very slight punishment would be awarded to the prisoners, but it was as much for their own benefit as for the benefit of the country at large that they should be kept under restraint until their grievances had been inquired into." In other words, the government had appealed to the law against Te Whiti, found the appeal unsatisfactory, and sought an *ex post facto* indemnity for their own blunders, by a law empowering them to incarcerate the innocent. Sir F. D. Bell assailed the equivocal way in which the preamble alluded to alleged unfulfilled promises. He knew personally that Donald McLean's definite promises had never been fulfilled. He could not support a preamble which adverted to well-known facts as mere allegations.<sup>46</sup>

<sup>46</sup> Sir Dillon Bell said:—"It was untrue to say that the whole of the land between the Waitotara and the White Cliffs had been confiscated. It never had been confiscated. The only instrument by which the claim of confiscation was ever set up was the Proclamation bearing the signatures of Sir G. Grey as Governor, and of Mr. Fitzgerald as Native Minister in Mr. Weld's government. What did that say? It confiscated the land of those in rebellion, but it not only did not confiscate the land of those who remained loyal, it conserved their rights, and made the express promise to them that their land should not be taken. That was an undeniable fact. He could not conceive how any one acquainted with the history of the country could deny that these promises existed from the very inception of the confiscation. *And it was equally true that none of the promises had been kept.*"—(N.Z. "Hansard," 1879, Vol. 34, p. 864).

Taiaroa having heard Sir F. D. Bell's acknowledgment that promises had been made, wondered why Bell when Native Minister took no steps to fulfil them. For eight years Taiaroa had, in Parliament, pressed for fulfilment of promises. With the Maori a promise was sacred. If un-  
 dermined by the maker he left his children or descendants to  
 demand it, and if they could not do so the obligation was un-  
 dermined by their posterity. But so many promises had  
 been made and disregarded by the Pakeha that the Maori  
 demanded when a commissioner said that such or such a  
 thing would be done, and said: "We will see whether that  
 will be the case. It has never been so yet. Therefore it  
 was that Te Whiti told Sheehan at Parihaka that he was a  
 thief—not that Mr. Sheehan was himself a thief, but the  
 government to which he belonged—referring to the prom-  
 ises which were made and were left unfulfilled." To  
 Taiaroa it seemed that the real object of the bill was rather  
 to take possession of the land than to benefit the natives.  
 Alluding to the panui<sup>47</sup> which he and others had circulated  
 in August, he said that the Maori committee "authorized  
 W. H. Hall to proceed to Taranaki to interview Te Whiti and  
 ask him to desist from further ploughing; and on a repre-  
 sentation being made to Te Whiti, he desisted." Sir Dillon  
 Bell thought it necessary to explain that he had always  
 laboured for fulfilment of promises, and that if Donald  
 McLean had lived they would have been fulfilled. Captain  
 Power lauded Sir Dillon Bell's denunciation against broken  
 promises. Mr. Mantell denied that the proclamation on the  
 west coast confiscated the territory. It simply—

explained the districts to which the New Zealand Settlements Act should  
 be applied. He pledged the government, "not within a certain time, to take  
 the lands it thought necessary for protection of settlement, and as a  
 reward for services . . . and to confirm by grant under the Crown  
 the lands of natives who had been loyal within those limits, and to  
 reserve to tribes who might come in, lands for them to settle upon. It  
 was needless to say that the government had kept none of these promises.  
 It was also needless to say (as had already been well pointed out by Sir  
 Dillon Bell) that the present state of disturbance on the west coast was the  
 result of that failure of successive governments to fulfil  
 their promises. It was also needless to say that the greed for land had  
 led to governments in their attempts to carry them out."  
 had been strong enough to deal justly with the lands. One

<sup>47</sup> *Supra*, pp. 199, 200.

tribute he would pay. They had not attained "the courage and honesty recommended by Tairaroa, when he asked: 'Why make new laws for the trial of these prisoners? Let them be tried by laws already in existence.' But they had become civilized to this extent, they thought it advisable to have some legal sanction for the manner in which they dealt with prisoners. It was not so ten years ago." Returns on the table showed that Maoris were repeatedly imprisoned without committal or warrant of any kind. The captives at "Rangiriri, Tauranga, Weraroa, East Coast, and elsewhere," were held without warrant. Te Kooti, a friendly native, was deported with others to the Chatham Islands, and there detained with "no warrant." This was vouched by a return presented to the Council by the representative of the government which deported Te Kooti. Mr. Mantell was only dissuaded "at the urgent request" of the government from moving a censure of such lawless acts.

Thus it had ever been. Marsden, Bishop Selwyn, Sir W. Martin, Maunsell, Bishop Hadfield, and the patriotic Waharoa, had warned in vain when evil was at hand or injustice was proposed. The voice of the prophet was heard again in 1879, but was unheeded. Yet justice demands that the speech of a Taranaki gentleman should be alluded to. Mr. Scotland (in the Council) said there were without doubt grievances. "A neighbour of mine, an excellent native, who never was in rebellion, who has never even visited Parihaka, a cousin of the Honourable Mr. Ngatata, who can corroborate what I say, has been despoiled of everything he had; has lost 4000 acres of land; has lost the property of his father and the property of his mother. He ought to be able to live in as much comfort as I live in, and perhaps more, and it pains me to see the good-natured fellow going along the road driving his cart of firewood into town for sale." Wherever these words are read there will be respect for Mr. Scotland, and kindly feeling for Ngatata's cousin. When Whitaker heard them, he retorted that "individual members might have some knowledge or belief" as to unfulfilled promises, but he "had never seen any record of them, and was not prepared to say that there were absolutely substantial grievances in existence." He protested that, as "to violent intentions" of the government, "the government never entertained such an idea."

In one sense it might, as Mr. Mantell urged, be deemed that an advance in civilization had been made when the government cloaked injustice under guise of law; and it was also good that in both Houses there were men who denounced injustice howsoever committed. But in another

... the change was ominous, by showing that there was no chance of justice which the Houses would shrink from supporting. Former crimes were those of sections of the community. In 1880 injustice became the corporate act of the whole. Sir Hercules Robinson assented to the bill, saying that the redemption of unfulfilled pledges about the land would make amends for its tyrannical provisions. The session ended on the 19th Dec., 1879, and the ministry were so eager to act with a high hand that—maugre<sup>48</sup> the Premier's protestations to Sir F. D. Bell—it was announced, before the West Coast Commission was appointed, that certain measures would be taken. A newspaper said (24th Dec.): "Eight hundred men are to be placed in redoubts in the Plains, under the directions of the Native Minister. Road-making is to be commenced, and if the natives offer any obstruction, the constabulary will be marched to Parihaka in order to destroy that nest of insurrection. . . . It seems to be generally understood that the natives will resist."

It was not only understood, but desired by some that the measures by Te Whiti might involve the destruction of his movement. Such persons were grieved when on receipt of a "war" from Tairaroa and others, Te Whiti "stopped his fighting." It was deemed that his influence would be lessened if he should submit to insult by armed men, although the execution of it after the imprisonment of his followers was a problem which no one could solve. That he should submit to martyrdom was not dreamt of in the biography of his persecutors. That he seriously welcomed martyrdom in the hope that his fate might induce the Government to do justice to his people was suspected by some, and was deemed too heroic a conception for a Maori. About 100 of his followers were shipped (8th Jan.) from Auckland to Dunedin and Hokitika, and a ministerial newspaper descanted upon the wisdom of a step which, though it might irritate Te Whiti, would diminish his

<sup>48</sup> "New Zealand Herald" said (27th Dec., 1879) with regard to the Ministers: "Perhaps it is unreasonable to expect ministers to be 'Hansard,' or to make known their intentions. They should, as well . . . be frank, for they need not hope to take reprisals."

means of resistance. But still he prophesied, and his people believed that they would be redeemed by interposition of Heaven. The first intervention in their favour sprang from an unexpected quarter, and was not made publicly known. While it was promulgated in the press that "ministers were making full preparations to seize the Plains, with force enough to do that and to root out the fanatics at Parihaka," the government were appointing commissioners. Sir W. Fox and Sir F. D. Bell were asked to become commissioners with Tawhai, a Maori member of the House. It was no secret that the Governor had earnestly advocated the appointment of a commission. It was known to some that Fox and Bell stipulated,<sup>49</sup> before accepting their task, that, pending their report, the *status quo* with regard to reserves, claims, and titles, should be maintained. Its maintenance in entirety was discussed, but the invidious were resolute to do something, and road-making was selected. No apter provocation could be chosen; but to avoid evil appearances it was arranged, with consent of Fox and Bell, that the old road should be simply repaired, and thus the taking of fresh land, and new cause of quarrel, should be avoided. Tawhai having agreed to act on a commission, visited his constituents in the north. On his return he saw the names of his colleagues and shrank back. He alleged that ministers, including Bell and Fox, had caused the existing troubles, and that they were not the proper persons to remedy them:—

"I at once resolved not to sit on the commission. I will quote an old saying that probably originated among yourselves<sup>50</sup>—Can a guilty man judge his own sin? It almost leads me to think that this government cannot be a British government, or it would not have appointed guilty persons to judge this affair. Therefore I determined to resign, for according to another of your proverbs which I have heard among sailors—A man clad in white cannot meddle with the riggings without being tarred."

The last paragraph of the commission entrusted two members with complete powers. He had watched a horse driven by two men in a loaded cart. He was like the horse; his brother commissioners like the men. Blinkers prevented the horse from looking to right or left. The parallel was complete. He liked not to be driven by two commissioners

<sup>49</sup> *Vide* p. 256.

<sup>50</sup> New Zealand "Hansard," vol. xxxvi., p. 294.



sitting in a cart heavy-laden with Maori grievances. Moreover, the commission did not authorize inquiry into the root of the matter—the first cause of war at the Waitara—and no good could come from it. Though loyal to the Queen he declined to act.<sup>51</sup>

On the day on which Tawhai's resignation was considered the armed constabulary crossed the Waingongoro. Mounted European settlers watched the act calculated to lead to war. Te Whiti, meanwhile, warned his people to abstain from provocation. Not only was there no opposition to the troops (in dress and discipline the armed constabulary were a military body), but when a newspaper correspondent informed natives, at a pah, of what had been done, they cheerfully replied: "'Tis well. The soldiers have come to make a road for us to Parihaka." Mr. Bryce was said to be less at ease, for he told the same reporter that everything was uncertain and critical. Efforts were vainly made to induce Titokowaru to appear before the commission. Finding that Te Whiti's followers refused to appear before them, the commissioners (20th Feb.) announced their opinions. Promises would be fulfilled. Let each division of the tribe show their cultivations, so that the rights of all, even the absent, might be respected. Reserves would be made. Afterwards Europeans would be placed on the Plains, and roads made for both races, as well as a railway from Taranaki to Hawera. One good word "Te Whiti had always spoken—that there should be peace. . . . The same word is spoken on our side." But he was deluded as to his power. The Governor's word would prevail. "It is of no consequence that the people have not attended to-day, and that they remain at Parihaka. . . . Their land will not be taken away because they are not here. So long as they remain at peace and

<sup>51</sup> In 1880, Tawhai justified his resignation in the House: "The manner in which Native Ministers (Fox and others) conducted affairs at Taranaki I can liken only to the conduct of an animal called the 'fox,' which proceeds stealthily to the hen-roost and steals the occupants thereof. The habits of that creature are so peculiar that in wreaking its purpose it will lie and feign death; and when the hen-roost is visited by one who knoweth not what is inside, immediately on the opening of the door the fox takes the opportunity of stealing out. That was what was done at Taranaki. The owners of the hen-roost are the Maoris and the poultry the land."

do not interfere with the work of the commission, it is the same as if they came before us." Te Whiti, meanwhile, showed no distrust, although his capture was openly advocated. Cart-loads of presents of provisions were sent from his camp to the constabulary. At his February meeting he said: "If the bayonets of the soldiers should dazzle your eyes, my people, be not afraid. The surveyors may commence; the Almighty will not let them finish their work." At Hawera, in February, at Waitara in March, the commissioners discovered many grievances. Sir W. Fox assured the Maoris at Waitara that the commission would advise fulfilment of all promises, but he spoke scornfully of Te Whiti. "What has his breath done for the Maoris? Has it not put them in prison? Are they not in prison at Dunedin and Hokitika? And their wives are widows, and their children are orphans, living on any who will give them bread. This is the fruit of the great word of Te Whiti." Yet the word of Te Whiti had done much. A year had elapsed since the surveyors were removed, and that act seemed to have extorted from the commission a public guarantee of reserves, of which not an acre had been marked (even on a plan) when the survey of the Plains for sale was ordered by Dr. Pollen under Major Atkinson, and by Mr. Sheehan under Sir G. Grey.

The reader may regret that at this period Te Whiti did not welcome the commission, represent his people's wants and claims before them, and make the best terms which circumstances permitted. Mr. Bryce and Mr. Sheehan thought him mad. If so his backwardness is relieved from moral blame. But if he was not mad, what were his inducements to work with the commissioners? How could he trust them, reasoning from the past? Had the treaty of Waitangi been respected by any ministry after the Queen's troops supported its violation? Was not Sir F. Dillon Bell the man who wrote Governor Browne's justificatory despatch when the Waitara crime was committed? Was not Fox the man who, with Whitaker, pressed so hard upon the Rangiriri prisoners, urged devastation at Tauranga, and sought to confiscate the territories of innocent tribes?

The prophet of Parihaka, unfriended by the Maori king, clung to his old course. He preached peace, cultivated land, enjoined sobriety and honesty, and kept his people from taking bribes. His March meeting, usually the greatest in the year, was anxiously expected when the commission made an interim report (15th March): "Whatever else is doubtful, this at any rate is certain—that the Plains will never be occupied in peace until proper reserves are marked out upon the ground . . . to do this is an imperative necessity." Twenty-five thousand acres should be reserved for the natives, and all promises concerning fishing-stations, cultivations, and burial places should be fulfilled. The forest reserve should include all the native settlements. The commissioners advised how Parihaka should be treated. "No one pretends that we can tell Te Whiti and his people that they must leave it. . . . No good will come of putting off the day when the question of the reserves for the Parihaka people must be decided. They are there, and must have land to live upon, and what is more, being there they certainly will not go away." Foolish as Te Whiti's delusions were, there was "no use in ignoring their continuing force." Spite of all that had happened, "obedience to his will" was implicit. . . . His influence was not confined to his own tribe. Therefore, the commission combined their recommendations as to Waimate and Parihaka. "If we try to occupy the Plains without his having any assurance that he is safe at Parihaka, we may find that we can neither get Parihaka nor the Plains, except at the price of a struggle, which no one can doubt would then be desperate." Simultaneously, Te Whiti was preaching that none but he could disperse the flood of evil which had been on earth since the days of Cain and Abel.

"The place I have measured out shall remain sacred for my people. . . . You may fly under the wings of the Governor, but they will not protect you. . . . I tell the assembled tribes that they shall not be lost. If you have taken silver, then indeed you will be lost. What good have you got when you stretched forth your hand for it? Did it not turn to poisonous drink which maddened you? And then where was the land of your fathers? You sought and did not find it. . . . Though some, in darkness of heart, seeing their land ravished, might wish to take arms and kill the aggressors, I say it must not be. Let not the Pakehas think to succeed by reason of their guns. . . . I want not war, but they do.

The flashes of their guns have singed our eyelashes, and yet they say they do not want war. . . . The government come not hither to reason, but go to out-of-the-way places. They work secretly, but I speak in public so that all may hear. What say they of me? That I am a fanatic, a fool, and a madman. But I am none of these things. The land is yours: but that which I have lately seen (the armed swarm which has been poured upon it) is enough to distract my brain.<sup>22</sup> Still we must let no action of ours increase the trouble of the land. . . . Let the Government and all wise men think of these words. . . . They are not the words of Te Whiti, who lives upon roots, but of the inspiration which comes to me from above."

More than 2000 people drank in his words with fervour. Whether he would thus have spoken if he had known the recommendations of the commission it is difficult to say. As it was, he caused doubt, hope, and fear. Mr. Hall and Mr. Bryce conferred with the military commandant at Opunake, near Parihaka. Sentries were made more numerous. From Wellington it was reported that "very great uncertainty prevailed in well-informed circles as to the native crisis, owing to the varying interpretations placed upon Te Whiti's deliverance." "The best Maori authorities" could not interpret whether heavenly or human aid was relied upon by the prophet. Those who wished to extirpate the Maori race cared little whether that end was accomplished in the field or by decay. If Te Whiti should yield, the land would be over-run, and his influence would perish with his disinherited people. If he should resist, the end would be sharper and speedier. As it had been in the days of C. W. Richmond, so it was in the days of Hall. 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.

The commissioners pursued their labours, and Mr. Parris communicated the report of the commission to Te Whiti, who avoided discussion. Parris found Titokowaru friendly, and great care was taken in marking the line of road near Titokowaru's place so as to avoid encroachment. In April, however, after Bryce, Major Atkinson, and the Major in command had consulted at Taranaki, there was increased activity. Five hundred and fifty men marched from Oeo to the immediate neighbourhood of Parihaka. As the con-

<sup>22</sup> "Surely oppression maketh a wise man mad."—Ecclesiastes vii. 7.

stabulary advanced the natives followed, cultivated the open land and built houses. An editor complained that

“Credit for astuteness could not be denied to Te Whiti. If he had resisted the constabulary when they first went on to the Plains the whole affair might by this time have been over, and the power of Parihaka a thing of the past; but his delay and the restraint in which he keeps his people are most embarrassing. His is certainly a masterly inactivity. . . . Our position is a very unhappy one. We assign reserves for natives . . . indicate (sites for) European settlement. The natives reply by building houses, fencing, planting, and occupying our camping-grounds. We cannot wait long to bring the question to an issue, and yet how is it to be done ?”

It was deemed advisable to make known the tenour of the first report of the West Coast Commission before the Parliament assembled in the end of May, 1880.

Colonel Trimble, in speaking on the address, lauded the commission, and earned praise from Te Wheoro for having at last discovered that the colonists were, in Trimble’s words, “greatly indebted to the exertions of Te Whiti in keeping peace,” and “invariably preaching” it. In both Houses the recommendations of the commission found acceptance. The Maori prisoners had not been tried under the Act passed in the first session of 1879. Under the second Act the government had postponed the trials from time to time. That Act would itself expire in July, but the government declined in June to explain their intentions. On the 14th July the West Coast Commission made a second but not a final report. They prefaced it with an historical summary, misleading in some respects, but a few phrases may be quoted. Of Te Rangitake they said:

“It is worthy of remark that (in 1845) the settlement of Wellington was probably saved from destruction by the act of Te Rangitake, who was afterwards the cause of the Waitara war<sup>51</sup> at Taranaki, but who at the time we are speaking of refused to join the rebel tribes in their raid upon the settled districts. 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.”

The “unfortunate events at Waitara in 1860” were not condemned. In like manner the act of war in crossing the Maungatawhiri in 1863, and the warrants for apprehension of Ngapora and others, disappeared in a delusive sentence

<sup>50</sup> “New Zealand Herald,” May, 1880.

<sup>51</sup> He was no more the cause of the war than a man is the cause of his own death when another slays him. [Te Rangitake was alive to be robbed just as a man is alive to be killed.

that "the king's standard was hoisted in aggressive attack upon our colonists as the rallying point of defiance to the Queen's authority, and of the expulsion of the English people from the islands," and that thus began the Waikato war. The friendliness of Te Whiti and Matakatea, the confiscation of the territory in 1865, and the assurances that the defeated natives would be unmolested in their habitations, were chronicled. General Chute's march of 1866 was not mentioned, but the manner in which Titokowaru, in 1868, "swept away nearly all the settlements over a space of forty miles" and was eventually defeated<sup>55</sup> was recorded. In 1869, the land was a waste.

"All the paha and habitations of the Maoris had been utterly destroyed." No European dwelt there except a few under the shadow of a redoubt. Parliament voted money to assist settlers to re-occupy their farms. Before returning, the settlers "exacted a promise that if they returned to their homes the government would forbid the rebel natives coming back. No native fire was to be 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 followers were creeping back to the north bank of Wain-gongoro, a reconnoitring party went out and shot two men and captured a woman; at another place some miles up the Waitotara river another native was shot and a second woman taken. For a time this severity deterred the insurgents from renewing any attempt to re-occupy their country."<sup>56</sup>

Flushed with these successes the settlers went further, and Sir W. Fox and Sir F. D. Bell gravely stated: "Perhaps it was not unnatural that the exasperation to which they had been driven should have tempted many to distort the promise of the Prime Minister from 'rebel native' into 'any native.'" These words reveal how the use, which is second nature, prevented that which would have been a ghastly phenomenon elsewhere from appearing odious in New

<sup>55</sup> No tribute was paid to the bravery and strategy of Rangihiwini in achieving this result. Rangihiwini was under a cloud in 1880. There was a dispute about land at Murimotu, in the Wanganui district, and his conduct was said to be turbulent towards other Maoris. He was dismissed from the public service as Native Assessor and Land Purchase Agent. It was rumoured that he was about to join Te Whiti, and a newspaper remarked: "If this be true the position is extremely serious," as it would lead to other defections and give Te Whiti "the best fighting Maori chief in the island." It was not true, but the currency of such rumours indicated the state of public feeling.

<sup>56</sup> West Coast Commission, second report. Colonists were so accustomed to such occurrences that the commissioners were able to narrate these facts as if they were speaking of a dispute between a customer and a shopkeeper about a pound of tea.

Zealand. The commissioners held that the promise could not apply to Hone Pihama and others "who loyally helped us," and still less to Rangihwinui "and his warriors, who had fought with great bravery by our side." Two problems pressed for settlement in 1870. Te Whiti already wielded a prophet's authority, and the question of opening a road between Warea and Umuroa had long been depending on his decision. Titokowaru and his people were moving from place to place among the tribes who had permitted him to dwell among them after the war. The Taranaki Native Board of Advice, established by Donald McLean, desired to pacify their district, if need be, by allowing Titokowaru to return to his native soil, famous or infamous for his exploits at Te Ngutu-o-te-manu. The settlers south of the Waingongoro (where returning exiles had been shot) were resolute against the return of Titokowaru to his home. Stafford's ministry was expelled in 1869 and Fox was in power, with McLean as Native Minister and Dillon Bell in the Cabinet. In December, 1870, Te Whiti and his people suddenly decided not only to consent but to assist in person in making the road through their territory, and the Taranaki Native Board complained of the "conflicting policies" which distinguished their friendly relations with the natives from the hostile bearing of the Patea settlers, who condemned all intercourse between Maoris "on the north and the south banks of the Waingongoro river." The Colonial Secretary, Gisborne, urged that immediate peaceful settlement was essential, and that McLean should be empowered to effect it, regardless of cost. Sewell, Minister of Justice, concurred, but Fox objected.

Early in 1871 some of Titokowaru's people returned "by stealth to Omuturangi" at Waimate; others followed to Kaupokonui in August and began to cultivate. The reward offered for the capture of Titokowaru being still available, "parties of volunteers went out on the chance of taking him," but Donald McLean stayed their proceedings. Titokowaru held a meeting of his people. He wished the Ngatiawa, who had harboured him in their country, to escort him back to his own, but they preferred that his return should be effected by arrangement with the government. When the discussion ended, the sudden appearance

of nearly all Titokowaru's young men at Oeo excited the Europeans in Dec., 1871.

At that date McLean had other anxieties. Tauroa and many prisoners captured in the Patea wars were in prison at Otago, and their countrymen at Wanganui entreated that they might be released. McLean replied that "outstanding questions" must first be settled. Thus, while loyal natives who had fought for the Queen clamoured for the return of prisoners to the country south of Waingongoro, and settlers resisted their return, Titokowaru, on whose head a price had been set, was sending numbers of his people to the north of Waingongoro. The second report of the West Coast Commission declared that the return was effected with "singular astuteness." Not in one place, but throughout their old dwelling-places the Ngatiruanui appeared. "We ourselves believe that this grave embarrassment (at Patea), and the extreme risk which would necessarily have attended any steps to prevent Titokowaru's return, led Sir Donald McLean to conceive at that crisis the idea of not enforcing the confiscation beyond the Waingongoro." He formally approved an announcement that it would be "politically undesirable, and . . . practically impossible to prevent (Titokowaru's people) from occupying the country north of the Waingongoro, the confiscation of that country having been abandoned by the government, so long as they behave themselves, and keep the compact about not crossing the Waingongoro." The commissioners accepted their share in complying (as ministers of the day) with McLean's course. They could not in the abstract justify a difference between the treatment of Tauroa and Titokowaru. The former, captured in 1869, was tried, sent to Otago, brought back to Wellington in 1872, and released at Wanganui in 1873 by McLean, special reserves of land being assigned to his people, and Rangihiwini having "pledged himself" for their good conduct in future. But the commissioners thought no impartial man could condemn the government for inconsistency. The Queen's troops had been removed, though "the Assembly had appealed to the Imperial government to let even a thousand men stay for a year or two, offering to bear the whole cost of pay and maintenance."



Te Kooti was abroad; the "king in Waikato" hostile; the colony showing signs of revival of industry, and bent upon peace. The first public works loan had just been raised, immigration had begun, roads and railways were being undertaken; farms were being recultivated on the west. Lord Granville had "conceded the Imperial guarantee for a million," the Patea tribes were patiently awaiting Tauroa's restitution, Maoris were employed in "bridging streams and forming the road" between Wanganui and Taranaki; the settlers north of Waingongoro were "constantly urging the injustice of subjecting them to the danger of an outbreak if Titokowaru were made desperate by a prohibition of his return."

To drive away the returning tribes "was to risk all that had been gained during two years of peace. There were but three courses open to McLean: to drive them off by force, to insist upon their return upon defined reserves, or to yield a tacit consent to their reoccupation and to bide his time. He chose the last." What the commissioners wished to convey by the words "tacit consent" they did not explain. (McLean's participation was shown by his purchasing under deeds of cession large tracts within the territory in which he had sanctioned the announcement that the confiscation had been "abandoned by the government.") In August, 1872, Mr. Parris tried to make a rough survey of Waimate, but resistance by Titokowaru's people induced McLean to stop the attempt. In Parliament, Wi Parata moved that it was desirable that the confiscated land should be restored, and McLean opposed such a declaration. But at that time Mr. Stafford arrayed his forces against the government; and as McLean's influence with the Maoris was admitted on all sides to be essential in any government, overtures were made to secure his presence in the Stafford cabinet.<sup>57</sup> He declined. Nevertheless, Stafford obtained a majority of three; and, having failed to procure McLean's help, became Native Minister himself, and intrigued for the support of the four Maori members, who had been equally divided on the vote which expelled Fox. The division by which Stafford

<sup>57</sup> McLean's speech in the House.

was defeated showed three Maori members voting against him in order to secure the return of McLean to office. The new (Waterhouse) ministry enabled McLean to prove his gratitude by appointing two Maori members of the Upper House, and adding two Maoris, Parata and Katene, to the Cabinet. Questions about confiscated land were to be decided by McLean in conjunction with the Maori chiefs.<sup>58</sup> Before Stafford fell, the House had advised the restoration of the confiscated lands; and the return of the Taranaki and Ngatiruanui to their homes at the north of the Waingongoro had elicited, from Rangihwinui and others, remonstrances against keeping the Maoris south of that river under restraints which were removed at the north. What fairness was there in "restoring the lands of people guilty of great offences, and taking all the land of him (Tauroa) whose offence was small, or mine who have done no wrong?" Stafford made no reply to Rangihwinui, and the letter was put aside for "mature deliberation" by McLean.

The commissioners considered that the whole course of events, the debates, and the "declarations of the leaders of both parties united to justify the natives who had returned to the country north of Waingongoro in believing that they would not again be dispossessed." They added that McLean subsequently took steps to convince the Maoris that the government retained discretion as to restoration of lands. In 1873 he took Tauroa back to Wanganui, and allotted lands to his people. At the same time he purchased lands within the confiscated area north of Waingongoro from the Ngatiruanui and Taranaki tribes, whom he invited to return to cultivate "the land not as strangers, but as children of the soil." His proceedings were duly made known to Parliament, and the West Coast Commission asked Sir Hercules Robinson (1880) whether "they did not justify a belief on the part of all the Ngatiruanui people that the government had really sanctioned and encouraged their peaceful return to the tribal land?" The practice of pur-

<sup>58</sup> Of these negotiations the West Coast Commissioners said nothing in their report, though they mentioned that Parata informed his friends on the West Coast that it was "quite decided that all the land from Waingongoro to Taranaki was to be restored."

chasing the land from the returned exiles was converted by McLean, in 1876, into the irregular distribution of gifts or bribes under the name of "takoha," by which, to win favour, money was paid on the plea of obtaining land to which the recipient sometimes had no claim. Major Brown's movements, after 1876, were narrated by the commissioners, who reprehended the intrusion upon Titokowaru's homestead, and the abstinence of every government from making the reserves which each in succession had promised. The survey of the Plains, the removal of the surveyors, Mr. Ballance's peremptory demand for a sale, its revocation, and the ploughing of the settlers' lands by order of Te Whiti, were described in the second report. As to the awards of the Compensation Court at Taranaki, "it would be hard to match the tangle into which what ought to have been a simple matter has been allowed to get." Loyal claimants had been shut out; awards had not been carried out; high-born old Mete Kingi Paetahi, the comrade of the English in many a battle, had been grotesquely awarded "sixteen acres in extinguishment of his tribal right." Awards made by the government to Te Puni, Wi Tako, and other chiefs, in 1886, remained unfulfilled.

"The spectacle of these five chiefs trying in vain for 13 years to get the paltry dole of land which had been promised to them in recognition of loyal service is sad enough; but when it is remembered that one of these chiefs was Te Puni, the earliest and truest friend whom the English settlers ever had, the story ought to fill us all with shame. We could not bring ourselves to believe that such a thing could be; nor was it till after repeated applications to the Native Land Department that we could be persuaded of its reality."

The commissioners condemned the system of "takoha" or bribery. They added that:

"At any moment in all these years the trouble north of Waingongoro would have vanished if instead of talking about doing the right thing any minister had only set himself to do it. . . . If any of us are tempted to say the fault is all Te Whiti's, we ought not to forget how our own records show he never took up arms against us, but did his best in all that time to restrain from violence his unruly and turbulent tribe. If the story we have told has not made this clear, we have told it to your Excellency in vain."

Descanting upon the evil custom of employing vile persons as government agents, the report urged that the spectacle of a government allied with spies, and seeking to

profit by their intrigues, could not but degrade it in the eyes of Te Whiti, who had "ever laboured to elevate the character of his people, and to restrain them from vices so fatal to a savage race." Sir W. Fox's voice was always raised in Parliament against the traffic which pursued the Maoris with intoxicating liquors, and the report averred that one cause of Te Whiti's hostility to European settlement was the—

"dread of seeing his people demoralized by the public-house." . . .  
 "According to Major Brown, he has been successful in doing what neither the wisdom of Parliament nor the vigilance of the Executive Government have done elsewhere;—he has prevented the sale, and to a great extent the use, of intoxicating liquors within his own particular district."

In the minds of some persons this added to Te Whiti's crimes.

The third and final report followed on the 4th Aug. It glanced at an incongruity involved in proclamations, which professed to confiscate the whole of a territory in one sentence, and to declare in the next that some would not be taken. To all loyal natives their possessions were guaranteed, with compensation for any land taken as "absolutely necessary for the security of the country." The commissioners shrunk from the broad light which the treaty of Waitangi would have thrown on the matter. Read by that, it was clear that, even though war might justify confiscation of rights of a rebel, those of loyal Maoris were held under the Queen's plighted faith, and included tribal ownership throughout the tribal domain. The eyes of the commissioners could not bear such light. They did not allude to the treaty. But the Compensation Court had dealt with a fragment of the question which they were compelled to handle. It had been ruled that sole proprietary title was "contrary to the truth of Maori ownership. A sole proprietary right could only exist when the tribe has become reduced to one man." Blind to the treaty, as was meet for former servants of the New Zealand Company, the commissioners felt bound, by a flexible shuffle, to evade the judgment of the Compensation Court. They assumed that the rebellion of some forfeited the rights of all, and that it was sufficiently generous to award to the loyal fragments of that joint right which the

Compensation Court had declared indivisible. No other interpretation was "consistent with common sense" in their opinion. It would "have been an imbecile idea" to forego the confiscation of rebel property because of the Maori usage of tribal right.

"We, of course, knew from the first that the legality of the confiscation would be contested before us by the adherents of Te Whiti, and we had to make up our minds very early. . . . We therefore refused to hear counsel who wished to question the validity of the confiscation; and we told the natives at the very outset that we were not there to discuss such questions with them. . . ."

The fulfilment of absolute ministerial promises and judicial awards would involve reserves for the natives of 262,820 acres; the commissioners valued them at £638,535, and deemed them an "ample provision for the tribes," if Parliament would "enable the promises to be at last redeemed." As to the proposal of Sir G. Grey's government (to reserve 25,000 acres for the natives at Waimate Plains), looking at "the number and position of the native villages . . . not much less land could be given if the promises of successive governments were to be redeemed." Remembering that when the survey of the Plains, with a view of immediate sale, was pushed on by Mr. Sheehan in 1879, not an acre of reserve had been marked on the land, or on any plan, the reader will judge whether the labours of the "madman Te Whiti" had been fruitless when they forced this confession from the commissioners in 1880. As to the Parihaka reserve, they pointed out that it had "been contended that no promises had been made." They could "not allow this for a moment." The promises in the original proclamations of 1865 "must be held to be sacred;" and no clearer promise could have been made than that of McLean, in 1873, when he invited the Maoris to "return to the land not as strangers, but as children of the soil." The Grey government were equally committed to restore the Parihaka block. It would be no less "absurd than dishonest to allege for a moment that Te Whiti was not in point of fact led to believe that, subject to his own good behaviour," it would be restored. They proposed to reserve 25,000 acres for the Parihaka natives; but not to keep the offer indefinitely open. Te Whiti ought not to be permitted

“to keep the whole countryside in turmoil and danger as long as he likes.” In their first report they had deprecated “the present occupation of the seaward Parihaka block.” They withdrew their former opinion. Six miles from Te Whiti’s settlement was Cape Egmont, where a lighthouse was required. It would produce a “very great political effect upon the natives if they saw the three things for which the government have so long contended being done together; the road, the telegraph-line, and the lighthouse. . . .” “At the very doors of Parihaka, the establishment of English homesteads, and the fencing and cultivation of the land, will be the surest guarantee of peace.” With details of proposed settlement on the coast the commissioners dealt fully. They summarized the provisions which ought to be included in an Act:

“Last of all, if there is one thing that day by day comes clearer than another to our minds, it is that Te Whiti should not be left in his present isolation, and that a serious and persistent effort should yet be made to influence him. This west coast question will never be settled—unless, indeed, we do it by resort to force—except by some arrangement with him. To fill our gaols with prisoners, not for crimes, but for a political offence in which there is no sign of criminal intent, is not only a most harassing and perplexing process, but the worst of it is that it does not advance the one thing that is really wanted—peace upon the coast.” Te Whiti should (if the recommendations of the commission were accepted) be invited to concur in sharing (the disputed districts) with the Governor. “In what manner Te Whiti should be approached seems to us a matter for the consideration of your Excellency’s advisers; we only venture to suggest that no time should be lost in doing it.”

The report, although it shattered the expectations formed about chasing the Maoris from the land, with any regard for decency or law, was received with favour. Sir G. Grey declared it worthy of the colony, and replete with “a love of justice admirable in itself.” Sir W. Fox expressed his sense of the “very handsome and kindly manner” in which Sir G. Grey spoke, and of the approbation of the press.<sup>59</sup>

<sup>59</sup> There was a leaven of old malice. Mr. Scotland quoted (17th June, 1880) in the Council the following passage from a west coast newspaper (1879): “Perhaps, all things considered, the present difficulty will be one of the greatest blessings ever New Zealand experienced, for without doubt it will be a war of extermination. . . . The time has come in our minds when New Zealand must strike for freedom, and this means the deathblow to the Maori race.” “Good heavens (cried Mr. Scotland, himself a Taranaki resident), a war of extermination a blessing! . . . That is only a specimen of the Taranaki press.”

An Auckland newspaper described the report as "almost a vindication of Te Whiti and his followers." The government, warned of the nature of the commissioners' recommendations, took measures to goad the Maoris still further before the final report could be presented; and the fencing by Te Whiti's people followed forthwith. The Assembly had met on the 28th May, 1880.

On the 15th July (the day after the second report was signed by Fox and Bell), the government introduced a Maori Prisoners Bill, which rivalled in stark injustice and barbarity all that had been previously perpetrated. It stated that it was not deemed necessary to try the imprisoned natives, and it was undesirable to release them. No court was to liberate them on any plea, and the Governor was to move them from place to place as he might choose, and constitute such places gaols. If the Governor should determine to release any prisoners he might prescribe any conditions. If any prisoner should escape he might at once be arrested, not upon lawful cause, but by order of the Native Minister. Magna Charta and the Habeas Corpus Act were extinguished that Mr. Bryce might deal with Te Whiti. With unconscious irony one clause declared that the prisoners should "be deemed and taken to have been lawfully arrested and in lawful custody." The second reading was pressed on the 16th July by Mr. Bryce. "This is not a Maori Prisoners Trial Bill (he said) that I am now proposing. The truth is it was a mere farce to talk of trying these prisoners for the offences with which they were charged. . . . If they had been convicted they would not have got more than twenty-four hours' imprisonment, if so much. . . . Now in this bill we drop that provision in regard to the trial altogether. We consider that to be a mere sham." The prisoners were disciples of Te Whiti, and their "belief in him was very remarkable, if not wonderful."<sup>60</sup>

<sup>60</sup> The prisoners were arrested under a Malicious Injuries to Property Act. Their object had been to promote inquiry as to title to property. Many members admitted that to try them under the commitment was idle. Mr. Bowen (who had been Minister of Justice in the ministries of Vogel, Pollen, and Atkinson) said: "We all know perfectly well that they would have to be dismissed if they were brought to trial, (did anybody believe) that they were really arrested for the technical offence that could be charged

Mr. Stewart, in opposing the bill, cited the words of the Great Charter. Tomoana declared that there was a Maori proverb, That the worst way of killing a man was to prolong his agony. In two sessions bills had been passed with professions that the object was to try the prisoners. And now a bill was brought forward to prevent the trials.

“This is the worst way of murdering. It is making slaves of these men. . . . We thought it was intended to try them, and approved; but the policy of the government is like an eel. You look at it in the water, it seems quite still and straight, but directly you seize it, it curves up, doubles and twists round you, and covers you with slime. So this bill has changed its character and doubles round us all. Therefore I say it is as an eel, slimy, slippery. I do not like it. If it had fixed a date for trial of the prisoners I should have been content. . . . (Why did Bryce take) “a large party of troops to Taranaki? Did he go there to fight Te Whiti?—No. Te Whiti has always said that he cares not to fight. His only weapon is his tongue.”

Mr. Turnbull averred that the facts disclosed in the West Coast Commission report were “a disgrace to a civilized people. We have ill-treated the Maoris for years; let us now determine to deal fairly and justly with them.” Sir G. Grey regarded the bill as “cruel and unnecessary.” It violated all principles of justice, and remorselessly inflicted great wrongs upon persons who might be wholly innocent. He implored the House not to break the solemn pledges given by the Governor and by two ministries that the prisoners should be fairly tried. Tawhai said that the Native Minister had—

“boasted of the bold policy of the government. How can it be a bold policy when there are only 130 native prisoners, and he is afraid to let them go back to where there are 800 soldiers? There are 800 soldiers on the west coast. They are doing battle against the word of one man. . . . “Let the prisoners be tried in the Supreme Court. . . . I should like to see the time fixed for their trial within three months. I hope that now and in future all governments will adhere strictly to the law—that in settling difficulties between the two races they will be guided by the law, and not depart from it.”

Sir W. Fox asked Sir G. Grey where were his sympathies with the liberties of mankind when, in 1863, he assented

against them?” (Mr. Bowen voted for Bryce’s bill.) Dr. Pollen said in the Council: “Nobody pretends there has been any crime. . . . I think it is a fraud of language to call them criminals at all.” Sir F. D. Bell said: “No one imagined for a single moment that a judge of the Supreme Court would have given any punishment under the provisions of the Malicious Injuries to Property Act.”—New Zealand “Hansard,” 1880.



to the New Zealand Settlements Act which Whitaker and Fox put before him, and which suspended all law and justice by subjecting "property and life to a court-martial composed of a few military officers?" Again, in 1869, Fox had passed a Disturbed Districts Act far more arbitrary than the bill before the House, and Sir G. Bowen assented to it. Fox still justified such Acts. How could Sir G. Grey reprobate them? Was not Rauparaha arrested—"dragged away without any legal authority, in the arbitrary exercise of power?" Fox vehemently supported the bill. Mr. De Lautour would vote against the bill. "I will not allow it, so far as I am concerned, to be handed down in our history that such a bill was passed with unanimous approval." Fox had with "execrable taste" imputed morbid sentiment to the opponents of the bill. "Morbid sentiment! that is a new name for that sentiment which resents injustice and cruel wrong." Mr. Reader Wood reminded Fox that a measure passed during actual war in 1863 might be justifiable, and yet yield no excuse for such a bill in time of peace. Hitherto it had been understood that the prisoners were arrested and were to be tried for trespassing. But Bryce declared "that was not the case at all . . . it was for provoking war" . . . and Fox the commissioner, "just come from the very spot, says they never intended to provoke war. If that is so, they are in prison for nothing." Major Atkinson supported the bill. "I stand here to say to-night, on the behalf of the government, that I would not remain in office an hour if this bill were thrown out. I do not hesitate to say that I believe Te Whiti is so firm a believer in his Divine mission that he would be quite prepared to be crucified. As long as he retains his power I do not think there is much fear of difficulty; but we cannot tell how long he will retain that power. . . . I would not remain in this seat one hour if these prisoners were let loose at the present time."

Mr. Hall (who, to defeat justice, had made a vicious "order of reference" of the Ngaitahu deed), declared that if there was a people in any part "of the world of whom it could be said with less truth than another that it was oppressed, it was the Maori people." Mr. Pyke denounced the bill. Was there not a special clause in the treaty of

Waitangi, in which the Queen guaranteed to every Maori all the rights and privileges of British subjects? He scorned the policy of "expediency and dishonour which ministers strove to induce the House to adopt." Mr. Reeves, though hostile to a change of ministry, hoped, for the honour of New Zealand and of the "country we come from," that the disgrace of passing such a bill would be avoided. Rather than see it pass, he would exhaust "every constitutional method" to obstruct it in the House, in order that, on the imminent expiry of the existing law, the Maori prisoners might go free.

Captain Russell had two tongues upon the subject. "In days to come, when historians write the annals of this country, they will view the struggle which has taken place from a very different standpoint from that which we can take who are mixed up in its turmoils and disagreements. The men whom we look upon as rebels, and who some think are traitors, will, to my mind, occupy a brighter page of history than many of those men whom we look upon as faithful and loyal natives." Nevertheless, "as far as he knew, the natives do not suffer in the same respect as Europeans from having been confined in gaol," and he "should naturally at all times support a ministry in bringing a bill of this kind before the House." Mr. Ireland could not vote for the bill without violating his conscience. He appealed to a rule which was as alien to some of his hearers as were Te Whiti's prophecies—"Trying to do to others as he would that others should do" to him, he would vote against the bill. Te Wheoro protested against the bill. ". . . If you will give the natives the land you promised there will be no disturbance. I do not say release them without trial. I say try them first, and then release them. It is not right to seize and imprison them and then release them without trial. How are people to know whether they have committed any crime or not? Though they may be innocent the finger of scorn may be pointed at them in time to come." Tawhai bitterly suggested that the prisoners had perhaps been sent from the genial north to the severer climate of Dunedin "that they might perish there." Did the ministry wish to release them now "without trial, for fear the Home government should

censure them for having imprisoned the natives wrongfully? A bill to try them, so that the innocent might be released and the guilty might be confined, Tawhai would have supported; but the one before him he must oppose. Mr. Andrews, from Christchurch, denounced the want of good faith shown in the bill. "I never knew a Maori to break faith. I do not know that a Maori's word has ever been disputed in this House . . . the more I know of them the more I respect them and the more faith I have in them." The treatment of the prisoners, "shut in from the care of their wives and children and parents, was most severe, most harsh, most unjust, and cruel. I do not know that in my reading of history I have ever come across a parallel case. Certainly in English history there is nothing like a parallel case." Mr. Andrews appealed in vain, and by 30 votes against 14 the bill was read a second time,<sup>61</sup> long after midnight, and in spite of opposition, was hurried through all its stages. The Attorney-General moved its second reading in the Council on the 22nd July. He professed sympathy with Maoris against whom so many breaches of promises had been proved by the West Coast Commission, but it was impossible to apply the laws of a civilized country to New Zealand, and it would be wrong to omit to do the technical wrong he advocated. Whether there were precedents or not elsewhere signified nothing. But he would cite precedents. In 1864, he and Fox kept in durance the Rangiriri prisoners of war without warrant. The Disturbed Districts Act of New Zealand in 1869, which some members of the Council assisted to pass, was not so mild as the bill before them. It imposed the extraordinary burden upon any Maori, arrested on suspicion, of proving, although no offence was charged against him, that he had behaved well for a year. Two justices or a stipendiary magistrate were the tribunal. "I am afraid (said the conscious Whitaker) if some of us were called upon to prove the same thing we should find ourselves in a queer pre-

<sup>61</sup> Forty members paired. The fourteen present in the minority were Tawhai, Te Wheoro, Tomoana, Messrs. de Lautour, J. T. Fisher, Seymour George, Sir G. Grey, Messrs. Landon, Montgomery, Seddon, Tole, Turnbull, Harris, and Hutchison. Mr. Macandrew, Mr. Pyke, Tainui, and seventeen others had paired with a like number of supporters of the bill.

dicament." His sneer at the Council for passing the bill of 1869 was only a half-truth. The Council wiped out of that bill some of the blots which befouled it when it was put before them, and one of the Judges expressed his hope that no court of justice would "entertain so fearful and odious a doctrine" as that, without discrimination between innocence and guilt, men whose guilt was unproved were to be "sacrificed in order to inspire terror." Confident in Hall's majority, Whitaker declared: "If Parliament had not been sitting, so grave is the necessity . . . that I should have felt no compunction in acting outside the present law in order to keep these men in custody; but as Parliament is sitting, it is right that it should be consulted." Let the Council "follow the example of the other Chamber." The Council obeyed. Mr. Mantell protested that there was no precedent for the bill. It inflicted *ex post facto* penalties. It was a question for the Imperial government whether it infringed the rights guaranteed in treaty by the Queen. He would vote against it, hoping that the ministry might be able to "preserve the peace of the country, though they will have great difficulty in preserving their self-respect." Captain Fraser denounced the incarceration of the old chief Matakatea. Colonel Brett stigmatized the bill as "degrading to our British character and to the British flag." Sir F. D. Bell supported it. Mr. Scotland said that it represented the west coast influence in the Cabinet. Only three members joined Mr. Mantell in opposing the third reading. They were Mokena Kohere; Mr. Scotland, of Taranaki; and Mr. Wilson. The ministry were triumphant indeed. Whether Sir Hercules Robinson would have assented to the bill if other violations of right had not been formally sanctioned by his predecessors cannot be known. Though he had expressed his "wonder that the natives had submitted to such treatment so long," with regard to the unfulfilled promises of 14 years, he nevertheless (on the very day on which it passed the Council) assented to the Denial of Justice Bill, which the ministry called a Maori Prisoners Bill.

The final report of the West Coast Commission (5th Aug.) was made after the Maori Prisoners Bill was passed, but not before Te Whiti had sent fresh men to be arrested for

fencing across the road in course of formation near Parihaka. "Before such infatuation" Fox and Bell exclaimed that Acts of Parliament were powerless. The government meanwhile forced, in one day (30th July), through the Lower House, another measure—the Maori Prisoners Detention Bill. It had not been translated for the Maori members, though a standing order demanded such a course. It was, in fact, a bill to enable the ministry to arrest and detain without cause any Maori on the west coast. The pretended need for it was the fencing across the road, but Mr. Bryce thought that "technically that offence would scarcely subject them to arrest at all." He demanded general powers. Natives arrested on the west coast, on and after the 19th July, were to be detained under the Denial of Justice Act "as effectually as if they were included with the terms of that Act!" Te Wheoro declared that if trouble should arise it would be due to Bryce's bills. Mr. Hutchison said that "he did not think there was any other free country in the world where a minister could have announced that he had arrested individuals unlawfully and without any charge of crime being brought against them." By 41 votes against 24 the third reading was carried, Mr. Bryce averring that the government "had no intention of shrinking from responsibility, because they had already taken these prisoners without any form of law."<sup>62</sup> On the question "that the bill do pass" members were roused to indignation. Mr. Speight said "he knew of nothing which would bring the blush of shame to their cheeks in after days so much as the passing of this bill would, unless they were past feeling shame altogether." Mr. Pyke said "it was a cruel, tyrannous, unjust Act;" there was "no precedent for it in the history of the British people" and "it could bring nothing but disgrace and humiliation upon their heads." Mr. Turnbull could "scarcely trust himself to speak on the occasion," but protested against the bill. Sir G. Grey declared that in "the worst days of the French revolution such power was never sought, never given and never attempted to be taken. This measure would be a constant reproach to the Assembly if it were passed in its present form." Mr. Bryce in reply

<sup>62</sup> New Zealand "Hansard," vol. xxxvii., p. 19.

said he "could only say now that he felt ashamed of the action of the opposition." Tawhai having complained that the bill had not been translated into Maori as required (though the 1st, 2nd and 3rd readings were being forced through in one day), the "Speaker regretted exceedingly that there had been an infraction of the standing orders—which prescribed that bills specially affecting the Maori people should be translated and printed in the Maori language—and that this bill had not been translated." Nevertheless the bill was passed without delay. On the 4th August, Whitaker piloted the bill through the Council.

On the 5th, the West Coast Commissioners sent in their final report. Both of them had assisted in Parliament in removing all restraints of law from the Native Department before they delivered their judgment that its past history convicted it of falsehood, bribery, and cruelty.

On the 6th August, the Governor assented to the barbarous Detention Bill. On the 19th August, Mr. Bryce moved the second reading of a West Coast Settlement Bill, founded on the report. Mr. Robert Graham had already (17th July), with the knowledge of the government, visited Te Whiti in company with the Arawa chief Te Rangikaheke. Mr. Graham was one of those whom Te Whiti had befriended when they were shipwrecked in the *Lord Worsley*. Te Whiti was courteous, but would not discuss affairs. "It is too late," he said. Te Rangikaheke conversed freely with one of Te Whiti's friends, and believed—that Te Whiti was anxious for peace, and would let the whole tribe be imprisoned rather than resort to force; that the fencing was really done to protect a cultivated field, and that all that Te Whiti demanded was a thorough investigation. As to the captives, Rangikaheke wrote: "The children are left fatherless; there is no one to guard, to feed, or to clothe them. This is heart-breaking." It might be so to the Arawa chief, but the Native Minister was differently affected. He informed the House (19th Aug.) that "the mental condition of the Maoris was really most peculiar," and that the government must "have very large powers indeed. . . ." "We have cut roads, carried the telegraph through the country, . . . and we propose to continue these operations, and to erect the lighthouse,

which has been so strongly resisted by the natives, . . . and within a very short time to advertise a very considerable portion of this land for sale. . . . If the Maoris should be so ill-advised as to interfere with this settlement, they must be punished."

Sir G. Grey complimented Fox and Bell on their labours, and hoped that they would be employed in completing their great work. Mr. Hall said: . . . "Unless you give the government power to deal with the natives in this way, you must either abandon this territory, and goodness knows how much more besides, or you must in the long run be forced into hostilities." Mr. Pyke thought that "A more arbitrary, despotic, or unconstitutional measure than this West Coast Settlement Bill—except the Maori Prisoners (Bills)—never disgraced a Parliament of freemen. . . . All the crime the natives were guilty of was the re-erection of fences around that which they believed to be their own property, based on usage as sacred to them as any number of parchments. . . . The armed constabulary in a violent and hostile manner entered upon this land, destroyed the fences, ruined the cultivations. . . . Now we have a bill to justify what has been done." He would "fight every clause in committee." Mr. Macandrew believed that "the future historian would refer to it as something quite as bad as anything that ever took place in the worst times of the Star-chamber. I look upon it as inspired by pretty much the same feeling as that which led to the massacre of Glencoe." In an adjourned debate Sir W. Fox acknowledged the approval given to the commissioners by the government, by Sir G. Grey, and by the press. Mr. Bryce thought it would be "unconstitutional" to divest himself of proper responsibility in carrying out the commissioners' recommendations.<sup>63</sup>

<sup>63</sup> Unconsciously he gave a picture of Parihaka. He had always said that the Maoris "did not intend to provoke hostilities"—but if they "induced armed men with guns in their hands, and those guns in many instances at full cock, to drive them off by violence, those acts would lead to hostilities, whether they were so intended or not." Abroad it was studiously represented that the Maoris were turbulent and aggressive under Te Whiti. On the spot it was scarcely possible, and perhaps not thought worth while, to foster such a delusion. Mr. Bryce said also: "I have always taken up the position that these Maoris do not intend to provoke hostilities."

WEST COAST SETTLEMENT BILL IN LEGISLATIVE COUNCIL.

One clause enacted that "the several natives who have been arrested or shall hereafter be arrested by virtue of the provisions of the Maori Prisoners Detention Act, 1880 (assented to 6th Aug., 1880), shall be deemed and taken to be in custody under the Maori Prisoners Act, 1880 (assented to a few days before the Maori Prisoners Detention Act), and shall be detained accordingly." In other words men arrested under one Act were to be deemed arrested under another in accordance with the terms of a third; and all three Acts were passed in a few weeks in one session. On the 26th Aug., Mr. Whitaker moved (in the Council) the second reading of the West Coast Settlement Bill, which he admitted to be of so "peculiar character" that "under ordinary circumstances it would perhaps require a great deal to satisfy the Council that it ought to be passed." It "is thought desirable that instead of arresting natives as hitherto, and keeping them in safe custody, we should constitute certain offences." . . . "No doubt this creation of a number of new offences will attract a great deal of attention." It was deemed a contravention of all the "principles of British law" to bring the prisoners to trial under provisions of the West Coast Settlement Bill, which would be "an *ex post facto* law;" but there seemed no glimmer of conscience in Whitaker that the clause in the bill which enabled the government to imprison them without trial violated not only the British law, but immutable principles to which all law should conform. One clause was a snare for Te Whiti, although the object was not stated. Among new misdemeanours (such as—obstructing any official, cutting down buildings, "survey pegs . . . or other erection whereby the public peace may be endangered," digging . . . fencing . . . interfering with "any road"—any assemblage "armed or unarmed) . . . countenancing the commission of any such acts as aforesaid" was created an offence, from the White Cliffs to the Waitotara. Any person "reasonably suspected to be present" for "countenancing" &c., might be arrested by any of the armed constabulary without warrant," and be detained under the Maori Prisoners (or Denial of Justice) Act of 1880. There can be no doubt that the framers of the clause contemplated the seizure of Te



Whiti, at a convenient season, for "countenancing" acts which they had created "offences." Captain Fraser concurred with the first part of the bill, recommending fulfilment of promises. The second, relating to offences, breathed the "harsh and hostile spirit of the Native Minister towards the native race." He would not vote for it unless Sir Dillon Bell would assure the Council that it was drafted by himself and Sir W. Fox. Sir D. Bell justified the bill as it stood. He believed in its "merciful side to the natives, and in the just side to the settlers." The Council passed the bill without a division, and on the 1st Sept., Sir Hercules Robinson gave it the Royal Assent.

Mr. Whitaker had previously contrived to drive Tairaroa from the seat in which he might have exposed the brutality of the bill. Formerly, when members had been found subject to disqualification, both Houses had promptly passed Bills of Indemnity for members who had become disqualified. Acrimonious debates had taken place when Whitaker and other ministers had forfeited their seats, but the discussion was political, and on no occasion had any penalty been inflicted for unwitting breach of the law. Mr. Hall, himself, had, in the Council, been relieved by an Act. Tairaroa had been invited by Donald McLean in 1873 to accept a seat in the Council, but McLean had not performed his promise, and Sir G. Grey's ministry carried it into effect in after years. Mr. Bryce dispensed with many native assessors on the alleged ground of economy. Tairaroa called (25th June, 1880) for a return of the assessors thus discharged, and on the 20th July moved that it be printed. Mr. Waterhouse expressed surprise at finding that what he deemed pensions for conspicuous services to Mokena Kohere and Wi Tako Ngatata had been struck off as salaries which ought not to be continued. Mr. Whitaker turned the discussion from the position of Kohere and Ngatata to that of Tairaroa, who had been an assessor, and, though he had declined to draw any salary, had not technically resigned office. Whitaker doubted whether Tairaroa "was entitled to sit; and doubts involving the possibility of paying a fine of £50 a day for sitting and voting wrongfully should at least be cleared up." Colonel Whitmore could not think that Tairaroa had

infringed the Act, and Taiaroa informed the Council that, when the seat was offered to him, the Native Minister (Sheehan) had telegraphed that it would be necessary for him to cease to receive salary. Consequently, when the Paymaster at Dunedin offered him salary he declined it and had since taken none. The subject is only worthy of narration as a proof of the spirit of government. On the 26th July, a member asked Whitaker whether the government meant to relieve Taiaroa from the difficulty in which Whitaker declared him to be placed, and to remove doubts in the manner so frequently adopted before. Taiaroa meanwhile did not attend in the Council. Whitaker affected inability to answer a question of which he had had no notice. Taiaroa had not communicated with him. If Taiaroa's seat should be deemed vacant "it was entirely a matter for the Governor to consider whether he would reinstate him," and it would be "highly improper and irregular" for the Council to meddle. Sir Dillon Bell ungraciously supported Whitaker. Colonel Whitmore shrunk from the suggested meanness. The ministry "should at once take whatever steps were necessary to relieve Taiaroa of his disability." Whitaker disclaimed any desire to keep the chief out of the Council. "He has not communicated with me, and not only that, but whenever I have the pleasure of meeting him he cuts me." Captain Fraser thought that fact a proof that Taiaroa had adopted English "civilization to a great extent, and that he was no doubt irritated by the remarks made by the Attorney-General." He thought it a mistake for Taiaroa to cease to sit, and presumed that if the seat had by unfortunate "accident become vacant the government would reinstate him because the Council" was happy to have in it a native gentleman so well-informed . . . "so rapidly adapting himself to our language and ways of thought," so good "an exponent of Maori views . . . and so high a chief." Mr. Whitaker was obdurate. A member (Mr. Wilson) moved for inquiry into the case, but the Attorney-General carried an amendment making the inquiry general, and a committee was appointed to report upon the steps which ought to be taken when questions arose as to seats of members. Mr. Mantell said it was "strange that as the

Attorney-General was the first to discover that Tairaroa was disqualified he did not at once advise his Excellency to send a message to the Council setting forth that fact, and reappointing Mr. Tairaroa." A special committee reported that Tairaroa was disqualified. Mr. Wilson moved (25th Aug.) that the report be affirmed, but that "Mr. Tairaroa at the time of being summoned was quite unaware of his disqualification for the office." There was a debate in which Mr. Mantell said that he "had no reason to feel indebted to Tairaroa for support. . . . Disagreeable he might be and inconvenient as an opponent from the tenacity with which he held his opinions. . . . He had known him since he was a mere boy, and was quite certain that there was no honourable gentleman in the Council who was more desirous to be honourable, straightforward, and honest in his dealings than Mr. Tairaroa." The more able, the more patriotic, and more spurred by sense of honour Tairaroa might be, the more desirable it was to silence him on the eve of forcing the West Coast Settlement Bill through the Council. The day after Mr. Mantell's encomium on the chief, Whitaker carried his bill, and Tairaroa was mentioned no more. At the close of the session Mr. Sheehan asked in the other House whether the government would as in all other cases (and as with regard to some of themselves, including Whitaker, in 1876) remove the technical consequences of the accident for which Tairaroa was blameless, but Mr. Hall was not prepared to make "any statement" upon a subject brought forward without notice. Within and without Parliament, the ministry was successful. Law, justice, and good faith had been placed under its feet by the Assembly. The voice of Tairaroa was silenced. The Governor had assented to a bill which enabled the Native Minister to imprison, without restraint from any safeguards of English liberty, the remnant of the tribes on the West Coast. The one bitter drop in the ministerial cup was that which Dillon Bell called "the merciful side" of the bill, and which contemplated fulfilment of promises: but even that might be neutralized by the craft of Whitaker, or the dissimulating candour of Hall.

The bills which Mr. Bryce proposed concerning native

affairs were numerous. The Native Land Act Repeal, Native Land Court, Native Reserves, Native Lands Frauds Prevention, Native Succession, Native Lands Stamps Duties, Native Lands Sales, and Native Lands Contracts Validation, formed the subjects of several measures. Of these only a Native Land Court Bill was passed, although Mr. Whitaker introduced several of them in the Council. The Act of 1865 had given to Land Court judges a tenure of office during good behaviour, and Donald McLean's Act of 1873 degraded them to a tenure at pleasure. The Act of 1880 repeated the dangerous enactment of 1873. On a Native Land Sales Bill, of which Mr. Bryce moved the second reading on 15th June, there was much contention. He admitted that the policy of the colony had "been a very crooked one;" that the system of government purchases in competition with speculators, commenced in 1871, had "done more to demoralize and degrade the Maori race than all efforts at colonization could redeem;" that he "despaired of being able to make the House understand the terrible iniquity of the system which had been in vogue during the last few years;" that the "government had committed iniquity, but had not got the desired reward for it; that the natives, as a rule, did not get the goods charged against them;" that "in innumerable instances moneys charged as paid to natives were paid in fact to storekeepers for goods supplied" to Europeans, and "in some cases large sums were charged to natives who never had goods at all; and he hoped his bill would "relieve the government from the miserable necessity of becoming hucksters, and being always ready as it were to take advantage of the necessities of Maoris" in the iniquitous manner he had described.

Te Wheoro carefully scrutinized the bill, which seemed "to tie the hands and feet of the Maoris, so that the Pakehas might take their lands from them." No evils were guarded against. Again, the Maoris were to be tampered with by odious sharpers, who would beguile the tipsy to sign away their birthright. Again, when an auction took place, the Maori would see with dismay the dissipation of the normal purchase-money.

"Part will be taken to pay the surveyors; fees of court and costs ordered by the court will have to be paid; also expenses of advertising,

and duties payable to Her Majesty; also an amount to the receiver of land revenue, and five acres in every hundred; also the sum due for the Crown grant, and an amount for roads; also fees of lawyers and interpreters. I believe that these amounts, when added together, would amount to more than the £100 from which they have to be deducted. What would fifty owners of a patch of land, sold for £100, get in return for their land? This reminds me of an ancient Maori proverb—'He with the dishevelled hair shall have nothing; while he with the fine head-dress will take all,' which I interpret thus: The host who is at home gets nothing; he fasts while the guest has all the food. Observe that the land taken for road purposes is not taken to make roads through native lands, but through lands which have been sold and appropriated by Europeans. These deductions are made to form roads on land in the hands of Europeans. Now, do you believe that Europeans would submit to a law of this sort? I think not. I believe that if you were to pass a bill affecting thus the lands of Europeans, that would be the day when a host would come into the House as Oliver Cromwell did into the Parliament of England. . . . If you really have any friendly feeling to the Maoris, why not give them some power of dealing with their own lands? If you do this, when the lands are sold you will have no further trouble about them. You would not have to spend thousands of pounds in appeasing them, and bribing them to sell their land; because the sales I speak of would be made in broad daylight. In speaking thus I ask no favour, no fresh laws on behalf of the Maoris. If you look at the treaty of Waitangi you will see certain words of our Queen. 'In consideration of the native chiefs acknowledging the authority of the Queen, Her Majesty will protect all the natives of New Zealand, and she confers on them equal privileges with all British subjects.'

He complimented Mr. Bryce for disclosing admitted iniquities, which, when alluded to in a former session by Te Wheoro, had elicited no condemnation in the House. Those iniquities were the cause of previous trouble, but who had suffered? The offending officers pocketed the money. "Those who had done no wrong suffered. They who committed crimes are now free." Tawhai replied to Captain Russell's statement that Maori members always objected to Native Bills:—"Yes; and I will tell you why. Because they were bad bills, and feelings of caution made Maori members oppose them. . . . Think not that the Maoris are ignorant of the load about to be placed on their shoulders." Let Mr. Bryce allow a breathing-time, and stop all sales for two years.

"But I fear that in urging him to do this I only waste my words, for I am almost certain that the hearts of the government are steeled against anything of the kind, and that this bill is intended to heap grievous injustice upon the Maoris. . . . One member had promised to oppose portions of the bill. I say to that honourable gentleman, Be firm to your word. Do not depart from it, but carry it through, lest you be

like one of the honourable members for the Thames,<sup>41</sup> who promised to support an amendment in a bill we have discussed and which has been passed. But it was only a promise. When it came to a point he was seen on the other side. My opinion of this bill is, that it will be our death-knell. It will hasten our departure from this world. If there be any opposition to it, I will form one. Even if all other members support it, my vote shall be given against it.”<sup>42</sup>

These words from the son of one of the earliest friends of the English, extorted tribute from Sir W. Fox. “I must congratulate the House upon the able manner in which the native members have upon this occasion addressed us. It is very gratifying to hear so much intelligence exhibited and so much study and reading displayed. . . .” Nevertheless Fox supported the bill. Tomoana pleaded that Maoris should have a voice in administering their lands. “The only treasure a Maori has is his land; and if that be taken from him he dies. If this bill be carried, no land will be retained by the Maoris, nor will they receive any benefit from the measure. Through the Land Court already they had lost most of their land.” Like Tawhai he would utterly oppose the bill. Mr. Reader Wood subsequently moved a resolution to empower the natives, without government interference, to deal with lands for which they had obtained certificates of title. “I ask . . . whether a native of New Zealand is not, in every attribute that becomes a man, equal to the European who has come into these islands, with the single exception, of course, of acquired knowledge, and of that wretched varnish which has been called civilization? Taking man for man, I ask whether the native is not equal to the European?” The government defeated Mr. Reader Wood, but the bill never emerged from the committee. To a Native Lands Frauds Prevention Bill Mr. Bryce expected no opposition when he received it from the Council. To Tomoana’s question whether it was to be retrospective, Bryce replied “it would

<sup>41</sup> Mr. Sheehan, who voted for the third reading of the Prisoners Bill, after failing to incorporate in it an amendment to guarantee trial for the prisoners.

<sup>42</sup> Subsequently Tawhai described the bill as a machine to place the land of the Maoris in the hands of others, and depriving the owners of a voice in the disposal. “Is there one member in this House, having daughters, who would place them in the hands of a company to provide husbands for them? That is what this bill does with regard to lands. It places them in the hands of a company—of a body of persons—to sell for us.”

apply to the past as well as the future." It lapsed on the 19th August with five other native bills.

There was some acrimony about the conduct of the ministry in regard to land at Patetere in the Waikato district. A company had in 1872 entered into negotiations with Maoris for a block of land there, supposed to contain 250,000 acres. They took the precaution to ask Donald McLean whether the government would interfere, and were told that they would not unless trouble should be likely to arise. In 1873 they procured a lease by the usual arts, and were surveying blocks when the murder of Sullivan on lands within Tawhiao's territory checked their operations. Their certainty of collision in case of their perseverance may be inferred from the fact that the alleged area of their leasehold was found to exceed by about 85,000 acres the quantity to which they had a presumptive claim. They applied for relief, and the government bought their interest. The rent due under the leases was £907, and Mr. Bryce stolidly told the House (15th June, 1880): "It is a curious feature in connection with those leases, to which we attach so much importance now, that they have been altogether disregarded as far as payment is concerned. We have not paid any of that rent, although we have held the leases for a considerable number of years." They who remember the Maori reserve at Dunedin will not think it curious that the Patetere rents were neither paid nor lodged to the credit of the proprietors.<sup>66</sup> Mr. Bryce affected to sympathize with them, and asked "whether it is any wonder that the Maoris grew into a state of extreme irritation and anger on account of the hold which

<sup>66</sup> Account was kept of payments made by the government. The Land Company received £3600. A sum of £3631 19s. 7d. was recorded as having been paid to Maoris—but Bryce said that the Maoris "declared they had never received" it. Survey, coach fares, travelling expenses, and various items swelled the total to more than £11,000. "I may say that many objectionable things seem to have been put down to Patetere. . . . The rule seems to have been, when any payment was very doubtful to charge it to Patetere." (Bryce's speech, New Zealand "Hansard," 16th June, 1880.) "I despair of being able to make the House understand the terrible iniquity of the system which has been in vogue. . . . Is it to be supposed that the Maori will not dispute the account, his signature to the contrary notwithstanding, seeing that he had not the goods charged against him."

the government kept over the block, because of the lease which had been bought, and upon which no rent had been paid." A deputation had visited Bryce, and "the chief of that deputation made one of the most business-like speeches I ever heard from either a white man or a Maori. It lasted over half-an-hour."<sup>67</sup>

The general legislation of the session was comparatively unimportant. Incongruously with their own measures the government passed bills to prevent cruelty to, and for the protection of animals. Mr. Hall succeeded in passing a bill which, following recent English legislation, transferred the trial of election petitions from Parliament to the Supreme Court. By retaining in an Act which consolidated the juries law, the jury of presentment or grand jury, New Zealand could still boast a connection with the safeguards of British law, which the Australian colonies had, without an exception, failed to obtain, or had discarded. The grand jury was drawn from the special jury book.<sup>68</sup> The treaty of Waitangi entitled the Maoris to "all the rights and privileges of British subjects." Whitaker cramped them thus: "Any Maori whose capability" was certified under regulations issued by the Governor-in-Council was qualified and liable to serve "on any Maori jury or mixed jury on any case affecting" the person or property "of any Maori."

The question of paying members of Parliament, which had convulsed the colony of Victoria so long, was discussed in New Zealand in July, 1880. Mr. Hall asked the House to make a reduction of 20 per cent. His motion was lost by four votes, but a reduction of 10 per cent. was carried.

The Hall ministry deserved commendation for the prudence with which they recognized the legislative rights

<sup>67</sup> 1894. The Patetere case was much discussed in the New Zealand Parliament, and several pages were devoted to it in the first edition of this work.

<sup>68</sup> The "special jury" book was formed by taking from the general jury lists all men described as "esquires, gentlemen, merchants, managers of banks, civil engineers and architects, and also such other persons whose names appear on such lists (known to the sheriff) to be of the best condition, so as to make up such a number of special jurymen as (the Sheriff) shall consider to be necessary."—N.Z. 44 Vict., No. 16, 1880.



of the Upper Chamber. They drew a separate bill to give effect to resolutions reducing permanent salaries by 10 per cent. They had intended to insert the necessary clause in the Appropriation Bill, but (Major Atkinson said) "it was considered doubtful whether that might not be looked upon by the Council as a tack, and therefore the government brought down a separate bill."<sup>69</sup> Both Houses passed it. They were prorogued on the 1st Sept.

Armed with his double-edged Settlement Act, Mr. Bryce proceeded to the west coast. The penalty of imprisonment for two years with hard labour was explained at Parihaka on the 2nd Sept., and, on the 4th, 83 Maoris presented themselves to be arrested.<sup>70</sup> The puzzled but obstinate

\* The student of Victorian affairs must sigh to think that if Messrs. Higinbotham and Michie (the law officers) had not, with the assistance of M'Culloch, Francis, Verdon, and Grant, forced on a tack which was monstrous in comparison with the one avoided in New Zealand, long disputes between the two Houses in Victoria might have been avoided.

<sup>70</sup> Some official telegrams from Colonel Roberts to Mr. Bryce showed that the so-called disturbances at this period were attempts to protect crops. The government, to the provocation of the Maoris, made roads through fields, breaking down fences in the way. On 9th June, 1880, Roberts telegraphed that they had "repaired one of the fences broken down when the road line was carried through the Parihaka clearings." 11th June: "(They have) erected another fence, but I do not think it is in any way connected with blocking up the road, but simply as a divisional fence." 16th June: "Gaps will be made through the fences to-day." (The fences were pulled down and re-erected several times.) 28th June: "Te Whetu, Te Whiti's secretary, and another native, sent word that they wished to speak to me. I met them where the road is made through the fence. They asked me to put up a gate. I pointed out that a gate would not save the crops—suggested they should fence the road off. They said it was too much work and they could not do it. . . . I agreed not to let the pigs into the sown paddock to-night and to report to you. I am of opinion they would be willing to fence the road off if we assisted. The men seem to be in a very reasonable and talkative mood, and if carefully treated would be willing to come to reasonable terms." 15th July: ". . . Fence pulled down. Two natives came to put it up, stating that they did not want to stop the road, only to protect their crops. After a great deal of talk they asked if I would allow the fence to be put up high enough to keep out the pigs, and consented to have the fence in that state for the night. They are willing to put up a swing-gate. . . . Please let me know if you will authorize such being done." (Bryce telegraphed to Roberts, who told the Maoris that Bryce) "would only approve of a gate as a temporary measure until they had fenced the road off. Te Whetu said it was for us to fence, that he would not." The Maori Prisoners Detention Act, 1880, being hurriedly passed (30th July) in the Lower House, Roberts, under Bryce's orders, arrested more than 200 Maoris without resistance. At last (12th Nov.) the harassed cultivators found out a middle way.

Bryce took 59 able-bodied young men, but rejected 23 boys. On the 5th, the children returned with an old man, but again failed to induce Bryce to arrest them. One of the men arrested had gone cheerfully to gaol, although he knew (he said) that "it might be his coffin." An Auckland newspaper declared that at his September meeting Te Whiti had "again spoken, and, as usual, Pakehas and Maoris wondered what his utterance meant, and were devoutly puzzling over it." It was hoped that hard labour, under the offence-creating clauses of the new Act, would at least bring that conviction to the minds of the victims which it seemed impossible to bring to Te Whiti's. In the end of September about 60 prisoners were tried at Taranaki under the Act. They were accused of unlawfully obstructing a thoroughfare in the district described in the West Coast Act. Their counsel asked that the indictment might be quashed on the ground of uncertainty of definition of the district within which the alleged offence was committed. Three sides were named in the Act but no fourth. Who could say where it ought to be? The judge (Shaw) sentenced the prisoners to two years' imprisonment, and to find securities of £50 each at the end of the term; and added the astounding warning that the duration of their punishment would depend upon the manner in which their countrymen might behave. In October Matakatea was released with a few followers.

Sir Hercules Robinson had quitted New Zealand (8th Sept.), and his successor, Sir Arthur Gordon, had not arrived. The Chief Justice, Prendergast, was Administrator. Sir F. D. Bell had been appointed Agent-General in London in room of Vogel, who, by claims for remuneration and by candidature for a seat in the House of Commons, had at last persuaded the colonists that he cared more for his own interests than for theirs. Sir W. Fox became sole commissioner to carry out the recommendations of the West Coast Commission. A sale of portions of the Waimate Plains was held early in November, and the average price was

They put up slip-rails, movable by travellers. Roberts having telegraphed for instructions was permitted to let the slip-rails remain. There was no more fencing, and the road-makers went on with their work. (House of Commons Paper, C. 3382, 1882).

about £6 an acre. Great satisfaction was expressed in a newspaper at "this first experiment of selling a part of the confiscated land," and "vindication of the policy of the government." Another sale was resolved upon. Still Te Whiti preached peace. In the end of November some survey-pegs were pulled up; and Bryce declared that he would postpone all other business in order to apprehend any culprit. This order, said an Auckland newspaper, "unquestionably means a march to Parihaka. . . . The crisis has arrived, and the government are bound to send a force to the head-quarters of resistance." The duty which was so clear to the editor after the fact, had without doubt been planned when the offence-creating clauses were framed. It was observed, however, that no one could detect a native in the act of removing survey-pegs, that Te Whiti still preached peace, and that his followers pointed to the release of Matakatea and others as a confirmation of Te Whiti's prophecies. Some of the ministers felt that "a march on Parihaka" would seem unjustifiable, and it was not made. Much of the underplotting at the time is unknown, and is not worthy of research. But something may be gathered from the Native Minister's statements. Prendergast's bold contempt for the treaty of Waitangi and of the rights of Maoris as British subjects had been elaborately recorded by himself with regard to rewards offered for Maoris dead or alive. It was natural to expect his sanction for acts of violence. The Native Minister publicly stated (March, 1881) that in Sept., 1880, he recommended active measures, with which a majority of his colleagues did not agree. "In Sept., I sent in my resignation on the ground of divergence between myself and the Cabinet, but I withdrew that resignation because I thought I saw good grounds for hoping that by giving up certain points to that portion of the ministry who differed from me I should get my own way on the essential point."<sup>71</sup> It devolved upon Mr. Prendergast, in 1880, to transmit to the Secretary of State a synopsis of the Acts of the past session. The Maori Prisoners Act and the Maori Prisoners Detention Act were lightly passed over as

<sup>71</sup> Speech of Mr. Bryce at Wanganui (P.P. 1882, C. 3382, p. 129).

temporary, and "in sequel" of other Acts. The West Coast Settlement Act was described as empowering "the Governor to carry out certain recommendations made by the West Coast Commission, and providing special powers during a temporary period for the maintenance of law and order in the said district whilst the above recommendations are being carried into effect." At the time when Mr. Bryce issued his order that "every other duty was to be made subordinate to apprehension of culprits," Sir Arthur Gordon, the new Governor, arrived (in November), and was met at Auckland by Hall and Whitaker.

Lord Kimberley (22nd Oct., 1880) instructed the Governor to "prepare a full report of the native disturbances of 1879 and 1880, and the measures taken by the government of New Zealand in consequence of them," with a view to its being laid before Parliament, if necessary. Simultaneously with the explanations furnished to the Governor, a new course was resolved upon with regard to Te Whiti. Mr. Rolleston (24th Dec.), on behalf of Mr. Hall, supplied a narrative, and enclosed various Acts and documents, amongst which was a memorandum from the Native Minister to "justify the detention" of the prisoners. Mr. Bryce said that he almost despaired of "conveying a sufficient idea of the case." Te Whiti's "pretensions to supernatural powers were enormous."<sup>72</sup> It was "probable that he occasionally, at least, believed in his own pretensions." His tribe had formerly "engaged in hostilities, but so far from Te Whiti joining in such acts himself, he has always preached peace." Mr. Bryce considered that to have tried the prisoners for "the comparatively trivial offences with which they were charged—forcible entry and malicious destruction of property—would have been ridiculous." Te Whiti, the preacher of peace, had an "overwhelming influence over the minds of the Maoris attached to him." They feared "to meet what we should call the 'evil eye' of their chief." This "blight on the minds of the natives" Mr. Bryce desired to remove. "Much had been said about the rights of the British subject under Magna Charta and the writ of Habeas Corpus," but Mr. Bryce would disregard them.

<sup>72</sup> N.Z. P.P. 1881; G. 7. Mr. Bryce's memorandum is dated 20th Dec., 1880.

Sir Arthur Gordon (29th Dec.) transmitted the explanations furnished to him, adding that he did not consider himself thereby relieved from the duty imposed on him of preparing a full report, which he would make as soon as he could procure the "requisite data, in some cases not . . . easy to obtain." Mr. Hall (22nd Dec.) laid before the Governor a draft of a letter which the ministry advised him to send to Te Whiti to open up negotiations with him, as recommended by Fox and Bell on the ground that the "West Coast question would never be settled without some arrangement with Te Whiti." Mr. Hall submitted Mr. Parris' report of his failure to obtain a hearing from Te Whiti. Parris heard Te Whiti address a crowd of about 1200 persons, mostly women. The speech was oracular, positive, but occasionally sad. All things were ordained at the beginning of the world. All events great or small,

"whether for good or evil, all were ordained which were to happen on earth. Also those evils which were to happen in our days—namely, wars and dissensions. These are all, however, now at an end. This also was ordained of old. . . . The wars of our time were prophesied. . . . We could not have altered anything, however we might strive. . . . War shall cease and shall no longer divide the world. Adam's race has fallen over many cliffs, but the cliffs have disappeared by numerous land-slips, and none shall fall over those cliffs again. It was ordained in the beginning that I should address you as I do to-day on this matter. . . . The one cliff still left, which has not been levelled, is death. All that has been foretold has come to pass. Nothing has been omitted, nothing added, and nothing taken away. This is the day for you all to abide in peace; and remember that the nearer you are to death, the nearer also you will be to life. . . . One cliff is left as an enemy and a snare to us. All that I say will come to pass—not because I say it, but because it was ordained from the beginning. . . ."

When Te Whiti had spoken, Parris rose, but Te Whiti said: "Speak not now; speak to-morrow." Parris replied that none could answer for the morrow. Life was uncertain; to-morrow might never come. "Good," answered Te Whiti, "speak on the day that never comes. If a dog flies at a pig it is at the bidding of his master; not of his own accord. What you have to say will not be real; it will not be your own word." Parris turned to the Maoris and said that Te Whiti led them astray. "Your address," retorted Te Whiti, "will be your superior's, not your own. Where is he? let him come." "Are you so great," replied Parris, "that my chief should visit you?"

After a few more words, Te Whiti said to his people: "Me pakaru te hui" ("Let the meeting be broken up"), whereupon "they all rose as one man and left the meeting-place."

The letter which the ministry advised the Governor to write was courteous. Sir Arthur Gordon would either receive Te Whiti at Wellington or see him on the west coast at some convenient place in the course of an intended journey. It was entrusted to Captain Knollys, C.M.G. (26th Cameronians), the aide-de-camp, whose observations are notable as those of an impartial observer. Accompanied by an interpreter (who unfortunately was engineer for the road in course of construction through the Maori fields), and by Hone Pihama, he reached Parihaka on Christmas day, and wrote:—

"Three or four miles from Parihaka we passed through some large and good fields of potatoes, maize, and tobacco. . . . These fields, I am informed, are in the land proposed to be put up for sale by the government, but whether the particular spots now under cultivation are reserved to the natives I am not in a position to say. Beyond these fields, and at a distance of about a mile and a-half from Parihaka, we crossed the road now in the course of being made, which is to be the boundary between the land marked out to be sold and that reserved for the Maoris. Here also were fine fields well cultivated and well fenced. In crossing the road we passed close to one of the barriers recently erected by the Maoris. The country being full of cattle, horses, and pigs, running at grass, all the fields are of necessity well fenced. If nothing were placed across the road each spot where the road passed through a field would leave a gap for the convenience of intruding animals. The Maoris accordingly continued the fences across the road, thus completing the enclosure. As this, however, impeded the road, it was naturally objected to by the government; and many arrests took place, I believe, before the present compromise was come to, viz., that the fences on each side of the road should be joined by slip-rails, thus not blocking the road and effectually fencing the field. It seems to me that the erection of such fences is not only reasonable, but most necessary, as certainly little wheat or other grain would stand a chance in a country so thickly grazed without some such effectual fencing. These slip-rails now cross the road at intervals, and are not interfered with; indeed they are most carefully replaced by passers-by, European or Maori, after being removed to give passage. At Pungarehu itself, however, at the entrance to the armed constabulary camp, where the greatest number of arrests and the most determined attempt to make a continuous fence took place, no slip-rails have been put up, and the gap into the Maori wheat-field is watched day and night by natives."

The creation of offenders under the West Coast Act was as simple as it was wanton. A man's field was invaded. He strove to protect his crops. He was declared an

offender. He was seized with the hope that he would resist. He obeyed Te Whiti, submitted to arrest, disappointed the ministry, and astonished all who had known the resentful disposition of Maoris of old time. The absence of exasperation on their part exasperated their persecutors the more. Captain Knollys, after some delay, saw Te Whiti, who would not touch the Governor's letter, and Hone Pihama placed it by his side. A Maori opened and read it aloud. At the words, "discuss these matters," Te Whiti interjected: "The cooked potato cannot discuss,"<sup>78</sup> and prevented further reading. Captain Knollys told his engineer-interpreter that he was ready to converse if Te Whiti would do so, as desired by the Governor. Te Whiti declined discussion. To Hone Pihama he said: "Be not deceived. The government are pushing forward towards strife." Captain Knollys saw Te Whiti, who said that if the Governor wished to know the truth he could visit the spot where the mischief was done. "When a man's face was burnt, the doctor visited him." When asked to "show his burnt face to the doctor," he replied: "No. If a dog is chasing a pig, the pig does not cry out to the man. The man calls off the dog." Wisely or unwisely the preacher of peace could not separate the mission of Captain Knollys from the general persecution of his people. Captain Knollys reported that Te Whiti was resolutely peaceful—that vile spirits and beer were sold to Maoris in parts of the district—and that Te Whiti prohibited their introduction to his settlement. "If the chiefs struggle to suppress the evil among their people, cannot some assistance be given them in their good object?"

Idle words! The haters of the Maori were daily slandering Parihaka as an Alsatia which must be destroyed root and branch; and a Taranaki journal sneered at Captain Knollys' mission. By such a "foolish act the govern-

<sup>78</sup> There was much discussion as to Te Whiti's meaning. One learned commentator interpreted the phrase thus: "The hard tawa fruit is fast ripening." Whatever the particular words might imply, Te Whiti's meaning might easily be gathered from his answer. What would he gain by discussing with invaders the morality of his conduct? They brought evil to his door. Why talk about it? Similarly he had said to Mr. Graham: "It is too late."

ment destroyed their reputation for sagacity in native administration."

Some persons insinuated that Sir A. Gordon had intervened too much; but the ministry announced that his letter was written at their recommendation. Suddenly it was announced that Mr. Bryce had resigned. The wiliest friends who aided him to pass the offence-creating clauses of the West Coast Act could hardly have suspected that his eagerness to use them would compel his colleagues to part from him. It was said that, wearied by the prophecies of Te Whiti, he proposed to march forward to "wipe out" Parihaka, and seize Te Whiti and Tohu. The blow was to be struck at Te Whiti's monthly meeting in January. His colleagues shrunk from an act incompatible with the sanctioned recommendations of the West Coast Commission. Some persons who had previously supported Bryce questioned his wisdom. Had he resigned (the "Taranaki Herald" said) when his colleagues advised the Governor to write to Te Whiti, he would have been applauded, but to do so because he was not permitted to "take active measures against Te Whiti, was a mistake of the first magnitude." The same paper admitted that it would be "the height of absurdity to attack Te Whiti, who is actually doing no wrong in the eye of the law." At Te Whiti's January meeting, he made no allusion to the government, but descanted on the blessings which would flow from patience under suffering. There ought to be no more fighting. A moral war was being waged in which the superior numbers and force of the Pakeha would be worsted by the calm endurance of the persecuted Maoris.

Mr. Bryce told his constituents in March that he had previously resigned<sup>74</sup> (Sept., 1880) because his colleagues would not agree to his proposals with regard to Te Whiti; and he knew while he spoke that his colleagues were in possession of a formal memorandum furnished by him

<sup>74</sup> The Governor in a brief despatch informed the Secretary of State that Mr. Bryce having "been unable to induce his colleagues to share his views has consequently retired from the Cabinet." A newspaper commenting on the resignation was transmitted with the despatch. Mr. Bryce, unable to find fault with the despatch itself, grumbled in the House (17th June, 1881) at the enclosure.



(20th Dec., 1880) in which he stated, "Te Whiti himself has always preached peace." At the same period Major Atkinson told his constituents that "in almost all native matters Mr. Bryce and himself held identical opinions, but Mr. Bryce differed from the Cabinet as to the way in which they ought to immediately proceed in dealing with Te Whiti."<sup>75</sup>

When Sir F. D. Bell and Sir W. Fox undertook the duty of commissioners on the west coast, they stipulated that the *status quo* should be maintained pending their inquiry, and Sir H. Robinson was assured<sup>76</sup> by the ministry that the operations at Waimate would be confined to the repairing of old roads which could cause no offence. Mr. Bryce thus explained the result to his constituents: "I, acting of course for the government, moved the constabulary across the river. I made roads, and I made them without the consent of the Maoris. I completed the telegraph lines which Te Whiti had resisted. I caused the lighthouse to be begun to which Te Whiti had refused his consent. I falsified all his predictions, and put the camp within two miles of Parihaka." . . . Every such act was a breach of faith towards Sir Hercules, and calculated to provoke violence.

Mr. Rolleston became Native Minister. Sir W. Fox, as sole commissioner, dealt first with claims on the south of the Waingongoro river. Te Whiti, alluding to Bryce's resignation, said (Feb.) that if the government should invade Parihaka, the Maoris would offer "no resistance; but, if such violence were perpetrated, the government would be acting like cannibals in destroying their people." Sir Arthur Gordon (26th Feb.) furnished Lord Kimberley with the full report asked for on the "native disturbances of 1879 and 1880," and if Lord Kimberley read it he must have known that there was no disturbance at Parihaka except that which the ministry created. When they perused the despatch they took exception to it; and, after a month's gestation, Mr. Hall produced a long memorandum in reply. It is right to show the value of his assertions with regard to the root of the Parihaka troubles.

<sup>75</sup> "New Zealand Herald," 22nd March, 1881.

<sup>76</sup> See p. 215.

The West Coast commissioners (Fox and Bell) dwelt in their second report on the fact that Donald McLean formally, and not by "accident or a mere slip of the pen," approved a minute made by an Under-Secretary describing the confiscation of the country "north of the Waingongoro as far as Stoney river" as "having been abandoned by the government so long as the Maoris behave themselves, and keep the compact about not crossing Waingongoro."

Parihaka was at the north of Waingongoro, and as far as Te Whiti was concerned, he having always been recognized as friendly, had suffered no loss of his rights in the eyes of the government, and was therefore not dependent merely upon the toleration formally accorded by McLean to those who had been treated as rebels. The commissioners quoted (App. A) McLean's written instructions (1872) to Parris, to the effect that the lands north of the Waingongoro, though "nominally confiscated, are, with the exception of 1400 acres at Opunake, quite unavailable for settlement until arrangements are made with the natives for lands sufficient for their own requirements." Parris was to buy (compensating "native owners for all lands they may relinquish"), and the government through him and others did buy, land from natives whether they had been in arms or not. Sir A. Gordon's report (26th Feb.) quoted the report of the commissioners, who said: "We venture to ask your Excellency if McLean's proceedings did not justify a belief on the part of all the Ngatiruanui people that the government had really sanctioned and encouraged their peaceable return to the tribal land." Sir A. Gordon said it was "generally understood, and indeed officially recorded by Sir D. McLean, that the confiscation of lands between the Waingongoro and Stoney rivers had been abandoned," but "still the confiscation was never formally removed, and the natives were informed by Major Brown, in 1876, that 'the government possessed a right to do what they pleased with the confiscated boundaries'—an announcement which the terms of the proclamation of 1866 would hardly appear to justify."

Mr. Hall's memorandum declared that McLean's approval of the Under-Secretary's minute "only applied to certain action recommended in the memorandum, and not to the

opinion as to the confiscated lands expressed in it." Mr. Hall showed truly that McLean opposed a motion to declare formally that the confiscated lands should be restored, but Mr. Hall did not, and could not, show that McLean's instructions did not extend to the land between the Stoney river and Waingongoro. Neither could Hall deny that McLean, throughout his subsequent career, recognized the title of the Maoris by purchasing lands from them throughout the territory in question. Ministers could not contradict the statement of the West Coast commissioners that "it would be hard for any impartial observer to deny that the whole course of events during the year 1872, the debates in Parliament, and the declarations of the leaders of both parties, united to justify the natives, who had returned to the country north of the Waingongoro, in believing that they would not again be dispossessed." The Hall ministry had appointed Fox and Bell to give effect to their report, and could hardly repudiate it. But they strove to cloud the subject by reference to details, with which the Secretary of State might be supposed to be unfamiliar. They had forgotten facts while prying for excuses. McLean had in 1872 sent his plans to England through the Governor soon after forming them, and Lord Kimberley himself had sanctioned them.<sup>77</sup> One Governor had transmitted to Lord Kimberley a formal statement that land was only to be acquired by purchase *with the good will of the natives*, and Mr. Hall asked another to forward to Lord Kimberley a laborious denial of the compact made by McLean and lauded by Lord Kimberley! Mr. Hall's memorandum deserves no further comment.

Apprehensive lest public opinion should be directed to their doings, the ministry entreated the Governor (12th July) to telegraph to the Secretary of State to prevent the publication of the despatch. They (13th July) requested "that the despatch may not be published at present," and they hoped that "any intended publication will be so made known to them that their opinion as to such publication may reach and be considered by the Imperial government." Lord Kimberley telegraphed that he would obey, "if possible; but that as the papers had been promised, they

<sup>77</sup> See them at p. 39 of this volume.

must be published if pressed for.”<sup>78</sup> It does not appear to have occurred to Lord Kimberley that Englishmen were entitled to know in what manner the representative of Her Majesty had complied with the demand for an official report.

In March, the colonists became aware of the inquiries instituted as to the treatment of the Maori prisoners, and there were mutterings in the press against any attempts on the part of the Imperial government to “protect the natives from fancied wrongs.” An Auckland newspaper declared that the time would soon come when Tawhiao would be summarily dealt with, and the colonists would “refuse to tolerate the offensive attitude of Te Whiti,” and would offer “strenuous resistance” to interference by the “Home government.” The “Lyttelton Times,” however, denounced those who, under false pleas, were really striving to exterminate the Maoris. In April, Te Whiti was reported to have spoken mournfully about the darkness of the times, but still he preached patience. In May he urged submission. “The Almighty, not ourselves, decreed all that should happen to us.” To the released prisoners who had returned to Parihaka, he said that “only by peaceable means could God be reached. My heart is glad to welcome you. Though you be halt or blind, or sucking-babes, you have conquered. You were not imprisoned for heinous

<sup>78</sup> N. Z. P. P. 1882; A. 8. Whether Lord Kimberley was an accomplice or only a slave to the New Zealand plotters his friends may guess. He kept back the despatch till Te Whiti had been robbed, imprisoned, denied trial, and subjected to a Bill of Attainder in 1882. It was then laid before the New Zealand Assembly, copies were sent to England, and Lord Kimberley allowed it to go before Parliament. It is significant that the telegram quoted above from the New Zealand Parliamentary papers was excluded from those laid before the English Parliament. It is perhaps worthy of notice, also, that the English Blue-book [C. 3382], though marked as presented by command “Aug., 1882,” was not really issued to the members or the public until 2nd Nov., 1882. In fact, when asked by Sir M. Hicks-Beach for the papers in July, 1882, the ministry replied that they awaited papers to “complete the history of the transactions, and especially the bill for disposing of the trial of the chief Te Whiti.” Whether because they feared that the bill, if produced, would shock the House, or from some tortuous habit, the ministry did not include the bill in the Blue-book, although copies of it had been in England nearly three months. When men walk crookedly they leave a notable track behind them. What reason could be put forward to justify Kimberley’s concealing from Parliament Hall’s desire for concealment, and Kimberley’s surreptitious acquiescence?

crime, or theft, but for upholding the words of Te Whiti. In such a case prison-houses lose their disgrace and become houses of joy. . . .”

On the 9th June (1881) the Houses met.<sup>79</sup> The Governor told them that effect was being given to the recommendations of the West Coast Commission; that almost all the prisoners had been released, and that his advisers did not apprehend that it would be “necessary again to have recourse to extraordinary measures for the preservation of peace and good order.” Bills were passed which dealt with Native Succession and Native Land frauds, but one weapon pointed at the Maoris was turned aside because it became, on general grounds, a question of confidence in the ministry. A Crown and Native Lands Rating Bill defined as native lands those “held under their own customs and usages, or otherwise howsoever.” Native borough lands were to be rated under an existing Act of 1876. Native town lands were assessed under the bill at £90 an acre, native agricultural lands at £1, and native pastoral lands at 6s. 8d. an acre. The rateable value was to be computed at the rate of 6 per cent. on the amounts fixed. The Governor-in-Council was to exercise certain powers by proclamation, and (to avoid immediate levy upon Tawhiaio and others) it was provided that the local bodies should make rates, send certificates to the Treasurer, and that the Treasurer should, “out of moneys to be appropriated for the purpose,” pay to the local body the amount of the rates on Crown or native lands. Thus a cumulative debt was to be created; and whenever such native land might be “sold or exchanged for the first time, and whenever it is leased, after the passing of this Act, to other than aboriginal natives, then the amount of all rates paid by the Colonial Treasurer shall be repaid to (him), and shall be deemed to be a duty payable on such sale, exchange, or lease, and shall be payable as such.” There were many discussions on the bill. Mr. Ormond averred that the proposed rate in remote districts would “in a short time amount to more than the fee-simple.” Colonel Trimble, true to the rapacity of

<sup>79</sup> The extrusion of Taiaroa from the Council had not banished him from the General Assembly. He appeared in 1881 as representative of the Southern Maori District.

Taranaki whence he came, declared that "the native race were particularly favoured" in the bill. Te Wheoro said the bill was the monster which he had anticipated. It gave control to the Native Minister over the heritage of the Maoris. Payment of rates by the government merely meant—

"a system of mortgage to be exercised over native lands." How could remote mountainous country sustain the proposed rate? "If these lands were offered for sale to the government, would they give the price equal to the value at which they were rated—6s. 8d. an acre? No, they would not. Only now do I learn that the government give such a high price for land." . . . "The lands will lie idle while, as time goes on, the rates will increase, giving the government a greater hold upon them, and it will ultimately end in the confiscation of the native lands. Last year the natives went so far as to ask whether all this borrowed money was to be a charge upon native lands. The government replied, 'No, the Crown lands will pay it back.' Yet the apprehension then entertained by the Maoris, that their lands were to be a security for paying back this borrowed money, is coming true. What benefits have the native districts ever received from this borrowed money? All the rates that are collected, all the taxes, go to make improvements in European districts—to make European roads and build European bridges. No part has ever been expended in the native districts. (A member had said that) roads were made through native lands. That may be true enough in his part of the country, but the House is perfectly aware why roads were made throughout the lands at Taranaki. There was a sum specially voted for the purpose. Roads were made through native districts at Taranaki to grasp the native land. . . . Did they benefit the natives?" . . . Three great wrongs there were: unjust confiscation; the Native Land Court which warred against the "mana" of the chiefs; and the attempts by such a bill as the one before the House to confiscate the remainder of the Maori lands. "The Maoris will not be able to sell their land with all these rates upon it, which will accumulate until ultimately the land will be taken to pay for the rates imposed upon it. Who knows then whether the government may not bring in another bill to take all the Maoris prisoners, to arrest them on their own properties for unpaid rates? Why do you not at once call the bill the Mortgage and Confiscation of Native Lands Bill? This bill is altogether opposed to the provisions of the treaty of Waitangi." That treaty made the Queen the guardian of Maori rights. But the very people who ought to be the protectors were those who became the persecutors of the Maoris. The Maoris wanted the same "power as Europeans in local bodies, such as Road Boards, County Councils, and other bodies for the working of their own affairs. . . . But the House has been too selfish altogether with regard to the Maoris. It has never given what they have justly asked for, and therefore the Maoris look with a certain amount of aversion upon anything proposed in or emanating from this House. I know what influences many members. They think these powers should not be conferred on Maoris, lest they should decline to sell their lands. But that is not a just feeling to entertain. It is not what would be expected from an English race—from the people of England—who have a world-wide fame for being gentlemanly, just, and straightforward. But perhaps all these good qualities,—perhaps this uprightness, is left behind in England. It reaches

not to Maori land. It is not brought here by those who come from England. . . . I object to the bill altogether. The idea of taxing Crown lands as well as native lands is a mere farce. It is simply to give the Maoris the idea that the government like themselves pay taxes for their lands. The only lands that will suffer will be the lands of the Maori. They will be swallowed up by this monster of a bill. I appeal to those European members who befriended the native members last session to extend a like friendship now and help to destroy this monster. I look to friends who joined with me when the West Coast Bill, affecting the prisoners, was brought down. Let us join together in looking to one place for justice—in looking back to England.”

Tawhai followed in the same strain:—

“I know the Treasurer (Atkinson) has already tasted how sweet is the Maori land which has been confiscated at Taranaki, and he longs to swallow another morsel. His conduct reminds me of that of Ahab, when he coveted Naboth's vineyard. I will on behalf of the Maori return the same answer that Naboth made to Ahab. He said, ‘I will not agree to give up the inheritance of my forefathers.’ Neither will I agree to see the land of my forefathers, our own native lands, given up to be devoured by this bill.”

Taiaroa vigorously opposed the bill. It became a crucial test of the position of the government on financial and municipal grounds, and was abandoned after the second reading.

It was during the debates on the bill that an event occurred which created surprise both amongst the friends and opponents of the government. It arose in no manner from the conduct of the ministry. Tawhiao visited the European settlements in Waikato, and in token of friendship laid down about 80 guns before Major Mair, the resident officer in the district. To Major Mair, whom Mr. Sheehan had slighted, was due the token of reconciliation which ministry after ministry had laboured so long and vainly to obtain. With the aged Manuhiri (formerly Tamati Ngapora), Wahanui, and several hundred followers, Tawhiao met Mair at Alexandra, divided by the Waipa river from the mountain mass of Pirongia, and close to Matakītaki, where the fire-arms of Hongi laid low the flower of Waikato when the father of Tawhiao was young. Desiring Mair to stand back, Tawhiao laid his own gun in the street, while at his gesture 80 of his people followed his example. “Do you know what this means?” he said to Mair. “It is the fruit of what I told you,—that there should be no more trouble. It means peace.” The telegraph flashed information to all parts of New Zealand.

The title of king was accorded to Tawhiao throughout his journey by the reporters. The course chosen indicated that all thought of hostility was abandoned. It skirted the lines of Te Rore and Paterangi. At Awamutu, the Queen's health having been drunk, that of "the King Tawhiao and the Royal Family" was proposed, and he informed the company that he would "not consent to any deceitful work, neither was there anything hidden." Wahanui, so hostile to Sir G. Grey in 1879, responded at Awamutu to the toast of "The Unity of the two Races," and greeted "the good day shining upon us. I knew not that I should live to see it." The symbolic word which the Maoris adopted for their journey was Tarahou—or the fresh gleaming of day, and Wahanui was said to have selected it. At a banquet at Cambridge Major Mair thought the event "one of the most important in New Zealand history." The townspeople celebrated it with fireworks. One Maori usage may be mentioned. Before receiving an address in the public street at Cambridge the whole of Tawhiao's party were halted for prayer. The same practice was adhered to elsewhere. Tawhiao spoke as if the journey was originated by himself. His pilgrimage had been such as to excite strange memories. He was about to approach the spot where peace might have been made after the capture of Rangiriri, but for the protervity of Whitaker and Fox, and the equivocal conduct of Sir G. Grey, who had striven to persuade the Secretary of State that there was no danger of iniquitous practices against the Maoris by his advisers. At the tomb of his father, at Ngaruawahia, Tawhiao halted with his followers, while the Maori "tangi" held sway and profuse tears came bidden. It was hoped that Tawhiao would visit Auckland, but he paused at Mercer, where the limit of European government had once been fixed by the tribes. Tawhiao seemed much affected there; and recollections of the trampled boundary might touch his feelings, even though the sight of Rangiriri, Meremere, and Koheroa had not awakened bitter memories of the past. He made no terms, and asked for no favours. In bidding farewell to Major Mair, he said: "That which is uttered by the mouth returns not to it. The word goes straight forward. It is in earnest. My word is true."



The ministry, satisfied with the effect produced upon the public mind, did not boast of their success in entering upon amicable relations with Tawhia. There was little discussion respecting Maori affairs after the Crown and Native Land Rating Bill lapsed. Mr. Rolleston passed a Thermal Springs Districts Bill to give effect to an arrangement entered into with the Arawa tribe, the owners of the marvellous terraces in the district of Rotorua. It had long been desired to obtain what Mr. Rolleston called a "foot-hold in this native district," in order to "throw open to the world at large what was the greatest specialty in New Zealand." The Arawa were, with reason, jealous of the ownership. There were colonists who wished to build hideous houses by the margin of Rotomahana,<sup>79</sup> which tempted travellers from afar. At Rotorua itself, where hot springs of various medicinal qualities abounded, there had long been accommodation for sojourners, but the Maoris had not accorded freeholds. Mr. Fenton, chief judge of the Native Land Court, under agreement with them, made an order setting apart the district as a great recreation-ground, and they consented to an enactment which placed land at Rotorua in the hands of the government in order that leases for ninety-nine years might be granted. Mr. Rolleston thought that, besides making "Rotorua the sanatorium of the world," the Act would be useful in showing the Maoris how "the valuable properties they held might be turned to the best account."

A Representation Bill incidentally attracted attention. It could not be denied that the Maori population of the North Island entitled it to larger representation than was left to it by Mr. Hall's bill, which increased the number of the House on the principle of single and equal electoral districts as regarded Europeans, but left the Maori members as before, although by the principle of the bill they were entitled to an increase. In the struggle for representation of the North and Middle Islands, it suited some members to claim that the Maori population should be estimated in calculating the number of members due to each island. Thus the settlers, like the quondam slave-owners of the

<sup>79</sup> 1894.—The Tarawera eruption of 1886 demolished the coveted sites and the weird and fairy-like charms of the Lake.

United States, would derive importance from the number of a race on whom the bill was to confer no privilege. There were other members who, like Captain Russell, of Napier, thought that the Maoris should be admitted to the general franchise, and abandon their special representation. By computing the Maori people, Captain Russell found that the North Island would gain nine members, and he professed a wish to frame the districts in such a manner as to give influence to Maori votes. He struck an unusual chord by remarking that there were, in 1881, "44,099 natives in the North Island, being a large increase on the census of 1878." Either their numbers had increased, or their former numbers had been underrated. There were extra-cameral negotiations on the subject. The Maori members were urged to abandon their existing rights. They replied: "If we can get an assurance from the government that we shall have a right to vote at the election of European members for the North Island, then we will give up the special representation." "But (Mr. Sheehan informed the House) when we met the Premier, and he heard the views of the Maori members, he said he would not be able to give effect to those views." Mr. Sheehan's unchallenged words showed the object with which some members sought to abrogate the special Maori representation, and justified the apprehensions which deterred Maori members from consenting to abandon it. Tairaroa declared that the existing law, coupled with the restriction of votes to property held in severalty, was humiliating. "Take the case of a native who is possessed of a Crown grant. That is, a grant to himself. But suppose he has six adult children. He is entitled to a vote because he has a grant in his own name; but his children who are of age are not entitled to a vote even under the residential qualification. Now, a European who comes to the colony and remains six months in it immediately becomes entitled to a vote, and yet you deny that vote to these natives who are born in the country and live all their lives in it. I can only characterize that as a very unfair proceeding on the part of this House which passed such an Act." The bill was incompatible with the treaty of Waitangi, which "clearly laid down that the natives should enjoy the same

rights and privileges as those enjoyed by other subjects of Her Majesty." Mr. Swanson,<sup>80</sup> in the course of the debate, denounced the ignorance of Maori affairs displayed by members from the Middle Island. They, in 1860, supported the robbery of Te Rangitake—"one of the most unjust things ever done. . . . A great majority of the representatives from Auckland were for peace . . . but they were hounded down as traitors . . . and I say it is unjust and untrue to say that the Northern people got up that war. . . I appeal to every member of the Public Petitions Committee if we had not a case before us this week in which a man was given a bribe to rob and swindle the Maoris, and we actually recommended that it should be paid. . . . And the Maoris are not taxed forsooth! . . . I am ashamed at the grasping desire shown to get possession of the land which still belongs to the natives. Talk about equal rights! The Maoris are taxed enough, fleeced enough, and robbed enough!"

Mr. Swanson quoted cases to prove his statements, and Mr. Hall in reply admitted that there was "no man better entitled to speak upon the Maori representation question than his honourable friend" Mr. Swanson.

Mr. Mantell exposed in the Upper House (in 1880 and 1881) the manner in which claims for justice were slighted. When the Rangitikei-Manawatu block was purchased it was found that natives were receiving rents from persons illegally occupying certain lands. The commissioner for the Crown, Dr. Featherston, impounded the rents, and guaranteed that when "the purchase was complete the rents would be repaid to the natives, together with 10 per cent. interest." When the Native Land Court gave judgment in the Rangitikei-Manawatu case, in 1869, the owners of a block called Himatangi proved that they had not been parties to the sale, and that Himatangi was not included in it. Though (said Mr. Mantell) the block was held "to be ceded to the Crown under the decision of the court, the government were not prepared to take so unjust a course as to keep their land from them on that account, and therefore, in 1877, a (Himatangi Crown Grants) bill was introduced enabling

<sup>80</sup> *Vide* Vol. II., p. 77 n.

the government to grant to those natives 11,000 acres of which they had been deprived. The bill was passed." It had contained a provision to sweep away claims for the rents, &c., and a sum of £500 paid to the province of Wellington, but the Council—"becoming aware that these rents were impounded before the purchase of the Manawatu block, that the land never had been purchased by the Crown at all, that the rents had been impounded by the representative of the government, under a guarantee that they should be paid over to the natives"—struck out the repudiating portion of the clause. That the government were conscious of liability was proved by their framing a clause to sweep it away. "That was only four years ago, but in the interval they had apparently taken a different view of the matter, and the natives had not yet been paid." Mr. Mantell obtained papers which disclosed the fact that Dr. Featherston distributed the impounded rents (with the exception of about £60) to the wrong persons, and that no money was paid to the owners of the Himatangi block. Mr. Mantell asked the Council to express its opinion that payment "to the recognized owners should no longer be delayed." The Attorney-General replied that "Mr. Mantell had stated the facts of the case pretty well as they occurred . . . but it was a tribal business entirely. . . . If such matters were to be rooted out and brought up again under circumstances such as these they could have no finality to transactions between government and natives." Thus, if a Maori like Teira could be cajoled into a transaction like that at the Waitara, payment to him would, according to Mr. Whitaker, deprive the real owner of any claim. Mr. Mantell replied that: "There was not that confusion which the Attorney-General would represent." The three hapus found to be entitled "were quite distinct, and there were no tribal questions connected" with the matter. Whitaker had complained that there would be no finality if such claims were allowed.

"Well, I intend that there shall be none. I am determined while I have a seat in this Council that there shall be no finality so long as this dishonest action on the part of the government continues. . . . If a lawyer should act with his client's money as the government have acted with the money they collected on behalf of these natives, the chances are that he would cease to be a lawyer."

Whitaker piloted a significant (West Coast Settlements Reserve) bill through the Upper House in 1881, and adroitly procured the adoption of amendments made in the Lower, in haste, and almost on the last day of the session. In the Lower House, Sir W. Fox said there had been a difference of opinion between himself and the law officers as to the quality of the grants. He had recommended that there should be non-alienation clauses so as to protect the natives, who were to have no power of disposal except by lease or in way of exchange, the approval of the Governor-in-Council being requisite in either case. The condition of affairs at Parihaka was alluded to. Tairaroa declared that all the troubles on the west coast sprung from the "unfulfilled promises and the confiscation of land." Let the House make no more promises. "If you wish to give, give at once; or if you make promises, put them in writing so that there may be no mistake about them afterwards." If "you give the trustee absolute power over these lands we do not know how he will deal with them. . . . If the government has at heart the settlement of the west coast, and also the welfare of the Maoris, I will assist them as far as I can in committee to amend the bill." . . . Te Wheoro vainly moved that there should be two trustees. Mr. De Lantour, who had supported Te Wheoro, moved (on a clause as to confirmation of leases) that the "consent of the natives entitled" should be requisite, but he was defeated by 20 votes against 8, Hall and his friends being again victorious. The bill was promptly read a third time, but not without alteration. The Representatives converted the resident trustee into the public trustee appointed under the Public Trustee Act of 1872. That officer resided at Wellington. How true a prophet Tairaroa had been was shown when it was arranged afterwards that the Waimate Plains reserve of 25,000 acres should, with the exception of a few patches, be leased without allowing the Maoris any voice as to what they wished to lease or to retain. It was decided that the land should be leased at once, "as otherwise the natives might occupy the most valuable parts of the block, and would have necessarily to be removed (from their own reserved land) when it was wanted for settlement."

Mr. Hall frequently contended that the Maoris were treated with benevolence. Before the close of the session he hastily obtained (on the proposition of Mr. Rolleston, the Native Minister) a vote for £100,000 to enable him to display at Parihaka the worth of his contention. So much is in the power of a government, in wresting Parliamentary forms to their use in regard to orders of the day, that in the closing hours of a session an adroit or sinister purpose can speedily be accomplished. As to this vote, Tawhai said in the following session: "It is stated that that sum was voted by this House; I therefore presume that I have a right to refer to it. But I think that a great many of the members were not aware that that sum was being voted. It was brought up suddenly before the House, after most of the members had gone on board the steamers to depart for their homes at the end of the session. Perhaps it was voted in that way for fear the Maori members would oppose it. It was therefore brought forward after we had gone because the government must have been aware that this money was voted for the destruction of the natives." The ministry are entitled to the credit or discredit of their reply, through Mr. Dick, that Tawhai was mistaken, and that the vote was sanctioned after "calm and quiet consideration." The truth was that the Governor, Sir A. Gordon, who was also High Commissioner in the Pacific, sailed to Fiji on the 13th Sept. Mr. Rolleston asked for the special grant on the 21st Sept.; the Houses did no business after the 22nd, and the Parliament was prorogued on the 24th Sept.

A few words may be said with regard to the session generally. Mr. Ormond's opposition (on the Crown and Native Lands Rating Bill) to the financial schemes of the government was at one time deemed so formidable that it was rumoured that his amendment would be carried, although the ministry made it a question of confidence. They had ministerial offices at their disposal, however, and angled adroitly for votes. Some who objected to the bill were soothed by the assurance that if the government were permitted to carry the second reading they would not persevere with the measure, and by 41 votes against 37 Mr. Ormond was defeated on the 28th July.

History finds in all countries a class of men who call themselves conservative, but are indicted for carrying measures which are demanded by their opponents. Such a class always implores its supporters to sustain it in power as the only safeguard against the irruption of Goths into office, and meanwhile it works for the Goths who are about to reap the harvest of its toil. It is but their factor. To benefit itself for an hour it sows the seeds of disorder for an epoch. It pleads that the fault is in the times, wilfully blind to the fact that when politicians are without principles the fault is not in principles, but in politicians. Creatures of this class are never without excuses to show that the evil they have done was by "a Divine thrusting on," and that they were only "villains by necessity" in carrying measures of which they disapproved.

By his Triennial Parliaments Bill, Mr. Hall ensured a general election at the close of the session of 1881. He had found the North Island members hostile in the main, and he reduced their relative power by a Representation Bill. Personally in favour of Mr. Hare's system of election, which would make the House the fair reflex of public opinion, he trusted he might live to see it adopted, but the colonists did "not appreciate or even understand" it. He proposed a system utterly antagonistic to it. He had formerly stated that "population should not be the only consideration" in apportioning members. He had in June, 1880, proposed to give "reasonable facility for minorities to be represented" by a provision that "in all cases in which three members were to be elected by one constituency no elector should give more than two votes." His new bill contemplated single electorates based upon population, but he excluded the 44,000 Maoris in the North Island from his computations. The number of members for the Middle Island was to be increased from 50 to 55; but the increase was wholly for the gain of Mr. Hall's district (Canterbury) and for Otago. Canterbury was raised from 21 to 24 members. Otago was raised from 14 to 21. To enable him to effect these objects and secure the aid of Otago members, Mr. Hall reduced the representation of the Nelson and west coast districts. A phalanx of 35 members for the two favoured

districts, with the aid of friendly members from other places, was deemed sufficient to force the bill through the House. Mr. Hall professed grief for the fate of Nelson; and its members, without whose aid he could not have defeated Mr. Ormond, felt a real sorrow. The debates were too lengthy for analysis in these pages, but the main facts may be stated. By the proposed scheme Canterbury and Otago were to have 45 members in a House of 91 European members, and would exercise overwhelming control. Hall hoped to govern through their means. The provincialism which was supposed to have been killed by the abolition of the provinces was alive in the provincial districts. The very lists of members, officially made, separated them in sections denoting the provincial districts which elected them.

Mr. Gisborne, a west coast member, moved amendments condemnatory of the adoption of population as the sole basis, and of equal electoral districts. He argued that seven English cities had a population of about 6,000,000, and that to give them such a representation would raise their members from 37 to 121 and "create a heptarchy worse than had ever been heard of." Sir G. Grey would welcome the prospect of giving control to such a population, though he characterized it as steeped in "degradation, misery, appalling state of vice, intemperance, and want of virtue."<sup>81</sup> Sir W. Fox replied that the saying that the people were always right was the maxim of "the great demon of the French revolution, Robespierre." Mr. Sheehan declared that in introducing the bill the ministry were being "dragged at the chariot-wheels" of Sir G. Grey, as had been foretold. Mr. Collins, a Nelson member, who had been staunch to the ministry even when he thought them wrong, deplored the injustice of the bill, which the ministry would probably carry "by the assistance of their great political enemy."

<sup>81</sup> Distrust of Sir G. Grey was Mr. Hall's protection. The former was ever setting class against class. During the session of 1881 he, Mr. Sheehan, and other members attended a public meeting to express sympathy with the Irish Land League, and with the efforts (murders, intimidations, houghing cattle, &c.) made by the Irish people "to obtain the right of occupying on just conditions the land on which they were born. . . ."



There was vehement contest in committee. The Chairman refused to accept a motion made by Mr. Gisborne, and reported Mr. Gisborne's conduct to the Speaker. Mr. Hall moved in the House that Mr. Gisborne be declared guilty of contempt and be fined £20. After debate, constrained by the Speaker within limits prescribed by himself, the motion was carried. Mr. Gisborne was admonished, and the fine was paid by sympathizing friends.<sup>82</sup>

The press of the colony was divided, as the House had been divided, on the strangling of constitutional forms. There were writers who complained that thenceforth "a minority would be at the mercy of the two leading officials of the House." There were others who triumphed in an injustice which secured additional representation for their districts.

The session closed on the 24th September.

<sup>82</sup> 1894. In the first edition of this work this Parliamentary struggle was described in detail. In 1892 the ruling of the Chairman of 1881 was virtually cancelled. It was soon discovered to have been "erroneous," but the record remained in the journals until 1891. In that year Mr. J. Bryce incurred some censure. His friends strove in 1892 to rescind the censure, and, after much discussion, all votes of "regret or censure" upon members—on Curtis in 1856, on Pyke in 1876, on Ormond in 1877, on Gisborne in 1881, on Vogel in 1887, and on Bryce in 1891—were "expunged from the journals" (9th Aug., 1892).

## CHAPTER XX.

1881—1882.

## THE RAID UPON PARIHAKA.

In the absence of the Governor the ministry promptly concocted a scheme for using the hand of Prendergast to effect their purpose. Te Whiti's mystic language furnished a pretext for the first act of the plot. He himself was accustomed to expound it to his friends in the evening. His esoteric was more intelligible than his public teaching. It had often been admitted that the best Maori authorities "were at variance as to the interpretation to be placed" on his declarations.<sup>1</sup> The Governor sailed for Fiji on the 13th Sept. The duration of his absence being uncertain, no time was lost in bringing evil to the door of Te Whiti, whose monthly meeting was to be held on the 17th. A convenient reporter was discovered in the person of Mr. Hursthouse, who had accompanied Captain Knollys (Dec., 1880), and who, with Mr. W. Carrington, another licensed interpreter, had on more than one occasion been told by Te Whiti not to report the Maori speeches because he could not understand them. Hursthouse's telegram to the Native Minister (17th Sept.) began with the words, "Te Whiti's speech to-day very puzzling."

Before the official report could be prepared casual versions were circulated. One writer reported that Te Whiti said

<sup>1</sup> "Te Whiti made a long speech, but so obscure to the European mind that those skilled in Maori language and the tone of thought of the Maoria differ widely as to its meaning."—"New Zealand Herald," 29th March, 1880.

that "the weapon was ended with the prisons," but nobody could say

"positively what he meant. It is true that in one part of his speech he called on both sides now to take up the weapons, but this, which in itself would have seemed alarming, is qualified by another sentence in which he said that goodness was the only weapon which should be victorious, and that the good should rule the world. In short his utterances and those of Tohu were thoroughly ambiguous, and might mean anything."

Such was the report furnished (18th Sept.) to an Auckland newspaper by its correspondent, who added that he gave a "full explanation, obtained on the best authority, in order to allay any causeless apprehension." But on Monday the Press Telegraphic Association was furnished with a version prepared to please the government. In sending it to Auckland the correspondent added significantly:—

"Although persistent efforts are being made in certain quarters to work up a Maori scare, I still adhere to my opinion that there is nothing in it. . . . I may quote telegrams received to-night by the government which have been courteously placed at my disposal. They are from independent sources, in every way trustworthy. One says: 'A well-known friendly chief who was at the Parihaka meeting says: Te Whiti's speech was not warlike in character, and there will be no fighting on the part of the Maoria.' Another says: 'Three natives arrived from Parihaka to-day. They were surprised at the reports of threatened hostilities.' The third telegram ran thus: 'The natives said this morning that Te Whiti had explained last night the real meaning of his address delivered on Saturday. He said he did not mean to fight, and warned them to be very cautious and not to bring the anger of the government upon them, and to be sure not to be the first to strike a blow, but to carry on the work; and he cautioned them not to give a literal meaning to his speeches until they were explained.' You will observe that these entirely bear out the views which I telegraphed to you last night."

The correspondent in writing thus did not attempt to please his employer, who had frequently advocated a resort to violence to cut the knot which the government could not unloose by law or negotiation. Moreover, the independent telegrams which confirmed the correspondent's views were the property of the government. As, however, the government desired to use the hand of Prendergast to suppress Te Whiti they set aside the peaceful interpretation which Te Whiti placed upon his own words. The editor could not refrain from remarking (22nd Sept.) that it was singular that "Te Whiti having for so long restrained the natives in the face of what were great provocations (road-making through cultivated fields, &c.), should now change his

policy," when a "contest with the force of constabulary in the district would be utter destruction to the natives." Such a change would indeed have been strange; but it was not true. It was because "great provocations" failed to shake Te Whiti's patience that his provokers resolved to disguise by misrepresentation the high-handed outrage about to be committed. It ought to have been strange that members of a ministry could so act; but the moving spirits among them were hardened against justice where Maoris were concerned. Conspiracies often breed rumours, and the hurrying of armed constabulary to the west coast proved that the government would wait for no act on the part of Te Whiti. Mr. Rolleston went to Pungarehu and consulted the commander of the constabulary and Parris. It was disconcerting to find that Te Whiti had warned his people that offensiveness would be foolish as well as wrong. If (he said) you were to kill all the constabulary in the camp, hundreds would come to take their places, and the result would be that you would all be killed and the Pakehas would seize "the whole of the land." These words were flashed to all parts of the colony before Mr. Rolleston arrived at Pungarehu. He telegraphed<sup>2</sup> that "neither in Parihaka nor elsewhere is there the slightest indication of any intention of the Maoris to fight. On the contrary, the whole attitude of the natives is thoroughly pacific and good-tempered; while they are engaged to an unusually large extent in cultivation and other peaceful employments." He received a deputation at Taranaki, and deprecated the "sensational reports which were circulated," and which drove some settlers to take refuge in the township from an imaginary enemy. The "Southern Cross" steamer going from Auckland to Fiji on the 26th Sept. carried tidings of the rumoured intentions of the ministry. Sir A. Gordon might suddenly return. It was resolved that Te Whiti, whether peaceful or not, should be attacked while Prendergast was administrator. The Taranaki press and settlers goaded the willing ministry. The fences with which the Maoris protected their cultivations were called trespasses "on Crown lands." Meetings

<sup>2</sup> Quoted in "New Zealand Herald," 26th Sept., 1881.

were held at Hawera and other places, and volunteers were enrolled. Authentic evidence was easily obtained. The Rev. Mr. Luxford, a Wesleyan minister, passed through Parihaka, conversed with Tohu, and found that Te Whiti was planting the annual crops with his people.

"The natives were not fencing across the road, but cultivating near the main road, about a mile and a-half from Parihaka, one of their old plantations. . . . They complained bitterly of the land being sold. The natives cultivating at Otakeho are cultivating the same field they did last year before the sale. The natives laugh at the idea of fighting. There was not the slightest sign of war preparations. Every native seemed to be planting." . . .

No man in his senses could believe that the Maoris were preparing for violence. A correspondent of the "Hawera Star" wrote:

"Should proper investigation be initiated into the dealings with Taranaki lands, the agitation about Te Whiti will cease. All Te Whiti wants is an investigation into the past and security for the future. His is free and independent action arising from a sincere desire for the administration in their integrity of the public laws as they are inscribed on the code, and he hesitated not to send his people to gaol in the hope that the question might be raised."

As the government by refusing to afford trial to the prisoners had kept the issue out of court, the writer thought that Te Whiti's followers would meet violence by passive resistance which would "leave nothing for the conqueror" but to arrest them all. It seemed that Te Whiti would undergo martyrdom to ensure legal examination of the wrongs of his people. How he restrained the traditional thirst of the Maori for revenge none of his enemies could divine.

A deputation waited upon Mr. Rolleston, and dissented from his opinion that there was small probability of disturbance. "We understand (said a Taranaki newspaper) that dissatisfied" (the deputation) sent a telegram to Major Atkinson to the "effect that Mr. Rolleston was altogether unacquainted with the exigencies of the present disturbed state." Atkinson was not deaf to their cry. Wellington was startled on the 29th by a change in the plans of Mr. Hall. He had been about to depart southwards to Lyttelton in one government vessel. He went northwards on the 30th in another, with Atkinson, to instruct Rolleston. On the same day, it was telegraphed

from Hawera that "the Maoris desisted ploughing on the land at Otakeho when requested. It appears that the former proprietor of that portion of Hunter's farm had given them permission to cultivate that small spot." An Auckland newspaper (1st Oct.) reverberated the blows of the press at the west. It was "incredible that the government should have so greatly exaggerated the peril of the hour, or have been so entirely without a defined policy that matters are to remain as they were, *plus* a large addition to the expenditure of the country." Mr. Rolleston "reports to his colleagues that all is peace at Parihaka," but, if so, "why is there all this fuss and expense?" . . . Unless the government were possessed of information unknown to the public, "we do say that energetic steps should be taken promptly to suppress the long-standing nuisance of Te Whiti and Parihaka." The "New Zealand Herald" was by no means the most malignant enemy of the Maori race, and yet it appeared incapable of understanding that Te Whiti and his people had been plundered by expulsion from their cultivations, of which successive governments had guaranteed to them the peaceful possession. If a government, reproached by a newspaper, had marched an armed body of men to seize the premises, destroy the machinery, and imprison the staff, it is possible that the editor might have comprehended the case of Te Whiti. Fortunately at this juncture another editor sent commissioners to the spot. Messrs. Crombie Brown and Hamilton were deputed to visit the west coast on behalf of the "Lyttelton Times."

Hall and Atkinson returned to Wellington, and on the 3rd Oct. all telegrams from the west coast said that perfect peace prevailed, but it was "well known that Atkinson had all through wanted firmly to settle the question," and had been persuaded by his colleagues not to resign with Bryce in January. On the same day, the inspired "Taranaki Herald" deplored Rolleston's want of earnestness. He was "well-meaning," but the writer "dreaded the future if Mr. Rolleston continue to hold the portfolio of Native Minister," and sneered at him for saying that the newspapers were responsible for much mischief by publishing "false reports." On the 5th, it was stated in a west coast newspaper that Bryce had been invited to join the ministry, and had

declined, because they had not assigned him pre-eminence. On the 4th Oct., Mr. Hamilton telegraphed that Major Atkinson had informed him that the "government had ascertained from trustworthy sources that Te Whiti disclaims the warlike interpretation of his late speech." Mr. Rolleston declined to tell the settlers what the government were about to do, but said that peace was well assured, and that the large cultivations at Parihaka were evidence of the peaceful intentions of the Maoris. He visited Te Whiti. The result of his interview was concealed at the time. The placidity of the chief would have made an attack upon him appear ridiculous. But at a later date, in addressing his constituents (26th Nov.), Mr. Rolleston accounted for the reticence of his colleagues. "Te Whiti met me in a very friendly and courteous way to begin with, but refused to admit the right of the government to share the land with him. He took up my hat and said: "If your hat were cut in two, what would be the good of it?" and, "If you come to share the blanket with me, I must decline to help you." Mr. Rolleston "believed that Te Whiti would have been glad to come to a settlement if he had dared to do so." As the ministry had resolved upon violence, they were wise in their generation in concealing the fact that Te Whiti's conduct afforded them no justification. Bryce, though not in office, was an adviser. The "Lyttelton Times" (12th Oct.) warned the public of the tendencies of the ministry. The colony had owned itself "in the wrong by instituting a commission of inquiry which has not finished its labour." . . . If it is not too late, let the Royal Commissioner, Sir W. Fox, before any crisis is precipitated, go straight to Parihaka, and call on Te Whiti to state his claims." The ministry ought to consider "their duty to Sir A. Gordon," to whose temporary absence they had assented. "Under these circumstances their evident duty is, except in case of absolute necessity, to await his return before proceeding to extremities." Such might be their duty, but they had plotted otherwise. After writing a letter to Te Whiti (10th Oct.), Rolleston returned to Wellington, and his assurance that there was no preparation for hostilities on the part of the Maoris is an additional incentive to the contemplated wrong.

Triumph was cheap if no enemy could be met. "It matters not" (said the "N. Z. Herald," 15th Oct.) whay may "be Te Whiti's intentions, or how pacific that they be. He is a living threat and nuisance, and it is lawful and just to suppress him." Mr. Oliver, who had quitted the ministry in May, rejoined it on the 18th October. It was whispered that the government had resolved to seize Te Whiti and to confiscate lands which the West Coast Commission had desired to appropriate to the Maoris. "This course (said the "N. Z. Herald") seems unimpeachable and business-like;" it might alarm the "natives generally,"—but, "on the other hand, it will teach them a wholesome, though not a new lesson." Armed men were poured upon the west coast, although reporters visited Parihaka freely and saw no sign of warlike preparations.

At this juncture the arrival of a steam-vessel (the "Gunga") in Sydney made known the fact that Sir A. Gordon was on the waters, bound for Wellington. When he reached Fiji (20th Sept.), H.M.S. "Emerald" was put in quarantine for six days. His duties as High Commissioner in the Pacific occupied him on landing. On the 3rd Oct. the "Southern Cross" arrived at Fiji from Auckland. A Fiji newspaper descanted upon affairs at Parihaka and the intentions of Hall and his colleagues. The enrolment and arming of volunteers, and the vote of credit for £100,000, snatched suddenly before the prorogation, were reported to the Governor in this casual manner and in a note from his private secretary; but it appears from a despatch (22nd Oct.) to Lord Kimberley, that "not a single member of the ministry addressed a single line to him on that or any other subject."<sup>3</sup> Sir A. Gordon sailed for New Zealand in H.M.S. "Emerald" on the 8th Oct. At the same time the "Gunga" left Fiji for Sydney. She arrived there early on the 15th Oct., and reported the destination of the "Emerald," with Sir A. Gordon on board. The tidings borne by the "Gunga" were flashed by electricity in the customary manner to all parts of the colonies. One telegram, at least, was sent to Wellington. More than usual publicity was perhaps given to her report, because, in

<sup>3</sup> Blue-book, 1882 [C. 3382], p. 165.



consequence of it, letters which were about to be despatched to the "Emerald," at the Pacific, were at once diverted to New Zealand by order of the commodore. What information reached the New Zealand ministers may never be revealed. Those who work in the dark will not expose their doings. One thing is clear. If any hint of the "Gunga's" report reached the ministry, they would abandon their designs or execute them promptly. By their manner of action they may be judged. If they were bent on using the hand of Prendergast, they had no time to lose.

Te Whiti's October meeting was to be held on the 17th. It was hoped that he might furnish provocation. He was mystical, and attempts were made to wrest his words to evil import. Man must be humble. It was God who permitted troubles to arise among the nations.<sup>4</sup> Generation after generation passed away, and so did the troubles by which they were afflicted.

"A trouble has come now upon us. . . . This day it rests upon me. The sun shall not shine upon the land, but darkness shall be upon all. . . . Weapons shall not be raised against the people in these days, but only against the wicked. The earth will shake and the mountains shall be removed, but my people shall be protected. . . . Though a multitude swarm upon the land it shall not remain. . . . The blood of the prophets is upon the earth, and will be so in every generation. . . . It is I, Te Whiti, who speak to you. . . . We are like a brood of chickens left in the nest by the parents.<sup>5</sup> We have none to assist us; but, though the Almighty has permitted trouble to invade the land, fear not. . . . Though the land be overrun by a multitude they shall vanish away. My heart is sad. The people are dead and the land is gone. There is no rest, no peace of mind in these days. I always counselled fortitude (manawanui).<sup>6</sup> In time we shall overcome all difficulties. By power and riches the Pakehas overcome the feeble, not only among us, but throughout the world. Guns and powder shall no longer be our protection. Money and guns are not salvation. This is my glorying to-day. God has protected and will protect the people and the land—not guns and powder. I am not swerving. This is what I have always told you. . . . Every year I have been saying, Be patient. . . . This is the day of my boasting. There is none to guide me. I alone can guide you all."

<sup>4</sup> Te Whiti warned the government scribes not to take notes because they could not understand. Of this particular speech two published translations were so different that only in a few passages could similarity be detected.

<sup>5</sup> This was rendered by one interpreter: "When the hen's nest is left a little child may break the eggs, and the chickens will have no mother to watch them."

<sup>6</sup> A combination of courage, endurance, and patience.

The "New Zealand Herald" said (18th Oct.) that Te Whiti's claim to have always said, Be patient, was "probably valid;" but it rightly conjectured that his speech would "have no effect upon the measures determined upon by the government. There can be little doubt now that ministers have determined to break up Parihaka, and that what is to be done will be done within a month." The newspaper harped aright the fears of ministers. Not a month, nor a week, perhaps not a day, remained in which the hand of Prendergast could be used. Bryce was in close conference with them. Whitaker was consulted by telegraph. The hand of Hall, which had simulated the hand of one Governor in 1868, was ready to control that of Prendergast in the absence of another in 1881. Whitaker and Atkinson were of one mind. Rolleston was compliant. Expectation of the return of Sir A. Gordon, which might have constrained sensitive minds to await his arrival, seemed to quicken the acts of the ministry. On the 18th the "Emerald" sighted the East Cape. All that day and late at night the plotters worked. No announcement acquainted the public with their proceedings. A periodic meeting of the Executive Council was held at noon on the 18th, but its decisions were not promulgated. There had been acrimonious debates in former years as to tampering with telegrams.<sup>7</sup> The telegraph office was a government department. Whether inspired by divination or fortified by information, Mr. Hall, on the morning of the 19th Oct., took occasion to converse with Mr. Murray, Sir A. Gordon's private secretary, through whose hands a telegram was received on the 16th announcing the immediate return of Sir A. Gordon by H.M.S. "Emerald." Mr. Hall asked whether news had been heard of the Governor. Not deeming himself justified in quoting private information, Mr. Murray did not speak

<sup>7</sup> In 1882, Sir G. Grey reminded the House, apparently without contradiction, that on assuming office in 1879 the Hall ministry "committed a great crime. They burst open the telegraph office and took out the telegrams of their predecessors. . . . Those things which were written under the solemn seal of secrecy, as it was thought, were brought up and examined by the ministry." . . . (New Zealand "Hansard," 23rd May, 1882). In 1884, Mr. Montgomery quoted in the House Mr. Hall's explanation that "he only glanced at" the telegrams. (New Zealand "Hansard," Vol. 48, p. 531.)

of the telegram, but expressed his belief that the "Emerald" "might be looked for at any moment" with the Governor,<sup>8</sup> and that the "Southern Cross" steamer, then overdue, with mails from Fiji to Auckland, would bring definite information as to Sir A. Gordon's movements. Mr. Hall thought, or affected to think, that Sir A. Gordon intended to visit New Guinea before returning to Wellington, but was in all good faith assured to the contrary by his colloquist, who imagined that intimation of the Governor's movements would induce honourable men to await his return. But spirits never finely touched to fine issues saw in that return an incentive to base deeds. Prendergast was of the cabal if not formally a member.

The "Emerald" meanwhile was ploughing the waters close at hand as the plotters plied their tongues and pens on shore. It was determined to accomplish with indecent haste what it might well be doubted whether any upright man could approve. A reign of terror was to be created.

At half-past five o'clock on the 19th, when business hours had passed away, Prendergast appeared upon the scene. He desired Mr. Murray "to summon a meeting of the Executive Council for eight o'clock the same evening." Mr. Murray complied, "and then went to see Sir J. Prendergast to ask what was the business for which the Council was to meet. He told me, as a secret, that Mr. Bryce was to be appointed a member of the Executive Council. I told him that I had heard rumours of a

<sup>8</sup> How hard it is to raze out proofs of guilt is shown by the struggles of Mr. Hall and his colleagues to conceal the truth. Mr. Stout and others argued that the nocturnal cabal was prompted by knowledge that the Governor was speeding homewards. Mr. Rolleston dared to write (to the "Christchurch Press"): "I shall be obliged if you will allow me to state absolutely that neither the ministry, as a whole, nor any member of it, had, up to the time when the 'Gazette' containing the proclamation was published, received information that the Governor's speedy return might be expected; that in fact no intelligence of the Governor's movements, actual or intended, had been received by the government or by any minister from the time his Excellency left Auckland for Fiji until he returned to Wellington." If Mr. Rolleston did not wilfully err, or had not suffered a decay of memory, it must be concluded that Mr. Hall was as disingenuous to his colleague as he was untrue to his Queen. Mr. Murray's memorandum quoted in the text is printed at pp. 56-57 of an English Blue Book of 1883, C. 3689.

'proclamation of war.' The administrator replied that that was all nonsense. That there was to be a proclamation . . . but that anything like a 'declaration of war' was out of the question. I said that I supposed before any active hostilities could be undertaken the consent of the Governor or administrator must be in some form obtained. Sir J. Prendergast said: 'Not at all;' 'it was a matter the whole responsibility for which rested with ministers.' I said that I thought it, at any rate, right to say that the Governor might return at any moment. . . . I gave my opinion strongly, as was natural with my knowledge of Lady Gordon's telegram in the background, and I considered that the certainty of the Fiji mail (already overdue) arriving very speedily, together with the strong expression of my belief that the Governor would be in the colony within a few hours, should be sufficient, if anything could be sufficient, to delay any measures of great importance at any rate until the arrival at Auckland of the 'Southern Cross' (steamer from Fiji)."

Perhaps if Mr. Murray had been acquainted with Prendergast's<sup>9</sup> opinions on the rights of Her Majesty's Maori subjects he might have had some qualms as to what was about to be done, and what might have been "sufficient" to stay Prendergast's hand. There can be no plea for the ministry but one which confesses a craving to forge, by the hand of Prendergast, fetters which should bind Sir A. Gordon to consummate iniquity sanctioned by his substitute.

The "Emerald" was rapidly approaching the harbour, when "with whispering and most guilty diligence" the ministers hied to their "repair in the dark," not deeming it possible that any one would be able "to look upon their passes" in their session of shame. The convenient Prendergast, crammed at previous conferences, and ostensibly stirred by an official memorandum by Hall (19th Oct.), signed a proclamation recounting the heinous neglect by Te Whiti of the proposals of the government, and the wrongs done by Te Whiti "to natives as well as Europeans.

<sup>9</sup> Vol. II., p. 577, and *note*.

. . . Te Whiti and his adherents must now accept the proposals of the government, or all that they might now have under these proposals will be beyond their reach." All offers would be withdrawn after fourteen days, unless in the meantime Te Whiti would lick the dust beneath the feet of Hall and his associates.

It could not be, and was not expected that he would do so, and such an announcement was a transparent device to evade the reservations of land which the West Coast Commission had recommended. Remembering that Whitaker contended that confiscation in Waikato would be futile unless it included the possessions of the innocent, the hand of Whitaker may here be seen "writ large": "Should the natives be so infatuated as to disregard this warning, the government will proceed to make roads throughout the Parihaka block, and to lay off lands for European occupation, inland of the main road. The claims of such natives, under previous promises, will then have passed away, and none of them will be allowed to occupy lands in defiance of the law." To this consummation had all the works of Whitaker been tending, and a fit instrument seemed now to be at hand.

Mr. Rolleston, as Native Minister, attested the proclamation, and was said to be in full accord with it. The next act in the plot was to replace Bryce as an Executive Councillor, and "Native and Defence Minister." The "Honourable William Rolleston" was declared to have "resigned." The Prendergast proclamation was hastily printed and issued in a "Gazette Extraordinary" late at night, and conveyed to newspapers for transmission by telegraph through the length and breadth of the land. The appointment of Bryce was communicated also, but the "Gazette" did not contain it. His departure for Parihaka was arranged for the following morning. The huggemugger council and its nocturnal results had not ended when the "Emerald" anchored in the harbour between 10 and 11 o'clock, and Prendergast's derogate authority expired. The Governor did not disembark that night. The new Native Minister was on the road to Parihaka when Sir Arthur Gordon landed soon after 9 o'clock on the morning of the 20th. Rumours ran through the town, and

were flashed throughout the colony, as to dissensions between the Governor and the ministry; and a Wellington newspaper<sup>10</sup> declared: "The Governor will interfere at his peril, and should he be tempted to so blunder, he will find that he has made the Imperial authorities directly responsible for whatever results may ensue."

A less servile Auckland newspaper thought that although Sir A. Gordon had "all the force of character requisite for the performance of what is believed to be duty in scorn of consequence," he would be too prudent and sagacious to interpose, when the concurrence of the Attorney-General and the Chief Justice indicated that what had been done was lawful. Moreover, a "general election was approaching;" the government would not flinch from its "definite native policy," and "that this policy has the approval of the country there can be no doubt." The newspaper had ill-omened reason on its side. The ministry desired a popular cry at the ensuing elections, and calculated that none would be more fit than one based on their determination to push the Maoris from the soil on which the rising tide of colonization still left them a footing. At Taranaki they might hope that their supporters would be elected without opposition. A despatch (22nd Oct.) from the Governor to Lord Kimberley thus explained the facts: "On the morning of the 20th I at once asked for a statement of the causes which had led to so great a change of policy and action. Such a statement has been promised me (by Mr. Hall), but has not yet been placed in my hands. When it is so, I shall be better able to judge how far I am prepared to accept the consequences of measures to which I have been no party, and the justice and expediency of which as yet appear to me very doubtful." The statement (24th Oct.) was signed by Mr. Rolleston. It concealed the fact that the operations of the government goaded the invaded agriculturists, and it deceptively arrayed rumours and telegrams in order to show that Te Whiti was an aggressor. Fresh from a plot to override all law, Mr. Rolleston said: "Until Te Whiti or his incredulous followers are practically convinced that the statute law of the

<sup>10</sup> "New Zealand Times," 22nd Oct.

colony must take its course, no permanent solution of the difficulty is possible." Sir A. Gordon (3rd of Dec., 1881)<sup>11</sup> told the Secretary of State, in a comprehensive despatch, that he—

"failed to see any adequate explanation in Mr. Rolleston's (enclosed) memorandum of the sudden decision of the government, or proof of the urgency which rendered it necessary to act in the absence of the Governor. . . . If Te Whiti was indeed a trespasser on the land, liable at any moment to expulsion, it certainly appears to me that it would have been desirable that legal proceedings should have been taken against him, and the question at issue decided by the highest and most impartial tribunal before which it could be brought. Against such a proceeding nothing could be said; but the employment of military force, the arbitrary arrest of hundreds of persons, the confiscation of private personal property, the destruction of dwellings and cultivation, and other measures for which an Act of Indemnity may not impossibly be required, appear to me unhappy methods of teaching that the 'statute law of the colony must take its course.'"

What Lord Kimberley thought of these things it is needless to imagine. What he did was to conceal the despatch from Parliament for more than nine months, and in the meanwhile to induce Her Most Gracious Majesty to confer a title upon Mr. Hall; and in after times Whitaker and Atkinson received the same distinction of which Herman Merivale had deplored the degradation.

On the 21st Oct., it was notified in a New Zealand "Gazette Extraordinary" that Prendergast had on the 19th appointed Bryce to succeed Rolleston. The notice was dated on the 19th, and there had been an ordinary "Gazette" on the 20th containing no mention of Rolleston's successor.

It was determined to pour troops upon Parihaka in such numbers that the Maoris might be quickly crushed. That Te Whiti's followers would obey his injunctions to be peaceful if violent hands should be laid upon him seemed incredible; and volleys fired upon a crowd of men, women, and children, and a conflagration of the settlement, would end all difficulties at Parihaka. While conferences with the Governor detained Hall and Atkinson in Wellington, Bryce was cheered by such a crowd at Patea as had in former years reviled Bishop Selwyn at Taranaki. He sent a copy of Prendergast's proclamation to Te Whiti, who,

<sup>11</sup> Blue-book, 1882, C. 3382, p. 267.

after hearing a portion of it read, said : " That is enough, read no more," and told Bryce's messenger that he had no answer to send. " I have no more to say than I have always said." Copies of the proclamation were left at Parihaka. It was reported that Bryce rode about with an armed escort.

The New Zealand public were not unwarned of the true meaning of the action of the government. Mr. Stout pleaded, in the name of national justice, the cause of the Maoris. The " *Lyttelton Times*," to whose commissioners the public were to be indebted for a knowledge of the truth, recalled with mordant pen the broken promises with which Fox and Bell had shown that government after government had strewn the west coast. Such pleadings were vain. The community as a whole were apathetic, and there were some who were not unwilling that whether by right or by wrong means, what was called " the native question" should be exterminated. The astute Whitaker and his accomplices knew well that to the multitude, which cares not to analyze, the settlement of the question would be pleasing, howsoever brought about. A general election was approaching, and they paraded their intention to crush the Maori at once and for ever. Sir G. Grey had compelled them to do his work by bills which created universal suffrage, triennial parliaments, and equal electoral districts. But he had not cleared the Maoris from the path. They would prove their power to do so. He could not protest, for he had himself, in 1879, been linked with the Peace Preservation Bill thrown out by the Council, and a protest against the action of the ministry might be unpopular. If he should acquiesce in it, the ministry would profit by his implied support. It was necessary to gain strength, and no cry would be more popular than the practical abolition of Maori rights and of all vestiges of the detested treaty of Waitangi. Sir G. Grey justified the ministerial expectations. He would run no risk of defeat by denouncing a brutal march upon Parihaka. Mr. Stout would probably have denounced it if he had been a candidate. As a bystander he appealed in sorrow to his fellow-subjects:—

" I suppose, amidst the general rejoicings at the prospect of a Maori war, it is useless for anyone to raise his voice against the present native



policy. I do so more as a protest than with any hope that any one colonist can ever aid in preventing the murder of the Maoris on which, it seems, we as a colony are bent. I call it murder, for we know that the Maoris are, as compared with us, helpless, and I am not aware of anything they have done to make us commence hostilities." (He recalled the unconstitutional Acts of recent sessions, and sadly wrote): "We are powerful, they are weak, and that is the only explanation that the future historian will give of our conduct."

He added to the means by which the truth might be proved, but he did not check the career of the ministry. Within a few days of the publication of his letter, the ministry asked the Governor to sign a warrant calling out volunteers throughout the colony for active service. The request was of little significance, inasmuch as many of the men had already been despatched to Parihaka, without reference to the Governor, whose formal order was held requisite to place the volunteers under military discipline. The ministry represented to the Governor that they "possessed and meant to exercise the power to move and employ bodies of local troops without any reference even of a formal character" to the Governor.<sup>12</sup> As it was desirable that forces in active service should be under discipline, Sir A. Gordon said he "had no hesitation in signing the proclamation" (27th Oct.). On that day the "Lyttelton Times" published a narrative of the case of W. K. Matakatea, which Fox and Bell had denounced as disgraceful to the government. "A loyal chief, after waiting for sixteen years to get a formal right to that of which he ought never to have been deprived, and after undergoing imprisonment<sup>13</sup> in a gaol for what, considering his intolerable

<sup>12</sup> Blue Book (C. 3382), 1882. This despatch was received by Lord Kimberley in Dec., 1881; but he having in July, 1881, undertaken to "delay publication if possible," the abuse of military force was concealed from the Parliament of England until 2nd Nov., 1882. The assumptions of the ministry as to their powers were blown to the winds by Judge Gillies, who, in a charge to the Grand Jury at Taranaki (May, 1882), declared that under the West Coast Settlement Act persons proceeding against the Maoris must be "authorized by the Governor. . . . It would not be sufficient for some minister verbally to give such an authority. It must be the official act of the Governor, through a minister, authorizing some special person to do some particular act in pursuance of the provisions of the statute." Lord Kimberley received this charge while he was withholding information from Parliament.

<sup>13</sup> Matakatea was one of those who (Bryce said in Parliament, 30th July, 1880) were "taken prisoners without any form of law," and who was never tried.

grievance, was, if he committed it at all, a mild form of trespass, is to get a title contingent on his keeping the peace which he never broke. This is a fine reward for loyalty, truly." On the 28th the "Lyttelton Times" concluded an article on the Prendergast proclamation by saying that "a threat to deprive the natives of the west coast of their lands, in defiance of sacred promises, for not at once putting off (their) faith (in Te Whiti) is a piece of wanton cruelty."

The London "Times" contained at this period a proof of the deception practised upon the English people by the simulators in New Zealand. Supplied with official information, the "Times" correspondent (9th Sept.) reported that "the firm and patient treatment of the native question" was highly successful; that Te Whiti was still vaticinating, "but the government has sold the confiscated territory up to the very gates of his fortress at prices paid by *bonâ fide* settlers which testify to their confidence that peace will not again be disturbed (one half-acre had brought between £80 and £90). This is the real solution of the native difficulty." No English reader could gather from these statements that much of the land thus sold was land on which the Maoris had been invited to remain, with a promise that they should be undisturbed; that in the original proclamation of confiscation the Governor assured "to all those who have remained and shall continue in friendship the full benefit and enjoyment of their lands;" that Te Whiti was, and always had been admitted to be, one of those; that the proclamation of confiscation (2nd Sept., 1865) repeated the assurance; that government after government had pledged their frail faith to maintain it; that the roads which the Maoris had been imprisoned for obstructing were in some cases marked through their cultivated grounds, and that Te Whiti had not, and never had had, a fortress.

Simultaneously with the publication of the letter of the 9th Sept. appeared a telegram (22nd Oct.) announcing the threats conveyed in Prendergast's proclamation, the resumption of office by Bryce, and the return of Sir A. Gordon. The prompted telegram declared that the government had "done its utmost to bring the Maoris to reason

. . . . without effect," that volunteers were being enrolled, and that public opinion in the colony was "strongly in favour of the action taken by the government." On the 27th Oct., the "Times" devoted a leading article to the matter. It reminded its readers that it had given an account (Sept., 1879) of the "singular personage" Te Whiti; it alluded to the Parihaka difficulty as a dispute about land; and, with truth, the full import of which the writer could scarcely have divined, admitted that—

"the accounts which have so far reached us are meagre and unsatisfactory, and it is therefore not easy to form from them a definite judgment as to the real merits." The writer nevertheless owned allegiance to principles which were foreign to the Hall ministry. The problem to be solved in dealing with the "primitive occupiers of the soil" could at "best only be solved by patience and forbearance, by strict justice and unswerving fidelity to engagements once entered into. The melancholy history of former wars in New Zealand is, we fear, a proof that this mode of solution has not been uniformly adopted." . . . . "The contemplated bad faith on the part of the government (in 1879, of advertising land for sale at Waimate, 'regardless of native claims') cannot but have produced a mischievous effect on the minds of Te Whiti and his followers, and may very possibly account for the present difficulty in dealing with them." If, however, as had been asserted, the government had become more generous than formerly, the editor thought Te Whiti deserved "very little sympathy." . . . . We cannot but hope that much "forbearance will be shown, and that native prejudice and even native fanaticism will be respected as far as they can be, without unduly impeding the progress of a higher civilization. . . . The Maori, like every other primitive race, is doomed to gradual extinction. . . . The Maori knows this himself, and his pathetic acknowledgment of defeat is part of the tragedy of human nature. But though the result is inevitable, it is our manifest duty to see that the process is kindly and just."

The spirit of the article was telegraphed to New Zealand, and was resented by those who, like Whitaker, had argued that confiscation which did not rob the innocent was useless; who, like Hall, saw no wrong in fabricating an order in the Governor's name to defeat a legal claim; or who, like Atkinson, had been reported<sup>14</sup> as having, at Hawera, openly advocated the "extermination" of the Maori question. But the words of the "Times" might influence the credit of the colony, and therefore rash apologists insisted that the treatment of the Maoris had not been unjust. Who would scrutinize the past? Selwyn and Martin were dead. Where would be found a man with the patience to

<sup>14</sup> "Taranaki Herald," 7th June, 1879.

study the subject and revive the thoughts which had died with them, or found only an unregarded echo in the mouth of the upright Mantell? The "Lyttelton Times" (29th Oct.) appealed in vain, and reminded the public that Fox and Bell had deplored "the spectacle of a government allied with spies, and seeking to profit by intrigues" which would degrade it in the estimation of Te Whiti, "and justify his aversion from our rule."

Armed men were poured to the west. Apprehensions lest Tawhiao should aid Te Whiti were allayed by publication of a telegram from Major Mair to the effect that Tawhiao would not permit any of his people to be drawn into Te Whiti's cause. The announcement was almost unnecessary, for Te Whiti had never sought for countenance at Waikato, and had referred disrespectfully to Tawhiao and Rewi, who reciprocated his contempt. On the 26th, Bryce said he would send a letter to Te Whiti, "roughly speaking," to the effect that the chief must decide wisely about Prendergast's proclamation. On the 27th, he said: "The Maoris were in great force completing their planting and fencing." He had heard (3rd Nov.) that no resistance would be made, and thought the Maoris "very foolish if they think to beat us in the way they propose to adopt. They will make it difficult and dangerous for us, but if they persist they will come to great grief." Finding more than 2000 armed men at his disposal, and that Te Whiti made no preparation for defence, Bryce wrote that he would go in person (5th Nov.) for Te Whiti's answer to the proclamation. "I have had enough of letters. I will read no more of them"—was Te Whiti's reply to the messenger, and to Carrington, the interpreter. He was told that Bryce would be there on the 5th. "Let him come; the way is open. He will find no defences here." A telegram (30th Oct.) said: "It is deemed certain that Te Whiti will calmly await" Mr. Bryce and his followers. Te Whiti addressed his people on the 31st October:—

"Your salvation this day is in stout-heartedness, patience, and forbearance. I have nothing to conceal from you; you have nothing to fear. You must believe in my teaching or you will die. You must remain at Parihaka, and none of you shall be destroyed. Flight is death. There must be no violence of war, but glory to God and peace among men. You are a chosen people and none shall harm you. Formerly you have been advised

to fight,<sup>18</sup> but the weapon of to-day is not the weapon of former years. All fighting must cease. I fight not against men, but rather against the devil and all wickedness, that it may be destroyed. Let us not use carnal weapons. You must not follow your own desires lest the sword of God fall upon you. Forbearance is the sole ark of your safety. As Noah built the ark to carry his people safely through the flood, so let fortitude be the ark to save you. Be patient and calm. Be not anxious in mind. God would be displeased if there were any fighting. Formerly the young have had their own way; let them now sit and watch. Now is the glory of peace upon the land. Let us wait for the end. Nothing else is left for us. Let us abide calmly upon the land."

Such were the phrases with which an oration, replete with illustrations from the Old Testament, was interspersed. Unable to comprehend Te Whiti, his enemies suggested that his peaceful counsels would probably put him "in personal danger when his omnipotence is disproved by the advance of the constabulary, unchecked by the promised supernatural interference. It would be singular if the government had to protect Te Whiti from being lynched by his credulous and deceived adherents." A better-informed person revealed in the "Wanganui Chronicle" the esoteric teaching with which Te Whiti prepared his people for the future.

"I stand for peace. Though the lions rage still I am for peace. I will go into captivity. . . . My aim will be accomplished. Peace will reign. I am willing to become a sacrifice for my aim. The Pakehas trouble themselves. They cannot understand my heart. If I desire peace and sacrifice myself for it, is it not well? The Pakehas are indeed robbers. . . . I sacrifice myself that there may be peace. In after years it will be seen and acknowledged though I be no more upon earth. Oh, hard-hearted people! I am here to be taken. Take me for the sins of the island. Why hesitate? Am I not here? Though I be killed I yet shall live; though dead, I shall live in the peace which will be the accomplishment of my aim. The future is mine; and little children, when asked hereafter as to the author of peace, shall say—Te Whiti,—and I will bless them."

The Wesleyan minister (Rev. J. Luxford), preaching at Patea (30th Oct.), exposed the injustice which had been done to the Maoris and that which was in its fell course. The reporter said he was "listened to attentively, but the feeling here is unanimous in favour of war." "If we do not have a native war," the "Lyttelton Times" said (31st Oct.), "it will be because Te Whiti is too great a man to be goaded into hostilities." The same paper declared

<sup>18</sup> The official telegram sent by Bryce to Hall (1st Nov.) reported Te Whiti thus:—"We were told formerly to fight, but not against men."—Blue-Book. C. 3382 of 1882, p. 192.

(1st Nov.) that Atkinson's re-election had been deemed insecure, and that the destruction of Parihaka was the shameful price for which security was to be bought. Mr. De Lantour appealed through the columns of the same paper against Prendergast's "injudicious and unreasonable" proclamation. Every Maori slain under it would be "a human soul murdered for no better reason than this: That successive ministries have been as fruitful to promise as they have been slow to perform their promises."

Though Te Whiti's esoteric teachings were published, Mr. Bryce and those who abetted him affected to think that there was danger of war. He reconnoitred Parihaka (3rd Nov.) with his military commander. He was inflated by the unhappy consistency with which the Colonial Office conferred distinction. The "London Gazette" announced (1st Nov.) that Prendergast had been knighted. The tidings were flashed to New Zealand, and gave hope of similar notoriety to others. Yet a sense that his boastful display might be shamed vexed the Native Minister's soul. Colonel Roberts, his military commander, promulgated (2nd Nov.) a notice suspending traffic between Stoney river and Opunake on the 4th and 5th Nov. If the army was to be made ridiculous no vulgar eye was to see it. A correspondent visited Te Whiti nevertheless on the 4th. On that day Bryce ordered that no civilians or newspaper correspondents should approach the scene. Offenders would be arrested. Deputations vainly deprecated his resolution. It was rumoured that many Taranaki volunteers thirsted for blood as well as land; that some of them had sworn to shoot down the first Maori who placed it in their power to kill; and that on the raising of even a wooden weapon death was to be inflicted. An Armstrong gun was placed in position to cannonade the village. While these preparations occupied Bryce's camp a traveller visited Parihaka on the 4th, and reported that "the natives were busily engaged clearing the road to the village and taking out the stumps so that the cavalry and volunteers might have no impediment in their advance."<sup>16</sup> A

<sup>16</sup> "New Zealand Herald" (7th Nov., 1881). Oral information from the visitor to Parihaka. Some foolish banterer had suggested that perhaps Bryce would be shot. Bryce afterwards declared that "had this taken

“Lyttelton Times” correspondent and others resolved to see the march upon Parihaka despite Bryce’s prohibition, which was denounced in the press as tending “to make a fool” of its author. The correspondent was astir long before the army. When about 300 yards from Parihaka, he and Mr. Humphries, the representative of the Press Association, left their friends on an eminence to observe the movements of the army, and by a circuitous course entered the village and explained their object. The Maoris answered: “We quite understand why the government are ashamed that the public should know what they are doing; but we have nothing to be ashamed of, and you are welcome.” The visitors were invited to sit in the *mārā*, or meeting-place in the open air; but more distrustful of Bryce than of Te Whiti, they ensconced themselves within a whare, and watched unseen.

In the marae were gathered about 2000 of Te Whiti’s followers, men, women, and children, in their best attire. Yet the correspondent observed an air of gloom amongst the grown people. “The whole spectacle was saddening in the extreme; it was an industrious, law-abiding, moral, and hospitable community calmly awaiting the approach of the men sent to rob them of everything dear to them.” The Maori spirit of resentment which was relied upon to justify fire and slaughter, was the spirit which Te Whiti strove to hush. “At intervals” he and Tohu addressed the people on that early morn, enjoining “peace and forbearance under any insults or oppression.” At about 8 o’clock, Bryce on a white horse appeared with his army. He had sent to the rear the correspondents he had found on his way, and knew not that others saw him. He appeared “exceedingly anxious.” “Mr. Rolleston, who was on foot, seemed to regard the whole affair as a good bit of fun.” In spite of Bryce’s proclamation that no civilians should accompany the army, he was accompanied by more than one. Some contempt was thrown on the advance by a mimic dance, and songs of derision, the actors being children. Nevertheless, in

place it meant the death of the whole of the natives assembled there” (“New Zealand Herald” (17th Dec.). Such was the possible doom of hundreds of women and children.

solemn form, the unarmed Maoris were surrounded. In earnest words, inaudible to the invaders, Tohu adjured his countrymen, as the armed men stepped within the actual precincts of the encampment. Before 10 o'clock Major Tuke and a civilian were sent forward to obtain Te Whiti's reply to Prendergast's proclamation. Receiving none, Tuke read the Riot Act, and his companion translated it. The Maori assemblage heeded not, but "sat with eyes fixed on Te Whiti. His slightest variation of countenance was reflected on the faces of all, and any words he addressed to those close to him were whispered from one to another until they reached the uttermost circle of the densely-packed meeting." At 10 o'clock two officers with about a hundred picked men, armed with loaded revolvers, and some carrying handcuffs, advanced to the crowd. Captain Newell told the men to be firm, but to use no unnecessary violence. The correspondent from his hiding-place could have touched Captain Newell with a walking-stick while remarks were being made as to the absence of any newspaper reporters. Tohu briefly addressed his people. "Let the man, Bryce, who has raised these troubles, finish his work this day. . . . Let none be absent. Stay where you are; even though the bayonet come to your breasts, resist not." Before 11 o'clock the bugle sounded, and the army surrounded the Maoris as they sat. Newell told his men to "clinch the handcuffs tight." Tuke told them to shoot down instantly any Maori who might use a tomahawk. Still Te Whiti made no sign. Colonel Roberts ordered Hursthouse, the interpreter, to call Te Whiti. Te Whiti declined to stir. If Bryce and Rolleston wanted to see him, let them come. "I have nothing but good words for Mr. Bryce or for anyone." Bryce desired him to make a road through the people so that Bryce might approach upon his charger. "But some of my children might be hurt." "No; my horse is quiet." "I do not think it good that you should come on horseback among my children. If you wish to talk with me, come on foot." "The days of talking (replied Bryce) are over." "Since when did you find that out?" "Since this morning." "I have nothing more to say," replied Te Whiti.



Bryce ordered Roberts to carry out his instructions. The arresting-party advanced. Tuke directed Newell to arrest Te Whiti. The Maoris made way for the constables, and the chief "quietly awaited their approach." Some sense of the different demeanour which might have been displayed by Bryce if he had changed places with his victim may have touched Colonel Roberts, for he called to the constables, "Let him walk if he will." "Te Whiti came away in a very dignified manner, his wife following closely. Tohu was arrested in a similar manner, and also Hiroki."<sup>17</sup> Te Whiti and Tohu spoke to their people. The former said: "Be of good heart and patient. This day's work is not my doing. It comes from the heart of the Pakeha. On my fall the Pakeha builds his work: but be you steadfast in all that is peaceful." Tohu said: "Be not sad. Turn away the sorrowful heart from you. . . . Be not dismayed. Have no fear, but be steadfast." As they were led away, a woman sitting near the whare in which the correspondent was concealed expressed sorrow, but another replied: "Why are you grieved? Look, he is smiling as he walks away with the Pakehas." While still within hearing he turned round and said, in tones which reached all: "Let your abiding be good in this place, oh, my tribe! Works such as these will be finished this day." The desire of the chiefs not to be herded with Hiroki was regarded; and, while he walked handcuffed, they rode in a vehicle to Pungarehu. The manner in which that which the greatest

<sup>17</sup> It is unnecessary to connect Hiroki's story with Te Whiti in the text. Hiroki may be remembered as charged with killing McLean, a cook to a surveyor's party, and escaping from the pursuit of his countrymen and the police. It may be thought strange that as the natives knew that Te Whiti would offer no resistance Hiroki remained at Parihaka to encounter Bryce and his army. When the constable approached Hiroki the latter folded his arms. The constable, apprehensive of concealed weapons, ordered Hiroki to hold up his hands. Hiroki did so, and was handcuffed and searched. Nothing was found upon him. A few days after his capture he was seen playing draughts with his guardian, one of the armed constabulary, and "winning with ease." Hiroki was convicted and hanged in 1882, and it was circulated abroad that he confessed to the murder. Whether his confession was trustworthy or not, it was not murder that he admitted. "McLean fired at me with a gun. . . . I caught his gun and pulled it away from him . . . (he) ran away and I fired at him (and) killed him." See p. 181, *supra*.

of Englishmen calls "the angel of the world" impressed Te Whiti's captors may be gathered from a telegram sent to an Auckland newspaper (9th Nov.). "I saw the prophet this morning. He appeared comfortable and unconcerned. His influence seems to be felt by all who approach him; and the roughest men say, with curious unanimity, that he is a gentleman."

The Maoris seemed disconsolate after Te Whiti's removal. The capture having been effected, Mr. Bryce allowed reporters to appear. The correspondent's coadjutor being one of them, and being informed by a native of his friend's hiding-place, conveyed thither an intimation that he might appear.

"Shortly afterwards we emerged, and if anything connected with one of the saddest and most shameful spectacles I have witnessed could be ludicrous, it was (wrote the watcher) the expression on the faces of the authorities when they saw that their grand scheme for preventing the colony from knowing what was done in the name of the Queen at Parihaka had been completely frustrated. Not an action escaped observation; not an order given was unheard or unrecorded. . . . The kindness of the Parihaka people to me was great, and their satisfaction at knowing that the proceedings would be recorded, very marked."<sup>18</sup>

Bryce congratulated his army on their "victory." Notices calling on the Maoris to abandon Parihaka, return to their native places, and await Bryce's orders, were posted up. The Maoris remained. They were heard to express their hope that at last Te Whiti would be able to raise in the Supreme Court the question of the validity of the extrusion of the Maoris from the lands guaranteed to them. They told a reporter that they knew that Bryce wished them to strike the first blow, but Te Whiti commanded that whatever indignity might be offered they were "not even to lift their hands." On the 8th, Bryce, with the obedient Hursthouse, called on the Wanganui and Ngarauru people to return to their homes, in order that Parihaka might "be cleared for the people who own it by ancestral title." The Maoris "took not the slightest notice of the speech." "Go away,

<sup>18</sup> The accuracy of the correspondent's report was indirectly vouched by one of the officers. Major Tuke objected to a phrase imputed to himself: "If any Maori flashes a tomahawk, shoot him on the spot." He said that his words were: "If any man uses a tomahawk, use your revolver." "This is the only exception taken to the correctness of my report," the correspondent was able to say (17th Nov.).

all of you (he cried); pack up your things; leave this place." They heeded him not: and the next act in the tragedy began.

The kidnapping of Te Whiti was to be followed by a larceny which was only not petty because it was enacted in the name of the colony and against a whole village, in profanation of the authority of the Queen. The troops proceeded to rob the houses. Fowling-pieces, tomahawks, and axes were piled at the feet of the conquering Bryce. Profound silence was maintained by the Maoris while the army obeyed its director. In Tohu's whare a cupboard was broken open to search for gunpowder, but none was found. If the callous had been capable of generous feeling a Maori woman would have aroused it. In a whare, already rifled by the troops, she found a watch, and thinking that one of the army might have lost it, handed it to an officer, but no military owner claimed it. Before noon every dwelling had been pillaged. Some green-stone articles which were seized were permitted by Bryce to be replaced. Other articles were retained by constabulary thieves who could see no distinction between what was done by order and what was condemned. Arson was the next step in the procedure; but just as the men were about to set fire to Maori dwellings a communication from head-quarters arrested the movement, and Bryce and Rolleston returned to Pungarehu. There, with Atkinson, they plied the electric wire with messages to their colleagues in Wellington. Many telegrams were unrevealed, but the Blue-book contains some which deserve to be quoted. Bryce said to Hall (11th Nov.):

"I never intended to burn, though I have thought, and think, that it may be necessary to destroy every whare in the village if the Maoris hold out. It would be very difficult to distinguish between the whares of the different tribes. . . . Then, again, we are told that the Wanganui, &c., should be ordered to their homes. Well, I have ordered them to their homes emphatically enough, and, apparently, I might as well have called from the vasty deep. Then, as for their apprehension and selection into tribes, people seem to think that each one has the name of his tribe written on his forehead." (He wanted to arrest a chief) "and there was not a man in camp could identify him. If there is difficulty in such a case as that, consider what it must be with the 2000 men, women, and children who . . . dies. I am pointing out these difficulties . . . that you may . . . them when you may hear of my doing things which do not . . . recommend themselves to your mind. I may be forced into a

choice of objectionable courses. . . . Moreover, it is extremely probable that wives would be separated from their husbands, children from parents, and so on. Notwithstanding these difficulties, this thing has to be settled, and I am confident I can do it if I am not stopped. That the manner in which I do it will be free from objections is more than I can promise, and I hope that you and my colleagues will put the most favourable construction on things." On the 12th, Bryce told Rolleston—"I have great difficulty in selecting them." On the 14th—"A great difficulty now remains, for it is impossible to identify women and children as we have done the men, and they, like the men, remain impassible. . . . We have pulled down the whole of the Wanganui quarters. . . . I ascertained, with *considerable certainty*, that the whole of the huts destroyed belonged to the Wanganuis. (15th Nov.) There is more difficulty in identifying women than men. It was a curious scene. We brought out into rows about 650 women, and 300 or 400 children, and then proceeded to separate them. (18th Nov.) Have taken nearly 400 prisoners in all to-day. . . . I am going to mark the empty wharves to-night at midnight for destruction. (19th Nov.) We have now sent away over 1200 Maoris. (20th Nov.) I intend to pull down a number of wharves around the marae to-morrow. (21st Nov.) Pulled down some wharves this afternoon, amongst the rest the sacred medicine-house, where people had to take off their shoes before entering. (22nd Nov.) Should additional difficulty arise from want of food, I propose to give the dispersed men road work at low wages; but I will carefully avoid all pampering."

The last sentence may seem superfluous; but it must be recorded so that men may know how Maoris, who had been guaranteed all rights of British subjects, were treated at Parihaka.

The press, with few exceptions, supported the ministry, and denounced the assertion by the Governor of "exploded" powers, or those which, "whether supported by precedent or authority, were inimical to the constitutional practice of the day."<sup>19</sup> Nevertheless, a Wanganui newspaper, which applauded the ministry for terminating the "miserable state of vacillation and weakness" which had existed for two years, paid a tribute to the captive:

"It is one of the remarkable qualities of Te Whiti that he has risen above the vices of his people, and has obtained his influence by a moral ascendancy as conspicuous as anything in the lives of the greatest men. We cannot, therefore, offer our congratulations on the removal of a standing menace to the peace of the colony without a regret that the order and cleanliness and sobriety which Te Whiti has established at Parihaka should be impaired by the destruction of the 'mana' of the chief who has accomplished such reforms."

Yet the writer not only justified what had been done, but suggested methods of completing the work. The prisoners

<sup>19</sup> "The Yeoman," 12th Nov., 1881.

might be committed, bail might be refused, the first sittings might be "inconveniently early," trial might be postponed until the meeting of Parliament, when "a Detention Bill could be passed;" so that "if the government desire to keep their august prisoners in custody they can easily do so, Habeas Corpus and the Bill of Rights notwithstanding." So hardened were the consciences of some, that these admissions and proposals excited no condemnation. They emanated indeed from a comparatively moderate newspaper. There were other monitors who warned their readers that not a victory but shame was the guerdon won. The "Echo" ridiculed the folly of reading the Riot Act to a "quiet, peaceable, orderly" assemblage, composed in great part of women and children seated in their own village:

. . . "We have searched through the New Zealand statutes and are unable to find any Act whose provisions Te Whiti has violated. He has done nothing; remained in his own village preaching peace. None of the special offences created by the West-Coast Settlement Act of 1880 has Te Whiti committed. . . . Justice demands that his offence be named. What is it? To the last he has preached peace. Is this an offence? By his quietness . . . he has shown a noble spirit. Before his accusers he was dumb. When his followers would have raised their swords in his defence, he told them to put them up. He goes quietly with those who arrest him. Could the most civilized act more nobly than he has done? What we dread is that his followers . . . not now constrained by his preaching of peace, may by guerilla warfare avenge the arrest of their leaders. Let us trust that Te Whiti's influence will be sufficiently strong and abiding to prevent such a sad outbreak."

The "Lyttelton Times" (17th Nov.) arraigned the "blundering and plundering at Parihaka:"

"The error throughout was to ignore the Supreme Court, which Te Whiti evidently has all along wished to try his case. He knew that once before that court the whole question of confiscation must be raised, and that he could, if he wished, appeal against an adverse decision on points of law to the Judicial Committee of the Privy Council. He has tried by peaceful means to bring the question before the Supreme Court, and he has been persistently baffled by the perversity of the government, who believe more in Royal Commissioners and big battalions than in high and independent courts of law. . . . What hollow hypocrisy it must sound in Te Whiti's ear to hear the ministerial parrot-cry of the rule of law, when resort to the highest and purest source of law and justice is studiously forbidden to him. . . . Mr. Bryce appears to have little knowledge of, and less regard for, the fundamental principles of law and justice. Probably, like most half-educated men, he has that smattering of information which makes him think he ought to be a law unto himself. His nature is narrow, obstinate, and autocratic. He has seen somewhere, or been told, . . . that the reading of the Riot Act to a

riotous mob is necessary before recourse can be had by the civil power to the use of arms. He fancies, therefore, that the reading of the Act to an orderly assemblage of unarmed natives—men, women, and children sitting quietly in their own village—is tantamount to a proclamation of martial law, and to his forthwith becoming an irresponsible dictator. . . . We were lately told by a contemporary . . . that about 2000 natives at Parihaka, though not arrested, tried, or convicted, were actually in prison, and in the armed custody of Mr. Bryce and his myrmidons. What law, we ask, has made Mr. Bryce the controller of human liberties and lives? What right, human or divine, had he to imprison, to break into houses, and take away other men's goods? He has no more lawful power to do these things at Parihaka than he has at Christchurch. . . . And then we are told that the Colonial Treasurer (Major Atkinson) was foremost in breaking into a hut in a native village far away from Parihaka, for the purpose of seizing arms and ammunition. Under what law was that seizure made? . . . We look with horror at this wholesale eviction which has been threatened, and which has already commenced. The thought arises . . . whether our own parlour fires will burn the blither for the smoking hearths which we quench, or our own roof-trees stand the faster for the thatch which we rive off cottar-homes. There is one hope, that if Te Whiti in that 'due course of law' to which the magistrate referred him is tried in the Supreme Court and is properly defended, his whole case may be thoroughly sifted, and an opportunity given for the vindication of law in spite of Mr. Bryce and Major Atkinson. But one necessary condition to that end is a change of *venue* in the trial from New Plymouth. . . . Another condition is that the counsel should be one of colonial eminence. . . . Every provocation has been given to the natives. The absence of bloodshed is owing to the very remarkable restraint—unparalleled, we believe—which, at the bidding of Te Whiti, they have exercised on themselves in most exceptional and aggravating circumstances. It is fortunate for the good name and for the welfare of the colony, that the selfish and aggressive instincts of Messrs. Bryce and Atkinson have been for a time at least overruled by Te Whiti's higher and nobler qualities.”

In another article (9th Nov.), the editor, animadverting on the manner in which the Prendergast proclamation had been procured, said: “The low cunning characteristic of the whole proceeding leads us to suppose that its conception must have originated in the mind of the Attorney-General (Whitaker).”

The reader may judge how far the words of the “Lyttelton Times” would be allowed to weigh on the minds of the ministry or their supporters. The rapine at Parihaka was extended to the neighbouring districts. After the unexplained pause on the 8th, and the consequent deliberations, operations were resumed on the 10th Nov. Supported by armed constabulary, Bryce arrested the unarmed Titokowaru, who had not resided at Parihaka, and had had friendly interviews with Sheehan and other Native Ministers.

Guns and ammunition were seized in every village on the plains. At the head of a separate army, Atkinson attacked Taikatu, said to have been in former years a stronghold of Titokowaru. Atkinson was "the first to enter" in 1881, but the humiliation was on the side of the invading cavalry, for "only a few old women were found in the pah." Hone Pihama, who had for many years been friendly—who was often consulted by Donald McLean, Sheehan, Bryce, and Rolleston—who was selected to accompany Captain Knollys [as an envoy from the Governor—was pillaged in common with his countrymen, although he was exerting himself at Parihaka to induce the Maoris to depart in peace. Old Mete Kingi assisted in identifying his people from Wanganui, but it was piteously pleaded for the government ("New Zealand Herald," 12th Nov., and in other places) that "the difficulty of identification is beginning to be felt, and will ere long compel a stoppage of arrests, unless these are to be made 'in bulk.'" Such indiscriminate arrests were indeed in keeping with other deeds of the day. The government had as little right to arrest Te Whiti as any of the women and children who were torn from their homes. But retail business naturally expands into wholesale. Bryce telegraphed to Rolleston (21st Nov.) that the total number of Maoris "brought up" was 2200. Titokowaru was handcuffed and placed in solitary confinement. "I saw him (it was telegraphed, 20th Nov.) crouching handcuffed like a large dog in a low whare like a kennel. He is said to have refused food a long time." Though not cannibals themselves, the government could, like Rauparaha, torture an old enemy. No one asked on what ground Titokowaru was arrested. An Auckland newspaper doubted not that the government had "a specially good case" against "the truculent savage," whom "Mr. Bryce will have to take care that he keeps." It was added that "the old warrior," after obstinately refusing food for some days "gave in" on the 21st November. "He will be sent to New Plymouth, where it will be asked that he be bound over to keep the peace. Heavy bail will be asked for, and in the event of his finding sureties and being released, he will again be arrested, and other offences, it is understood, will then be preferred against him."

Thus confidently was it assumed that law would be dispensed with. What was done may be mentioned. Titokowaru was charged (25th Nov.) with having, on the 12th Oct., in reply to rough banter from Europeans, threatened to burn down a hotel at Manaia. The Bench ordered the old man to find two sureties of £500 (each), to keep the peace for twelve months, and to be kept in goal until he could find bail. "On the whole (a newspaper said) it is no bad thing for Titokowaru that he is safe in gaol for a bit, but the government have certainly got him incarcerated on a plea that would have been held flimsy in the case of any ordinary man."<sup>20</sup> The mockery of the pretence that Titokowaru was dealt with by law must have been represented to Bryce's more artful colleagues, for the old man was charged (13th Dec.) with having wilfully obstructed the informer Hursthouse, by refusing to leave Parihaka when requested to do so. A few months afterwards the fatal defect in the substituted procedure was exposed by Judge Gillies. The magistrates committed Titokowaru for trial.

Two circumstances demand brief mention here. Assured of public support, the ministry procured a dissolution on the 8th November, with a view to immediate elections. On the same day, from that serener air whence the voice of justice had often been heard in New Zealand, Mr. Justice Gillies told the grand jury at Taranaki that he would be wanting in his duty if he did not allude "to the position of the district in which large bodies of armed men were assembled on active service, and he took leave to remind them of the constitutional principle that the employment

<sup>20</sup> When Titokowaru was put before the court he pleaded guilty. The magistrates proceeded to hear evidence. He asked the interpreter why evidence should be taken to prove what he did not deny. *Int.*—"The magistrates won't allow you to plead guilty. They say you plead not guilty." "Kapai (good)." He rose to wrap his mantle round him and depart. *Int.*—"You must not go. They are going to try you." "What do they want to try me for if they say I am not guilty?" *Int.*—"But you might be guilty after all." "Well, so I said at first, and they said I was not." *Int.*—"Exactly." *The Bench.*—"Tell him we have written in the big book that he is not guilty." *Titokowaru.*—"That is untrue. I said I was guilty." *The Bench.*—"Call the first witness." *The Prisoner* (with an air of puzzled resignation and contempt): "I always thought the Pakehas were accursed fools."



armed force was only justifiable either under the authority of Parliament in repelling armed aggression, or as part of the civil arm of the law when that arm had proved powerless to enforce the law's mandates. In any other case the use of armed force was illegal, and a menace to, if not an outrage upon the liberties of the people."<sup>21</sup> The "London Times" cited this opinion as confirming its own opinion, but the government pursued their lawless course. The correspondents strove to awaken the national conscience, but in vain. Te Whiti and Tohu were delivered into the custody of the gaoler and brought before the magistrates at Taranaki (12th Nov.), charged with using language likely to disturb the peace of the district. C. W. Hursthouse, a licensed interpreter, was the informant. He gave a warlike colouring to the speech made by Te Whiti on the 17th Sept. When the case was resumed (19th Nov.), Mr. Parris went upon the bench. Te Whiti asked Hursthouse: "Have the 25,000 acres reserved by the Government for the use of the natives ever been shown to you?" and the answer was: "Not that I know of." Asked by one of the Crown prosecutors if he could swear to certain expressions in the information, Hursthouse replied, as he was reminded, the informant replied: "There are certain expressions in the information which I cannot swear to, but I heard myself. I got them from other gentlemen who were present." Mr. F. A. Carrington was on the bench. His brother, W. Carrington, a licensed interpreter and captain in the New Zealand Militia, appeared as a witness. He swore that he had taken the Premier's explanation to Te Whiti. Parris put questions to him, each must be recorded accurately as a proof of what the Government practised and the public permitted.

"Do you remember you went up with me when I went up to Parihaka to explain to Te Whiti about the land?"—"Yes."—"After I commenced to speak to him what did he say?"—"He said dogs did not come out barking after their masters. He then gave a signal to us to stand up to go away, and refused to allow you to explain the nature of the reserves."—"Were you not supplied with a plan showing the land

<sup>21</sup> Press Association telegram of 24th Nov. 1887, quoted in a leading article of the "London Times" of 24th Nov. which appears in the Blue Book, 1887, p. 33-2 p. 226.

that had been reserved for the natives, and were you not instructed to show the boundaries to the natives?"—"Certainly not." "Remember, you are on your oath."—"I know that. You need not remind me of it." *Parris*.—"A plan was made out by Mr. Humphries, the Chief Surveyor, showing the reserves, and given to you." *Carrington*.—"I received a plan of the reserves, but it was given me for the purpose of finding what natives were cultivating portions of the land coloured on the plan, and I did so. I did not understand that I was to point out the boundaries of the reserves to the natives, or I should have done so." "Have the 25,000 acres ever been defined or pointed out?"—"Not that I know of." "Were you not aware by the map that a portion of land seaward of Pungarehu was reserved for the natives?"—"I understood that without the map." "And yet you never explained?"—"Certainly not." *Parris*.—"Well, I recollect giving you those instructions myself." *Carrington*.—"I never was told to point out the boundaries to the natives. It was altogether out of my line." Te Whiti asked *Carrington*: "Did I not tell you not to write down what I said at the meeting because you did not understand me?" and the reply was: "I remember you telling me not to write down your speech."

Another licensed interpreter gave evidence, and the court was adjourned. On the following morning Te Whiti was told that he might speak. He replied that he had little to say about the land. It had been urged that the whole of it belonged to the government, and the Maoris were trespassers upon it. "We have dwelt upon it ever since the war was ended. We have cultivated it. We did not plant it with crops in order to cause quarrels. We planted it in order to derive subsistence from it. It is not my wish that evil should befall Pakeha or Maori. I desire that all of us should live happily upon the land. Up to the present time I have never sought to injure or to kill anyone. My only wish is that all of us should live happily and peacefully on the land. Such is the manner in which I have ever addressed the Maori people. I have no more to say."

The convenient bench said to Te Whiti: "You are committed to the common gaol of New Plymouth (Taranaki), there to be safely kept until you shall be thence delivered by due course of law."<sup>22</sup> Tohu was then arraigned. An interpreter, having given evidence as to words used by Tohu (17th Sept.), was asked by the chief: "Were you at the meeting on the evening of the 17th?" and was constrained to admit that he was not. "Do you perfectly

<sup>22</sup> The reports of the Press Association are generally cited in the text.

understand what land I alluded to?" "I understood it was the confiscated land." Tohu was committed to gaol. The faithful sentinel of justice, the "Lyttelton Times," was swift to point out the indecency of Parris' behaviour in contradicting from the bench the sworn testimony of a witness. Magistrate, prosecutor, and unsworn witness, he had attempted to browbeat a witness in the box. Whether Parris had or had not issued instructions, the natives had not been informed of the reserves pretended to have been marked out for them. "It is again the old, old story. . . . Government informs the public that for two years the natives have persistently refused the reserves pointed out to them. And it turns out that no reserves have ever been pointed out to them." But exposure was lost upon the government. Day by day the Maoris were removed. Four hundred and eight were escorted into New Plymouth (18th Nov). The difficulty of identifying members of the different tribes was roughly surmounted as described in Bryce's telegrams already cited; but the victims obeyed Te Whiti's injunctions that they should be peaceful. "The process is (said Mr. Hamilton) strangely like drafting sheep. To-day the Wanganui ewes were culled. All the women in the village were assembled outside, and made to pass back again one by one." Mr. Hamilton reported to the "Lyttelton Times" that, fired by the example set by their employers, the constabulary, when searching for articles required by the government, seized others for themselves. Mr. Hamilton found an old man, Ramaka, trying to restore order in his whare. He was absent when the troops arrived. They "smashed the jambs and lintel of the door. . . . They took three fowling-pieces . . . the lock of his box was smashed and £2 were gone. He had never seen Te Whiti, had no sympathy with him, and would have given up his guns willingly had he been asked for them. Had his keys been asked for he would have given them up. . . . He had no money, or he would take the matter into court." Epiha's whare was pillaged in like manner. Amongst ornaments stolen "was a heitiki of great value, an heirloom which had been handed down for generations in his family. The loss was reported." . . .

“suspicions being directed to one (person), an officer searched him at the hotel in the presence of Major Tuke, and the precious (ornament) was found on him.” Other articles were not found, the officer having been refused permission to search the marauders “on their return while they were on the bridge.” . . . The man found out was taken into town under arrest and dismissed the corps.”<sup>23</sup> The saddest case was that of Kukapo. He had fought for the Queen, and Governor Browne had presented a gun to him, which was to be an heirloom in the family. It was stolen. Kukapo complained, but obtained “no satisfaction, and was quite in despair. He declared he must leave the country. . . . He had heard of a place where criminals were condemned to walk about with a corpse bound to their shoulders. When putrefaction set in, the flies conveyed the poison. . . . and the criminal at last died a terrible death. Te Whiti had been bound on his shoulders by the government, and he had to suffer for the deeds of another. He neither knew nor agreed with the Parihaka prophet.” Well might Mr. Hamilton say: “The facts are eloquent enough of themselves,” as he recounted these and similar exploits—adding, “the cases I have investigated extended over but a tithe of the country traversed by the search party.” His coadjutor heard from Motu’s lips how he was robbed; how, without asking for keys, the constabulary broke open doors; how guns were collected; and how, when the robbers were about to depart, Motu said: “Stay, I have another gun, which you are leaving behind;” how

<sup>23</sup> It was said that Mr. Bryce was “much annoyed at the conduct” of the two dismissed men, one of whom stole a bank note representing a petty fraction of the value of the goods stolen by the government (*διυλιζοντες τον κίνυωπα την δε κάμηλον καταπίνοντες*). “I am sorry to say (Mr. Bryce telegraphed to Rolleston, 20th Nov.) that three cases of theft are reported in the search for arms yesterday and to-day by the Taranaki Mounted Rifles. One a Tiki neck ornament, greatly valued. . . . The two men who took the neck ornament and the £1 note have been dismissed from the volunteer force.” The next day Mr. Bryce destroyed the “sacred medicine-house.” His relations with the volunteers were not altogether friendly after they had done his work. He said (afterwards) of one corps, which required more pay, that their mercenary conduct disgraced the volunteer service throughout the colony; and they promptly (Sept., 1882) burnt him in effigy.

he produced the Union Jack, presented to him in former years, and threw it at the officer's feet, saying, "You had better take that too." "This is the treatment" (Motu bitterly exclaimed to the correspondent) "which I receive for my loyalty."

Such were the deeds which the ministry foolishly thought themselves enabled by Prendergast to perpetrate, and of which they expected to obtain approval in New Zealand. "What, I ask" (wrote Mr. Stout, 5th Dec.) "will the impartial future historian record against us as a race?" Men of the day replied by entertaining Mr. Bryce at a banquet at Wanganui, where he boasted of his works, and "resumed his seat amidst deafening applause." Invigorated thus, he pursued his work of destruction. We read that growing crops of potatoes, sweet potatoes, taro, and corn—were laid waste. "The constabulary are engaged in pulling up the potatoes . . . the armed constabulary have permission to take what they require. The natives view the destruction in silence. On being questioned, they expressed regret that the potatoes were not left to ripen, when they would be of service to both races. . . . In face of all this, the natives of Parihaka presented three bags of potatoes to the men yesterday (27th Dec.)" Mr. Bryce, after his own fashion, rebuked such foolish chivalry by announcing that he would confiscate lands at Parihaka and elsewhere, as "a war indemnity, and a warning to abstain from agitation."

While these things were done in the name of the Queen of England, old Te Rangitake passed away, and even the malignity of the "Taranaki Herald" seemed blunted by recollection of his past career. His protection of the settlers at Wellington in 1843 was not recalled to mind, but his quiet and uneventful life in recent years contrasted with the "singular traits of character of the daring and intrepid warrior" of his youth, and his influence with his tribe, who to the last looked to him and obeyed his instructions implicitly, were recounted. Thus, twenty years after the government had reviled and underrated him, his enemies bore witness to Te Rangitake's importance. If he had watched the events at Parihaka he must have reverted sadly in thought to the days when he likened the Maoris

to the sea-birds forced by the rising tide to quit the rocks.<sup>24</sup> To the ministry he was but one more stumbling-block removed, and they trusted that a majority of the dwellers in New Zealand were, many of them without knowledge and without inquiry, at one on the question of "extermination" of the Maori difficulty, most easily brought about by "extermination" of the Maori himself. The general election held in December justified the expectations of the ministry. Mr. Rolleston, by thoroughly identifying himself with the raid upon Parihaka, forfeited all claim to consideration which might have been otherwise extended to him. He commented on Mr. Stout's appeals for justice, and insolently said that the government had "protected the Maoris from themselves." He asked the Bishop of Nelson (Dr. Suter) if he had said privately that the outrage at Parihaka was due to "political considerations, with a view to influence the elections." The Bishop promptly replied that the remarks complained of, whether made by himself or not, seemed "self-evident and harmless," but he protested against the government's requiring of him, "or of any one, an account of private conversations. We might as well be in Russia at once." Opposition might be removed if Rolleston could make it clear that the intended reserves had been made known to Te Whiti, and if the government would "allow the question of the legality of the confiscation to be tried by law," and would secure professional advice for Te Whiti, "so that his plea, not his alleged crime, may be gone into." Mr. Rolleston replied that it was "unnecessary to take any steps to remove the opposition of one who has not thought it inconsistent with his sacred office to privately slander his neighbour, and impute to public men base motives in action, involving possibly the lives of large numbers of their fellow-creatures."

<sup>24</sup> Teira, the instrument used by the Taranaki residents and Mr. Stafford's colleagues to coerce Governor Browne to make war in 1860, died in Sept., 1882. It was of little avail to his countrymen to know that he confessed his ill-deeds. "One of our reporters (said the "New Zealand Herald," 20th Sept., 1882) interviewed him, and found him quite frank" in 1879 at Waitara. "He acknowledged that he had done wrong in insisting on the sale of Waitara in spite of Te Rangitake." After the exposure by the Compensation Court in 1866 (*vide* Vol. II. pp. 484-485 a *note*), it was useless for Teira to maintain the false and prompted story which deceived Col. Browne and the Duke of Newcastle.

He would publish the correspondence. The Bishop asked him to publish the whole of it, if any, and added: "If my opposition was worth noticing at all, would it not seem worth while to allay it by giving some utterance on the points referred to? Let the people judge whether your remarks on me are justifiable." With Mr. Stout Mr. Rolleston was as unsuccessful as with the Bishop. Those who acquitted him of crime pitied his simplicity when he solemnly wrote that no member of the ministry had been warned, on the 19th Oct., that the Governor's return was imminent. Mr. Stout, without casting doubt on Rolleston's veracity, asked why there was a hasty summons of an Executive Council, and why the Council and various officials were compelled to labour in the night. The "Lyttelton Times" bluntly affirmed "that Sir A. Gordon's return was hourly expected, and that the government, or at all events its leading members, were aware that it was so, we do not hesitate to affirm." As it was the Governor's secretary who (19th Oct.) warned Hall and Prendergast that the Governor's return was imminent Mr. Rolleston's position was distressing. Mr. Stout asked him if he could plainly answer "whether any one in Government House told the Premier that the Governor might arrive at any moment, and were the printers employed the same evening to get out the proclamation." Convicted thus, Mr. Rolleston was nevertheless elected at Avon without opposition, and Mr. Bryce<sup>25</sup> was equally triumphant at Waitotara.

It will not be necessary to follow closely the fortunes of the elections. It is almost unnecessary to say that Taiaroa, who, when Whitaker's arts removed him from the Upper House, had been sneered at as unable to obtain a position in the Lower, was re-elected for the Southern Maori District without opposition. Sir W. Fox and Mr. Ormond were rejected by narrow majorities. Sir G. M. O'Rorke did not forfeit the favour of the electors of Manukau; but the Chairman of Committees was beaten at Wairau. More

<sup>25</sup> Attending a meeting of electors in the Wanganui district, he was, as a non-elect, pronounced incompetent to interfere. He complained of the "unfair and indecent tactics" displayed towards him, and expressed his "disgust . . . at the steady deterioration of our political institutions."

than half the House consisted of new men. Otago, though it had profited by Mr. Hall's distribution of seats, sent a phalanx of members pledged to oppose him. His own provincial district, Canterbury, was supposed to be almost equally divided. The West Coast electors were true to their traditions. Major Atkinson, the reputed advocate of "extermination," was elected by a large majority at Egmont. The Wellington district returned a large proportion of ministerialists. The opposition of Auckland was diminished. Sir G. Grey had lost followers. Neither the opposition nor the government could claim an absolute majority in the House. The confidence of the ministerialists was in the astuteness of their leader, who had come down from the Legislative Council, in 1879, to organize his party in the representative House. Te Wheoro, Tawhai, and Tomoana were re-elected in the North Island.

Various rumours had been circulated about the conduct of Sir A. Gordon. Mysterious hints and paragraphs condemned it as unconstitutional. Soon after the elections, he publicly expressed his views at Christchurch—

"A Governor had a responsibility—sometimes a grave one—of ascertaining whether his ministers for the time being do represent the feelings of Parliament, and whether that Parliament reflects the feelings of the country. But when once that is ascertained his course is clear—he has no alternative but to accept the advice which is tendered to him, whether it be advice with which he concurs or from which, in his own individual opinion, he dissents. . . . And I hold that when once he has ascertained what I have pointed out, his duty, so long as he holds the office of Governor, is to act upon the advice tendered to him. . . . Of course I say nothing of what the man may deem to touch his own conscience, or how far he may choose to go along with such courses—that is his affair, and he has his own remedy. But I say that the duty of a Governor, so long as he retains his office, is to comply with the advice tendered to him by those who enjoy the confidence of the Parliament and the people. And that responsibility—that duty, so long as I hold the office, be the time longer or shorter—it is my intention scrupulously to fulfil."

The Governor was cheered heartily while he spoke these words at the meeting by the mayor; and, in the abstract, his course could differ from him, unless he was coming to the point that if his ministers were to be as signing a treaty it would be his duty to sign it. The Queen's consent to the treaty of



Waitangi, which imposed solemn duties upon the Crown—that neither Lord Stanley in 1843, nor Mr. Cardwell at a later date, would suffer it to be supposed that the Crown would shrink from doing those duties, and that it was only by means of unworthy acts of other Secretaries of State, and of local intrigues, that the Maori was remitted to the “tender mercies of the wicked.”

On the 3rd Dec., Sir A. Gordon wrote to Lord Kimberley—

“Had I been in the colony, I should have experienced great difficulty in complying with a recommendation to sign a proclamation (Prendergast's) which appears to me to embody an injudicious policy, to contain disputable statements, and to announce an inequitable intention; and I should undoubtedly have endeavoured to ascertain whether the responsibility of advising me to refuse to do so would be assumed by any leading member of the Legislature. But I found the recommendation already made and already acted upon before my landing. The proclamation had been issued, and its contents circulated beyond recall. Whatever might have been the case before the issue of this proclamation, I am of opinion that no government which advised its cancellation and recall after publication could have looked for support from the country. Of this I am so confident that I conceive I should gravely misuse my powers were I to call other advisers to my counsels merely to test the correctness of a fact which does not appear to admit of question. The Governor is undoubtedly free to refuse assent to the advice of his ministers if other ministers will consent to accept the responsibility of his doing so; and if he has reasonable ground for belief that, in so doing, they will receive the support of Parliament. But if, as is the case in this instance, he sees no such prospect, and consequently abstains from seeking new advisers, he is constitutionally bound to give effect to the recommendations of those already in office, whatever his own opinion as to the morality or justice of the measures suggested by them. I have, therefore, felt it my duty to acquiesce in the course initiated by ministers during my absence, and to assent without demur to the recommendations made by them in order to carry out the policy they have adopted. But, at the same time, it is only right that I should inform your Lordship that my personal views do not concur with those of my advisers, and that I perform what I deem to be a constitutional duty in opposition to my wishes, and contrary to my own judgment.”

There were passages in the same despatch which analyzed the contentions concerning the confiscated lands on the West Coast, and informed the Secretary of State that “an overwhelming majority of the colonists” abetted the views of the ministry. It was also stated that loss of life was hazarded by the raid at Parihaka, and that the avoidance of such a result, on which there had been no “right to count,” was “due to the forbearance shown by Te Whiti himself, and to his influence over the minds of his

followers."<sup>26</sup> The Blue-Books presented to Parliament by Lord Kimberley contain only expressions of his "satisfaction" with the reports furnished to him on the affairs of Parihaka.

Early in January, 1882, Tawhiao paid that visit to Auckland which he had been invited to make in the previous year. Travelling by the railway, he diverged to Orakei, where dwelt the genial Paora Tuhaere, the Ngati-whatua chief, always loyal to the Queen and friendly to the colonists. The mayor of Auckland and many leading citizens made arrangements for a public reception of the Maori king and his followers. Wahanui and Tamati Ngapora were among the visitors. Hemara Rerehau was with them also. He had been the friend of Dr. Hochstetter, the scientific traveller who visited New Zealand in the Austrian ship "Novara" before the Waitara war was entered upon. He had gone to Vienna, and was honoured as the friend of Hochstetter. He adopted European manners, returned to his native country, and in the streets of Auckland was notable for his faultless European attire. Yet when Colonel Browne plunged the colony into war, Hemara, though conscious of the supremacy of European military arts and weapons, cast in his lot with his assaulted king. At Orakei, the dandy of former days was seen in Maori attire, seated in the fashion of his forefathers. When crowds assembled to greet him at Auckland, Tawhiao's address was brief: "Wait, ye people, till the

<sup>26</sup> Blue Book C. 3382, p. 268. On the same day, the Governor wrote a separate despatch, which is instructive. On his return from Fiji the ministry promised to explain the cause of their sudden action during his absence, and Mr. Rolleston furnished a memorandum on the 24th Oct. One paragraph declared that "a view has possessed Te Whiti's mind, viz., that the Imperial Government will interfere in his favour—a notion which, no doubt, has contributed largely to a postponement of a settlement of existing difficulties." On the 8th Nov., the Governor asked for evidence upon which such an opinion was formed, as he had seen no indication of the existence of such "a view" in any of Te Whiti's speeches. Rolleston found it so difficult to frame a reply that he put it off till the 18th Dec., and then based his statement upon "assurances for the most part verbal," made from time to time, which convinced him of the accuracy of his opinion. Tohu had once said: "A stranger shall be a card of us." Mr. Rolleston regretted that absence in Canterbury necessitated his inconsequential reply; but he had no ample time to go to the Bay of Plenty and visit Te Whiti at Parihaka.

warmth be felt. Matariki has ascended in its orbit."<sup>27</sup> A banquet was given in Auckland. The mayor presided. Tawhiao and his friends, upstanding, thundered their applauses when the Queen's health was proposed. Paora Tuhaere, after glancing at the new and peaceable prospects, proposed the health of Whitaker, the Attorney-General; and that astute functionary, while morally begrimed by the desolation of Parihaka, asserted that he had "always felt a kindly feeling towards the native population." He was "ever good at sudden commendations," but under them was the nature which Shakspeare coupled with those of the persecuting Gardiner. His object was now "with wagging of his tongue" to win those to whom for a score of years he had been a foe. Brief months had elapsed since he had with regard to the Himatangi block protested in Parliament against paying to Maoris the rents which were their due.

Te Wheoro, in proposing the health of the mayor, recognized the special services of Major Mair in bringing about the relations which led to Tawhiao's visit, and that gentleman responded that he had laboured for ten years to produce such a result. Tawhiao visited Mangere where his father had lived, and Tamati Ngapora had officiated as a clergyman. As the spectators viewed the *cortège* (it is recorded that) "one man would give a blank stare, another would religiously tug his forelock as a mark of respect for the king; some took off their hats; others broke out into a British cheer."

At a sumptuous entertainment given by Mr. Firth, Wahanui, clothed in Maori garb, declared, ". . . no messenger was sent to bring us hither. The overflowing of our own hearts brought us. That is the basis on which we came—love. . . . I attribute to God himself the bringing about of a peaceful solution of our difficulties. . . . This peace-making has not been originated to-day. It was long ago thought of. Where are we to place that which is good, or how shall it be recorded? In my opinion this peace and goodwill should be in the breasts of human

<sup>27</sup> The Maoris regulated their planting by the position of Matariki, the Pleiades. So did others in the Indian seas. By the same constellation the Australian aborigines knew when summer was nigh.

beings themselves. The seed should be sown in our own hearts, that we may confess that there truly is a God in heaven. If we follow not our good intentions and professions, then I should come to the conclusion that there is no God in heaven. But we all know—both men, women, and children—that truly there is a God in heaven. . . .” Then rose Archdeacon Maunsell, who raised his voice against the nefarious instructions of Earl Grey in 1846. Recognized and welcomed by the Maoris with clapping of hands, he spoke in their own language. Dr. Campbell, a colonist of forty years’ standing, spoke through an interpreter, and recalled the fact that even in war-time the Maori set a noble “example worthy to be followed by the most civilized nations.” With “abiding faith in the chivalry of the Maori,” the speaker had, during the war with Heke, walked unmolested through the hostile country from Paihi to Hokianga. While these festivities were promoted, and no man took exception to the use of the name of King, concerning which public men had once been so jealous, the Auckland newspaper, which had urged that, however pacific his intentions might be, Te Whiti was a “nuisance, and it was lawful and just to suppress him,” declared that Tawhiao ought to be entertained as a “most distinguished and important visitor, whose advent here necessarily means more than the coming even of a member of the royal family of England.” The more consistent “Lyttelton Times,” “far from saying that either ought to have been arrested,” pointed out that if violence was justifiable at all, it was against Tawhiao rather than Te Whiti—

“Abroad, men will be astonished to learn that the rebel who had no palliation was let alone, and the loyal native who had a substantial grievance was suppressed by force. . . . He who ought to have been let alone is in prison. The other is making a triumphant regal progress. Mayors fall down before him; government officers ride in carriages by his side; populations form processions in his honour. Ministers of the Crown go as far as post-prandial orations in his welcome. . . . We deduce of course not that Tawhiao ought not to have been let alone, but that Te Whiti and W. K. Matakatea and others ought to have been let alone too. The difference is not a hopeful sign for Tawhiao. When he lets settlement into his country he will not be let severely alone any longer. The severity will then be of a different sort.”

Such were the circumstances of Tawhiao’s visit, and such the comments of a writer who could draw from the past.

an estimate of the future. Under advice of his councillors, Tawhiao exercised some caution. A reporter failed to extract his opinions and those of Wahanui as to the morality of the crossing of the Maungatawhiri in 1863. "Standing on Mr. Firth's lawn" (said Wahanui), I announced—you were there and heard me—that I was desirous that all those old controversies should be buried. I have my own opinions about them, but if I (discussed them with you) people would say, 'Here is this man, Wahanui, after saying he would bury all those old subjects of dispute, dragging them all up again to the light of day.'" The reporter pleaded that "he wanted the statement not to cause controversy, but simply as history. But Wahanui refused to move, while Tawhiao smoked his pipe and said nothing."

The editor of the "New Zealand Herald," whose reporter had failed to pluck from Wahanui his opinions wrote (30th Jan.):—

"It was remarkable how well the Maori king carried himself; how he said just so much as he meant to say and no more. He urged amity and just dealing, and forgetfulness of past evils, but he gave not one tittle of a promise, said nothing that could compromise him and lead to difficulties." "Should permission to construct a railway be granted by the king, the money will be forthcoming. . . . (There was a wish to create) in the king's mind a firm belief that there is no other desire than to treat him in a straightforward and honest manner. . . . All looks well for the colony . . . and the brightest circumstance of all is the visit of the Maori king, with the prospect it offers of the utilization of the king country under conditions of the Maoris' own imposing."

One sinister omen might be observed,—that though Tawhiao's announcements were those of his advisers, his own demeanour indicated that the rumours of his dissipated habits in former years were not unfounded. Before he went home the demure Hall plied his persuasions upon him. Major Mair interpreted. Mr. Hall did not wish to "interfere with him and his people so long as they wished to remain living by themselves. The government thought the natives were the best judges of what in that respect suited them. . . . But they accepted the hand held out in so friendly a manner. They wished . . . to work with Tawhiao in promoting the welfare of his followers. There could be only one Sovereign in the country, and they all, both Maoris and Europeans, lived under the shadow of her

law." He said this as blandly as though he had not been responsible for breach of law at Parihaka. Mr. Hall spoke in general terms. "The Native Minister would discuss more in detail." The Maori, with a coolness which the politest courtier might have envied, asked, "Who is the Native Minister?" and the Premier told him "Mr. Bryce."

Tawhiao expressed his satisfaction with Hall's statements. "I belong to a different race from yours, and you must not be surprised if some of my ideas do not agree exactly with those of the Pakeha. I am of dusky skin, and some allowance must on that account be made for me. My thoughts may be dark perhaps compared with the white man's, simply from the absence of knowledge. . . . I shall not say one thing and do another. . . . At the meeting in March I would like to see as many leading Europeans as possible. I will invite the members of the government." . . . When the formal interview terminated, Mr. Hall said that "if the government had a spare piece" of land they would "probably meet Tawhiao's wish" to reside occasionally at Kaipara, and sounded Tawhiao as to the conduct of Te Whiti and Tohu, whom Hall had recently "seen in gaol at Taranaki." Tawhiao replied that "he had kept himself aloof, and did not recognize Te Whiti or his people in any way."

An Auckland newspaper<sup>28</sup> declared the interview to be "one of the most important events that has taken place in the colony for many years . . . the evil of the past stamped out, and peace and goodwill before us." With inconsistency inexplicable to those who have not traced the past of New Zealand, it confessed that "the Maoris have had some reason for distrusting the Pakehas," and in the next sentence declared that Mr. Bryce was the representative of "a fixed policy of inflexible justice and the utmost consideration in dealing with the natives." Yet its own columns had recorded the ravages at Parihaka—its own correspondent had written as he looked at the heaths desolated by the robbers whose thefts he deplored, "one must needs pity the hospitable and brave last great settlement has been so . . ."

<sup>28</sup> "New Zealand Herald.

Mr. Hall's visit to Auckland was followed by one from Mr. Bryce, who was entertained by Rewi at Kihikihi, and with him met Hall and Whitaker at Hamilton on the 23rd Feb. Mr. Bryce was reported<sup>29</sup> as saying to Rewi at Kihikihi (22nd Feb., 1882), "I say that deliberately . . . as the representative of Her Majesty the Queen." Other members of the ministry visited Auckland, where Mr. Bryce aroused some discontent by a proposal to remove the Native Lands Office from the ancient capital to Wellington. A local newspaper which had supported the pillage of Parihaka censured the transfer as ill-advised and arbitrary.

The new Parliament was to meet in May. The ministry did not accept an official suggestion from the Governor that it should be convened at an earlier date. Suddenly it was announced that Mr. Hall had tendered his resignation early in April. His assiduous labours were and might truly be pleaded as necessitating retirement on the ground of health, but the immediate cause was the tender of their resignations by Bryce and Rolleston, which compelled Hall to consider his own position. Fortified by medical advice he resigned, and his resignation was accompanied by that of his colleagues. Sir A. Gordon was assailed for not at once commissioning Whitaker to form a ministry. He consulted Sir G. Grey, and having satisfied himself that the supporters of the late ministry would probably be stronger than any other section in the new House, he sent for Mr. Whitaker, who returned to office (21st April) with all his recent colleagues except Hall. While the ministry was in abeyance<sup>30</sup> Mr. Whitaker startled the public by

<sup>29</sup> "New Zealand Herald," 23rd Feb.

<sup>30</sup> At Parihaka Colonel Roberts feared that the Maoris would assemble to discuss affairs during the ministerial convulsions. He was directed by Bryce to arrest strangers, destroy houses, &c. Being asked (afterwards) in the House if the houses of Te Whiti and Tohu were pulled down in obedience to his order, Mr. Bryce said about a dozen houses were pulled down by his orders, "as a hint that such meetings should not be convened. He was not aware whether Te Whiti's was one of those pulled down, but, if so, it was a very good thing for Mrs. Te Whiti," because it was old, small, &c. (New Zealand "Hansard," 14th June). Soon after this strange statement Mr. Ashley, in the House of Commons, pursued the policy of withholding information. When Sir M. Hicks-Beach categorically asked (13th July) whether Sir A. Gordon's report on Parihaka had been received, Mr. Ashley admitted the fact, but not that it had been suppressed by request.

changing the venue of trial of Te Whiti and Tohu from Taranaki to Christchurch. That he desired that they should have a fair trial at the latter place no one could believe, because he postponed the removal until after a court had sat there in April, and Te Whiti and Tohu had been in his gripe for many months. Mr. Stout promptly told the public that the removal was "made for no other purpose than to stave off the trial till after the meeting of Parliament, to allow, if necessary, one of those disgraces to New Zealand legislation—a special Act to be passed." Such a notion seemed to the "Lyttelton Times" incredible. "We feel sure (19th April) that the new Parliament will refuse to be a party to anything so thoroughly disgraceful." The faith of the editor must have been sturdy to have survived the legislation of the past, and was to suffer in the future. Te Whiti and Tohu were carried away from Taranaki before, at the opening of the court there on the 1st May, Judge Gillies electrified the community by telling the grand jury that it was their duty to see that the offences under the West Coast Settlement Act were those of which the Maori prisoners were accused:

Any persons could be taken into custody for obstructing the operation of the law. "In the present case the prisoners merely sat still, and did not go away when ordered to do so." This may or may not, according to circumstances, amount to the crime of obstruction. . . . To make this act a crime it is necessary that the order to remove should be given by a person authorized by the Governor. "It would not be sufficient for some minister verbally to give such an authority. It must be the official act of the Governor, through a minister, authorizing some special person to do some particular act in pursuance of the provisions of the statute. So far as the depositions show, there appears to have been no special authority from the Governor to Mr. Hursthouse to do any special act or thing, merely a general verbal authority to disperse certain natives, given by a minister. . . . If this be so, 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. . . . No minister can personally of his own mere will authorize any person to do any act or thing for the purpose of carrying out the provisions of the Act—it must be a formal and official authority. . . . If you are satisfied that Mr. Hursthouse was duly authorized, and that he was obstructed, you will bring in a true bill; but, if you find that he had no authority, it will be your duty to find . . ."

When you find that the order was not lawfully made, and imprisonment of Te Whiti and Tohu was not lawful; but that the grand jury was misled by the truth shown in any court



The Taranaki grand jury, nevertheless, found true bills against Titokowaru and others. They were applauded far and widely, and the judge was railed at. But the ministry had no desire to see the law brought to bear upon their deeds. When the prisoners against whom true bills had been found were brought before Judge Gillies (8th May) the Crown Prosecutor had received Whitaker's order to enter a *nolle prosequi*. The judge said: "I have no right to interfere except to express my surprise . . . That prisoners should be brought up on a serious charge under a special Act; that they should be kept in prison for six months on that grave charge, and that the Crown Prosecutor should then apply to enter a *nolle prosequi*, seems a very extraordinary proceeding . . . more especially when I see that two of the indictments have been quashed on account of insufficiency on the face of them." To Rangi the judge said: The government have determined not to bring you to be tried on the charge. You have already been in prison six months waiting for trial, nor does the government offer any evidence. You are therefore free to go where you will."

The "Lyttelton Times" declared that by abandoning the prosecutions the government confessed the illegality of their past acts, and prophesied:—"Parliament will probably be asked to pass an Act of Indemnity, which it will do as a matter of course." The editor called the Parihaka proceedings "atrocious," and described the intention of the government to procure an Indemnity Act as an application from the wolf for redress because he had failed

of law in New Zealand. Hall, however, had an opportunity of testifying as to the facts in the High Court of Justice in England.

Being sworn on the 8th March, 1886, Sir John Hall was asked by counsel (Sir J. Gorst), "Were any of the proceedings which Mr. Bryce was instructed to take at Parihaka authorized by the Governor?"

"Sir J. Hall: The Governor —"

"Sir J. Gorst: Yes or no, Sir John, if you please?"

"Sir John Hall: I am not going to give an answer yes or no. . . ." (Shorthand Report).

Read by the light of Judge Gillies' charge, Sir J. Hall's refusal to answer a plain question sufficiently convicted his ministry, and confirmed the description in this history of the raid upon Parihaka. It is therefore useful in a sense not contemplated by Hall. (See Sir J. Gorst's use of Judge Gillies' charge in the Preface, p. xiv. *note*.)

to devour the lamb. A few days afterwards the House, without dissent, congratulated Mr. Hall (who procured Prendergast's complicity in the raid upon Parihaka) on having received the honour of knighthood through Lord Kimberley.

Before the General Assembly met on the 18th May, Tawhiao held his expected meeting at Whatiwhatihoe without good result. Rather it was shown that the dissipated habits by which it was once anticipated that his career would be shortened, had degraded him.<sup>32</sup> Old Ngapora, Rewi, Wahanui, Te Ngakau, Paora Tuhaere, Te Wheoro, and many others attended, and tribal welcomes occupied the 11th May.<sup>33</sup> Discussion was continued until the 17th May, when the earnest Maoris were shamed by the conduct of Tawhiao, and did not abstain from censuring it. Finally Te Wheoro was authorized to speak for the tribes in Wellington. His heart must have been sad. He left a degraded countryman, and he had to encounter the ravagers of Parihaka. The Governor's opening speech stated that during his "absence from the colony" the Prendergast proclamation was issued because in the opinion of "ministers" vigorous measures were necessary. "A bill will be laid before you, having for its object to render the trial of Te Whiti and Tohu unnecessary, and at the same time to prevent them from returning for the present to Parihaka." This description of a Bill of Attainder of two men whom the ministry dared not try did not shock the majority: but Mr. De Lautour scornfully alluded to the "hypocritical clinging to the law in the very act of illegality—reading Riot Acts, and you yourselves the rioters!" Te Wheoro asked why if Te Whiti and Tohu had not been arrested legally they were not at once released, but Te Wheoro was not answered. On the 23rd, Mr. Bryce introduced an Indemnity Bill and an Attainder Bill, which he called a

<sup>32</sup> Instead of striking out these references to Tawhiao the author's happiness to add that the chief had resolution enough to "stand firm" afterwards. 1894.

<sup>33</sup> Dissatisfaction was expressed by Europeans and business was postponed; but Te Ngakau retorted that the Court often adjourned to the great inconvenience of the Maori. "So in accordance with your European customs the speeches will be delivered to-morrow."

Peace Preservation Bill. On the 26th, he moved its second reading, having carefully kept from the Colonial (as Lord Kimberley kept from the Imperial) Parliament all official knowledge of affairs at Parihaka. His statements need not be quoted in full. Admitting "that Te Whiti is essentially a man of peace," he affected to think that Te Whiti had provoked the government. He confessed to no wrong, and as to the destruction of crops he said: "If I had done what perhaps I ought to have done, I should have pulled up a great many more potatoes, so as to reduce the supply of food. . . ." Mr. Bryce's opinions<sup>84</sup> may be passed over, but the bill requires remark. The preamble declared that Te Whiti and Tohu were in gaol awaiting trial for sedition, and had "held language calculated to promote disaffection;" and that it was "feared" that their return to Parihaka would "involve danger to the peace of the colony." It was therefore provided that they "shall not be tried for the offence (of sedition) for which they now stand charged;" that "the Governor in Council" should have power to cause them to be kept in custody wheresoever desired—to release them, and "to again arrest them," and keep them in custody anywhere at pleasure. "No court, judge," or other person was to bail or liberate them, "any law or statute to the contrary notwithstanding"; anyone contravening the Act was to be liable on summary conviction to a fine of £500; and anyone doing anything under authority of the Act was to be exempt from all liability for anything he might do. If more than twenty Maoris should meet together any justice of the peace might command them "to disperse," and any "constable of the constabulary" might seize the non-compliant and take them to a justice, and any justice might determine the case, and inflict a fine of £50 with imprisonment for twelve months with hard labour. These powers were conferred upon Mr. Bryce's friends throughout the confiscated block at Taranaki, which em-

<sup>84</sup> Amongst Mr. Bryce's blunders was the oft-refuted misstatement that the Maoris commenced the war at Taranaki in 1860. The land dispute at Waitara "might have been called the immediate cause," but it was Mr. Bryce's conviction that the natives were "desirous that it should occur." To enhance the value of his opinion Mr. Bryce told the House: "I was in the way of being acquainted with the natives on that coast." It was an old device to impute the war to the Maoris. See note Vol. II., p. 87.

braced the homes of several tribes on the west coast. Sir G. Grey justified Whitaker's expectations by supporting the bill. He saw no cruelty in the burning of houses, but he did not think the preamble of the bill was true. He would gladly indemnify Mr. Bryce, however, although he thought that Te Whiti was "essentially a man of peace," and had been a main help in bringing affairs to a peaceful conclusion. Sir G. Grey adopted the palpable imposture of the ministry in disclaiming any "desire to inflict punishment" on Te Whiti, who was torn from his home, whose house was burnt, and who was to be imprisoned by attainder because it was dreaded that before the Supreme Court he might be acquitted. It is more grateful, however, to dwell on the names of those who opposed than of those who supported the bill. Mr. Bracken protested against a denial of justice. The treaty of Waitangi guaranteed to the Maoris "all the rights and privileges of British subjects." Trial by jury was one of them. "I stand here to protest, though I may be the only one who does so, against this un-English proceeding." Mr. Hutchison urged that the desolation at Parihaka was "a cruel and arbitrary outrage upon justice."<sup>85</sup> The change of venue showed that the Attorney-General knew that he could not convict Te Whiti, and therefore resorted to a device which, if practised before an English Court, might have caused him to be "struck off the rolls." All the "parade and bravado at Parihaka was a sham from beginning to end." Tawhai asked why, if Te Whiti was not to be tried, he was taken prisoner. "Is this the law of England—to arrest an innocent man and leave culprits in their homes?" Mr. Holmes insisted that the threat in Prendergast's proclamation to cut down the promised reserves should be withdrawn.<sup>86</sup>

<sup>85</sup> Admiration of the sagacity with which, in Magna Charta, Stephen Langton guarded against arbitrary outrage, would be increased, if that were possible, by finding that every wrong done to Te Whiti was forbidden in express terms by the charter. "Nullus liber homo capiatur, vel imprisonetur, aut distringatur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum vel terræ. Nulli vendemus, nulli concedimus, aut distrahimus, quod ad eum pertinet." The necessity of keeping the reserves might have seemed unquiescent elsewhere, but the reserves were members who

Taiaroa said :

“Te Whiti had been arrested . . . let him be tried. Why should the House entertain any fears of the result? He would be tried by European jurymen and judges, not Maoris. I am weary with thinking of the promises that have been made by various governments. These promises have been the root of all the evil. . . . (Mr. Fish had spoken of the Maoris as) a horde of savages. Sir, I would draw your attention to that. . . . If it be true, what were the Europeans in old days? I have read books written by your own people about yourselves, and I find that you were in a like position some years ago. I do not know whether the honourable gentleman did not know the meaning of the term, or whether he thought I did not understand him. I suppose that none of his ancestors ever deserved the appellation. What can you say of those who are attempting the assassination of our Queen? What can you call them? I should also like to know what you call those who in Ireland get up agitations and shoot people. It is but right that language of this kind should be put away from us. If we are ignorant, if we have not reached that state of enlightenment that you have, it has not been our fault. I have heard that the English race was indebted to the Romans for the first gleam of civilization, and it would be well for you to act as the Romans did, and impart to us the civilization which you possess.”

Taiaroa supported the postponement of the bill, so that Te Whiti and Tohu might be heard at the bar. Mr. Turnbull (from Timaru) strove gallantly for the honour of the colony. Mr. Bracken (from Otago) implored the majority not to “allow the finger of scorn to point for all time at this House and this adopted country of our race.” Colonel Trimble hoped that the treaty of Waitangi “will in future be relegated to the waste-paper basket, which is about the only place it ought to be seen in.”

By 52 votes against 14 the House refused to delay the bill.<sup>87</sup> On the motion for its committal, Te Wheoro moved that Te Whiti and Tohu be first heard at the bar, by counsel

supported even this act of breaking promises, old and new. It was urged that it would be a foolish “concession” to abstain from plundering in the manner threatened by Prendergast. In the debate on the bill, Mr. Moss stated that Atkinson, the Treasurer, told his constituents that “if there was any difficulty in that part of the country again, the Maori should be exterminated.” (“New Zealand Hansard,” 30th May, 1882.)

The “Lyttelton Times” called the result “the most shameful division ever recorded in our Parliamentary annals.” At the same time it praised that the calling for the division would proclaim for all time the courage and undimmed honour of “the few who stood up on that fatal day for the many.” The fourteen members were Messrs. Buchanan, Loutour, Duncan, Joyce, Montgomery, Moss, Taiaroa, Tawhai, Tomoana, White, Bracken, and Turnbull. Five others paired against the bill. They were Messrs. Bathgate, Hutchison, Holmes, Macan, and Shrimski.

or otherwise, but by 43 votes against 22 his prayer was rejected (2nd June), and Mr. Turnbull bitterly expressed the humiliation he felt at the position of the House. "Never did I feel so much ashamed of an act of the Legislature as now." On a subsequent day in committee, Tawhai's suggestion that the number of Maoris who might assemble without "dispersion" should be 50 instead of 20 was accepted. On the 9th June, Mr. Macandrew resisted the third reading of the bill, which would form "one of the greatest blots on the statute-book." The proceedings at Parihaka would "at no distant date bring the blush of shame to the faces of all concerned; ay, not excepting the Native Minister himself. . . . My only hope is that the Governor, who may be assumed to be the representative of British honour and British justice, and who as such is an integral part of the Legislature, may interpose to save us against ourselves." Mr. W. Hutchison lamented that "our children will turn with regret to this chapter in our history as a melancholy record of how the strong trampled on the rights of the weak." Mr. Bracken "for the last time" entered his protest against the bill, which trampled "the British Constitution underfoot," but by 51 votes against 21 the third reading was carried, and the Indemnity Bill, which had not previously been discussed, was committed. Mr. Montgomery hinted that compensation should be given to Maoris whose property had been destroyed at Parihaka. Te Wheoro supported him, but Mr. Bryce said that it was "impossible" to make such a provision in the bill, which was passed through all its stages on the 9th June.

The Indemnity Bill, although its preamble was false, and its enactments sanctioned any acts whatsoever and by whomsoever committed, was scarcely discussed. It accused the Maori of having disturbed the peace; and enacted with a vengeance on Whitaker's part that Judge Gillies (rightly in his opinion of the arrests of Te Whiti and his people) that any measures may have been in excess of what was necessary for the person, whosoever, who shall at any time after the passing of this Act have acted in the name of the government of New Zealand, in connection with any act, matter, or thing done,

. . . (or sending to) prison any person doing or being concerned in, or *suspected of doing or being concerned in* . . . offences specified in the West Coast Settlement Act 1880—*assembling or holding meetings at Parihaka—attending any such meeting*, and refusing or neglecting to disperse—and any person who shall have damaged or destroyed any real or personal property, or searched for, seized, or taken possession of—shall be and is hereby freed, acquitted, released, indemnified—against all actions, suits—prosecutions, liabilities, and proceedings whatsoever.” To prevent doubt, the Governor was enabled by a special clause “to declare any act, matter, or thing done, to come within the provisions of this Act,” and all courts were to take judicial cognizance of such declaration.

On the motion for the committal of the bill, Mr. Montgomery said that provision ought to be made for compensating natives whose property had been destroyed, and Te Wheoro supported Mr. Montgomery, but Mr. Bryce replied (with the Indemnity Bill in his hand) that “he thought the government had not done wrong!”

In the Council, Whitaker<sup>88</sup> (who had previously explained on the Attainder Bill that the trial of Te Whiti “would not have answered our purpose”—“if they were acquitted our object would be defeated entirely”) moved the second reading of the Indemnity Bill without remark, and after a fervent protest by Mr. Scotland, the bill passed through all its stages unchecked.

On the 9th June the New Zealand government had presented to the Assembly none of those papers which, in complicity with them, Lord Kimberley had concealed in England. On the 14th June, Mr. Mantell, in the Council,

<sup>88</sup> 1894. Since the publication of this History in 1883, Whitaker has passed away. No censure of him which was not published in his lifetime will be found in the second edition. A great historian once wrote to the author: “It must need some courage to write a history including contemporaries. I have (perhaps prudently) restricted myself to grandfathers and great-grandfathers.” These words are wise; and yet censure of those who can answer for themselves is, in one sense, preferable to condemnation of those who can no longer do so. It is right and fair, however, to quote the sworn testimony of Sir J. Hall (the head of the ministry during the raid upon Parihaka) that during that raid the government acted under the “advice of Sir F. Whitaker and the Solicitor-General.” (Shorthand Report, High Court of Justice, 8th March, 1886.)

asked for papers on the subject, and the ministry on that day produced Sir A. Gordon's despatch of the 26th Feb., 1881 (with memoranda arising out of it to 16th July, 1881), but none of the documents connected with the outrages at Parihaka in November of that year. A separate motion by Mr. Mantell for a respectful address praying the Governor for "all public despatches in continuation of those presented last session" was opposed by Whitaker as "inconvenient," and rejected.

On the 20th June, Whitaker moved the second reading of his Attainder Bill. He admitted that in changing the venue for trial of Te Whiti and Tohu, the government were partly actuated by a knowledge that even if convicted by a Taranaki jury, "reasonably the sentence would be a short one, and that if they were acquitted they would return to Parihaka." It was an object therefore to "put off the trial until after the meeting" of Parliament. To call the bill one of attainder was "nonsense. Sir, to hear Te Whiti and Tohu before the Council would appear to me to be highly absurd. I say it would be a great farce to bring them here to plead." . . . To continue their "detention and to oust the courts of any jurisdiction they might have (by Habeas Corpus, &c.), is the object of this bill. . . . The trial would not have answered our purpose; if they were convicted the sentence would probably be short, and if they were acquitted our object would be defeated utterly."

Mr. Mantell said: "We talk of teaching the Maoris to respect the law . . . but if the Maori manages to evade the meshes of the law as Te Whiti does, we turn round and make a law to precisely fit the case." On the 21st June Captain Fraser and Mr. Buckley vainly opposed the bill. Mr. Pollen averred that he voted for it with reluctance because he "did not believe that to kidnap the Maoris and shut them up is the best way to bring them to their right mind." The Indemnity Bill passed with a large majority, in spite of remonstrance from Mr. Mantell. Mr. Mantell recorded his protest against

constitutional . . . and because from the Government to place before this Council any



official reports of those recent occurrences on the west coast which are alleged to require such legislation, it can only be inferred that those occurrences have not been of a nature to justify such severe provisions as those in the bill." Captain Fraser recorded his protest because—1st. The bill was *ultra vires* (of the Assembly), inasmuch as it is repugnant to the English statute law, and deprives British subjects of the privileges granted to them by the Habeas Corpus Act. 2nd. It declares men guilty of sedition without trial, and without any evidence of their guilt produced before Parliament. 3rd. It declares men guilty who have not been allowed to be heard in their defence before Parliament. (4th. It would tend to create disaffection.) 5th. It is punishing Maoris who, if guilty, could be punished by the judicial tribunals. 6th. There is no reason for suspecting that if any evidence could be produced against Te Whiti and Tohu before the Supreme Court a jury would not convict them."<sup>39</sup>

Brief allusion may be made to other proceedings in the General Assembly before the scene must be shifted to show how Lord Kimberley comported himself in England with regard to the treaty of Waitangi while it was thus violated with his knowledge in New Zealand.

Taiaroa asked (25th May, 1882) what the government intended to do with regard to a report of a Royal Commission upon the "unfulfilled promises to the natives in the Middle Island." Mr. Bryce replied that the opinions of the commissioners were impracticable, and that the government would not act upon them. The report declared that certain claims had been established. Major Atkinson vehemently opposed the recognition of claims which might amount to millions sterling. Mr. Daniel was shocked at the attitude of the government. Certain Maoris were in England, appealing "to Her Majesty. What would the Home government think<sup>40</sup> when the speeches made on

<sup>39</sup> After the bills had been passed the newspapers published a statement which shame or pity wrung from Mr. Parris. Many might think Te Whiti's career foolish or unreasonable, "but those who are capable of taking an impartial view of the whole case, and can admit the full right of the Maori to strive by all fair means to retain his present mode of life, and enough of his primæval wildness of forest and bush to enjoy it, will see in Te Whiti's conduct, as the leader of his people during a trying period, much that is worthy of their sympathy and respect. Te Whiti was in fact the representative . . . of the love of the Maori people for their ancient customs . . . and of their dread of being driven from the scene by swarms of strangers, &c." To extort such praise from an oppressor was a moral triumph. It is inserted here, however, to show the truth was distorted in telegrams and letters to England which represented Te Whiti as a rebellious disturber.

<sup>40</sup> Mr. Daniel overrated the attentions of Lord Kimberley. On the 13th July, 1882, M. Hicks-Beach . . .

this occasion were published in the papers and went to England?" Colonel Trimble and Mr. Rolleston slighted the report of the commission. Tomoana, taught by the past, suggested that the taking of evidence was of little importance, "because if the decision were in favour of the Maoris I do not suppose anything would come of it." A majority rejected the request of the Native Affairs Committee. At a later date (25th Aug.) Colonel Trimble moved that a report of the committee be referred to the government for consideration; but after debate, although Mr. Bryce supported Colonel Trimble, an amendment, moved by Tairaoa, to refer the report back to the committee, was carried.

On the 4th Sept., Col. Trimble brought up a report that further evidence had not altered the opinions of the committee. Tairaoa thought it unfair that he had "not been allowed to give evidence." The Native Minister and the chairman had prejudged the matter. Members of the committee had been absent during discussions and the taking of evidence, "but when the day came for considering the report, the government whips collected the government members, and the report of the committee was thus made adverse to the natives. I do not attach any blame to the Europeans, nor do I object to their being in possession of wealth owing to the natives having given up land to them in consequence of the promises made by Her Majesty. What I have contended all along, and what I contend now, is that promises made by Her Majesty through government officers have never been fulfilled, but should be fulfilled according to the law of England. . . . I know the majority of the House will support the government, as it invariably does in regard to native matters; I shall therefore not resist strongly now, but the natives will never abandon the subject, and will continue to seek redress either in this Parliament or in future Parliaments."

"arisen from the fact of papers being awaited from the 13th June, 1882, the New Zealand ministry proposed Lord Kimberley, of July, 1881, to the effect that it would delay publication if possible, but if they had been promised, they must be published, if

Mr. Bryce was indignant at "broadcast imputations upon the committee." He could not endure to be reminded openly of what had been done. "I warn the native members (he said) that if they persist in merely representing the native race and utterly ignoring considerations in connection with European interests, the House will certainly become impatient of the position. I say that by way of warning. . . . I warn the honourable members that such imputations will not be tolerated."<sup>41</sup> Te Wheoro replied that the native members never supported unjust claims; and Mr. Sheehan considered that Tairaroa's language was not a whit stronger than that used by European members. Mr. Daniel was sorry to hear such an attack made upon the native members. "I have not seen that they have been biased in the least. No doubt they feel the justice of their claims, and speak boldly; and as one who has been for the last thirty years among them, I shall never consent to see injustice done to them, but shall strongly support them." Trimble predicted that if the report were not adopted "any future report will be very much less in favour of the natives," and by 46 votes against 14 the government prevailed.

Mr. Mantell renewed his efforts to expose the injustice done to the Himatangi claimants, and, to Whitaker's retort that he would resist the payment of money to them, Mantell replied that, although "further investigation would simply afford a surplus of proof that these natives have a claim upon the government, I have not the remotest hope that they will ever get any money from the government." It is good to be able to remedy wrong; but when that is impossible, it is also a duty to expose what cannot be prevented, and Mr. Mantell had much of such labour to do. There are some natures from which shame extorts a homage not rendered to duty. Te Whiti's singular attitude of prophecy and patience wrung the West Coast Commission

<sup>41</sup> It has been said that many noble deeds of Englishmen in the playgrounds of Eton; and it may be hoped that generation in New Zealand will rise to something better than of the Whitaker ministry. While Bryce uttered these words Tairaroa's son was winning golden opinions at Dunedin for football, not only amongst his triumphant schoolfellows in Dunedin, but in the press.

from his relentless enemies, who could not altogether repudiate the promises proved to the world by their own commissioners. A wider revelation of the wrongs done in the name, but not by command of the Queen, ought to tend to lighten the oppression of a race which reposed its trust in her.

Tawhai brought forward (8th Aug.) an Orakei Native Reserve Bill to enable the Maoris to lease their land, the title to which had been adjudicated upon by the Native Land Court in the Orakei case in 1869, when judgment was given in favour of Apihau te Kawau and his co-claimants. He had died at a great age. The natives interested in the land, prescient of the influences which might wrest from them their heritage, had procured (in the grant from the Crown) certain restrictions upon sale. They now, fearing the cost and delays incident to judicial proceedings, sought to obtain by legislation a power to remove the restrictions and provide for the leasing of the land for their benefit. Paora Tuhaere petitioned in favour of the bill, which was passed.

A Native Land Division Bill introduced by the government seemed to aim at fairness towards the Maoris. It enabled native owners to apply for subdivision, and obtain amended grants. It was passed without a division in the Lower House. Ngatata, in the Council, approved of the bill, but commented on the perpetual patchwork which infected legislation on native affairs:

"A mistake was made when lawyers were admitted into the Native Land Court. From that day the Maoris have been literally fleeced by these men—not only the Maoris but the Europeans. . . . We got on far better when lawyers were not admitted, and I hope the government will see their way to shutting the doors of the Land Courts against these robbers who flock to every sitting of a court, however remote, for the purpose of enriching themselves at the expense of the native people. I have one or two slight objections to the bill. No time is given for the issue of notices under clause 7 . . . sub-section 2 of clause 4 states that the judge, on such order, thereby dispensing with the necessity of signature. I should have preferred to see an order signed by the judge."<sup>12</sup>

that a previous speaker had designated as a curse; "I look upon it as a curse not for the tribal right the whole

of the natives' land would have been swallowed up long ago. I agree with what the Honourable Mr. Ngatata says. Every year we have these bills."

Captain Fraser discredited assertions that the decay of the Maori race had been arrested. Mr. Bryce said (28th July): "We are told that the Maori population is about 44,000. . . . I do not believe there are more than 30,000. I have had peculiar opportunities of proving my opinion on this point to be correct." If he was right as to the fact, the raid at Parihaka had not even the meanest of motives to palliate it. For the brief space allotted to them, the sober community guided by Te Whiti might have been permitted to dwell in peace, without tempting settlers or the Government to rapine. The Native Land Division Bill was passed by the Council.

As time wore on, and the race decayed, the representation accorded to the Maoris became daily less disproportionate to that which was their due; but the subject was discussed. Mr. Hobbs (28th June), assuming the correctness of the census, pointed out that 44,000 Maoris had only four representatives, while the Europeans had a member for every 5000 in the population. There was a dual qualification,<sup>48</sup> but he thought it objectionable, and the Native Minister had to go to the north "himself and purge the roll," by a process which Mr. Hobbs did not describe. Sir G. Grey, to whom Maoris were not likely to be longer useful, thought they had enough representation, and it was "essential that the purely native element should not become too powerful within the walls of this House." Nothing could be "said against their conduct, and no one who has seen them can help admiring them. Their speeches are always sensible, and we obtain a great deal of information from them on important subjects." Thus, raising one eye in admiration of the Maori, and

<sup>48</sup> The Qualification Act of 1879 gave a vote (irrespective of those for the four Maori members) to every adult Maori whose name was enrolled as a ratepayer, or who was "seized in severalty of a freehold" of the value of £25. It was urged that designing agents caused improper enrolment, and the remedy, if Mr. Hobbs spoke correctly, was to "purge the roll" by executive authority. Official statistics stated that when (1880) the electoral roll was 83,851, the total number of Maoris registered under the Act was only 830.



declared that "four native reserves were totally lost in Hawke's Bay; nobody knew what had become of them, and it would be the duty of the commissioner to find out where they were." A previous officer when "examined, either could not or would not say where they were."<sup>45</sup> Though some members expressed misgivings, the bill became law. It was not nominally compulsory upon Maoris to subject their land to it, but as they had not been allowed to profit by any law while Whitaker was Attorney-General it could not be trusted that they would derive benefit even from just provisions. One clause provided that all rents and proceeds from reserves should be scrupulously devoted to the purposes of the trusts, with a proviso that when such purposes might be obsolete or no longer attainable the Governor might direct to what similar purpose or object reserves should be devoted. The law was unobjectionable so long as it might be hoped that the Governor's advisers would be loyal. Much depended upon the functionary called upon to administer the law; and the necessity to seem moral in order to purge away the ill-repute gained at Parihaka might be expected to influence the government to appoint a trustee of high character to stand impartially between the strong and the weak.

The Crown and Native Lands Rating Bill, which had in 1881 enabled Mr. Ormond to shake the Hall ministry, was renewed in 1882 with more prosperous results. A difference between the bills was that, in 1882, Crown or native lands within five miles of a public road or highway were made ratable; whereas the bill of 1881 included all lands where-soever situate. Again the Maori members protested against the imposition of compulsory and edacious mortgages upon their lands. In vain Mr. Holmes and others urged that it was not fair to rate the lands of Maoris "to force roads upon them which they may say they do not want."

Te Wheoro recorded his objections so that they "might appear in 'Hansard.'" Members had supported the bill

scandalous breaches of trust have actually occurred."—"Lyttelton Times," 28th Aug., 1882. The lost history of missing reserves may perhaps have vied in interest with that which is preserved about the Dunedin reclamation.

<sup>45</sup> "N. Z. Hansard," 1882, vol. xliii., p. 637.

“in order that there should be one law for both races. Now, there are two districts in Waikato where the Maoris have to pay rates, but they have no voice in the County Council. Where is the equality there? The Maoris have no voice in any of these local bodies.” The bill was carried, though Sir G. Grey supported Te Wheoro’s arguments. In the Council Wi Tako Ngatata condemned it as “the most arbitrary measure dealing with native lands” he had seen. Captain Fraser considered “the measure a mean way of confiscating Maori land.” Mr. Whitaker, assured of a majority, showed the workings of his mind much as the cat rejoicing in its strength exhibits its retractile claws when pleased. It was outrageous that untaxed Maoris should reap profit from advancing civilization. “Is the Council prepared to allow this injustice to continue? It might be that when we were weak we did not insist upon justice in this question; but is that any reason, now that we are strong, the injustice should continue? I think the time has fully come” to deal with the matter. Mr. Peacock looked upon the bill as one which would admit Maoris to the privileges of the colonists; Mr. Scotland denounced it as “the *ne plus ultra* of meanness.” By 22 votes against 9 it was passed. It was so framed that it might wreak injustice unless a healthy public opinion should watch its administration.

One effort in the House (13th July) deserves to be recorded. The thought upon which Sir W. Martin, Bishop Selwyn, Waharoa, Sir G. Grey, Mr. Gorst, and Mr. Fenton, had brooded in former years found expression in a bill brought forward by Tomoana “to enable Native Committees to decide disputes occurring between natives, and to regulate social abuses in proclaimed districts.” It enabled Maoris to form committees, with power to award compensation for wrong, or to decide disputes about debts. They were empowered to make bye-laws for the better suppression of intemperance and “the regulation of social order” in their districts. The committees (not more than five persons) were to decide whether their regulations had been infringed, and might impose limited penalties which they could not enforce them. The award of a compensation was subject to a justice or to a magistrate.



parties interested had agreed (in writing) to submit the case to the committee) before giving effect to the award; and even then "nothing herein provided shall be deemed to prevent the court hearing and deciding any case as in the manner provided in any Acts for the time being in force for the regulation of the court, if it shall see fit to do so."

Tomoana said that a number of tribes were anxious that the bill might pass. Mr. Bryce at once opposed, but Mr. Turnbull and others supported the bill. Mr. Steward urged that when honourable members (whose conduct in the Legislature had quite justified the views of those who thought it desirable that the natives should be represented by persons of the native race) brought forward a bill which was apparently an honest effort on their part to assist in the government of the country, "it at least deserved fair consideration." Mr. Weston, a lawyer, thought the bill the "best evidence" of the Maori appreciation of law and order. "When we see the ability manifested by the native members of this House we may safely say that so long as the natives are desirous of obeying the laws of our country and the customs of their own, they ought to receive every encouragement at our hands."

The second reading of the bill was carried by 38 votes against 24, and 14 other members paired. The bill was hailed by one editor as an effort "to establish a mode of real native self-government which is sure to be beneficial." Another editor (who had approved the raid on Parihaka) considered that the measure "embodied as much possibility of mischief as could well be compressed into one bill." On the 3rd Aug., some members having been influenced, Mr. Bryce moved that the bill be shelved. As if nescient of his Attainder Bill, he said that he had always "aimed at assimilating the treatment of the Maoris to the treatment of the Europeans." Mr. Barron significantly read the names of those who had voted for the second reading; but they who had yielded to pressure were not to be recalled to their original opinions. The final division on Mr. Bryce's amendment showed 29 members on each side in the House; and 32 members had paired. Though the Speaker's casting vote kept the bill alive, the ministry prevented its reappearance during the session.

During the session the public were startled by an incident which exhibited the Native Minister in close personal relation with a Maori chief whom some persons denounced as a murderer—Wetere te Rerenga. Wetere te Rerenga was accused of having been an accomplice in the killing of the Rev. Mr. Whiteley and others at the White Cliffs in 1869. Te Rerenga had maintained his position as a leading chief at Mokau through the intervening period, under the recognized protection of Tawhiao. It was believed that some coolness existed between Tawhiao and Te Rerenga, as to lands at Mokau. European negotiators strove to induce the latter to submit the lands to the Native Land Court. In 1880, Te Rerenga, Takirau, and others pressed their claims for a Land Court and for a railway. They asserted that Rewi had empowered Te Rerenga and Takirau to “manage all the affairs of Mokau with the Europeans.” In Feb., 1882, Mr. C. O. Davis published a letter from Tawhiao to Te Rerenga, and “all the people of Mokau.” Tawhiao insisted upon the reality and power of his office. “The land is mine, and the people are mine.” Statements, vows, and ancestral descent vouched his position; but he heard that Europeans were caballing to warp Te Rerenga from his allegiance. Let all Maoris attend at Tawhiao’s meeting in the autumn, and there let all tribal questions be decided. Mr. Davis appeared to respect Tawhiao’s claims; but Te Rerenga’s intriguing friends prevailed, and he did not wait for the Maori meeting at Whatiwhatihoe. He wrote in March to the editor of the “New Zealand Herald” in which Tawhiao’s letter had been published. He denied that Tawhiao had land claims at Mokau, and insisted on his own, which he would submit to the Land Court, whose sitting he desired to see. The editor thought that Mr. Bryce ought to take Te Rerenga at his word, because to compel Tawhiao to appear in court would be a great gain whatever might be the decision. Mr. Bryce failed to obtain an interview with Tawhiao in March, and negotiations with Te Rerenga were pressed forward. Tawhiao, in May, reasserted his claims at Mokau; but spoke, as did Wahanui, of Te Rerenga as the trustworthy guardian of Tawhiao’s rights; and, as has been seen, Te Wheoro was commissioned to represent all Maori

interests in the General Assembly at Wellington. In June, the Native Land Court delivered judgment in favour of Te Rerenga and the "resident section of the Ngatimaniapoto," but recognized an inferior interest on the part of Rewi as a chief who had assisted in the conquest of the territory.

Meanwhile negotiations were carried on between the office of the Native Minister and Wetere te Rerenga. If dissension between him and Rewi, the principal Ngatimaniapoto chief, or between him and the Maori king, could be promoted, it was obvious that reverence for tribal laws and loyalty to the Maori king would be sapped. Te Rerenga was said to be in possession of a letter from Donald McLean, written in 1875, and assuring him that the past would be forgotten. He had also been employed as a Maori assessor during Mr. Bryce's tenure of office, and had visited various places outside of the Maori pale.

Confiding in the friendly relations established in his favour, Te Rerenga, in July, visited Wellington to discuss affairs relating to Mokau. A relative of Mr. Whiteley's devised means to entrap Te Rerenga and his friends. He sent (1st Aug.) a telegram to a Maori at Taranaki, and forged the name of Te Rerenga as the sender. It declared that Te Rerenga had, in order to save himself, confessed his guilt as to the murder of Mr. Whiteley; and it urged the recipient of the telegram to hasten to the principal magistrate and "confess all to be said of the massacre" at the White Cliffs, so that the recipient might be saved also. The forger defended his conduct afterwards in writing, by alleging that—

"though the government refused to take any action, the law allowed others to do so. A certain stratagem was attempted, but . . . it was not successful. There is no attempt to hide the fact, now that it didn't work. . . . It would have been far better if Mr. Bryce had complied with the request made him, and placed upon his trial . . . the commander of the savage butchers. . . . It is just as well that every one concerned should thoroughly understand that I do not intend to allow this matter to drop. . . ."

A newspaper correspondent telegraphed from Waitara (1st Sept., 1882) that it had been "ascertained beyond doubt that Te Rerenga used every endeavour to protect the Rev. Mr. Whiteley from injury, but was too late . . ."

the scene of the tragedy." Te Uira, the recipient of the forged telegram, instead of complying with it hastened to Mokau to warn his tribesmen of danger. Mr. Bryce, in Wellington, intimated to a friend of Te Rerenga that he had better "leave, so as to avoid complication."<sup>46</sup> Te Rerenga speedily shook the Wellington dust from his feet. Rumours ran through the country about the facts. On the 17th Aug., Mr. Mantell, in the Legislative Council, moved for papers relative to the sudden departure of Te Rerenga. Mr. Whitaker, the Attorney-General, alleged at first that the government "neither brought Te Rerenga here nor sent him away;" but after Sir G. Whitmore and other members had displayed some knowledge of the facts, Whitaker admitted that, "desiring to prevent all trouble, Mr. Bryce communicated with a friend" of Te Rerenga's, in order that the chief might depart.

On the 29th Aug., the government introduced an Amnesty Bill, declaring that, "whereas, on several occasions (Maoris had) been in insurrection . . . and offences of various kinds, more or less of a political character, have during such insurrection, and consequent thereon, been committed by the Maoris . . . and whereas the state of the colony is now such as to justify an amnesty being proclaimed for such offences"—it should be lawful for the Governor, with the advice of his Council, to declare an amnesty in favour of certain Maoris. The bill enabled the ministry to show special favour. Mr. Bryce, in moving the second reading (7th Sept.), averred that the bill was "by no means the mere result of the accidental visit of Te Wetere to Wellington;" and Mr. Whitaker reiterated the statement, as if it required confirmation. The bill was passed, and Te Rerenga wrote a letter to an editor on the 12th Sept. on the subject of his hereditary rights at Mokau.

The prorogation of the General Assembly took place on the 15th Sept. As Sir A. Gordon left New Zealand long before the end of the session, it devolved upon Sir J. Undergate to complete his handiwork at Parihaka by signing the bill which attainted Te Whiti and Tohu

of the . . . (17th Aug.) in Legislative Council.

(subject to final approval by the Colonial Office).<sup>47</sup> For two years after receiving Bills for Denial of Justice, for attainder, or any other kindred deformity, it was within the statutory and constitutional power of Her Majesty's Secretary of State to arrest the course of wrong by advising their disallowance. Sir A. Gordon was no longer concerned with what was called "native policy" in the colony. He had, in his speech at Christchurch, proclaimed the reasons which actuated him in discharging duties which he deemed constitutional. But it was well understood in the colony that he had intimated to his advisers that the question of his moral responsibility in retaining office under existing conditions was one for himself to determine. How he answered that question was proved by his resignation. His successor, Sir W. F. D. Jervois, arrived in New Zealand in Jan., 1883.

Prendergast was administrator of the government until Sir W. Jervois arrived as Governor in Jan., 1883; and as a proclamation of amnesty was issued in Feb., 1883, some circumstances concerning it should be mentioned.

Mr. Scotland, in the Upper House, while supporting the Amnesty Bill, thought it undesirable that "Te Kooti and Purukutu should be allowed to come amongst us, and perhaps be met by government officials and have their hands shaken by those officials."<sup>48</sup>

The honourable member was prophetic.

<sup>47</sup> Besides enacting that none of the Provincial Legislatures it created should inflict "any disabilities or restrictions on persons of the native race to which persons of European birth would not also be subjected," the Constitution Statute (15 & 16 Vict. cap. 72) made it "lawful at any time within two years after (any New Zealand bill) shall have been received by the Secretary of State for Her Majesty by Order-in-Council to declare her disallowance of such bill. . . ." Section 53 of the Statute, in giving power to the General Assembly to make laws in New Zealand, guarded it by a proviso "that no such laws be repugnant to the laws of England."

<sup>48</sup> "N. Z. Hansard," 1882. Vol. 43, p. 914. As the author has no personal knowledge of Mr. Scotland it is grateful to notice that in 1883 he said in Parliament: "From what I have heard of Mr. Rusden, I believe him to be a good Christian and a gentleman, and I do not think he would put anything on paper respecting this colony that he did not think was true. He may have been led into errors, and a great many historians have been. It would have been easy for him to write a popular book by praising up the country, right or wrong, but he was too honest."—"N. Z. Hansard," 1883, Vol. 46, p. 481.

An English Blue Book<sup>49</sup> contains an account of a meeting (12th Feb., 1883) between Te Kooti and the Native Minister. The latter furnished a report to the Governor. Te Kooti, shaking hands with Mr. Bryce, said: "Mercy and truth have met together; righteousness and peace have kissed each other," &c.

Which virtue was embodied in Te Kooti, and which in the minister, the enigmatic Maori did not say. After food and conversation, "Mr. Bryce walked over and shook hands with Te Kooti. Te Kooti rose and sang a waiata (song) and said, as everything is now settled, I will come and shake hands with you. He then advanced and shook hands with the party. . . ."

Writing (13th Feb.) to the Governor, the Native Minister said, "I think the result must be considered satisfactory."

It was not considered satisfactory by some colonists.

When Parliament met afterwards, Mr. Montgomery said: "We can extend a free pardon to Te Kooti, the man of blood, the man guilty of the vilest atrocities. We can shake hands with him. Here is a man of peace—Te Whiti—and we are asked to extend the law by which this man can be arrested at a moment's notice, not for any new offence, but simply at the will of the minister of the day. I say it is an outrage upon humanity."<sup>50</sup>

The relations between the minister and Te Kooti were not in themselves worthy of remark, but they assist to explain a debate on the stoppage by the former of pensions of chiefs who had aided the colonists in the field.

The extent of these stoppages was described in the Legislative Council<sup>51</sup> by one of his own colleagues, when Sir G. Whitmore brought before the Upper House the treatment of Ropata Wahawaha by the government. Sir G. Whitmore<sup>52</sup> said that in the war of 1865 "no officer of European troops, and no native chief was more distinguished than Ropata Wahawaha, who from that time until 1878 had been the unflinching ally of the Europeans, and a leading officer of the native corps on the (East) coast.

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<sup>49</sup> 1883, Vol. 46, p. 158.

<sup>50</sup> 1884, Vol. 47, p. 10.

“ There had been a great many instances in which that chief had shown personal devotion and courage of the very highest order ; and at the time of the massacre at Poverty Bay the whole of the inhabitants of the district might be said to have looked upon Ropata Wahawaha as their protector and their shield. . . . It was upon his (Sir G. Whitmore’s) recommendation that Ropata was made a major of the militia, and obtained the honour of the New Zealand cross. . . . Ropata was employed in driving the rebels out of the Uriwera mountains under the most terrible extremes of cold and privation, passing through hardships and difficulties which he (Sir G. Whitmore) did not believe Europeans could have surmounted; until at last he stamped out the embers of rebellion, and drove Te Kooti from the Uriwera mountains to the asylum in which he had since remained. . . . It was thought right by that Native Minister, who most relied on and employed his services—the late Sir D. McLean—to show the people that the country considered these services entitled him to a sufficient pension to enable him to keep up a high position. It was therefore decided to give him £300 per annum. (The government had interfered with the allowance thus made.) All classes of Europeans and natives had held meetings, and a very strong feeling was displayed on this subject. The chief had spoken to him (Sir G. Whitmore). He said, “ Ah! I am now useless, and I suppose I am not worth any further thought; and so I have my pension taken away; while the enemy of public order (Te Kooti), whom I was employed specially to keep down, has had a property purchased for him, and perhaps the money taken from me is devoted to that purpose.”

Sir G. Whitmore, endeavouring “ to see that faith was kept with the Maori people,” moved for “ all papers in connection with: (1) The reduction of the pension or salary of Chief Major Ropata Wahawaha, N.Z.C., from £300 to £100 per annum; (2) all papers connected with the purchase of a farm or block of land for the recently pardoned outlaw, Te Kooti.”

A member of the government (Mr. Oliver) in a lame defence of the treatment of Ropata my colleague the Minister for Native Affa e,

he has stopped absolutely no less than seventy-four of these so-called pensions, and has reduced no less than fifty others."

Wi Tako Ngatata supported Sir G. Whitmore's motion. "He thought it was not fair to reduce the reward after the time had passed when the assistance was given for which the reward was given. And why, also, had they honoured Te Kooti, who murdered the children of both Europeans and Maoris?"

Mr. Waterhouse declared that when he read that the allowances were to be withdrawn, "he was free to confess that it had sent through his system a thrill of indignation and grief. . . . He had not heard this subject referred to by any one, whether a friend or foe to the government, who had not spoken of it in terms of indignation and grief."

Captain Fraser said that "if Sir E. Stafford had been now Premier, he (Captain Fraser) could imagine with what scorn he would have heard any proposal to commit an act of injustice to a man who, in the hour of utmost need, came forward to save women and children from the ruthless murderer, Te Kooti. (Sir D. McLean had introduced to him, Captain Fraser) "Ropata as one of the greatest soldiers in the colony. He was a man whom the Queen had delighted to honour; he had been given a sword of honour and the Cross, which in any other country would have carried a pension with it, as was the case with the Legion of Honour. He was afraid that the granting of a reward to the ruthless murderer, Te Kooti, and acting as they were now doing to the man who had driven him into his lairs in the Uriwera country, would add another dark chapter to Rusden's new edition of his "History of New Zealand."

Colonel Brett declared "that the government had broken faith with an old, distinguished, and gallant officer. If this occurred in India, we should lose the country. . . . Ropata was the distinguished honour of the New Zealand Cross, and were they to sit quietly and calmly, when they saw the gallant gentlemen on the government side, who had robbed him of a certain sum of money, to give it to others similarly? Were they to be just?"



Sir George Whitmore's motion was carried.<sup>53</sup>

In the House of Representatives Sir G. Grey alluded to Ropata thus:—

“What has become of the allowance made to a chief on the East Coast? Is it fair that without any accusation being made against the chief, without there being some tribunal to hear what cause there is for taking his pension from him, one individual should have the power by his mere writing to strip a man at once of a pension of that kind? Who is more worthy of respect, the man who does that, or the chief who says, ‘You may take away my pension; you may ruin me; but there is one thing you cannot do, you cannot make me disloyal?’ Which is the greater man of the two? I say the native who can make an answer of that kind, and can act in that manner, is infinitely the greater person, and the one that we should most admire.”<sup>54</sup>

Ropata was subsequently made a member of the Upper House.

Parliamentary proceedings with regard to the Maoris are quoted in these pages in order to show who they were, and how they comported themselves as subjects of the Queen, towards whom the ministry of Mr. Gladstone pronounced in July, 1882, that they would not advise that the solemn pledges of the Queen ought in any manner to be regarded.

A few words should perhaps be said about the proceedings of Sir W. Fox as sole commissioner on the West Coast. On the 17th June, 1881, he furnished “a general report on the progress” of his work, when he had been engaged in it about six months. He had interviews with Titokowaru, and made reserves for Hone Pihama and others, and for “fishing stations and minor cultivations. . . .

. . . . I will conclude by expressing to your Excellency my entire satisfaction with the progress so far of the work of carrying into effect the principles and recommendations

<sup>53</sup> Under an administration of which Mr. Stout became the head, and in which Mr. Ballance was Native Minister, Ropata's pension was restored, with arrears. Mr. Ballance read a statement to that effect in the House. The statement showed also that the sum appropriated by the ministry for purchase of “land for Te Kooti” was £600

<sup>54</sup> “N.Z. Hansard,” 1884, Vol. 47, p. 121.

of the reports made by Sir Dillon Bell and myself last year, and my confident belief that what remains to be done will be accomplished by a continuance of patient labour for a not very protracted period." This report was transmitted to England on the 10th Aug., by the Governor, and its receipt was acknowledged by Lord Kimberley (8th Oct., 1881), "with much satisfaction."<sup>55</sup> Those who are curious in speculation may perhaps find something incongruous between this "satisfaction," and Lord Kimberley's contemporaneous statement as to the outrages at Parihaka, that he learned "with much satisfaction" that there was no "danger of hostilities."

It may appear to some minds almost needless to accumulate this and other proofs of the wantonness of the attack upon Te Whiti's village, but when many combine to distort facts and impose upon the public, it is incumbent upon those who desire to exhibit the truth, to establish it as much as possible, out of the mouths, or by the pens, of actors in the drama. It has been shown that in June the General Assembly was informed that the Governor's advisers did not apprehend that it would be "necessary again to have recourse to extraordinary measures," and Sir W. Fox's report corroborated the information. Yet three months afterwards, in the absence of the Governor, it was pretended that there was danger in Te Whiti's patience.

Before the Earl of Kimberley dealt with the reported proceedings at Parihaka and the groans of the Maoris, he had indicated his sense of the manner in which the honour of his country should be upheld with regard to the treaty of Waitangi. To a petition from Paora Tuhaere and others of the Ngatiwhatua tribe, the Earl replied that he was not "able to give any advice in respect of it, as the matter to which it relates is one which the government of the colony is empowered and required to deal with." Tuhaere was, however, informed that, in "granting to the Legislature of New Zealand its present powers of legislation, the Queen was not unmindful of her Maori subjects, in

<sup>55</sup> A final report was laid on the table in 1884, and the Governor, Sir W. Fox, stated that the colony had "good reason to be satisfied" with

whose welfare and happiness she has not ceased to feel the deepest interest." The affectation that the Crown had not reserved in the New Zealand Constitution of 1852 any power to guard the rights of the Maoris, though it was not founded on fact, was ominous of the manner in which Lord Kimberley would evade his duty if called upon to advise the Queen. The Constitution,<sup>56</sup> the handiwork of Lord Derby's ministry, had retained ample power for a Secretary of State who desired to maintain good faith. Before Lord Kimberley presented to Parliament the despatches (so long concealed) concerning the outrage at Parihaka, he revealed to the observant his sense of duty.

On the 18th of July, 1882, a deputation of Ngapuhi chiefs, Parore and others, submitted a petition to the Colonial Office. It glanced at the treaty of Waitangi, and at deeds which dishonoured it :

"The motive impelling the projectors of these deeds was a desire to confiscate the Maori lands, and to trample under the soles of their feet the treaty of Waitangi. While these proceedings were carried out, the weeping people wept, the lamenting people lamented, the tortured people were in agony, the saddened people were plunged in woe, while they held the treaty of Waitangi as a basis on which the voice of the Maoris could be made known to you, O Queen. . . . We did not believe the utterances of the Europeans (as to the wrongs we suffered) that they were brought upon us by your Queenly authority: but our decision was that such acts were not sanctioned by you, O Queen, whose benevolence towards the Maori people is well known. . . . (The disorderly deeds referred to were done) so that a path might be opened up for Europeans to seize Maori lands. In 1881 a new plan was devised by the government to enkindle strife. . . . Armies were sent to Parihaka to capture innocent men that they might be lodged in prison; to seize their property and money; to destroy their growing crops; to break down their houses; and commit other acts of injustice. We pored over the treaty of Waitangi to find the grounds on which these evil proceedings of the government of New Zealand rested, but we could find none. Some of the European (colonists) disapproved of these injurious doings. . . . We pray that you, O mother, the Queen, will not permit increased evils to come upon your Maori children . . . but will graciously sanction the appointment of a Royal English Commission to abrogate the evil laws affecting the Maori people . . . to put a bridle also in the mouth of Ministers for Native Affairs who may act as ministers have done at Parihaka, and to ensure that all may be brought back to obey your laws . . . store lands wrongly confiscated, and to draw forth from beneath

<sup>56</sup> Power to disallow bills was (as has been seen) expressly reserved to the Crown, and the 71st and 79th clauses provided for the maintenance of humane Maori customs by the Crown, "any law, statute, or usage in New Zealand . . . in any wise notwithstanding."

unauthorized Acts of the New Zealand Parliament the concealed treaty, that it may now assert its own dignity. . . . Should you authorize a Royal English Commission to investigate the wrongs of both races then will you be rightly informed, O mother, as to what is just and what is false. It is believed by us, O Queen, that you have no knowledge as to the wrongs that have pained us so much and created such lamentation among the tribes. . . . O mother, the Queen, there are no expressions of disaffection towards you by the Maori tribes, including those of the king; but they revere, only revere your Majesty, and the search after you, O Queen, has induced us to send this petition to England by the hands of persons appointed by our committee, who will see your very countenance and hear your words."

(After the manner of their people they summarized their grievances): 1. Those relating to the New Zealand Company's doings. 2. Unlawful execution of Rangihaeata's people. 3. Wars of Heke and Kawiti. 4. Quarrels between Te Hapuku and others, in 1848, brought about by purchases of land by the government. 5. The rape of the Waitara. 6. The invasion of Waikato in 1863. 7. Other quarrels, in 1879, arising out of land purchases by the government. 8. The capture of Te Whiti's innocent people in 1879-81. 9. The incarceration, in 1881-2, "of Te Whiti and his people, who were guiltless of any crime." Also the passing of laws in violation of the treaty. The petition concluded with a prayer: "May the Almighty bring down upon you, upon your family, and upon the whole of your people, the supreme blessings of Heaven, even to the end of your sojourn in this world, and in your inheritance in the home of sacred rest."

Had the Lord Stanley of 1843, or the Cardwell of 1864, presided in 1882 at Downing Street, or had Sir Robert Peel been Prime Minister, it is possible that the Maori missionaries might have been permitted to see the countenance of their Queen and to hear her words. Lord Kimberley and Mr. Gladstone reserved such grace for Cetewayo, the Zulu. Perhaps the sight of the Earl of Kimberley himself would not have been accorded to the Maoris but for the existence of one of those organizations which are the off-growth of Christian charity, are the glory of the human race. The ruling principle of the Aborigines' Association is the acknowledgment of the brotherhood of man, which even the savage shows and recognizes with acclaim when they see a stranger. *Il a me alienum puto.* With

the society in question the principle was the motive of their being and the rule of their conduct. They befriended the Ngapuhi chiefs who bore the message of love and the prayers of their people to the Queen.

Sir T. Fowell Buxton, Alderman Fowler, M.P.; with Messrs. A. McArthur, M.P.; J. Cropper, M.P.; F. W. Chesson (the secretary), and other members of the society, attended. After a preliminary objection on the ground that the petition had not been sent through the official channels, Lord Kimberley heard the deputation. In reply he said that the treaty of Waitangi "was very simple, and provided that the possession of land was to be respected."<sup>57</sup> It was not the duty of the Colonial Office to advise the Queen in reference to local matters like the present. . . . The Queen was advised by the ministers of the colony with regard to these matters, and not by himself." During a pause, one of the deputation said: "It is proper to remind your lordship that successive Secretaries of State have commanded successive Governors through a long series of years to inform the Maoris, and they have accordingly been informed, that the Queen would cause the treaty to be scrupulously and loyally respected."

The Earl appeared disconcerted, and mumbled that it was "a matter of construction," but no report was made of his words. The chiefs were dismissed with the disingenuous assurance that, as advised by Lord Kimberley, the Queen took a great interest in the welfare of the Maoris, and that it was a happy omen that of late "there had been no wars or bloodshed between the two races." When he spoke thus he had possessed for many months the despatches of Sir Arthur Gordon (26th Feb. to the 28th Dec., 1881), which contained an account of the proceedings which culminated in the outrage at Parihaka; and he had for

<sup>57</sup> These words are quoted from the report of the deputation which Lord Kimberley (Despatch 8th Aug., 1882, to the Governor of New Zealand), described as a "brief but fairly accurate account of an interview" with the chiefs. He must have forgotten the nature of the treaty or thought whatever he said unimportant when he narrowed its application to titles to land. There were only three articles in it, and the last said that, in consideration of the others, "Her Majesty the Queen of England extends to the Maoris her royal protection, and imparts to them all the rights and privileges of British subjects."

weeks possessed the charge of Judge Gillies (to the Grand Jury at Taranaki), which pointed out the illegality of the arrests of more than 2000 peaceful Maoris. The production of all these documents was postponed until November. Thus, as far as one man could wound it, was the treaty of Waitangi wounded by Lord Kimberley.

It is instructive to glance at the terms in which the word of the Queen had been solemnly pledged to maintain the treaty. Hobson wrote:—"I assured the chiefs in the most fervent manner that they might implicitly rely on the good faith of Her Majesty's government." His agent, Major Bunbury, was 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."

The gallant Fitzroy was ever on the side of loyalty. Sir George Grey, on his arrival, and repeatedly afterwards, declared publicly that he had "been instructed most honourably and scrupulously to fulfil the conditions of the treaty." Even Colonel Browne, though led astray at the Waitara, pledged himself to maintain inviolate the treaty rights of the Maoris. Sir George Bowen, so lately as in 1872, declared to the Ngatituwharetoa tribe, "This treaty remains inviolate," and Lord Kimberley, then Secretary of State, approved of his conduct. Of Governors Sir James Fergusson, the Marquis of Normanby, Sir Hercules Robinson, and Sir Arthur Gordon, no man would dream that they desired to dishonour the word of their Queen. But in their days the Maori people were waning, and though Secretaries of State had ceased to regard them, they did not cynically avow in terms that they had nothing to do with upholding the honour of their nation and their Queen. This it was reserved for Lord Kimberley to avow in 1882, while a member of a ministry of which Mr. Gladstone was the head; and Mr. Gladstone is therefore mainly responsible before the world for the decision announced by his colleague.

In days when the word of speech has been invaded in its very sanctity by the Government of England, it may be deemed proper to consider the fitting terms of the abandonment of the treaty by the government towards the

Maori race. Fortunately it is unnecessary to enlarge upon their conduct. Their own language suffices. Mr. Gladstone was, in 1882, the sole survivor of the Select Committee of the House of Commons on Aborigines, appointed in 1836 and reappointed in 1837, to devise measures for securing to native inhabitants, where British settlements were made, "the due observance of justice, and the protection of their rights; to promote the spread of civilization among them; and to lead them to the peaceful and voluntary reception of the Christian religion." The case of New Zealand was specially considered. With regard to the deeds of Stewart at Banks' Peninsula, the committee said:

"Thus then we have seen that an atrocious crime involving the murder of many individuals, has been perpetrated through the instrumentality of a British subject; . . . it is incumbent upon this nation to provide against the repetition of outrages so destructive to the natives, and so discreditable to the British name." . . . This appears to be the "moment to declare . . . that (the nation) will tolerate no scheme which implies violence or fraud in taking possession of such a territory; that it will no longer subject itself to the guilt of conniving at oppression, and that it will take upon itself the task of defending those who are too weak and too ignorant to defend themselves. . . . He who has made Great Britain what she is, will inquire at our hands how we have employed the influence He has lent to us, in our dealings with the untutored and defenceless savage; whether it has been engaged in seizing their lands, warring upon their people, and transplanting unknown disease and deeper degradation . . . or whether we have, as far as we have been able, informed their ignorance, and invited them, and afforded them the opportunity of becoming partakers of that civilization, that innocent commerce, that knowledge, and that faith with which it has pleased a gracious Providence to bless our own country."<sup>56</sup>

With these premisses Mr. Gladstone's studies in colonization began; and after brief space New Zealand became, in terms of a solemn treaty, an appendage to the British Crown. The Marquis of Normanby's instructions to Hobson conformed to the recommendations of the committee. Lord John Russell, who succeeded him, "entirely approved" of Hobson's fervent protestations that the natives might implicitly rely on the good faith of the Imperial government. Lord Stanley (besides rebuking the New Zealand Company in the words already chronicled) "in the name of the Queen utterly" denied that the treaty was or could

<sup>56</sup> House of Commons Report, 425, 26th June, 1837.

have been made to be slighted in a disingenuous or unworthy manner, and commanded Sir G. Grey "honourably and scrupulously to fulfil" its conditions. In 1846, Mr. Gladstone wrote to the Governor of New Zealand: "I conceive it to be an undoubted maxim that the Crown should stand in all matters between the colonists and the natives," and he "highly approved" the Governor's announcement that the treaty would be scrupulously respected by the Crown. In 1847, he condemned in Parliament the slighting of the Waitangi compact as that which "has been called the treaty. . . . As far as England is concerned there is not a more strictly and rigorously binding treaty in existence than that of Waitangi." Even Earl Grey was constrained to inform the Maori chiefs that "Her Majesty has always directed that the treaty should be most scrupulously and religiously observed." The Duke of Newcastle, though entangled in the sophistries woven by Governor Browne's advisers, never succumbed to the unworthy doctrine that the solemn engagements of the Queen should be violated. Mr. Cardwell nobly redeemed the Colonial Office from the temporary shame which had besmirched it. Earl Granville's morality was too feeble to spur him to a just indignation when an individual suffered wrong, but he never suggested that the Queen's faith pledged to a whole race should be dishonoured. This it was reserved for Lord Kimberley to do, under the favour of Mr. Gladstone.

Echoes from New Zealand had reached him. One representative looked to "extermination" as the road to peace; another flouted the idea of Maoris having any rights as British subjects. One said in 1879: "We have nothing to do with the treaty of Waitangi. We have to do with our business, and not with what was done thirty or forty years ago." Another, in 1882, expressed a hope that the treaty would "in future be relegated to the waste-paper basket, which is about the only place it ought to be seen in." Lord Kimberley, who had in 1881 promised "if possible to deprive the House of Commons of information, and to be faithful to that abject promise, was an apt pupil of the New Zealand plotters. In order to please them reverse the noble language



of Lord Stanley,<sup>59</sup> and he reversed it. His reply, to the appeal of the chiefs that the treaty might be regarded, was practically, if not in express words:—"In the name of the Queen I utterly assert that the treaty entered into, and ratified by Her Majesty's command, was made in a disingenuous spirit, and for an unworthy purpose. The Governor shall not honourably or scrupulously fulfil the conditions of the treaty of Waitangi. I am prepared, as Her Majesty's Secretary of State, to join in setting aside the treaty, after having obtained the advantage guaranteed by it. This is the respect due, in my opinion, to obligations contracted by the Crown of England, and as long as I have the honour of serving the Crown I am ready to 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."

If in the dreary record contained in the hundreds of pages which found their way into the hands of members of Parliament on the 2nd Nov., 1882, there had been one word of rebuke, or even of remonstrance on his part, Lord Kimberley might escape censure for complicity in the raid upon Parihaka; but no such palliation can be found. If none can be produced, it must be concluded that, deaf to all appeals for justice, neither writing nor uttering one word to show that he prized the honour of his country or his Queen, the Earl, fully acquainted with the facts, chose that path of disgrace which blots the history of New Zealand.

He invited observations from the colony upon Parore's petition, and Sir Wm. Jervois sent him a memorandum by Mr. Stout (March 1885) which cited a remarkable statement prepared by Whitaker (when he was the head of the ministry in 1882) which has been thus described:<sup>60</sup>

Mr. Whitaker prudently abstained from dwelling on the Treaty of Waitangi. To that ghost of past honour some men are prone to say—"Avaunt and quit my sight."

Mr. Whitaker thought it not beneath the dignity of his position as a lawyer to assure Lord Kimberley that the land legislation (as to Maori lands) in the colony was "not restrictive but enabling;"—"that the

<sup>59</sup> Lord Stanley's decisions are to be found in Vol. I., pp. 291, 292, 376.

<sup>60</sup> Aureretanga. W. Ridgway. London, 1888. Mr. Whitaker's statement is in a Blue Book. 1883. C. 3689, p. 39.

general legislation of the colony as to the Maoris has been more than just; it has been exceptionally favourable to them," and that "there is no instance in which they have been placed in a less favourable position than the European population." "It may, indeed, with confidence be asserted generally that there is not, and has not been, anything on the Statute Book of the colony, or in the conduct of the Legislature as regards the Maoris, to which reasonable exception can be taken." Words which should indeed be "graven in brass."

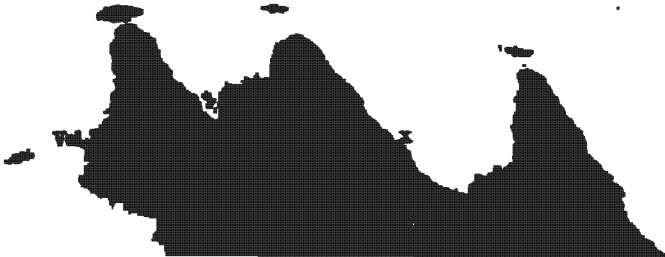
When Mr. Whitaker wrote the words thus commented upon, Te Whiti was held a prisoner and denied a trial, although a judge of the Supreme Court in New Zealand had pronounced that his seizure and detention were illegal. Cultivated fields were ravaged, garnered food was destroyed, a populous village was laid waste, and the tribal house, called by some a place of worship, had been consumed by fire.

Such as they were the statements of the New Zealand ministry of 1885 (founded on the mis-statements of the ministry in 1882) were laid before a new Secretary of State, the Earl of Derby, son of him who rebuked the marauding New Zealand Company in 1848.

The son succeeded to an office in which his predecessor had withheld information from Parliament.

Lord Derby requested that the Maoris might be informed that the Queen was pleased to receive their petition very graciously, "but that he had been unable to advise Her Majesty to give any directions for a compliance" with their prayer.

Complicity of one Secretary of State with wrong-doing may make his successor "unable" to do right, but Lord Derby did not interpret his words.



## CHAPTER XXI.

1883 to 1894.

THE Earl of Derby received an important deputation from Maoria in 1884. Tawhiao, Major Te Wheoro, Patara te Tuhi (Tawhiao's cousin), Major Topia Turoa (who assisted in crushing Te Kooti), and Hori Ropiha (who was able to say that his tribe (Ngatikahungunu) was ever loyal to the Queen, but that they too were suffering from injustice), went to lay their griefs before the Queen. Tawhiao (whom Sir Duncan Cameron had in 1863 reduced to insignificance by crushing the Waikato tribes with 10,000 British troops), and Major Te Wheoro (who was frequently thanked by Sir Duncan for his aid in the campaign) now came as suppliants for justice at the hand of the Queen. It was a spectacle pathetic enough to move even their enemies.

Their memorial was comprehensive. They appealed to the Queen's "tender regard" for the Maori race, they cited the terms of the Treaty of Waitangi, the provisions of which had "been trampled upon without exception;" they recalled the rape of the Waitara, in defiance of the prohibition of Te Rangitake (the Ariki), "the paramount chief of the tribe;" the sweeping confiscations at Waikato without compensation; the disregard of Sir Donald McLean's arrangements for purchase of lands at the West Coast; the tyrannical working of the Acts about native lands, which compelled Te Wheoro to resign his position as assessor when he found that a share in decision was denied to him; they prayed that the tribes might administer their own lands under

a Maori Commissioner appointed by the Queen; that the lands "wrongly obtained" from them might be returned, and that "some person in England" might be commissioned to "investigate the wrongs" done, so that the Treaty of Waitangi might "not be trampled upon."

Mr. (now Sir) John Gorst introduced the petitioners to Lord Derby at the Colonial Office on the 22nd July. He reminded the Earl of his father's noble protest against "setting aside the Treaty of Waitangi after having obtained the advantage guaranteed by it;" of Mr. Gladstone's declaration in Parliament (while Peel was alive) that "as far as England is concerned there is no more strictly and rigorously binding treaty in existence than that of Waitangi;" and he called attention to those sections of the Constitution Act of New Zealand which enabled the Crown to "set apart" particular districts within which the Maoris might govern themselves in manner "not repugnant to the general principles of humanity."

Tawhiao briefly stated the object of the petition, adding:—

"I am called a king, not for the purpose of separation, but in order that the natives might be united under one race, ever acknowledging the supremacy of the Queen, and claiming her protection."

Te Wheoro, chieftain and soldier, said:—

"Lord Derby, the representative of the Queen for the colonies, salutations. I am the representative of those tribes who have ever lived loyally to the government, and during the wars we aided the government, thinking that thereby we should be protected and saved, but after the war we found that we had suffered more than those who took up arms in opposition to the government, for we lost both land and property. I was at first made a magistrate in 1857, without a salary; in 1860 I received a salary; in 1863 I was made a captain in the New Zealand militia; in 1866 I was appointed assessor of the Native Land Court, but when I saw the corruption of that court I left it in 1872. In 1873 I was made a major; in 1875 I was made a Maori Commissioner, and then I saw more clearly the unfair dealing of the government towards the natives, and I gave up the post in 1879; and in the same year I was made a member of Parliament, thinking that there, perhaps, the rights of the Maoris would be respected, but when I saw the Maori members were ignored, and that the whole Maori race was under oppression, I came to England with Tawhiao to lay our wrongs before Her Gracious Majesty, for we are tired of laying our complaints before the New Zealand government, who refuse to consider our case, and who continue to trample upon us, and we look to you, O God, to preserve you!"

Major Topia Tuiheta, the Queen's representative for the colonies, salutations to the tribes stretching from Taupo down to Wanganui. We are neutral, but at times aided the government in committing his

murderous raids I completely checked him with my tribe, and yet, together with other tribes, we are suffering wrongs from the New Zealand government, and I support the petition now presented. May God bless the Queen and her government."

Hori Ropiha said:—"Lord Derby, the Queen's representative for the colonies, salutations. I represent the great Ngatikahungunu tribe, stretching from Wellington to Hawke's Bay. My tribe has ever been loyal and obedient, and yet we find that, together with the other tribes, we are suffering from the wrongs done to us by the New Zealand government, and on behalf of my tribe I support the petition now presented. May God bless and preserve the Queen and her government."

The chiefs spoke in the Maori language, and the Rev. F. H. Spencer, of New Zealand, interpreted during pauses made to enable him to do so.

Lord Derby, in reply, said:—"This deputation is, I think I may say, alike in regard to its composition and to the matter discussed, the most interesting and important which I have had the pleasure to receive in this office. I have listened carefully, with great interest, and with all the attention that I could give, to the arguments which have been used by the native chiefs who have addressed us, and by you who have come to advocate their cause. I entirely agree with what was said by the gentleman who introduced this deputation as to its being the desire of her Majesty's government to treat with equal justice natives and Europeans, and not to allow native rights to be overridden where it is in our power to help it. I do not forget what has been said as to the treaty of Waitangi. I need hardly say that I concur in the sentiments expressed by my father forty years ago, that a treaty is a serious and a binding thing, whether contracted with natives or with Europeans, and that the fact of its being contracted with natives does not in any degree lessen its validity or its importance, and, therefore, when you ask that treaty obligations shall be respected, and that justice shall be done to the original inhabitants of New Zealand, you express feelings and ideas with which Her Majesty's government entirely agree. You will not, I think, expect me to discuss in detail the very important, but at the same time the very difficult and complicated questions upon which this deputation has touched. Where native and European races are mixed together there is not only frequently, unfortunately, but inevitably, a conflict of interests, and often a conflict of ideas, each party wishing the administration to be carried on upon its own ideas, and believing justice to be on their side. All over the world questions connected with the ownership and occupation of land have been the most fertile cause of disputes and quarrels, and with the best will and the fullest desire to do justice on both sides, it is inevitable that many complications and many disputes must arise where on the one part it is claimed that land can only be held by the tribe, and cannot be parted with except with the consent of the tribe; and where, on the other hand, the European theory of individual holding of land is accepted. There is another difficulty in connection with this question, and I will not conceal from you that it is a very great one. New Zealand is very far off. It is the experience of all the world that countries cannot be effectually administered by persons at a distance, and that the wish of the inhabitants must be consulted. In accordance with that view, the Crown and the government of this country many years ago handed over to the inhabitants of New Zealand an almost entire power of managing their own affairs. Consequently it is for us, as I am sure the members of this deputation are fully aware, a very difficult and a very complicated matter to interfere in questions which we have practically, whether legally or not, handed over for many years past

to be dealt with by local authority. It has been said, and I have no doubt quite accurately, by one speaker here, that the object of this deputation was to obtain home rule for the natives in certain districts of New Zealand where they still retain their lands; and Mr. Gorst has told us that there is legal power in the Crown to reserve certain districts for natives and to separate them from the ordinary administration of the colony by an Order in Council, without reference to the local legislature. I take notice of that contention, because I did not like to pass it over; but I am not at all prepared without further consideration to admit its legality, and, as all of us know, there are many things in a country and a government like ours which, though they may be strictly legal, are yet so contrary to constitutional practice, and to that which has been for so many years understood to be the law, that it would be very difficult to act upon them, whatever the state of the law may be. I am quite sure it will be more in the interests of the Maoris, as well as of the Europeans, that they should not remain forming separate communities within one island; but that, as far as may be, not necessarily in haste—not at once, but in the end—that they should live under one law and be subject to the same rules. With regard to the various statements of fact, and to the various demands made in this memorial which I have received, and which I have read, I need not remind our Maori friends that it is not consistent with justice, and it is not reasonable, to express an opinion upon a case of which one has only heard one side. I do not doubt that they have intended to say nothing except what was true and accurate in this statement; but, at the same time, where there are differences between two parties it is absolutely necessary that both parties should be heard, and therefore it will be necessary for me, before I can express any opinion on this paper, to refer it to the government of New Zealand, and to hear what answer they have to give in regard to those matters as to which it is said that they have done injustice or suffered it to be done. But while I say that, I beg them distinctly to understand that I do not say it merely as a means of delay—that I do not say it to gain time, and I do not say it to save myself or the government the trouble of going into these questions now; but we shall seriously consider and give our best attention to the complaints made, and when we hear what is said on the other side, and what answer is given to those complaints, we will, as far as our power goes, endeavour to do justice. I am obliged to speak with limitation, as all the English gentlemen here will easily understand, because many of the complaints that are contained in this memorial relate to matters which in practice the Queen and government of England hand over to be dealt with by the local legislature of New Zealand. We cannot take back rights which we have given, even if it could be shown in any particular case that those rights had not been used in the best manner. I have no doubt that the legislature of New Zealand and our fellow-Englishmen there—the colonial community there—will be quite willing, even in a matter which is entirely within their own jurisdiction, to listen to any fair representation which we may make, and to remedy any injustice which they may have involuntarily committed. I think, gentlemen, you will very well understand that it is not in my power to go more into detail in regard to these questions; and it only remains for me to thank you for coming here, because the hands of a minister are always strengthened when he has the support of a section of the community interested in what passes. As to the proposals made to our Maori friends I would say that nothing should be done which would deprive the government of making their own laws, and I would say that it is for the Maori to choose to remain here.

Mr. Gorst thanked the Earl for his courtesy, and said the Maori chiefs would feel confident that they were leaving their case in the hands of a government which would carefully consider it.

A singular scene occurred as the deputation left the Colonial Office. They were in various groups in the quadrangle when Mr. Gladstone passed, and conversed with one of them. An eye-witness published the following narrative:—

“As I watched Mr. Gladstone’s countenance his words (on the ‘rigorously binding treaty of Waitangi’) flashed through my mind, and I was curious to observe how that lip-service of former years would be wrought into action in 1884. I saw a furtive glance; I saw an expression more of aversion than pity; of indignation at being shown to walk crookedly rather than of a desire to walk straightforwardly—and finally, I saw the leader of the House of Commons stride away as if he had been injured by having an opportunity of using his great gift of words in alleviating the sorrows for which he had made himself in some degree responsible, when he ‘indulged a hope’ that the Governor of New Zealand would be able to set aside the decision of Governor Fitzroy at Taranaki, and take those steps which led so disastrously to the unjust war of 1860.”<sup>1</sup>

Mr. Gladstone knew the object of the deputation, and who the Maoris were. It was notorious that his ministry had recently facilitated the presentation of the Zulu Cetewayo to the Queen. Yet he had only a scowl upon his brow as he gazed upon those Maori chiefs whose descent was traceable to the days of the Plantagenets.

To account for his repellent attitude is difficult, perhaps impossible, not only for others, but for himself. A sense of shame may have “elbowed him.” A reference to documents and to his own speeches suggests the suspicion that the concealment practised by Lord Kimberley was connived at by Gladstone.<sup>2</sup>

Lord Derby formally desired the Governor of New Zealand to send to England any observations which his advisers might desire to make about Mr. Gorst’s contention—

<sup>1</sup> Aureretanga, pp. 167-168, London, W. Ridgway, 1888.

<sup>2</sup> When, in July, 1885, Mr. Gorst, in Parliament, asked the ministry to mediate with the New Zealand government with “a view of securing to the remnant of the Maoris the justice and the rights to which they were entitled under the treaty of Waitangi,” and Lord Randolph Churchill adverted to “the keeping back of information from the House of Commons” Mr. Gladstone retorted that the government “had really provided information sometimes earlier than was altogether justified.”

that under the 71st clause of the Constitution Act, 15 and 16 Vict., cap. 72, the Crown had power to "set apart particular districts" within which the Maoris might govern themselves, &c., as contemplated in that Act—and about Tawhiao's memorial.

At that time the ministry had undergone much change since the raid upon Parihaka under Hall. Whitaker succeeded Hall in April, 1882, retaining his other colleagues. In Sept., 1883, Whitaker retired, and Atkinson formed a ministry. After a general election, and much oscillation in the House, a ministry was formed, in which Stout was chief and Attorney-General; while Vogel was Treasurer, and Messrs. E. Richardson, J. Ballance, J. A. Tole, P. A. Buckley, W. H. Reynolds, and W. J. M. Larnach held other offices.

The Earl of Derby's despatch was considered by them, and on the 12th March, 1885, they presented to the Governor their reflections upon it.

They were of opinion that they "would least embarrass Her Majesty's government" by saying nothing about events preceding 1865.

The rape of the Waitara block and the invasion of the Waikato territory were thus put out of sight.

They averred that since 1865 there "had been no infraction of the Treaty of Waitangi;" though the arrest of Te Whiti and of hundreds of women and children in 1881 might have excited some qualms of conscience in the mind of Sir Robert Stout, who had in 1881 published his opinion that the colony seemed bent upon murdering the Maoris.<sup>8</sup>

As to the 71st section of the Constitution Act, the ministers thought that the Imperial Parliament could only have "contemplated" a temporary resort to it. Two lawyers, Stout and Buckley, were responsible, with their colleagues, for this dispensation with the law. After this it seemed natural for them to allege that some of the Maori requests were such that "ministers do not deem it necessary to point out their unreasonableness and absurdity" and referred Lord Derby to Sir F. Whitaker's memo of 12th Dec., 1882, which asserted that "there has not been anything on the Statute

<sup>8</sup> *Vide supra*, p. 288.



or in the conduct of the colonial Legislature to which reasonable exception can be taken." Finally they were of opinion that all the Maori allegations had been "dealt with before."<sup>4</sup>

The sanction by the Duke of Newcastle of the rape of the Waitara, in spite of Bishop Selwyn's and Sir W. Martin's remonstrance, now bore baleful fruit. The complicity of the Earl of Kimberley with the raid upon Parihaka was a stumbling block to his successor. The noble words of the Lord Derby of 1843, of Sir Robert Peel in 1845, and of Mr. Cardwell in later years, could not annihilate the ill-deeds of unworthy successors.

But yet the Lord Derby of 1885, if he could not arrest wrong-doing, showed sympathy, and strove to procure consideration for the fallen.

The Governor was requested (23rd June, 1885) to acquaint Tawhiao and his friends with what had been done. In a discussion in the House of Commons there had been—

"Many expressions of sympathy for the Maori race, and of belief that their interests and their customs would be guarded and respected by the government of New Zealand. The feeling at the same time appeared to be general that while the government of the Queen in this country has no longer its former power and responsibility in regard to the internal affairs of New Zealand, it should use its offices with the colonial government with the view of obtaining for the natives all the consideration which can be given to them." All must understand that under the constitution, affairs were controlled by ministers responsible to the general assembly in New Zealand, and that "it is no longer possible to advise the Queen to interfere actively in the administration of native affairs any more than with other questions of internal government." . . . . . Although, therefore, the New Zealand government cannot undertake to give you specific instructions as to the applicability at the present time of any particular stipulations of a Treaty which it no longer rests with them to carry into effect, they are confident, as I request you will intimate to your ministers, that the government of New Zealand will not fail to protect and to promote the welfare of the natives by just administration of the law, and by a generous consideration of all their reasonable representations. I cannot doubt that means will be found of maintaining to a sufficient extent the rights and institutions of the Maoris without injury to those other great interests which have grown up in the land, and of securing to them a fair share of that prosperity which has of necessity affected in many ways the conditions of their existence."

Thus did Lord Derby, whose predecessor, Lord Kimberley, told Parore in 1882 that "it had been decided that the affairs of New Zealand should be managed at the

<sup>4</sup> Blue Book, 1885, C. 4413, p. 11.

colony rather than in Downing-street,"<sup>5</sup> strive to temper injustice to the Maoris.

Mr. Gladstone, however, could not be deemed a slave to Lord Kimberley's theory. In 1887 he denounced it as "revolutionary." "Parliament (he said, *Times*, 4th July, 1887) has never abandoned its right to interfere, if it saw cause, upon Imperial grounds in the proceedings of any of the colonies of this country. . . . Never, at any time, under any circumstances, by any terms, or by any implication, have we abated in the smallest degree the Imperial powers and prerogatives of the Imperial Parliament."

From which it follows that, not having renounced the power to do right, Mr. Gladstone openly sanctioned the doing of wrong. Therefore, perhaps, he eyed Tawhiao and his companions with malevolence. Though not permitted to see the Queen, they were entertained by the Lord Mayor at the Mansion House, and by other persons at private houses. Leaving Te Wheoro in England to promote their interests, they returned to their native land in 1884. Te Wheoro's health gave way as the brumous winter approached; and he also, kindly treated by Mr. Chesson, Sir John Gorst, and Sir Dillon Bell, and receiving condolence from the Colonial Office, left England in December, pouring out his gratitude in a letter to Mr. Chesson.<sup>6</sup> "How greatly you have helped us in the difficulties of the poor Maori people in New Zealand!"

It was well that such a deputation as Tawhiao's should have seen the great population of which a swarm had settled upon Maoria; should have themselves found kindness among Englishmen, and learned, perhaps, something of the difficulties which, in a vast and complicated society, surround attempts to obtain justice for those who are far off and are too weak to inspire fear.

They were remitted to the untender mercies of those against whom they had complained; but there were amongst the colonists, as they well knew, many who had

<sup>5</sup> Blue Book, C 3382, p. 291.

<sup>6</sup> "The Aborigines' Friend," *London Standard*, 23rd June, 1885, commenting on the Earl's promise to the deputation, that after examination of the case, if power goes, endeavour to do justice."

striven to deal justly by them. Sir Wm. Fitzherbert had once rebuked their slanderers in New Zealand by asking, "what greater panegyric could be pronounced on the native race than was contained in the statement of fact that for the past twelve months (1861) we had been living among them with the knowledge in their possession that we were in their power and that they forbore to use that power? It was a fact unparalleled in history." Sir W. Fitzherbert, and many others, still respected them. In May 1887 he said, at the Royal Colonial Institute, in London—"I have the honour to preside over what is called the Legislative Council—an Upper House—and in that Council there are three members of the native race, and I can assure you that those gentlemen behave just as well as any of their English colleagues."

Be it brief or be it prolonged, be it shameful or honourable to the intruders, the future of the Maori race depends upon the presence or absence of noble qualities among the colonists.

If they cherish the "kindness ever nobler than revenge," they will feel that, while it is tyrannous to abuse power which was questionably acquired by their fore-runners, it is base to requite the generosity commended by Sir W. Fitzherbert by such scenes as the raid upon Parihaka, or the subtler schemes by which the heritage of the Maoris has vanished in the law courts.<sup>7</sup>

The story of New Zealand in connection with its aboriginal lords and the Treaty of Waitangi may be said to end with the desertion of that Treaty by Lord Kimberley and Mr. Gladstone. They severed the knot which bound their country to keep faith, and no repentant countryman could restore it.

<sup>7</sup> Mr. Fenton, the Chief Judge of the Native Land Court, told a Committee of the House in 1886 (I No. 8, p. 63.)—"To my mind here is one of the most ruinous results of our Native Lands Acts. These old men, who enlarged the tribe, and preserved the existence of it, are treated, when they get into those titles of the Native Land Court, as a returned slave from Ngapuhi is treated. Being to a certain extent a philo-Maori, if I had seen in 1865 what the result of our Acts would have been, I do not think I should have assisted in their introduction. I should have said 'Let civilization go to the wall.'" (Mr. Bryce remarked: "I agree that the effect of these Acts has been very levelling," and Mr. Fenton added): "Yes, very much. It has destroyed the race."

background, and that he had much to do with promoting the case.

Sir R. Stout's memorandum declared that in Sept., 1875, a Native Land Court was held at Napier, under circumstances which made it impossible for some of the natives (interested) to be present; that evidence given in court showed that there were such interested natives; that in Dec., 1875, some of them petitioned for a hearing; that, owing to the absence of maps, or other causes, no order was made at the particular time at which it was afterwards pretended that an order had been made; that contradictory entries were made in the minutes which purported to record the proceedings of the court; that again in Jan., 1878, Maoris applied for a hearing as to their title; that on the 26th March, 1879, a rehearing was sanctioned by Sheehan, the Native Minister, but that on 2nd April, 1879, he arrested it; that Sheehan being out of office in 1880, and Bryce being Native Minister, the rehearing applied for in January, 1878, was directed (on Mr. Bryce's recommendation) by the Governor on 4th of February, 1880; that it was fixed for 30th June, 1880; that on the 10th June it was postponed by a notice giving no reasons, and fixing no other date; that various communications passed subsequently between officials of the Land Court office and the solicitor employed by the lessee, who opposed the rehearing; that some of those who had in January, 1880, applied for a rehearing were persuaded to sign a paper of withdrawal (of their application), which was sent to the Court in October, 1880, by the solicitor who opposed the rehearing, and thus seemed to act for both sides; that some Maoris whose names appeared in the withdrawal wrote in November, 1880, that they had been "cajoled" to sign their names to it; that another wrote that his name had been appended "secretly without his concurrence;" that, though the Governor's Order-in-Council directed the rehearing within three years from 31st October, 1877, it was not so held, but that on the 1st November, 1880, the counsel for the lessee who opposed the rehearing informed the court that he "held a retainer for the lessee," who had "applied for the rehearing," and that he had "applied for the withdrawal of their application;"

and that on the 3rd November, 1880, the judge dismissed the case.

Then came appeals to the Native Minister which (p. 17 of Stout's Mem.) appear not to have been replied to.

But the case was not clear. The judge, who had on 31st Oct., 1877, signed the order of the Native Land Court about Owhaoko, had referred to an order in the case made at a sitting of the court on the 2nd Dec., 1876, and no such order had been made. On the contrary, there was an entry about that time (p. 417 of the Minutes and p. 5 of Stout's Mem.), "Owhaoko: *No order*. Map to be altered and put into court."

But, though ownership of natives may be brushed aside, as in the case of Heremaia Mautai at Christchurch in 1868, or in that of the Dunedin Maori Reserve, the titles of colonists must be more carefully considered, and a case was stated for the Supreme Court in order to ascertain under that august sanction whether the judge of the Native Land Court could make an order in the case.

If anyone imagined that the Maori petitioners for a re-hearing would profit by the scrutiny of the Supreme Court, he was to be disappointed.

The judgment of the Supreme Court was a dry decision that "where an order had been made for the re-hearing, and the applicants subsequently abandon their application, the Native Land Court has power to affirm the original decision." (Stout's Mem., p. 19.)

This seems, as an abstract statement, irrefragable; but, as far as can be gathered from it, the particulars of the Owhaoko case were not even put before the court. The singular circumstance that to the "document cancelling the application for a re-hearing" names were affixed without the knowledge of the supposed signers, and that the document was transmitted to the Native Land Court judge by the lawyer employed on the other side, cannot be deemed to have been sanctioned by the terms of the judgment.

Rawiri Kahia's letter of 10th Nov., 1880, affirming that his name "had been appended without his knowledge," may not have been seen by the court.

According to Sir Robert Stout's summary of the case, no order had been made at all by the Native Land Court, and the applicants had not abandoned their application for a re-hearing.

Sir Robert Stout concluded thus:—

"1. In my opinion, no valid orders regarding the Owhaoko blocks have ever been made by the Native Land Court."

"2. That, as regards the Kaimanawa-Oruamatua block, the order was improperly made; for the court was informed that other persons had interests in the land."

"3. That the Native Land Court—first, in adjourning the court *sine die*; second, in not meeting until after the three years mentioned in the Order-in-Council had expired—namely, on the 1st November, 1880; and third, in dealing with the question of withdrawal of the rehearing in the absence of the natives concerned, acted both improperly and illegally."

"In order to do justice to the Natives concerned, the government ought to introduce a special bill ordering a rehearing of the whole of the blocks."

"I do not care to comment upon the conduct of the various persons whose action I have had to allude to in this memorandum."

"The facts are sufficient without comment. Let me only add that if this case is a sample of what has been done under our Native Land Court administration, I am not surprised that many natives decline to bring their land before the courts. A more gross travesty of justice it has never been my fortune to consider."

18th May, 1886.

ROBERT STOUT.

The bill was carried with modifications. The confessions of wrongdoing in the preamble were excised. Nevertheless, under Sir R. Stout's leading, a great step towards the idea of justice had been made since the days when, in 1868, Mr. John Hall framed his order of reference about the Ngaitahu deed at Christchurch; and from 1855 to 1877 those remarkable proceedings occurred with regard to the Maori reserve at Prince's-street, Dunedin, which have been chronicled in these pages.

If the first edition of this work has conduced to make public men more studious than of old to extend justice to the Maoris, the author has cause to be grateful.

There have been within the last ten years indications that a sense of justice has been aroused in the minds of some who, in preceding years, did not care to oppose the harsh treatment of Maoris.

Sir F. Whitaker (in 1889) confessed in Parliament that hardship had been inflicted by the law which enabled ten Maoris, whose names were included as grantees, to deal

(under pressure as at Heretaunga)<sup>10</sup> with the interests of the true owners. In 1889 also, Mr. Stevens, representing the Atkinson government in the Upper House, obtained a select committee of that body, empowered to sit with a committee of the other Chamber, "to consider and report upon the Middle Island native claims question," concerning which an inquiry had been impeded by Mr. Bryce in a former year. Continued from year to year, the inquiry proved that there were large grievances—so large that miso-Maoris refused to consider them. But Atkinson—so active in promoting the raid upon Parihaka in 1881—had either relented or had learned that exposure of misdeeds destroys one of the objects aimed at by misdoers. The "final report" of the joint committee was that "though no actual claims of the Ngaitahu could be substantiated as a matter of law, as a matter of honour and good faith the colony was bound to see, to a certain extent, to the well-being of the Maori inhabitants of that part of the colony."<sup>11</sup> The Treaty of Waitangi seems not to have been deemed capable of creating an "actual claim."

However, those who denounced the lawless excesses at Parihaka in 1881 may hope that their denunciations, in the New Zealand Parliament and elsewhere, conduced to bring about a better frame of mind among public men in 1889 than was dominant under Hall in 1881, when no law and no considerations of honour were extended to Te Whiti.

The Native Minister visited Otago; and Tairaroa at once, but vainly, brought before him the Maori claim to one-tenth of the lands purchased, as guaranteed by the original terms of purchase of the Middle Island, and formally sanctioned by the Governor.<sup>12</sup>

The government in July, 1893, explained in the Legislative Council by the mouth of their Attorney-General

<sup>10</sup> A member told the House in 1889 that a bill of costs was sent in at Gisborne "for £6000; it was imperfectly taxed, but still it was brought down to £1500," and it was believed that "£300 would have been quite sufficient to cover all proper charges. . . . Two hundred natives were dependent upon the property for existence." ("N.Z. Hansard," vol. 66, p. 379.)

<sup>11</sup> Speech of Mr. Stevens, 4th July, 1893. ("N.Z. Hansard," vol. 79, p. 179.)

<sup>12</sup> See Vol. I, pp. 249, 264 and *n.*, 307, 338, 364 *n.*, and pp. 87 and 88 in this volume.

(Buckley) that they proposed to set apart about 90,000 acres for the Middle Island Maoris, and Tairaroa subsequently remarked that the natives were "willing to accept those lands, but it was understood that they were simply a compassionate gift made by the government. They did not consent to accept these lands as in settlement of any claims." . . .

Mr. Stevens thereupon, in friendly tones, appealed to his "honourable friend, Tairaroa, to use his influence with the people so that they might accept the settlement rather than remain in a condition of discontent. He would venture to give his opinion that there was not the smallest chance of the natives receiving tenths of the land purchased."

The chief might consider such a remonstrance a poor compensation for claims which a member of the House had once estimated at two millions sterling; but sympathy is not akin to insult, and a few years previously he had been assailed by a member of a ministry for urging the claims of his people.<sup>18</sup> More necessary is it indeed to recognize Mr. Stevens' humanity, because between the insult and the sympathy had occurred the abandonment by Kimberley and Gladstone of their duty to fulfil honourably that Treaty of Waitanga which Gladstone had solemnly declared to be "strictly and rigorously binding." The historian may well rejoice at the new humanity.

Information which statistics can best supply is most conveniently given in tabular form, and the official "Year-books" now generally promulgated enable authors to present a bird's-eye view of most subjects in which progress is supposed to be indicated by figures. But there are influences which sway men's minds, and which no tables of figures can represent. Amongst them is religious training, which a majority in New Zealand in haste determined to ostracize from the public schools. Not even at the cost of their parents, and apart from other children,

<sup>18</sup> It was perhaps a sign of moral conversion in other men's minds reflected in the fact that Bell, the head of the ministry which made the raid upon the Tairaroa in 1852 ("N.Z. Hansard," vol. 78, p. 577)—"The members of the House are the guardians of the native race. . . . When they had the sacred duty of that House to see that the rights of the natives were protected." Such morality in 1880



could children in New Zealand learn the doctrines of their parents' faith while under the shelter of the State.

The secular fervour which deprived parents of their right to demand that their children should have liberty to receive religious instruction at the public schools (in such manner as might in no way militate against the right of other parents to keep their children aloof) has not lost its power in New Zealand. The Education Act of 1877 has received adoration. The Bible is in exile. Vainly did thoughtful people plead that at least there should be in the schools no discouragement of "Reverence, the angel of the world." The Hon. W. D. Stewart made an effort in 1892. He pointed out that in the United States of America the permission of Bible-reading was within the functions of the local boards. He asked no more freedom for parents in New Zealand than was enjoyed by parents in England under Mr. W. E. Forster's Education Act of 1870. He demanded no active aid from the State. He pleaded only for freedom for parents. He urged that already in New Zealand the absence of religious instruction was tending to degradation of social relations. He received support in the Council, but there was a majority of one against him in spite of his protest that there was "a powerful demand from the people of this country for the reading of the Bible in schools." Whatever the people yearned for, however, they could obtain nothing but what the product of universal suffrage and wide ignorance would give. Opinions on education were not those upon which a general election depended.

Sir John Hall<sup>14</sup> declared to the House (16th July, 1891), "if you were to poll the colony from one end to the other you would have four-fifths of the parents in favour of introducing the Bible into the schools, and in favour of instruction in the general principles of religion and morality." He was told that—"We have nothing specially to do with the parents," and it remains for the future to show whether the want of a "good conscience toward God" can be caused by a State without entailing woe upon succeeding generations.

<sup>14</sup> See his protest against the Education Bill of 1877, p. 137, in volume.

It is creditable to the moral sense of responsibility of many parents that, in spite of the gigantic bribe of free education, no less than 11,238 pupils were reported as being educated at private schools in 1880. Some, at least, have been sturdy enough to refuse to be receivers of alms.

It is notable, but not to be wondered at, that the Minister of Education stated in 1882 (after the raid upon Parihaka) that the attendance of Maori and half-caste children "might be made much larger but for the unwillingness of many parents of both races—European and Maori—to allow their children to be taught in schools equally open to them all. In some Maori settlements that are too small, and too near to public schools to be regarded as entitled to have native schools established in them, the children are growing up in ignorance, being either withheld or excluded on account of antipathy based on difference of race."

In 1891, the Maori<sup>15</sup> children attending schools of all kinds were:—

	Boys.	Girls.	Total.
At public European schools ... ..	355	222	577
At native village schools ... ..	1,030	789	1,828
At subsidized or endowed boarding schools	119	75	194
At private European or native schools ...	101	96	197
	1,605	1,191	2,796

The total cost of maintenance and inspection was set down as less than £14,000.

The income from reserves in the same year was £34,741, the total grants for education being about £480,000, and the children educated being about 120,000.

The pecuniary cost will weigh upon many purses; but, however great it may be, it will be trivial compared to the heart-sinkings of the patriotic if they are doomed to see the decline of spiritual longings throughout the community.

While Tawhiao and his friends were in England in 1884 the results of a general election in New Zealand had shaken the confidence of the government which under Hall had been elected, and under Whitaker and (subsequently)

<sup>15</sup> The population (1891) has been repeated in the appendixes.

under Atkinson was so identified with Hall's measures that it earned the title of "continuous." It is often the fate of trimmers in trying to serve themselves so to modify electoral machinery that they are "hoist by their own petard."

Thus it happened with Hall's Representation Bill pertinaciously carried in the manner already described. He obtained a majority under it in 1882, as already shown, but it waned. In 1884 Atkinson pleaded (in reply to taunts to the effect that Sir G. Grey had compelled the ministry to pass radical measures) that the "work has been done, and done by this government, and it does not matter from whom the idea sprang."

His pleadings were vain. He found himself in a minority, and the House was dissolved in June, 1884.

Sir Julius Vogel, having returned to the colony, was still regarded by some as a financier, and was elected for Christchurch North. It was believed that distrust of the financial arrangements of Atkinson would speedily be pronounced. The new Parliament met on the 7th Aug., 1884, and on the following day Atkinson informed the House that the ministry had resigned.

The Governor, Sir W. Jervois, entrusted Vogel with the task of forming a ministry. He formed one, of which Stout, Attorney-General, was the head; Vogel, the Treasurer; Mr. Ballance, Native Minister; and in which Messrs. Macandrew and Montgomery held important posts. The Middle Island was strongly represented in the ministry, but Sir John Hall had disappeared from the House.

The Governor's Speech (19th Aug.) invited "resolute attention" to "public works"—extension of railways—"settlement of families" on lands adjacent to railways—the putting to "productive uses" lands still held by the Maoris—and the necessity of "establishing an equilibrium between expenditure and receipts." His advisers proposed to repeal the existing property tax, and preferred "an equal and moderate land tax." On the debate on the Address on the 20th Aug., Mr. J. W. Thomson moved that the ministry "do not possess the confidence of this House," and the censure was carried by 52 votes against 33. Mr. Waterhouse, in the Council, carried a motion, though not in hostile spirit, that it was essential to the working of the

constitution that the government of the day should "be represented in the Council by a minister holding a portfolio;" and Colonel Whitmore, who, without a portfolio, represented the Stout government, did not oppose the motion.

Mr. Stout announced the resignation of the ministry, and on the 21st Aug. Mr. J. W. Thomson was requested to form one. He failed to do so; and, on the 22nd, Sir G. Grey (who had voted with the majority) was sent for, but found it impossible "to bring about such an amalgamation of parties" as to form "a ministry of which he was to be a member or the head." There was general distrust of his theories.

Atkinson was sent for on the 26th Aug., and on the 28th presented himself with five colleagues, none of whom, except Mr. Mitchelson, had been associated with him at the opening of the session. Mr. George McLean held a portfolio, with a seat in the Legislative Council. On the following day Mr. Stout moved that "this House has no confidence in the present ministry." He insisted that the sole issue put to the country was—"Shall we have the continuous ministry or shall we not?"

Mr. E. Wakefield complained of the infatuation of the followers of Vogel, who would tolerate no ministry which did not include him. After sharp debate Stout's motion was carried by a majority (29th Aug.) of 51 against 43; and on the 3rd Sept. Stout formed a ministry, which differed from his former handiwork by the omission of Messrs. Macandrew, Montgomery, and Sir G. Whitmore, and the inclusion of Mr. Tole in the House and of Messrs. P. A. Buckley and W. J. E. Reynolds in the Council.

The financial condition of the colony formed in 1884 the burden of numerous debates on successive motions of want of confidence, and no one could deny the courage of Atkinson in defending his past administration as Treasurer. The division of the 29th August determined that Vogel should have charge of finance and that Mr. Stout's judgment should control the cabinet.

Atkinson's opponents, on the side of Vogel's reputation and Stout's recognized ability, were driven from office on financial grounds. Yet they were not deterred by the tenacity

with which he battled in defence of his position, and many of his old supporters adhered to him throughout debates on the Financial Statement, on a Consolidated Stock Bill, and other subjects.

Vogel introduced a South Sea Trading Company Bill, but the sense of the House recoiled from it.

Sir G. Grey was active in the session. Among his proposals for the improvement of mankind were an Elective Justices of the Peace Bill and a measure for referring to the passions of the multitude questions on which the two Houses might disagree.

There were protracted debates on Railway Bills. With regard to one which the Council rejected, Sir G. Grey said he "felt a gladness he could hardly describe in believing that a power had arisen which could save the poor of this country from additional taxation of the most objectionable kind."

Yet the taxation he denounced had been imposed, so far as their vote could impose it, by the delegates of those to whom he wished, by his referendum, to appeal. When a bill to abolish plurality of votes, though supported by Sir G. Grey and Mr. Stout, was shelved, Sir George prophesied truly that the advocates of ancient principles of English representation would ere long be defeated, and that victory would crown the efforts of his followers in New Zealand. In a bill to amend the Property Assessment Bill he strove to give the people "the right of taxing the unearned increment." "I swear it will come to that at last," he said in a fervid peroration. Though supported by two members of the ministry, and though Mr. Stout paired in its favour, the bill was defeated by two votes. Later in the session Vogel, with a large majority, succeeded in reducing the property tax by one-half.

The recurring subject of abolishing the royal duty on gold was dealt with, but the bill, though passed in the House, was thrown out by the Council.

Towards the close of the session the relations between the two Houses were warmly discussed in the Lower House in connection with the loss of a District Railways Bill in the Upper. The Government was evaded by a resolution of the House authorizing the Government "to

into agreements to acquire lines by lease and purchase," subject to ratification by Parliament. For this resolution the ministry obtained a majority of 25. Mr. Rolleston urged that "if a similar resolution were not brought before the other House, a very great constitutional wrong would be done;" but Mr. Stout contradicted him. As an incident bearing on the relations between the Houses, the subject was notable. From Sir G. Grey it elicited the fervent encomium, on the Upper House, just quoted.

Maori affairs were debated during the session. Mr. Ballance, the Native Minister, passed a Waikato Confiscated Lands Bill (to extend the time within which the dispossessed Maoris might be permitted to return to allotted portions of their native land), and brought in a Native Land Alienation Restriction Bill. Wi Pere, the member for the Eastern Maori District, on the 28th Oct., carried a motion (prompted by a petition from Rangihiwini and others) that Wahanui, the Ngatimaniapoto, should be heard at the Bar of the House on the bill, and on the 1st Nov. the chieftain appeared there. Lord Derby's reception of Tawhiao in July had perhaps attracted attention to Maori affairs, and a newspaper<sup>16</sup> in London reprinted a description of Wahanui as "one of Nature's noblemen, honest, capable, and trustworthy from the crown of his head to the sole of his foot, large-brained and big-hearted, shrewd, genial, and courteous." . . . "He presented a perfect picture of composure, made his graceful bow to the Speaker . . . and with a pleasant smile of recognition all round, entered at once into a clear exposition. . . . He charmed his hearers as much by his felicitous phraseology as by his manly bearing."

His speech was brief:

"Mr. Speaker, I have the honour to thank you for the invitation to you. To all the honourable members of this House, and to the people of this country, it was my great desire to speak before this House on behalf of the Maori people. . . . The first subject on which I shall speak is the ancestral lands of myself and my people. I wish to express my deep concern that we wish to see the sole administration of those lands. Secondly, I wish to see the Native Land Court to be brought into operation. The reason of this request is that the lands that I speak of have been taken from the hands of the Europeans have never been returned to the Maori foot has trodden upon those lands, nor has any compensation been made for the injury over them, either by lease or other-

India," 13th Feb., 1885.

wise. This is the reason why I say that we should have the administration of those lands, but afterwards I will ask this House to help me to devise a law for administering them. I have already mentioned my ideas on this subject to the Native Minister. His word to me was: your ideas are good. . . . When I saw this bill I found that it had great sharp teeth, and there was a sting also in its tail. I saw that its teeth were very sharp, and were designed to swallow up the people, and that the sting also will destroy the land. When I saw those sharp teeth I thought in this way. This watch which I hold in my hand is mine; and if it requires repairs, let me take it to the watchmaker and have it repaired. I will explain to the watchmaker what requires to be done to it, and then he can repair it according to my directions. Then, when he has repaired it, he returns it to me, and I pay him for it; and then it is mine to do what I please with. I apply this idea to my land, and I think it is a parallel case to my land. Do not let the House be carried away with a desire to obtain lands, but rather let the House consider that which is just and right. These are my ideas on this subject, and since I have seen the bill I asked the Native Minister if he would consent to my inserting some provisions. At present there is no embarrassment with regard to my land; the title to it is undisputed. But I am actuated by a fear that trouble will come upon it.

"That is why I come here now. The object of Tawhiao's visit to England was lest the laws passed in this House should injuriously affect his land, and it has been the head of the government in England that has told Tawhiao to come back to New Zealand.

"Therefore I ask this House to pass just laws with regard to my land. I hope also that this House will carefully consider, carry out, and give effect to the laws of that great lady who lives in England—I mean the Queen—so that the laws for both races, the Natives and Europeans, may be carefully administered. Do not let such laws as some of the clauses in this proposed bill be affirmed. They appear to have been drafted, or designed, without due consideration. These are my words to the House. I claim the consideration of this House, and ask it to give effect to my wish and the wish of my people, and that the authority over our lands may be vested in our committee.

"Another request that I have to make is that the sale of spirits within our district may be stopped absolutely. I do not want that great evil brought upon our people. I hope this House will be strong in preventing this evil coming upon us and upon our people.

"That is all I have to say, and I can only add that it is my great desire and longing that you may pass just laws with respect to my land and my people."

There was something pathetic in the reference to the "sale of spirits" which Waharoa the king-maker had so sternly forbidden, and Bishop Selwyn had so vehemently protested against.

Mr. Ballance declared that he "was very much indeed with the noble sentiments expressed by V. The bill underwent many alterations, and when the Council Wahanui was heard there at the bar.

"After I had an opportunity that the government had made

the other Chamber the bill. They

teeth with the exception of one which now remains in it. . . . I request that the court may not have jurisdiction over the districts referred to for the present, I do not say always, but for the present, so that we may have time to consult with the government and to make satisfactory arrangements, and when the law is agreed to, then we can discuss the prospects for the future. . . . I should wish that my committee—that is the Native Committee—should be empowered so that all dealings and transactions within that proclaimed district should be left in the hands of that committee."

The bill eventually became law after an interchange of reasons between the two Houses.<sup>17</sup>

<sup>17</sup> In Sept., 1894, a speech was made in the New Zealand Parliament which ought to be chronicled. The Maori members were accustomed to use the Maori language, and interpreters translated their speeches.

Mr. Heke, member for the Northern Maori district, a scion of the family of Honi Heke, who made war at Kororarika in 1844, addressed the House in English while moving the second reading of a Native Rights Bill. Sir Robert Stout "regretted that the Native Minister was not present" on the historical occasion. They had, "speaking that night in fluent English, and with great logical ability, one of the Heke family . . . this was really an occasion that ought to be taken notice of by members. . . . The mere fact that one whose ancestors had occupied such an important position in the north of this island, and that there were so many Maoris listening to the debate, who were asking for nothing but what was according to strict Parliamentary rules and procedure, was an object lesson to the House." Mr. G. Hutchison said the occasion was "certainly historical and interesting. . . . He took it that this measure was a protest against the long course of injustice that the native race had suffered.

. . . The great error in all our native land legislation had been the endeavour to individualize native titles." Captain Russell said:— . . . "After the speech of the honourable member—a gentleman who was descended from an illustrious line of ancestors, and a gentleman who spoke the English language in a manner very few of those present could imitate—for the hon. member for ——— to say what he said was a piece of condescension that was rather amusing." Another member spoke, and (according to the report) at the close of his own speech called attention to the state of the House, which was immediately "counted out."

Mr. Heke had said in his speech:—"Honourable members would remember that Tawhiao and other native chiefs went to England for no other purpose than this. . . . These natives, while in England, were confronted by communications sent to the Secretary of State for the Colonies by the Government of New Zealand. And now the time had arrived when the natives had thought it proper to have their wish placed before the House in the shape of a bill."

A member who, by accident or design, emptied the House was a supporter of the government, the absence of whose Native Minister on the occasion was pointed out by Sir Robert Stout. *Hæ tibi sunt artes!* . . . . . (Subsequent to the 19th Oct., 1894) Mr. Heke made a few remarks in a Bank Bill which so touched the Treasurer, Mr. Ward, that if there were any thing which is calculated in future to lead to the passage of the Bill, the speaker's representation of the natives in this House" it was not to be expressed it.



The final debates of the session clustered around the subject of federation.

Rumoured annexation of islands in the Pacific by the French, and an influx of French criminals, excited apprehension throughout Australasia.

In November, representatives from all the Australian colonies were gathered in Sydney. From New Zealand Major Atkinson and Sir F. Whitaker went as delegates. All concurred in deprecating annexations in the Pacific, south of the equator, by any foreign power. A draft bill for the constitution of a federal council was framed by the convention, but the New Zealand visitors held aloof from it. So far as was known, public opinion in Maoriland shrank from any formal connection with Australia.

Major Atkinson felt that he was in a minority when declaring in Parliament (Nov., 1884) that "if we are to preserve our liberties, it will not be by isolation, but by confederation in some form or other." Sir George Grey was confident of public approval when he said on the same occasion, "if you join the Federal Council of Australasia, the effect will be to weaken our national life, to weaken our patriotism."

On the last day of the session, the conclusion arrived at was that "further negotiations ought to take place between the Australasian colonies with regard to federation." In compliance with the request of the convention in Sydney, the Imperial Parliament passed a Federal Council Bill in 1884. Some of the Australian colonies availed themselves of its provisions, and periodically sent delegates to the meetings of the Federal Council, but the attitude of New Zealand was unchanged.

The story of federation, Imperial or Australasian, belongs therefore to the history of Australia rather than to that of New Zealand.

It is true that two New Zealand representatives were present at a conference in Melbourne on Australasian federation in 1890, and that when a convention was held in Sydney in 1891, New Zealand delegates attended.

But the Parliamentary resolution sanctioning the appointment declared that "not authorize

bind this colony to come under any federal constitution which may be adopted by such convention."

The number of these fast-bound delegates was but three, while the sparse population of Western Australia sent seven.<sup>18</sup>

That which made and marred ministries was public feeling on the question of finance. Not only the burden of the day, but the gloomy forecast of increased taxation to pay interest on hereditary debt, exercised the minds of the New Zealand Parliament and public. Vogel was accustomed to say that his borrowing policy was preferable to the inevitable alternative of Maori warfare; but he could hardly have expected to be believed, unless on the assumption that no assertion is too absurd to find believers.

Smitten to the ground by General Cameron in 1863-4, with ten thousand British soldiers, the Maoris never raised head again.

The guerilla ravages of Te Kooti, and of Titokowaru, had no more to do with the general body of the Maoris than has brigandage in Italy with the government of that country.

Moreover, both Te Kooti and Titokowaru were roused to their misdeeds by wanton acts of the government. When the colonists, however, at Vogel's instigation, submitted themselves to the yoke of the usurer, they rapidly felt its pressure.

The public debt in 1869<sup>19</sup> was less than six millions sterling. Under the system adopted in 1870, the debt increased "in gross" to thirty millions in March, 1883.

The rates of interest were 5, 4½, and 4 per cent.<sup>20</sup> Ministry after ministry propounded schemes for reduction

<sup>18</sup> Mr. Ballance (soon to be the head of a New Zealand ministry) said in the debate in 1891—"From every point of view the whole weight of the argument is against New Zealand entering into any federation except a federation with the mother country;" whereupon "attention was called to the speech in the House," and there was a count out. In a previous year (1885) Mr. Ballance, speaking of Mr. W. E. Forster's efforts on behalf of Imperial Federation, had said—"In my opinion the whole thing is a dream until we have a republic—until we have a republic." ("N.Z. Hansard," 1885, p. 541.)

<sup>19</sup> See "The Public Debt of New Zealand." Edited by the Agent-General for New Zealand. London: 1883. P. 31.

of the debt, but all schemes resulted in increasing taxation. In 1892 the debt exceeded thirty-nine millions.<sup>21</sup>

The administration of which Sir R. Stout was the head, and of which Vogel was the financier, failed to restore financial equilibrium, but Major (become Sir Harry) Atkinson formed a ministry in Oct., 1887, which by herculean labours, at the cost, it was said, of Atkinson's health, succeeded in the task.

After a general election in 1890, which destroyed his majority, Atkinson retired before the Parliament met in Jan., 1891, and was appointed Speaker of the Legislative Council in place of Sir W. Fitzherbert, who had retired in ill-health. (He died in Feb., 1891.) Many reductions in expenditure and variations in taxation were resorted to by Atkinson in order to obtain the much-desired surplus. New Zealand securities were long at a discount. But the end was attained, and Atkinson's successors, when they met the Parliament, were constrained to admit that he had left a credit balance calculated at nearly £300,000 at the end of the financial year. Nay, more, the volume of exports had been greatly enlarged, and, as a consequence of revived confidence, the public securities had increased in value.

Though Atkinson was no longer in the House<sup>22</sup> to defend the measures which were followed by such results, his colleague of former days, Sir John Hall, had returned to the scene, and was ever ready to repel animadversions upon the restorer of the finances. The new ministry, of which Mr. Ballance was the head, although admitting the restoration of the finances, proposed vital changes. They announced their intention to re-purchase public lands in order to apportion them to new owners.

Their methods of taxation discouraged the farmer. Mr. Ballance, defending a graduated tax, said that they would divide the land, and each family hold their share, and then there will be no taxation at all. That is what they want.

<sup>21</sup> "The Seven Colonies of Australasia;" T. B. Coghlin, Government Statistician, N.S.W.

<sup>22</sup> Vogel's name in Sept., 1885, in on a loan when he "no compensator

"N.Z. Hansard" in 1885, stated that he had received the position when his appointment was called

we want.”<sup>23</sup> The belief that the prosperity of England had been promoted by safeguards for personal freedom and property found no place in the minds of Mr. Ballance and some of his associates. They thought it popular to propose to pillage the rich. They would tax men, not in proportion to their possessions, but by the iniquity of leaps and bounds in a graduated scale, so that the presumably rich might be mulcted, with no regard to equity or proportion. The natural, and, therefore, just, graduation by which the man with £10,000 pays ten times as much taxation as the man with £1000 was, in their eyes, feeble and incapable of buying support in the constituencies.

They affected to be wise men propounding great principles, though they were but recurring developments of the mean order which has preyed upon many communities of old. Sir Henry Maine had predicted their conduct as a form of bribery—the necessary result of the decay of the early English form of representative government—which “diminished the difficulties of popular government in exact proportion to the diminution of the number of persons who had to decide public questions.”

The betrayal of 1867 and the contrivances of 1884 had bartered away the principles under which England had thriven, and justice had been an Englishman’s birthright.

The corruption of coming days would be, in Sir H. Maine’s opinion, the “process of legislating away the property of one class and transferring it to another.”<sup>24</sup>

The Ballances and Seddons were only creatures of a class whose “passes had been looked upon” by the wise long before the electorates in New Zealand enabled them to act after their kind. They were not the first, and will not be the last of irregular squanderers of the fruits of other men’s industry.

Like Juvenal’s *Græculus*, however, they boast that they

<sup>23</sup> vol. 78, p. 256.

<sup>24</sup> *ibid.*, p. 106. The sagacity of Hamilton and his  
the constitution of the United States has been  
by a decision of the Supreme Court that a recent  
and therefore void. Certain forms of pillage  
which have been practised in English colonies,  
v. *Harcourt* and *Lord Rosebery* in England,  
in the United States.

can do anything, and dogmatize upon all subjects with equal confidence.

Some recent legislation may be glanced at.

A Government Insurance Office has existed for many years, and it was soon followed (1872) by a Public Trust Office. In Dec., 1893, the Public Trustee had under control more than two thousand estates, representing an aggregate of nearly a million and a-half sterling. Some of his functions—such as the control of intestate estates—were of a kind commonly performed by civil departments, but others were different, and it is claimed that the experiment has been eminently successful.

These efforts in legislation, however, were due to the individual exertions of public men who were able to impress their views upon the legislature.

Far otherwise has it been with regard to the raw legislation which has characterized the laws enacted after the downfall of the ministry of Sir Harry Atkinson in the beginning of 1891.

He had redeemed the finances from distress, and his successor, Mr. Ballance, pledged himself to adhere to Atkinson's "non-borrowing policy." But he was deeply imbued with wild theories, and was surrounded by supporters ever craving for some new thing.

The House of Representatives had been, before his accession to office, degraded from the status of a body elected by the intelligence and industry of the community, and had become the creature, not of the proletariat, but of the central committees which issue orders as to the candidates who are to be voted for as the friends of the people and of liberty.

Under that name—liberty—(profaned as Madame Roland bitterly deplored) candidates, however immoral or untrustworthy, when branded with the approval of unseen wire-pullers, are to be preferred to those who have laboured for years for the good of their neighbours.

The selection of representatives is thus transferred from the conscience of voters to the secret decision of an irresponsible but all-powerful dictation, and many an upright workingman whose good sense might have led him to a





ories, &c., all come within the reach of its provisions," the secretary of the department of labour being the compiler of the article on the subject.

Although Atkinson's toil relieved Mr. Ballance from pressure at the Treasury, his successor plunged into financial legislation which must be mentioned. Mr. Ballance pledged himself to adhere to the "non-borrowing policy" by which Atkinson had restored the finances, and redeemed the credit of New Zealand. His successor, Mr. Seddon, on accession to office in 1893, professed that he would walk in Ballance's footsteps. But the professions of those who strive to retain office by means of what they call the "labour vote" are subject to revulsions. In 1887, alluding to the existing surplus revenue in Victoria, he ascribed it to the high prohibitory duties there. "What is wanted (he said) is for New Zealand to place herself in the same position." In a few years the Victorian surplus had vanished—a portentous deficiency took its place—and there was apprehension lest Mr. Seddon should succeed in placing New Zealand in the position which he had ignorantly coveted.

On the 24th June, 1894, the New Zealand Parliament was opened with a speech congratulating the members on abounding prosperity. On the 29th of the same month Mr. Seddon urged the House to pass a Bank of New Zealand Share Guarantee Bill for £2,000,000, the Treasurer stating bluntly that the "government felt that there was nothing for it but to submit the proposal for the guarantee of two millions of preference shares." Challenged by the leader of the Opposition as to the discrepancy between the statement in the speech and the demand for the bill, Mr. Seddon said—"When that statement was written, the colony had every reason to congratulate itself."<sup>27</sup> The bill was passed through both Houses in one day, the Council pausing to examine witnesses, of whom Mr. Seddon was one and a representative of the bank was another.

<sup>27</sup> "N.Z. Hansard," 1894, vol. 83, p. 171. On another occasion, when reminded of precedents adverse to his contention, Mr. Seddon retorted—"The New Zealand Parliament is considerably in advance of other Parliaments, and I myself do not lay much stress upon precedents, or upon what occurs elsewhere."—"N.Z. Hansard," vol. 82, p. 644.



Having thus early in the session of 1894 eschewed the "non-borrowing policy" to which they had been pledged, Mr. Seddon's ministry launched into various enterprises, the results of which future writers must chronicle, and under which future taxpayers may groan.<sup>28</sup>

The items were registered thus in the financial columns of an English newspaper:

Guarantee to the Bank of New Zealand ...	£2,000,000
Repurchase of lands from private owners ...	250,000
Surveys and roads ...	250,000
Native lands expenditure ...	250,000
Advances to settlers...	1,500,000
Creation of colonial consols ...	1,000,000

One subject which the Ballance ministry were enabled by the Marquis of Ripon to meddle with must be referred to. Before Sir H. Atkinson retired from the Lower House in Jan., 1891, and accepted for himself a seat in, and the Speakership of the Upper House, he and his colleagues had urged the Governor (the Earl of Onslow) to appoint several new members in the Council. Lord Onslow thought it his "duty"<sup>29</sup> to demand from them an assurance that the advice was tendered, less with a view to reward party services than for the purpose of strengthening the efficiency of the Upper House." That assurance was given, and the Governor accepted the advice. Petitions meanwhile had been presented to the Governor, entreating him to refrain from making any such appointments; but after mature consideration, six new members were formally appointed on the 20th Jan., 1891, the Parliament being convened for the 23rd Jan.

Before the six members were thus appointed, the ministry had advised the Governor to appoint eleven new councillors, the Council at the time being thirty-nine in number. The Governor was averse from creating "a dangerous precedent," which a minister might use "for party purposes to swamp an adverse vote in the Upper House." Atkinson, after

<sup>28</sup> "Addressing his constituents to-night (in New Zealand), Mr. Lawry, the government whip, said he believed that a great scheme of borrowing would be submitted by the government at the next general election, for the purposes of railway construction."—Melbourne "Argus," 7th June, 1895.

<sup>29</sup> Blue-Book, 1893.—New Zealand and Colonies. (Upper House). 198.

some delays, abated his demands, and six new members were appointed by the Governor on the assurance above stated. Lord Onslow reported his proceedings to Lord Knutsford, then Secretary of State, who deemed that the Governor had "acted strictly in accordance with the constitution of the colony," but offered no "opinion upon the action" of the ministry in tendering their advice.

When the House met in New Zealand, Mr. Ballance (the head of a new ministry) and others condemned the conduct of their predecessors, and one member was permitted to carry through a second reading a bill to cancel the appointments.

Families, institutions, or countries which fail to set their affairs in order in quiet times often reap untoward consequences. An occurrence in New South Wales in 1861 had furnished a precedent which had long guided governors in calling new members to the nominated Upper Houses existing in New South Wales, Queensland, and New Zealand. The precedent had, however, been created because a scandalous attempt had been made to stifle one branch of a legislature, and it was unwise for any nominated House to desist from effort to fix by law (by limitation of number or otherwise) some bounds which no unscrupulous ministry could overpass. In New Zealand no such law had been enacted, and the natural consequence followed.

The events which had caused the Secretary of State (Duke of Newcastle) to admonish Sir J. Young, the Governor of New South Wales in 1861, belong to Australian history, but the Duke's despatches applied as cogently to New Zealand as to any other colony in which a nominated House existed.

Sir John Young, in May, 1861, consented to appoint twenty-one new members to enable a ministry to force a Land Bill through the Upper House in Sydney. They were appointed; but as they could not take their seats, the object in view was defeated by circumstances over which the plotting ministers and pliable Governor had no control.<sup>80</sup>

<sup>80</sup> Blue-Book, 1893.—New Zealand and Colonies. (Upper House). 198, p. 74; also in a New South Wales Parliamentary Paper, 1872.

On the 26th July, the Duke of Newcastle wrote to Sir J. Young:—"I cannot pass by without notice your report of the means which you took, by the advice of your responsible advisers, to ensure the passing of the Land Bills through the Legislative Council, the creation, namely, upon a sudden, and for a single night, of a number of Legislative councillors, which you do not specify, but which must have been sufficient to convert a large majority against the bills into a majority in their favour. I am fully sensible of the very difficult position in which you found yourself when pressed to take such a course, under a threat of resignation, by ministers whom, you say, you could not have replaced. I regret, however, that they should have offered you that advice, and that you, even under the circumstances which you describe, should have accepted it. A measure so violent, and in its nature so unconstitutional, could only be justified by circumstances of the gravest danger and the greatest urgency, which did not, as it appears to me, exist on the present occasion. . . . I have thought it my duty to say so much by way of comment upon a proceeding which is not creditable to the cause of constitutional government in Australia, while it tends to weaken the position of the Governor." . . .

For more than a quarter of a century the spirit of this despatch had prevailed in regulating nominations to Legislative Councils, although discussions had taken place as to particular appointments. In 1892, Mr. Ballance, Mr. Seddon, and their colleagues resolved to "better the example" shown by Sir H. Atkinson in 1891. An Act had been passed in 1891 dealing with the constitution of the Council, and that body had unwisely (while consenting that any new members should hold their seats for seven years only instead of for life) abstained from insisting on such a limitation of numbers as would make it impossible for any government to overbear, for party purposes, the general sense of the whole body.

In February, 1892, Mr. Ballance asked the Earl of Onslow to appoint eighteen new members of the Council. Lord Onslow declined to do so, his departure being at hand; and, at his desire, the matter was postponed, as his "stay in the colony would not enable him to see the end of the

consequences which a persistent refusal to accept the advice of his ministers would entail."

A new Governor, the Earl of Glasgow, arrived in June. Mr. Ballance at once advised the appointment of twelve new councillors; and, after consideration, Lord Glasgow declined to appoint more than nine, a number which Mr. Ballance (who probably knew something about the materials at his command) told Lord Glasgow was "worse than useless." In a long despatch (8th Aug.) to Lord Knutsford (then at Downing-street) the Governor explained the position. Admitting that after an appeal to the country in the case of a rejected bill an emergency might arise "to justify the Governor in granting ministers a sufficient number of appointments to bring the Upper House into harmony with the country," he pointed out that what he was asked to do would subject the freedom of the Council to "the mercy of the ministry." . . . "If the constitutional checks which experience has placed on the power of the different bodies are swept away, the result will be a distinct loss of liberty to the colony, and almost absolute power to the ministry."

The despatch found the Marquis of Ripon at the Colonial Office. It was he who, with the aid of Mr. Gladstone, had so shuffled with terms as to arrange (in the Treaty of Washington, 1871) that the acts done by Governors and British officers during the American War of Secession (with scrupulous anxiety to conform to international law and usages) should be subjected not to that law and those usages, but to a new *ex post facto* term of which no governor or British officer had warning while doing his duty.

The public protest of Sir A. Cockburn at Geneva availed nothing against the previous machinations of the High Commissioner at Washington in daily touch with the Prime Minister in England. England was fined for not having complied in 1861-2 with a concession made by Gladstone in 1871.

As England suffered in 1871, so were the highest interests of New Zealand to suffer in 1892.

The ignoble Marquis thus instructed the Governor on 24th Sept.:—"I have no hesitation in advising you to accept your ministers' advice. It does not appear to be a case of

swamping the Legislative Council. The division lists of that body should be considered rather than politics of Premiers who originally nominated the members. I will state fully my reasons by despatch, but you should at once re-open matter with your ministers and waive your objections to their proposals. The Agent-General is anxious for information which I cannot withhold after to-morrow, but I am anxious to give you an opportunity of making your own announcement to your ministers."

The mingled meanness and ineptitude of such a document may be dismissed in few words.

The Governor of the colony was treated with insolence, because a subordinate of his government was (like a news-agent) importuning for news in an ante-room.

Regulations, long respected as necessary to "the providence in a watchful state," were abandoned at the behest of a wild theorist puffed beyond measure by sudden accession to place. Wise traditions and instructions were scattered to the winds.

Support due to the Governor was treacherously denied to him. He promptly replied: "27th Sept. Received your telegram; acted according to your advice."

There were further despatches, in one of which the Governor pointed out that the constitutional solution of the question would more properly have been worked out in the colony, but that he did not wish to "appear to interfere with the undoubted right of his ministers to appeal to the Secretary of State."

A Secretary of State who informs a Governor that he must within a few hours blab State proceedings to an interviewer, has resources of which the Earl of Glasgow might well be unsuspecting.

As far as Lord Ripon<sup>81</sup> was concerned, he dealt a deadly blow to the well-being of all British colonies possessing

<sup>81</sup> The subject was discussed in the New Zealand Parliament. Sir G. Grey said—"If we are performing a revolutionary act in swelling a body in that way, let us act as revolutionists, and sweep away the Council altogether—let us get rid of the other House at once." Mr. G. Hutchison said—"We are no longer governed by ourselves, but by the ministry of the day in London." One of the twelve nominees thus raked into the Council by Lord Ripon, informed his brethren there that an "owner of land is simply a unit of society, and on that ground I think the municipi-

nominated Chambers. He was the false steward described in "King Lear":—

"Such smiling rogues as these,  
Like rats, oft bite the holy cords atwain,  
Which are too intrinse to unloose."

Unless more prudence be found in New South Wales and in Queensland than in New Zealand, those colonies may yet regret the day which inducted to the Colonial Office such a renegade as Lord Ripon from the wiser traditions of his predecessors.

An irregular interference with the judiciary by the Atkinson ministry was the subject of acrimonious contention in the New Zealand Parliament. Mr. Edwards received a commission as judge of the Supreme Court in March, 1890, having been on the previous day informed by Atkinson of his appointment to the office of commissioner under a Native Lands Court Acts Amendment Act of 1890. Five judges were at the time provided for by law, and in order to pay a sixth the government placed in the estimates an item (for the "Salary of Commissioner and Judge Edwards"), which was objected to in the House, as dangerous to the position of a judge, who ought to be independent of an annual vote. Of the contentions in the House no more need be said than that the government did not obtain leave to bring in a bill to legalize the appointment of an additional judge. Edwards' appointment as commissioner came to an end in March, 1891, the Atkinson ministry having retired, and Mr. Ballance (who had denounced Edwards' original appointment), being at the head of the new ministry. The ministry called on Edwards to show cause why his commission should not be cancelled, and on what authority he claimed to act as a judge. Three Supreme Court judges decided in his favour; two against him. The Ballance government appealed to the Privy Council.

On the 21st May, 1892, the Judicial Committee reversed the decision of the Court of Appeal in New Zealand, holding

pality or local body has a right to put the whole of its taxation on the unimproved value of the land." In 1889, Mr. Seddon (Mr. Ballance's colleague in stifling the Upper House in 1892) asked if the ministry of the day would offer a bonus for a history of New Zealand. *O cæcus hominum mentes!* Only an expurgated history could serve Mr. Seddon's purposes.

that it was not competent for the government to add to the number of judges in existence and duly provided for at the time of Edwards' irregular nomination. The matter was somewhat complicated by a variety of local Acts, 1841, 1844, the (Imperial) Constitution Act 1852, and succeeding local enactments; but the judgment of the judicial committee found nothing in those Acts which compelled them to decide adversely to the paramount principle that the Executive government shall have no control over the judiciary.

Colonists might well derive comfort from the reflection that no local interests could be suspected of warping the calm justice of the distant tribunal of appeal.

In 1893, votes for members of Parliament were given to women in New Zealand. Sir John Hall, who had (to gain or retain ascendancy) widened the suffrage for men, was credited with earnestness in extending it to women. The ministry were taunted as under-hand opponents of the proposal. They were equal to the occasion, if there was truth in the taunt, and made a merit of necessity when they thought that a majority was in favour of the project.

A general Electoral Bill, containing the new provision, passed through both Houses, but not without an eloquent protest from Mr. Bowen in the Council.<sup>82</sup>

Payment of members, which in earlier days had been euphuistically disguised as honorarium, was in later time embraced as mercenary; but members of the Upper House received less than the Lower, being rated at £150 each, while the Lower members were valued at £240, in an Act passed in 1892.

When it was found that members' claims accrued not from the date of appointment or election, but from that of taking their seats, a bill was rapidly passed in 1893 to remove the restriction in future. Mr. Scotland vehemently but vainly remonstrated against the innovation.

In New Zealand, as in other colonies and in England, a grotesque heresy has obtained footing. It is urged that

<sup>82</sup> The gallant Ropata Wahawaha reminded the Council that when the Europeans arrived in New Zealand, "no women were allowed to preach. There were no women ministers, neither did you allow them to appear in your assemblies. It is only within the last few years that the voices of fanatical women have been heard in the streets of Wellington and Gisborne, and other places."

sections of the people are entitled to representation in Parliament as delegates, to enforce their sectional demands, rather than as representatives labouring for the general good. In Bishop Stubbs' searching analysis of the English Constitution it has been shown that the representative principle which once distinguished England was based on a totally different foundation; upon representation of various localities, and not upon numbers; upon intelligence and industry, which had borne wholesome fruits, rather than on clamour which had borne no fruit at all or fruit like that of the Dead Sea.

There must be "labour members," it was said, and by the extension of the suffrage, in England in 1867 and 1884, and in the colonies, the claim was wreaked into fact. Never was there more ample proof that weeds grow apace where continuous toil is needed to produce wholesome crops.

"Labour candidates," *eo nomine*, abound, and "labour members." Mr. Ballance, accordingly, when Lord Ripon conspired with him in overbearing the Upper House in New Zealand,<sup>83</sup> was careful to put four "labour members" in the list which the Governor was compelled under the Secretary of State's mandate to accept.

The judicious might grieve, but for them Lord Ripon did not care.

Many of the public men of New Zealand vanished from the scene in the decade ending in 1893.

Sir William Fitzherbert, who in 1867 had persuaded the Colonial Office to forego large pecuniary claims, and had consolidated the New Zealand loans, passed away before the Parliament assembled in June, 1891.

Though advanced in years, he had gone to England to take part in the colonial conference of 1887 summoned by Lord Salisbury's government at the instance of the Imperial Federation League, founded under the guidance of Mr. W. E. Forster. There he worthily maintained his reputation, and, on returning to New Zealand, resumed his

<sup>83</sup> Earl of Onslow's address at Royal Colonial Institute, 14th Nov., 1893. Though the action of Lord Ripon and Mr. Ballance was, perhaps, unprecedented, their motives were common enough, and were thus stated at a public meeting at Blackheath, in 1450:—"It is said Labour in thy vocation, which is as much as to say as—let the magistrates be labouring men; and therefore should we be magistrates." (Henry VI.)



When the parting address of the Council. When the parting address of his retirement was presented to him, he was thanked by two of its members, his warm thanks for the services he had rendered to him, and added wise words (on the part of the Council), which were ordered by that body to be recorded.

The only protest of another member of the Council, Captain Fraser (whose name is recorded in these pages), occurred in June 1892, and both Houses adjourned in token of respect. Sir Hall said that "of the most distinguished early settlers there was none more distinguished."

In the same year Sir Frederick Weld passed away, and he had long been absent from the colony (had, indeed, been Governor of Tasmania, and of the Straits Settlements, and had retired to England), in both Houses there were touching eulogies upon his undisputed merits.<sup>35</sup> In 1892, the seat of Sir Frederick Whitaker, who had for many years been a power in one or other House, and in various governments, was vacant. His former colleagues did not fail to commend his industry and power. On the 24th June, one of them, Sir Harry Atkinson, as Speaker of the Council, heard another expatiate upon Whitaker's qualities, and none knew that the angel of death was hovering so near that on the following day Atkinson's own death would be announced at the hour of meeting.

For him, the strong man, who, at cost, it seemed, of his own life, had re-established solvency in the State, there was deep lamentation.

Not only his former colleagues in power, but even opponents, testified to his distinguished services. Sir John Hall, Mr. Rolleston, and Mr. Oliver were unmeasured in their praises; and the latter gave pathetic interest to the

<sup>31</sup> The hearty manner in which Captain Fraser thanked the author of this history in England for the manner in which the story of the Maoris is told in it, was a grateful reward for past labour, and an antidote to future obloquy. It was, he said, what he and other lovers of justice had long-sighed for.

<sup>35</sup> The author had some correspondence with Sir F. Weld while writing this story, and knew him personally afterwards, and though his views coincide with those of Sir Frederick as to the rape of the Waitara, as no breach of friendship. In 1890 Sir Frederick did the honours of his family house, "Chidcock Manor," to his critic.

event by telling the Council that, after the previous day's sitting, Atkinson said to him—"I should very much like to have said a few words myself on the losses which we have sustained, but I did not dare to attempt it."

In April, 1893, Mr. Ballance, the head of the ministry, died, after long illness, which had necessitated his occasional absence from the House during the session of 1892.

His successor, Mr. Seddon, was supported by the Opposition leader (Mr. Rolleston) in moving a resolution deploring the "serious loss" sustained by the colony, and it was carried unanimously.

Death hushes the sound of detraction, and his scythe had within a few years mown down many prominent men in New Zealand.

Sir William Fox passed away in the same year, and both Houses paid kindly tribute to his memory and his long services. Sir John Hall was conspicuous for the warmth of his sympathy.

The death of the Ngatiawa chief Wi Tako Ngatata in 1887 ought not to be unrecorded. The Legislative Council, of which he was a member, adjourned in respect for his memory. Dr. Grace said:—

"It is impossible for me to consider the disappearance of a man like Wi Tako Ngatata from our midst without giving expression to the boundless feeling of admiration I entertain for men of his type. I say, Sir, that if we have not sufficient greatness of soul to set the proper value on the services rendered to this colony by men like Wi Tako Ngatata we have not been worthy of the services which they have rendered,—we are not worthy of the security which we enjoy, and owe so largely to their services. There was a time when Wi Tako held the balance of power between the Maori king Potatau and the English Queen; a time during the war when he had two thousand armed men under his control, and had he thrown his tomahawk to the right or left, and lent his influence to the Maori king, I do not know what would have become of this settlement. I say we have lost in him one of the greatest natives this country, rich in great men, has ever borne. What sacrifices did the honourable gentleman make for the benefit of the Europeans! He imperilled by his loyalty to us the whole of his influence with the native race. Every one must know how the spirit of nationality with a volcanic throb moved the Maori people at that time. Who is there that can fail to see the greatness of soul which actuated Te Waharoa when he conceived the idea of a Maori nationality, and who, realizing this, can fail to admit the nicety of the balance of power between the races that existed at that time? It was then Wi Tako, failing to be carried away by the passing impulse of the moment, holding the scales between the two races, gave us the full advantage of his sympathy and ultimately of his support. I have heard the late Dr. Featherston say of him, 'Wi Tako is the cleverest man, black or white, in the country.'"

That was his estimate of the man's skill, and his appreciation of Wi Tako's power of controlling the wild races he held in the leash. I know that forty years ago, at a time when native troubles were balanced with the greatest nicety in the Hutt, Wi Tako was always found protecting the right of the European. His word was as trusty as ever his tomahawk had been, and, as was well said of him, he had no two tongues—what he promised he performed. I have seen many aspects of the late war; I have seen the Arawa, the Waikato, the Ngatiawa, the Ngatimaniapoto, the Ngatiporou, the Ngatipukeko, the Ngatiruanni, and all the warlike tribes engaged either on one side or the other; and I remember to-day with glowing admiration the chivalry, valour, and magnanimity of this great race of people, who are dying out from our midst, leaving but the memory of their achievements behind them."

The government accorded a military funeral in honour of the man thus eulogized by Dr. Grace, who knew Ngatata in times of war, and had served with him for many years in the Senate.

In the year 1894 Rewi, the Ngatimaniapoto, passed away at a great age.<sup>86</sup>

Though it occurred in 1884, the death of William Swainson may here be noted. His legislative labours have already been recorded. His friends were consoled by the testimony of Bishop Cowie, who spoke of him in a funeral sermon as "one of the ablest and most conscientious public servants of his time. William Swainson's life had been a preparation for death. He had kept integrity and observed uprightness, and the issue to him was peace."

These pages cannot close more fitly than with the name of so wise and good a colonist as Swainson.

<sup>86</sup> When Rewi was more than fourscore years old, the author heard him close a Maori discussion in which a young chief appeared to Rewi somewhat forward. When the young man sat down, Rewi rose, and leaning on his staff said—"When an important matter is debated, the low places speak to the little hills, the hills speak to the mountains, and (significantly raising his right hand to his head) the mountains settle it." There was no further debate.

## GENERAL GORDON.

(See Note at Page xxxvii. of Preface.)

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### THE GREAT REFUSAL.

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“Colui

Che fece per viltate il gran rifiuto !”

THE great refusal, branded by Dante as worthy of eternal condemnation, has been imputed to various criminals.

For the English, in modern time, there exists one great refusal, the *viltate*—or “indelible disgrace”—of which must formally remain with Mr. Gladstone, though he had accomplices who must, in varying degrees, bear with him the shame.

They who called General Gordon to extricate them from embarrassments in Egypt, who pledged themselves to support him both in England and in Egypt; *they* are the men who, by their “great refusal” to keep faith with him, have earned their place among the infamous in history.

But it seems now that, on the presumption that the public memory is as treacherous as themselves, they or their parasites deem it safe to deny that, in refusing to let Zebehr Pasha go, on Gordon’s demand, to Khartoum, Mr. Gladstone and his henchman, Lord Granville, broke faith with Gordon, and disgraced their country.

A brief statement of the facts has, therefore, become necessary. The victim of the ministry had, in 1884, set them an example which made their conduct to him signally shameful. In 1881 he had suggested to a friend<sup>1</sup> a journey

<sup>1</sup> [1894.] The author.

together in Palestine. In 1883, when his friend had an opportunity to join him there, Gordon wrote: "A week ago I was invited by the King of the Belgians to take up Stanley's work on Congo in the spring. This has been for years on the *tapis*, and I was bound to go if the King asked me, which he now has. I have telegraphed home to ask whether Her Majesty's government will let me go." Receiving a telegram to the effect that he was permitted to go, Gordon hastened to Brussels, arriving there on the 1st Jan., 1884. On that day he wrote to his friend: "I shall see the King this evening. In answer to my telegram asking for leave to go, I got an answer thus—'Sec. of State sanctions your going Congo.' Well, about three weeks after, it appears, from a letter from my brother, that the telegram sent was thus—'Sec. of S. *refuses* to sanction your going Congo,' which makes all the difference! It now depends on what the King will do. I *promised him to go*, and go I must unless he will let me off."

On the same evening he wrote again: "I saw the King to-night, and sequence is I have to resign my commission and go to Congo next month."

It may be remembered that for a time the public were led to believe that Mr. Gladstone's government would exact the penalty alluded to by Gordon, although, as Gordon had made his final promise to the King, on faith of a telegram purporting to emanate from the Secretary of State, it would have been ungenerous, if not unjust, to drive from the army on such grounds a man of whom an English General has been heard to say that not since the days of Hannibal has any commander done such great things under such disadvantages as to means. After an interval of suspense it was announced that the government would not proscribe Gordon for keeping faith.

The incident is instructive with regard to the subsequent "great refusal," for it shows that, rather than break faith, Gordon would sacrifice all worldly prospects, even though a deceitful telegram had led to his promise. Also, it shows that, though so scrupulous in keeping personal faith, he devotedly recognized the paramount claims of his country; and when appealed to by Gladstone and his colleagues, in the name of duty, he promptly flew to their aid. They,

meanwhile, to obtain his help, made unlimited promises; and having bound him to the stake in the name of duty, obstinately refused to perform that which they had promised; and callously looked on while he lingered, starving, until treachery, foreign and domestic, put an end to his earthly sufferings, and sealed the "indelible disgrace" of his betrayers. The hurried manner in which Gordon was called from Brussels to London when the ministry was in distress can have been forgotten by none. Summoned suddenly, he obeyed as suddenly, and was on his way to Khartoum on the 18th Jan., 1884, before the fact of his having been summoned was known in many parts of Great Britain.

It is recorded in a volume written by the Rev. Reginald Barnes and a coadjutor<sup>2</sup> that Gordon received a summons at Brussels on the 17th Jan.; crossed the Channel forthwith, saw Lord Wolseley on the morning of the 18th in London, and "later in the day he saw Lord Granville, Lord Hartington, Lord Northbrook, and Sir Charles Dilke," after which he started, on the same day, for Khartoum.

Mr. Gladstone, who was out of town, was communicated with by telegram. Perhaps a cautious man careful for himself might have dictated terms which even so suave a shuffler as Lord Granville might have found it hard to evade.

But Gordon was thinking only of life which might be saved, and of the honour of his country. In such services, both in counsel and in the field, his sagacity was expended, and not for himself.

But though he was not self-seeking, the crisis in which his services were sought was so imminent that there are ample public records to convict his betrayers.

The destruction of the army under Hicks, the beleaguering of the Egyptian garrisons, and the probability, if not the certainty, that men, women, and children would be ruthlessly massacred under the immediate superintendence of an English government had pressed upon the public conscience.

To pacify that conscience the ministry took pains to declare that they gave Gordon a free hand, and guaranteed

<sup>2</sup> "Charles George Gordon." (Macmillan and Co.: London, 1884.)

to him unconditional support in such measures as he might deem necessary. His mission was expressly mentioned in Her Majesty's Speech to Parliament on the 5th Feb., 1884: "I have also despatched General Gordon to report on the best means of giving effect to the resolution of the Khedive to withdraw from the interior of the Soudan, and have permitted him to act in the execution of the measure."

Even if the responsibility of the ministry for these words were not undoubted, the addresses in both Houses in reply to the Speech would have bound both them and the majorities in the Houses. Each address gave thanks for the information that Her Majesty had despatched General Gordon, and "*had permitted him to act in the execution of the measure*" of withdrawing from the Soudan.

On the 6th Feb., Mr. Gladstone told the Commons that Gordon had "*full power to take all measures, civil and military, which he may think necessary.*"

The Lord Chancellor told the Lords (12th Feb.): "One reason why we have availed ourselves of the services of that heroic man, General Gordon, is because he, with his vast knowledge of the country and great influence over the tribes and chiefs, was *better able than any other man to say by what means a policy of conciliation and pacification might succeed in extricating the different scattered garrisons from the dangerous positions in which they were, and withdrawing them,*" &c. In their distress, the Gladstone ministry had given Gordon a blank charter, and "permitted him to act."

The "great refusal" which must doom them and their accomplices to the worst *malebolge* of history is their obstinate refusal to permit Gordon to act, though they were thus solemnly pledged.

The general condition of Egypt and those Soudanese provinces which may be treated as portions of Egypt, or Egyptian territory, must be borne in mind. In 1879 Gordon wrote—"The Soudan is a part of Egypt." From 1874 to 1879 Gordon himself had tamed and ruled vast regions in the South.

How he toiled against rapine and slavery, administered justice, overcame in the field, and established a moral

supremacy which was a power in the minds of men equal to that which the terror of his military skill inspired, may be gathered from Dr. Birkbeck Hill's book.<sup>3</sup>

Whether he could have conferred permanent peace on the country, if financial blunders and European intrigues had not brought about the deposition of Ismail in 1879, it is needless to discuss here.

While he controlled the Soudan, the English government were able to make (1877) a convention with Egypt for the suppression of the slave trade; and to arrange that, in 1889, slavery should cease in the Egyptian provinces in which Gordon had laboured.

Before Gordon appeared there, the most powerful Arab chief had been one Zebehr Pasha, who traced his descent "through forty generations from Abbas, uncle of the prophet,"<sup>4</sup> and whose ancestors went from Mecca to Cairo in the ninth century.

Zebehr himself, after trading and fighting in the Soudan, routed a powerful chief, captured a city—Mandugba—and secured the allegiance of neighbouring petty sultans, or rulers. Professedly an encourager of commerce, Zebehr, like all other rulers in those regions, was a slave-owner, and his birth, reputation, ability, and success made him pre-eminent. He pretended<sup>5</sup> that he only "gave protection to slave caravans exactly as he gave it to others," and argued that he could not be expected to undermine his general policy by opposing "the passage of slave caravans."

There is, perhaps, no reason to believe that he was worse in principle than other rulers in the land, but his talent made him more powerful for evil or for good.

In 1871 he fought with one Bellal, who had been sent by the Khedive to the Bahr Gazelle, with a view to conquer Darfour, but who quarrelled with Zebehr. Bellal attacked Zebehr and was slain.

Dafir Pasha, then Egyptian Governor of Khartoum, sent a commission to inquire as to the death of Bellal, and the

<sup>3</sup> "Colonel Gordon in Central Africa." Fourth Edition. (London: De la Rue and Co., 1885.)

<sup>4</sup> "Contemporary Review," 1887, p. 336. For convenience, the spelling of Zebehr's name as it occurs in the Blue Books of 1884 is adopted.

<sup>5</sup> *Ibid.*, p. 582.



result was that Zebehr's excuses were accepted.<sup>6</sup> The Sultan of Darfour, in his contention with Bellal, had taken measures which Zebehr resented. The Khedive, alarmed at the growing power of Zebehr, and apprehensive of his conquering Darfour for himself, determined to act with Zebehr, whom he made a Bey. Ismail Pasha Yacoob, from Khartoum, co-operated with Zebehr; the Sultan of Darfour was killed in battle, and Zebehr was made a Pasha. He desired to be made Governor-General in the South; was invited to Cairo to discuss matters, and was there detained by the Egyptian government.

The German traveller, Dr. Schweinfurth, saw and described the horrors of the slave trade, the position of the slave hunters, and the petty sultans who ruled where slave caravans passed to and fro.

Zebehr was, he said, "surrounded with a court that was little less than princely in its details" . . . all visitors were conducted into carpeted divans "by richly-dressed slaves."

All the petty sultans were slavers. Zebehr's army was composed of slaves; and we learn from General Gordon's diary, in 1879,<sup>7</sup> "seven-eighths of the population of the Soudan" were then slaves.

Dr. Schweinfurth summed up the matter thus: "An ineradicable propensity to slave-dealing has always shown itself in every government official, be he Turk or Egyptian."<sup>8</sup>

As regarded complicity with slavery, there was no difference between one Arab and another throughout the Soudan.

The resolution to abandon the territory to the caprices or cruelty of the Arabs was not conceived by the Khedive and his advisers. Before they appealed for Gordon's help the Gladstone ministry had compelled the Khedive to agree to abandon the Soudan. They had thus renounced the convention under which a former government had striven to arrange that slavery should cease in the Soudan in 1889.

Lord Granville's "instructions" to Gordon in London on the 18th Jan. (woe worth the while when such a man could give instructions to such another!) were vague: "You will

<sup>6</sup> "Colonel Gordon in Central Africa," p. 39.

<sup>7</sup> Dr. B. Hill, p. 351.

<sup>8</sup> "Heart of Africa," vol. i., p. 383.

consider yourself authorized and instructed to perform such other duties (besides considering and reporting) as the Egyptian government may desire to intrust to you, and as may be communicated to you by Sir E. Baring" (Blue Book, Egypt, No. 2, 1884).

The vagueness of Granville was fortunately corrected by the incisiveness of Gordon, who, while journeying on board ship on the 22nd Jan., recorded some facts as to the stipulations made with him by the ministry in London on the 18th :—

1. "I understand that Her Majesty's government have come to the *irrevocable decision not* to incur the very onerous duty of securing to the peoples of the Soudan *a just future government*. That, as a consequence, Her Majesty's government have determined to *restore to these people their independence*, and will no longer suffer the Egyptian government to interfere in their affairs.

2. "For this purpose Her Majesty's government have decided to send me to the Soudan to arrange for the evacuation of these countries, and the safe removal of the Egyptian employés and troops.

3. "Keeping paragraph No. 1 in view, viz., that the evacuation of the Soudan is irrevocably decided on, it will depend on circumstances in what way this is to be accomplished.

"My idea is that the restoration of the country should be made to the different petty sultans who existed at the time of Mehemet Ali's conquest, and whose families still exist. . . . The most difficult question is how and to whom to hand over the arsenals of Khartoum, Dongola, and Kassala, which towns have, so to say, *no old standing families*, Khartoum and Kassala having *sprung up since Mehemet Ali's conquest*."

Colonel Stewart, who had accompanied Gordon from London, and who had previously been employed in the Soudan, independently supported Gordon's views. He wrote (22nd Jan.): "I have carefully read over General Gordon's observations, and cordially agree with what he states. . . . As it is impossible for Her Majesty's government to foresee all the eventualities that may arise during the evacuation, it seems to me the more judicious course to rely on the discretion of General Gordon and his knowledge of the country. I, of course, understand that General Gordon is going to the Soudan with *full authority to make all arrangements as to its evacuation*, and that there is no way to be interfered with by the Cairo Government."

Another Blue Book (No. 6) contains a letter from Evelyn Baring (25th Jan.) to Gordon, which clearly and ably proves that the "abandonment"

<sup>a</sup> Blue Book, Egypt, No. 7, 1884.

dictated by Mr. Gladstone's government. "You will bear in mind that the main end to be pursued is *the evacuation of the Soudan*. This policy was adopted after very full discussion by the Egyptian government, *on the advice of Her Majesty's government*.

Sir Evelyn proceeded to say, with regard to Gordon's memorandum as to restoring the country, &c.: "In this view the Egyptian government entirely concur. . . . But the Egyptian government have the fullest confidence in your judgment, your knowledge of the country, and your comprehension of the general line of policy to be pursued. You are, therefore, given full discretionary power to retain the troops for such reasonable period as you may think necessary. . . . In undertaking the difficult task which now lies before you, you may feel assured that *no effort will be wanting* on the part of the Cairo authorities, whether English or Egyptian, *to afford you all the co-operation and support in their power*."

Nor was Lord Granville less effusive. Long after his receipt of Gordon's memorandum he desired Sir Evelyn Baring (Blue Book No. 12, 1884, p. 57) to convey to Gordon (then, 12th Feb., at Berber) "the thanks of Her Majesty's government for his messages, which fill them with increased confidence in him."

"All co-operation and support in their power" was, therefore, pledged to Gordon by Egyptian authorities, with approval of Mr. Gladstone's government. In the language of the Speech from the Throne, he was "permitted to act." No limitation, as to the local authorities he was to set up in the Soudan, was implied in his sanctioned memorandum or imposed upon him by the Egyptian or English ministries. It was undoubted that, whatsoever appointment he might make, his hand was to be strengthened from Egypt and from England.

In Egypt the promises made were loyally respected. On the 26th Jan. the Khedive publicly proclaimed (Blue Book No. 12, p. 28) that Gordon was to be obeyed in all things; made him Governor-General of the Soudan (on the reason of your perfect knowledge of that country"); and charged "all the Mudirs, Beys, Cadis, Ulemas, and all native Notables, Merchants, Bedouins, and all native

Bedouins of the Soudan" to obey Gordon, and follow his advice in all things.

On the 29th Jan., Nubar Pasha wrote to Gordon: "We will do all that you wish." (*Ib.*, p. 79.)

On the 6th Feb., Gladstone had informed Parliament that Gordon had been appointed "Governor-General of the Soudan for the purposes described in the Queen's Speech, with full power to take all measures, civil and military, which he may think necessary." ("Hansard," vol. 284, p. 98.) On the 12th Feb. he added: "It is no exaggeration, in speaking of General Gordon, to say that he is a hero. . . . It is no exaggeration to say that in his dealings with Oriental people he is also a genius. . . . We received General Gordon's plan . . . it was evidently a well-reasoned and considered plan. . . . He went for the double purpose of evacuating the country, by the extrication of the Egyptian garrisons, and of reconstituting it by giving back to those chiefs their ancestral powers, which had been withdrawn or suspended during the period of the Egyptian government. . . . I have told the House already that General Gordon had in view the withdrawal from the country of *no less than twenty-nine thousand persons* paying the military service to Egypt. The House will see how vast was the trust placed in the hands of this remarkable person. We cannot exaggerate the importance we attach to it. *We were resolved to do nothing which should interfere with this great pacific scheme; the only scheme which promised a satisfactory solution of the Soudanese difficulty, by at once extricating the garrisons, and reconstituting the country upon its old basis and its local privileges. It was our duty, whatever we might feel as to a particular portion of the garrisons, to beware of interference with Gordon's plan generally, and before we adopted any scheme that should bear that aspect, to ask whether in his opinion there would not be such an interference.*"

Another part of the same speech, referring to the Soudan inhabitants, Gladstone quoted Gordon as "a man who looks upon the Government as the highest authority on the subject." (Two days later (14th Feb.) Mr. Gladstone said: "I have stated in the most distinct manner, that the Government are in the strictest

way responsible for the action of General Gordon," and unreservedly reaffirmed that Gordon was entitled to the unquestioning support of the government: "The direct action and direct functions in which General Gordon was immediately connected with this government are, I think, pretty much absorbed in the greater duties of the large mission which he has undertaken under the immediate authority of the Egyptian government, with *the full moral and political responsibility of the British government.*" On the 14th Feb. also, another Cabinet minister (one of those who pledged themselves in person to Gordon in London on the 18th Jan.), Sir Charles Dilke, told the House, in reply to Mr. Stanhope's questions as to Gordon's instructions: "I reply that General Gordon drafted his own instructions. . . . *Believing him to be the highest authority, that he knew more of the conditions, and that he was better able to form a judgment on the subject than anybody else, we asked him to draft his own instructions.* We showed that he had the highest confidence which could be placed in any man. General Gordon has had all the support for which he asked. He will have, I make no doubt, any support which he can need in the prosecution of his mission. . . . I say that we have implicitly followed the advice we have received from General Gordon."<sup>10</sup>

Sir M. Hicks-Beach having commented upon the dangerous duties thrust upon Gordon, Sir John Lubbock, with fatal prophecy, said: "It is impossible not still to feel much anxiety for General Gordon himself, but I believe that danger is greater from treachery behind than from any open foe in front."

<sup>10</sup> For a specimen of the manner in which Lord Granville and Sir C. Dilke respected their faith, personally plighted to Gordon, see the Blue Book No. 16 of 1884. Sir E. Baring informed Granville that among other possibilities, Gordon had mentioned to him at Cairo a visit to the Mahdi, and the taking possession by the King of the Belgians of certain remote districts.

Lord Granville telegraphed forthwith (11th Feb.) that "Her Majesty's government are of opinion that General Gordon should not at present go beyond Khartoum."

The dutiful, but much-thwarted Gordon telegraphed (12th Feb.) that "he would not go farther to the south than Khartoum without (Sir E. Baring's) permission."

But how did this supervision and constraint agree with Mr. Gladstone's and with Sir C. Dilke's protestations in Parliament?

In the House of Lords, Lord Cairns, though unprecient of the "treachery behind" which Lord Granville was soon to practise, said: "General Gordon is one of our national treasures, and I do not think Her Majesty's government had any right rashly to expose our national treasures." Lord Cranbrook also told the ministry: "You are responsible for the life of Gordon as well as for those agonizing garrisons; and upon you will the country call to redress the wrongs that you have done. It will inevitably hold you responsible for that which is so precious."

Lord Granville, on the 19th Feb., protested (with how much sincerity his despatch of the 22nd Feb. was soon to reveal) "there is no shirking of responsibility in declaring our undiminished confidence in that distinguished officer (Gordon), and that we take the responsibility for anything he does."

Most of the ministerial protestations of trust in Gordon were made while he was speeding to Khartoum, and keen anxiety existed in England as to the Egyptian garrisons, one of which, at Sinkat, was reported on the 12th Feb. to have been massacred.

"There is no doubt," Mr. Gladstone coolly said on that day, "that the garrison of Sinkat has been cut off, or, as another telegram expresses it, 'cut to pieces.'"

Such was "the present horror of the time," that patriotic persons hoped that even Gladstone's obsequious following might refuse to walk further with him on a path bedewed with blood; and no one could then foresee that, to stave off their own annihilation, the ministry would not only sacrifice their own honour, but would in cold blood look on and allow Gordon to perish—starved, but, as his armorial motto promised, "faithful always" to his country and his God.

But we must follow him on his road to Khartoum. After writing (on the 22nd Jan., while travelling) his memorandum about restoring Arab rulers in the Soudan (the plan which Mr. Gladstone told the House was evidently "well-considered and considered"), Gordon saw Zebehr at Cairo on the 26th January. Zebehr, in addition to his explanation of not being deposed by the Khedive at Cairo, said that he was, as he deemed himself ill-treated by Gordon,

because Gessi, Gordon's lieutenant, had caused the execution of Zebehr's son Suleiman, who, after armed revolt, was captured, tried by court-martial, and executed in 1879, the execution being approved subsequently by Gordon. At the court-martial a letter (purporting to be) from Zebehr to Suleiman was produced, which was construed as implicating Zebehr in the revolt, and Gordon believed the imputation.

Scanning the situation, and perhaps even then forced to the conclusion that no capable native government could be established at Khartoum except by the appointment of Zebehr, Gordon saw Zebehr in Cairo. Zebehr denied that he had incited Suleiman to revolt, and asked for the production of the incriminating letter, which, if still existent, was amongst Egyptian archives; but as it could not be produced, the question whether Zebehr had incited his son was not solved, though Zebehr declared that if it could be proved that he incited the revolt he was ready to suffer death; and Gordon admitted that if there had been no such incitement, amends should be made to Zebehr.

The calm outlook of Gordon upon facts and difficulties is shown in Sir E. Baring's report (after the interview) to Lord Granville.

"General Gordon entertains a high opinion of Zebehr Pasha's energy and ability. He possesses great influence in the Soudan, and General Gordon is of opinion that circumstances might arise which would render it desirable that he should be sent back to the Soudan." (Egypt, No. 12, 1884, p. 38.)

On his rapid journey from Cairo to Khartoum, Gordon saw many Arabs at Abou Hamed, Berber, and elsewhere, and it cannot be doubted that, as was his wont, he revolved in his mind the contingencies which might follow upon any course adopted.

He arrived at Khartoum on the 18th Feb., and it was telegraphed, though not by himself, that he met with a wonderful demonstration of welcome on the part of the population. But he was *tenax propositi*, and no applause shook his prudence. *On the day of his arrival*, he telegraphed that Zebehr must be sent to him. "He alone has the ability to rule the Soudan, and would be universally accepted by the Soudan." (Egypt, No. 12, 1884, p. 72.)

He gave many reasons, but they were very foreign to Lord Granville's frame of mind.

They related to the removal of thousands of fellow-creatures from imminent massacre, to the arrest of disorder, and to the safeguarding of England's honour, which would be imperilled by her insisting on a shameful abandonment of scattered populations to anarchy, which "would be a misfortune and inhuman." In the eyes of the Foreign Secretary this was wildly sentimental. Gordon might think his mission was to save thousands of lives, but Lord Granville knew it only as a manœuvre to prop up a discredited ministry. What grief it would be to Lord Granville if Gordon should perish Lord Granville himself exhibited when the time arrived, and Mr. Gladstone's feeling was shown by his gay appearance at a theatre while surrounding London was horror-struck at the widespread notices of Gordon's death.

Sir Evelyn Baring forwarded Gordon's telegram, and added (p. 72): "I believe Zebehr Pasha to be the only possible man. He undoubtedly possesses energy and ability, and has great local influence. As regards the slave trade, I discussed the matter with General Gordon when he was in Cairo, and he fully agreed with me in thinking that *Zebehr's presence or absence would not affect the question one way or the other.*"

Lord Granville, seeking meanwhile perhaps for public opinion, did not answer at once, and when after consideration (p. 95) he replied (22nd Feb.), he based his objection entirely *on the position in England*, and not on that in the Soudan; and he gave no hint of any apprehension on account of Gordon.

"Her Majesty's government are of opinion that the gravest objections exist to the appointment by their authority of a successor to General Gordon. The necessity does not indeed appear to have yet arisen for going beyond the suggestions<sup>1</sup> contained in General Gordon's

<sup>1</sup> It was one of the suggestions in that telegram that local rulers should be appointed, and Mr. Gladstone had regarded it as "a well-reasoned and considered plan." Lord Granville had probably been so foolish as not to perceive that if the ministry had sanctioned Gordon's suggestion, they would have been promptly.



memorandum of the 22nd Jan., by making a special provision for the government of the country. In any case the *public opinion of this country would not tolerate the appointment of Zebehr Pasha.*"

Let the reader weigh well the shamefulness of this refusal. Not only to Gordon, but to their Queen and country, the ministry were breaking faith.

On the 5th Feb. they had publicly and solemnly declared that Gordon had been appointed with power to act.

On the 22nd Feb.—behind the scenes—Lord Granville intercepted Gordon's acts, and for some time concealed the fact.

It was of no avail that Sir E. Baring and Col. Stewart supported Gordon. "I believe (said Sir E. Baring, Egypt, No. 12, 1884, p. 115) that General Gordon is quite right when he says that Zebehr Pasha is the only possible man. I can suggest none other, and *Nubar Pasha is strongly in favour of him.*"

Four days afterwards Sir Evelyn repeated his advice. (*Ib.*, p. 135.) "I have carefully reconsidered the whole question, and am still of opinion that Zebehr Pasha should be allowed to succeed General Gordon. I do not think that anything would be gained by postponing a decision on this point; on the contrary, I should say that delay would be injurious."

Sir Evelyn's advocacy of keeping faith with Gordon brought upon him a despatch (5th March) which for "bald, unjointed" irrelevance could hardly be surpassed. (*Ib.*, p. 140.) "Her Majesty's government would be glad to learn how you reconcile your proposal to acquiesce in such an appointment with the prevention or discouragement of slave-hunting and slave-trade, with the policy of complete evacuation, and with the security of Egypt. They would also wish to be informed as to the progress which has been made in the extrication of the garrisons, and the length of time likely to elapse before the whole or the greater part may be withdrawn." The noble lord was in no hurry about saving lives, for he telegraphed: "As Her Majesty's government require details as to each garrison, your report should be a full one, and may be sent by mail. (!) In your telegram now under reply no allu-

sion is made to the proposal that the local chiefs should be consulted as to the future government of the country, and Her Majesty's government desire to know whether that idea has been abandoned." (This from a man whose colleague had boasted that General Gordon had been permitted to draft his own instructions, and who was present when the permission was given!) Surely the "insolence of office and the spurns that patient merit of the unworthy takes" were never more glaringly exemplified. Sir E. Baring had informed the ignoble Earl some weeks before that Gordon fully agreed with him that Zebehr's appointment would not at all affect the question of slavery. The question of saving the garrisons altogether depended upon the faith kept with Gordon, or the speed with which extrication might be prevented by slaughter, as at<sup>12</sup> Sinkat and Tokar, and the Earl had repeatedly been told that "the future government of the country" was, humanly speaking, dependent upon keeping faith with Gordon by "permitting him to act."

The "patient merit" of Gordon under Granville's "insolence," is seen in a telegram of the 8th March (*ib.*, p. 145): "The sending of Zebehr means the extrication of the Cairo employés from Khartoum, and the garrisons from Sennaar and Kassala. I can see no possible way to do so except through him, who, *being a native of the country*, can rally the well-affected around him, as they know he will make his home here. . . . I have already said that the treaty of 1877 was an impossible one, therefore, on that head, Zebehr's appointment would make no difference whatever. . . . As to progress made in extrication of garrisons, all I have done is to send down from Khartoum all the sick men, women, and children of those killed in Khordofan. . . . It is quite impossible to get the roads open to Kassala and Sennaar, or to send down the white troops unless Zebehr comes up. . . . It is impossible

<sup>12</sup> On the 22nd Feb. Earl Granville was so exceptionally curious about garrisons . . . ask by telegraph about "the fate of the women and children . . ." (Blue Book, Egypt, No. 12, p. 96.) The answer, . . . the women of . . . that were very probably killed . . . children . . . uncertain . . . "did not . . . of the col . . . despatch in the text.

to find any other man but Zebehr for governing Khartoum. No one has his power. . . . *If you do not send Zebehr you have no chance of getting the garrisons away*; this is a heavy argument in favour of sending him. . . . Zebehr is fifty times the Mahdi's match. He is also of good family, well known and fitted to be Sultan. . . ."

Sir E. Baring gallantly (9th March) contended (*ib.*, p. 146) that the employment of Zebehr was "in harmony with the policy of evacuation," and that "as regards slavery it will not affect the question in one way or the other."

It appears, from Sir Henry Gordon's memorandum prefixed to General Gordon's last journals, that "a Cabinet minister of high position was from the first in favour of sending Zebehr up, and so indeed was Lord Wolseley." Of course if that minister had been Gladstone, he was bound, if a man of honour or even of duty, to keep faith with Gordon, and had the power, enjoyed by none of his colleagues, to insist on doing so.

But sinister whispers were heard to the effect that some of the customary supporters of the ministry were hostile to the saving of the garrisons by means of Zebehr. Perish the garrisons! Perish Gordon! rather than admit that Gordon, Colonel Stewart, and Sir E. Baring knew more about Egyptian affairs than a coterie in London knew.<sup>18</sup>

For Lord Granville's honour they cared as little as he cared. They were of course within their own rights in opposing the appointment of Zebehr, or of anyone else; but the ministry being unconditionally pledged to "permit Gordon to act," had no choice but to support him, or to be forsworn. When Gordon telegraphed (3rd March) "how

<sup>18</sup> These well-meaning enthusiasts have since furnished a melancholy tribute to Gordon's foresight. He frequently warned them and the government that unless order should be promptly established in the Soudan, bloodshed, anarchy, famine, and death would ensue. Through Lord Granville's perfidy Gordon was prevented from establishing any settled government, but neither the ignoble Earl nor his accomplices could avert the misery which Gordon predicted; and which, too late, some charitable persons, if not the Earl, have striven to alleviate. Who can be so bold as to deny that if Gordon had pacified the Soudan by the appointment of Zebehr, and had gone to the Congo to aid the King of the Belgians, he might have done more to quench the horrors of slavery than his detractors may now live to see accomplished? And who can deny that during the last five years Gordon's foresight has been proved c

could I look the world in the face if I abandoned (the Khartoumese) and fled. As a gentleman *could you advise this course?*" Sir E. Baring was able to assure the chained hero that Lord Granville had no more desire to extricate him than to save his dependants. (*Ib.*, p. 156). "On the contrary, as you will have seen from Lord Granville's telegram, the government is anxious that you should remain." But nothing could induce the Earl and his associates to take the step which, they were advised, might save the garrisons.

(*Ib.*, p. 158.) They would not send Zebehr, but would "agree to any other Mahomedan assistance." To a drowning man they would not give a life-buoy, but would cheerfully load him with any encumbrance.

As danger encircled Khartoum closer and closer, and Gordon notified (9th March) that even "retreat to Berber might not be in his power in a few days," and Baring reported that the telegraph line was interrupted, Earl Granville, indifferent to the dangers of others, declared (p. 162) that "Her Majesty's government were unable to accept (Gordon's) proposals," and that if Gordon thought that by staying at Khartoum he could accomplish his task, "he is at liberty to remain there. In the event of his being unable to carry out this suggestion he should evacuate Khartoum and *save that garrison by conducting it himself to Berber without delay.*"

(This the Earl had the insolence to write, though on the 1st March Gordon had telegraphed, on the refusal of Zebehr (p. 152), "I will do my best to carry out my instructions, but I feel conviction I shall be caught in Khartoum.")

A conviction that he might be accused of acting foolishly as well as meanly, seems to have found its way to the noble Lord's mind, for he added: "Her Majesty's Government trust that General Gordon will not resign his commission."<sup>4</sup>

despatch rejecting all Gordon's "proposals" and Gordon was "at liberty to remain" at Khartoum, and that this suggestion he should evacuate Khartoum himself to Berber without delay," March. Sir E. Baring sent it the despatch reached the from Gordon's Journal, which

Never, surely, since Hotspur was "pestered with a popinjay" at Holmedon, can military matters have been descanted upon as by this modern Boyet.

The fellow pecks up wit as pigeon's peas:  
He is wit's pedlar, and retails his wares  
At wakes, at wassails, meetings, markets, fairs.

Unhappily, the life of Gordon was in his power; and (at p. 176, *ib.*) Sir E. Baring reported that he had told Gordon that "the idea of sending Zebehr must be regarded as finally abandoned," and that Gordon "must act as well as he can up to your Lordship's instructions."

But it may be said that although Gordon knew the importance of Zebehr, "a native of the country," Lord Granville may have been ignorant of the facts.

The Blue Book, No. 18, 1884, removes all doubt upon this point. His Lordship there (March, 1884) sketches Zebehr's career. He was "a kind of king of the slave-hunters who devastated the country bordering the White Nile. His Court (the capital C appears to be the noble Turveydrop's), his wealth, his troops of slaves, and his fortified stations were graphically described by Dr. Schweinfurth. In 1869 the Khedive made an ineffectual attempt to curb his power, and he was subsequently employed to conquer the kingdom of Darfour."

The noble Lord's reference to slavery comes within Mr. Burchell's censure as "fudge." All the petty sultans of the Soudan were equally connected with slavery, and when the Gladstone ministry compelled the Khedive to resign control of the Soudan, they were, by their own act, re-establishing the control of the slavers.

Blue Books are preserved, and speeches are made in Parliament by ministers, in vain, if it is not clear beyond doubt that the ministry of 1884 were bound by all that was honest to "permit Gordon to act" in the appointment of Zebehr. Gordon's memorandum of the 22nd Jan., though

records the commencement "of our imprisonment;" and Major Kitchener, in his report on the fall of Khartoum, says "the siege" began on the 15th March. If it were not registered in "Hansard," could it be credited that on the 3rd April Gladstone told the House:—"General Gordon is under no constraint and under no orders to remain in the Soudan . . . nor is General Gordon in any way hampered in the prosecution of his work?"

it did not categorically name Zebehr, comprehended him as an eligible ruler of Khartoum where there were "no old standing families;" and if persons seeking for excuse for breaking faith required further authority it was to be found in the declarations of the ministry when they openly declared to Parliament that Gordon *drafted his own instructions*, and that the ministry were *bound not to interfere with his plans*.<sup>15</sup>

Gordon's demeanour when his betrayers were bringing about not only his destruction, but that which his spirit strove more against—the dishonour of his country and a general massacre of the helpless—was sublime, but painful to contemplate:—

1st March.—"I will do my best to carry out my instructions, but I feel conviction I shall be caught in Khartoum."

4th March.—"My weakness is that of being foreign, and Christian, and peaceful; and it is only by sending Zebehr that prejudice can be removed."

10th March.—"Through the weakness of the government many have joined the rebels. All news confirms what I have already told you, viz., that we shall before long be blockaded. The utility of Zebehr is greatly diminished, owing to our weakness, which has forced the loyal to join the enemy." (On the 16th March there was much fighting, and Gordon's people were beaten.)

23rd March.—Gordon reports treachery in his camp, and execution of two Pashas, after trial.

29th March.—"Had you sent Zebehr, how different would have been the state of affairs."

9th April.—Baring reports a telegram to 1st April, and that there had been more fighting, Khartoum being attacked, and that Gordon had received no "telegrams from Cairo since 10th March."

<sup>15</sup> In Gordon's Journal (17th Sept.), p. 31, we read: "Had Zebehr Pasha been sent up when I asked for him, Berber would in all probability never have fallen, and one might have made a Soudan government in opposition to the Mahdi. We choose to refuse his coming up because of his antecedents *in re* slave trade; granted that we had reason, yet as we take no precaution as to the future of these lands with respect to the slave trade the above opposition seems absurd. I shall not send up A because I do this; but I will leave the country to B, who will do exactly the

17th April.—Baring reports that Zebehr has received a telegram from Gordon, appointing him Sub-Governor, but that Zebehr “will be watched, and his departure will be prevented.”

18th April.—Baring repeats that Gordon says that “scarcely a day passes without his inflicting losses on rebels,” that with 3000 Turkish troops the Mahdi might easily be put down, and that Gordon “evidently thinks he is to be abandoned.” (Blue Book, No. 13, 1884.)

On the 21st April Lord Granville recognizes that “the danger at Berber appears to be imminent,” and asks Baring if “any step by negotiation or otherwise can be taken at once to relieve it.”

On the 23rd April Granville decides (Blue Book, No. 13, p. 15) that English troops shall not go to Berber, and no Egyptian troops shall “go alone:” that Gordon must “*keep us informed . . . not only as to immediate, but as to any prospective danger at Khartoum;*” that he will receive no Turkish or other troops for military expeditions, and “that if with this knowledge *he continues at Khartoum* he should state to us the cause and intention with which he so continues.”<sup>16</sup>

This heartless telegram was amplified in a despatch of the 1st of May (Blue Book, No. 20, 1884), the concluding paragraph of which was: “With respect to his request for Turkish troops with a view to offensive operations (this to a closely besieged man!), General Gordon cannot too clearly understand that these operations cannot receive the sanction of Her Majesty’s government, and that they are beyond the scope of his mission.” When his Lordship declared that he believed that in Khartoum “the market was well supplied,” it is not easy to determine whether he thought himself civilly sneering or insolently jocose.

Meanwhile, before this cold-blooded repulsiveness could reach Khartoum, the sad conviction that a man might

<sup>16</sup> Sir E. Baring duly forwarded the request in one of the few messages which reached Gordon, who, on 31st July, wrote and succeeded in sending messages by way of Massowah, where they arrived on the 25th Sept. He devoted a postscript to the noble Lord’s request. “You ask me to state cause and intention in staying at Khartoum, knowing government intends to abandon Soudan, and in answer I say I stay at Khartoum because Arabs have shut us up and will not let us out.”

“smile and smile,” and have no noble humanity in him, had been forced upon Gordon.

Before quoting his words, it is right to mention that efforts were made in April to arouse the ministry to their duty to England and to their own pledges.

On the 21st April, Gladstone, *suo more*, denied that Gordon was in danger: there were peculiar events near Khartoum—“the general effect being . . . that Gordon is hemmed in—that is to say, that there are bodies of hostile troops in the neighbourhood, forming more or less of a chain around it. I draw a distinction between that and a town being surrounded. . . . It may be the opinion of hon. gentlemen opposite that General Gordon is in imminent danger. In our view, that is an entirely erroneous opinion.” This was in the Commons.

In the other House, Lord Carnarvon was told by Lord Granville on the 22nd April, in a speech which bristled with equivocation: “I have no fear as to the personal safety of General Gordon in Khartoum now.” Of course not; the noble Lord had no fear as to the safety of anyone but himself; and Gordon had no fear for himself; but if any other man than Gordon had been in Khartoum it was probable that the streets of Khartoum would have been reeking with the blood of the garrison before Lord Granville declared that he was without fear for Gordon.<sup>17</sup>

On the 16th April, Baring received the following telegram from Gordon, and it was in the hands of the ministry when they equivocated with Parliament on the 21st and 22nd April: “As far as I can understand, the situation is this: you state your intention of not sending any relief up here

<sup>17</sup> Lord Carnarvon was indignant at the answers he received, but contempt was mingled with his indignation when he spoke to a friend in the House about the refusal of the government to recoup the King of the Belgians the expense of Gordon's journey from Palestine to Brussels. Gordon, always generous, had no money about him when he started from Jaffa. He drew on Belgium. When the Gladstone government summoned Gordon to London, and sent him to Egypt, Gordon left his brother, Sir Henry, to arrange for payment to the King of the Belgians. Sir Henry applied to the government in the hope that they would enable him to recoup the King, and would withdraw Gordon from his service. They declined, and pleaded that they could not make themselves responsible for an indefinite sum. Sir Henry guaranteed that he should be repaid £50. Still they declined, and Sir Henry recouped the King of the Belgians General Gordon's army pay, which Sir Henry drew.



or to Berber, and you refuse me Zebehr. I consider myself free to act according to circumstances. I shall hold on here as long as I can, and if I can repress the rebellion I shall do so. If I cannot I shall retire to the Equator, and leave you the indelible disgrace of abandoning the garrisons of Sennaar, Kassala, Berber, and Dongola, with the certainty that you will eventually be forced to smash up the Mahdi under great difficulties if you would retain peace in Egypt." (Blue Book, No. 15, 1884.)

He offered to send Colonel Stewart and Mr. Power to Berber if possible; but Stewart telegraphed: "I shall follow the fortunes of General Gordon," and Power did the same, adding: "We are quite blocked on the north, east, and west." What Mr. Power would have thought of Mr. Gladstone's asseveration in Parliament that Khartoum was not surrounded, must remain unknown, but may be surmised.

The south was the region in which the Mahdi's friends abounded, and all other directions were "quite blocked!" "Imprisonment" had begun in the middle of March. "Scarcely a day" passed without assaults and skirmishes; and Gordon, reporting the fact on the 8th April, said: "The losses of the rebels are quite unnecessary if we are eventually to succumb."

He telegraphed to Sir Samuel Baker to appeal to moneyed men to advance the means of engaging 3000 Turkish troops with whom to put an end to the Mahdi, which at that time was not difficult; and he told Sir E. Baring: "It would be the climax of meanness—after I had borrowed money from the people here, had called on them to sell their grain at a low price, &c.—to go and abandon them without using every effort to relieve them, whether those efforts are diplomatically correct or not; and I feel sure, whatever you may feel diplomatically, I have your support—and that of every man professing himself a gentleman—in private." (Blue Book, No. 15.)

One thing is very clear. Gordon had neither the support of Mr. Gladstone nor of Lord Granville.

Those so-called statesmen, however, intently watched the political barometer in England. If public opinion should demand that they must keep faith w would

do so ; not as bound in honour, nor for his sake, but for their own. If public opinion should not care more for Gordon and honour than the ministry cared, then Gordon must die.

When they denied in Parliament in April that Gordon was in danger, they knew they were not telling the truth ; but they trusted in the chapter of accidents, and hoped that public opinion would not be hypercritical. With Gordon's and Mr. Power's telegrams in his hand, Mr. Gladstone told the House (21st April): "The position of General Gordon is, so far as we know, a 'position of security.'" Still, this immeasurable deception did not leave the ministry quite easy in their minds.

A colleague of Mr. Gladstone was introduced on the 21st April, by a mutual friend, to a friend<sup>18</sup> of Gordon ; and although Gladstone and Granville were then protesting so loudly that Gordon was in no danger, it appeared that there was a desire to know if Gordon would avail himself of means to escape if they were offered to him.

The answer was: "Those who think that Gordon would come away to save his own life, while there is anyone in Khartoum, white or black, rich or poor, old or young, to whom he feels that he owes a duty, know nothing of Charles Gordon." The Cabinet minister replied: "What a wonderful man he must be when his friends have such confidence in him!"

To do public opinion justice, it must be admitted that there was a general feeling that Gordon was being foully treated ; but it is common for ministries to evade justice until time has crystallized into form concurring elements for their condemnation.

The periods, sometimes long, during which no tidings of Gordon reached England will be remembered with grief.

As Gordon had foretold, Berber was in imminent danger, and it fell a... of the month of May, with the usual... which accompanied the Egyptian... ville. For... time, after his con-... the H... ds, became fretful... to have... give orders to... fell... ascending enough

The

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(30th April) to suggest that, "in the event of telegraphic communication with Berber being restored, the Governor of that place might be able to send a message through by the agency of the Bishareen or Shaggieh tribes." (Blue Book, No. 25, 1884.)

Mr. Gladstone came to his perplexed colleague's aid. Mr. Chaplin had asked "if the government still adhere to the opinion which they expressed on 21st April, that the position of General Gordon is one of complete security."

"I adhere to the opinion," said Mr. Gladstone (1st May), "I have given in this House more than once, that there is no military danger at the present moment besetting Khartoum;" but such catachrestical audacity could deceive no one. Since his message on the "indelible disgrace of abandoning the garrisons," Gordon, and the thousands of dependents to whom he was daily doling out the food he had so strenuously collected, had not been heard of.

Even at Dongola, far down the Nile, between the third and fourth Cataracts, Mr. Egerton reported (12th May) that there was "panic." (Blue Book, No. 25, 1884, p. 20.)

But for the marvellous influence of Gordon over the minds of men, and his inexhaustible ingenuity in devising means of defence, Khartoum would probably have fallen as soon as Berber,<sup>19</sup> and no one in Europe knew whether it had fallen.

In May, Sir M. Hicks-Beach moved, "That this House regrets to find that the course pursued by Her Majesty's government has not tended to promote the success of General Gordon's mission, and that even such steps as may be necessary to secure his personal safety are still delayed," and the ministerial majority fell to 28, and was believed to have vanished out of doors.

Justice must be done to Mr. Gladstone by stating that he did not adopt the sham plea that the "great refusal" was made with any consideration for Gordon's safety.

Lord Granville's despatch of the 22nd Feb. had assigned the fear of public opinion as the reason.

Mr. Gladstone, on the 12th May, took the same ground.

<sup>19</sup> Berber fell about the 1st June. (Blue Book, 1884, No. 25, p. 117.) Major Kitchener reported: "Everyone massacred. The Governor and all his family, and all the soldiers, and many merc"



solitary proposal has been acted upon. And the Cabinet, after having committed every error the circumstances allowed, are shabby enough to attribute their own failure to their baulked but sedulous and heroic agent."

Sir Charles Dilke, who once boasted that the ministry had given *carte blanche* to Gordon, tried to propitiate public feeling by averring in the House, 13th May, "For the protection of General Gordon we intend to do that which practically can be done."<sup>20</sup> He admitted that they had reason to believe that Khartoum had provisions for not more than five months from the 7th April.

With inexpressible meanness, Sir C. Dilke insinuated that on the 27th Feb. Gordon's plans were culpably changed. No one knew better than the shuffling baronet knew, that on arriving at Khartoum (18th Feb.) Gordon demanded Zebehr, and that on the 22nd Granville perpetrated the great refusal. Yet Dilke upbraided Gordon for altered conduct, because Gordon, when thus betrayed, took measures to protect Khartoum against the surrounding Arabs.

Lord Granville, beginning to entertain fears for his own position, authorized (17th May) Mr. Egerton to pay money to Zebehr (!) for sending a message to General Gordon, and £400 more if he could obtain Gordon's reply. For a Gordon to employ Zebehr to save more than 25,000 lives was not to be endured; but it was tolerable for a Granville to use him in a ministerial crisis.<sup>21</sup> Too truly had Mr. Cowen augured as to the nobility of Gordon and the meanness of the ministry.

<sup>20</sup> The ministry had received from the Adjutant-General, on the 8th April, details of measures for relieving Khartoum by the Nile route and by Suakim, and though the Nile rises at Cairo in the beginning of July, it was not until the 26th August that they resolved to send Wolseley to Egypt, and he reached it two months after the Nile had risen! Mr. Egerton had telegraphed on the 6th August: "The Nile will soon be high, and the time is short within which any river expedition is possible." (Blue Book, No. 35, p. 6.)

<sup>21</sup> Zebehr sent letters by a messenger who was reverently received by the Mahdi's Emir commanding at Berber. The messenger travelled safely to Shendy, but was there stopped by the besiegers of Khartoum, and he returned to Cairo in October. (Blue Book, 1885, Egypt, No. 1, p. 64.) The respect paid to Zebehr at Berber after it was in the Mahdi's hands is strong evidence that Gordon might have saved the city had been allowed to go to him.

On the 17th May, Lord Granville sent a despatch (Egypt, No. 22, 1884) "enjoining" Gordon "to consider and report upon, or, if feasible, to adopt measures for his own removal and for that of the Egyptians," &c., "having especial regard for his own safety and that of the other British subjects." The beleaguered General, whom many despatches never reached, was to be "at liberty to assign sums" in payment for successful escapes. But in June, the noble Earl, who thus instructed generals, learned that Berber (to which he had once glibly ordered Gordon to march with the Egyptians) had been sacked.

It was feared that public opinion might be sensitive as to the treatment of Gordon. It was stated that Mr. Gladstone's inconstant mind was exercised for many weeks in debating whether an expedition should be sent by the Nile Valley, or from Suakim *viâ* Berber.

Vainly had Lord Wolseley provided details in the first week in April for men who would not decide until 26th Aug. whether they would adopt the Nile route. Nevertheless, Gladstone himself, when Gordon was dead, made merry with the question, and was not ashamed. "No doubt" (he said in the House in Feb., 1885) "much time was spent in the examination of the question. Are hon. gentlemen ready to say that too much time was spent upon it? I think I may say for *some months* the balance of evidence seemed to be in favour of the Suakim route, difficult as it was. . . . In the meantime, we had no reason to believe that Khartoum was in immediate danger."

This he had the effrontery to tell the House, while Blue Books gave evidence to the contrary, and his own colleague, speaking in May, 1884, had stated that the provisions in Khartoum would be exhausted early in September.

Doubtless Gordon had eked out his supplies by occasional capture of cows and of dhoora, but he had 40,000 mouths to feed and was undergoing daily bombardment. It might be difficult to decide whether to adopt the Nile route, but it was palpable that if it were adopted, it must be adopted without delay. The Nile, whose floods had been

registered by Egyptian rulers from the Pharaohs downwards, was no respecter of persons, and the delay of *some months* was sure to be fatal. Even the Nile was blamed by some ministerial parasites for being low; but we read in Gordon's Journal: "It was not a low Nile—it was average Nile, only you were too late."

Gloom could not but possess the minds of those who knew the characters of Gordon and of those who were dooming him to starvation and to death. Readers of his journal will remember the scorn with which he resented the insinuation that an expedition should be sent for his personal relief. Alone—Stewart and the others having descended the river—he writes :

24th Sept.—"I altogether decline the imputation that the expedition has come to relieve me. It has come to *save our national honour* in extricating the garrisons, &c., from a position our action in Egypt has placed these garrisons in. *I was relief expedition No. 1*; they were *relief expedition No. 2*. As for myself, I could make good my retreat at any moment if I wished. Now realize what would happen if this first expedition was to bolt, and the steamers fell into the hands of the Mahdi; this *second relief expedition* (for the honour of England engaged in extricating garrisons) would be somewhat hampered."

3rd Oct.—"I hope I am not going down to history as being the cause of this expedition, for I decline the imputation. *The expedition comes up to deliver the garrisons.*"

9th Nov.—"The people up here would reason thus if I attempted to leave. . . . 'We suffered and *are suffering* great privations in order to hold the town. . . . Now we can, after our obstinate defence, expect no mercy from the Mahdi, who will avenge on us all the blood which has been spilt around Khartoum. You have taken our money and promised to repay us; all this goes for nought if you quit us; it is your bounden duty to stay by us and to share our fate; if the British government deserts us, that is no reason for you to do so, after our having stood by you.' I declare *positively and once for all, that I will not leave the Soudan until everyone who wants to go down is given the chance to do so, unless a government is established which relieves me of the charge.* Therefore, if any emissary or letter comes up here ordering me to go down, I will not obey it, but *will stay here, and fall with the town and run all risks.*" His Journal of 17th Sept. said, "D.V. I will not give up the place except with my life."

So lived and so thought Gordon, doing his duty, just as Gordon's friend told Mr. Gladstone's colleague in April that he would do it. He had already sent Stewart, Power, Herbin, and others away, and wrote, 5th Nov.: "I say in defence of my letting Stewart go, that both he, Power, and Herbin felt our situation here was desperate after the defeat at El Foun—that I had over and over again said it

was impossible for me to go ; physically impossible, because even my servants would have betrayed me (even if I had felt inclined to leave), and I would die here (even going so far as to have two mines brought to the palace, with which to blow it up, if the place fell)."

A part of the delay of *some months*, which Gladstone justified, appears to have been occupied in tempting Gordon to share the shame of the ministry. Mr. Egerton, on the 22nd July, suggests "that £10,000, and even double," might be offered for "bringing out Gordon" (Blue Book, 1884, No. 32, p. 28). and Granville (*ib.*, p. 31) graciously replies, 25th July, that Her Majesty's government "would not grudge the amount," and would not restrict it, "relying as they do upon Major Kitchener's discretion *not to expend more than is necessary . . . for the release of General Gordon.*"

Within a week of this intimation, Gordon was writing (in a despatch which he sent safely by Massowah to Suakim)—"It is a *sine quâ non* that you send me Zebehr, otherwise my stay here is indefinite."<sup>23</sup>

This despatch reached Cairo in Sept., when Wolseley, after chafing at delay, had arrived in Egypt; but it is significant as showing how "wide as the poles asunder"

<sup>23</sup> All the pretences put forward at later dates about the apprehensions of the ministry lest Gordon's life should be endangered, may be dismissed as false. They were afterthoughts. Lord Granville's despatch, 22nd Feb., already cited, based the refusal on his estimate of the "public opinion of this country." By the terms of that refusal, the Gladstone ministry must stand or fall. Zebehr's character, whatever it may be, is not tainted with telling untruth to deceive the House of Commons or the House of Lords, and he told the lady who saw him at Gibraltar ("Contemporary Review," 1887, pp. 679-80)—"All was wiped out between us. Though he was against me, I knew Gordon to be a great and good man. He wanted to have me sent up. I wanted to go. If I had gone, Gordon would have come home safe. Then who killed Gordon? Not the Soudanese. It was the English who refused to let him have the friend he asked for. The English killed him, and why? Because they were like children, frightened and believing in evil." It is melancholy to think that abroad the "great refusal" and its consequences may be ascribed not to the perpetrators, but to the English. That Zebehr's willingness to go to Khartoum was not an afterthought in conversation with the writer in the "Review" is proved by Sir E. Baring's despatch of 19th April, 1884, advising Lord Granville—"I have not seen Zebehr Pasha myself, but I am told that he would be willing to go to Khartoum." . . . . Blue Book, Egypt, No. 16, 1884, p. 34.



were the views of the ministry and of Gordon on points of duty and of honour.

Of course no attention was paid to Gordon. The "great refusal" of the only chance to save the garrisons had been made on account of its effect on a division in the House, and if the Khartoum garrison was to be massacred like the others, it must be massacred rather than faith be kept with Gordon.

Earl Granville filled up some of the time by impertinent messages to Gordon. On the 24th July (Blue Book, No. 32, p. 29) he directed Mr. Egerton to repeat his messages to Gordon of 23rd April and 17th May (asking why he remained at Khartoum, &c.), to tell him that those communications proved the interest taken by Her Majesty's government in him, and that they desired to hear from him, "so that if danger has arisen or *is likely to arise in the manner they have described*, they may be in a position to take measures accordingly."

Those who ascribe the greatest blame to Gladstone must admit that this despatch raises Granville's claims to a high pitch.

About this time M. Herbin, French Consul at Khartoum, wrote: "Aucune crainte si ce n'est le manque de vivres (dans deux mois nos vivres seront épuisés) . . . mais nous sommes sans nouvelles sûres, et nos moments sont comptés." The gallant Frenchman, like Colonel Stewart and Power, could hardly be persuaded to leave Gordon and essay the descent of the Nile.

When Wolseley furnished in April details of measures for relieving Khartoum, he included an alternative scheme to the long route by the Nile. The route from Suakim to Berber was 245 miles, and from Berber to Khartoum the distance was 210 miles. The Nile Valley routes varied from 1320 miles to 1750 miles, according to the extent to which land marches were availed of. General Stephenson, who commanded in Egypt, advocated the route by Suakim, and we learn from official documents that, on 14th June, the government "determined to prepare" for constructing a railway from Suakim to Berber. The character of their determination is shown by the fact that, on the 7th Aug., they obtained a vote of credit for £300,000 to enable them

to take measures "for the relief of General Gordon *should they become necessary.*" (Blue Book, No. 35, p. 14.)

Mr. Gladstone's "some months" of hesitation were not completed, however, until the 26th Aug., when a telegram from the War Office (*ib.*, p. 60), dated midnight, stated that, "after anxious consideration," they had made up their minds, and that, after two months of the Nile inundation had been lost, the *some months* of the government backwardness were at an end, and that Lord Wolseley was "to take temporarily the chief command in Egypt." *Too late* was in the minds of all, but not in the actions of Wolseley and his comrades.

Their campaign, so creditable to them, and so damning to the ministry, proved clearly enough that if Wolseley had been commissioned in the end of April instead of in the last days of August, he might have accomplished his task. There is a pathetic sadness in his statement (25th Oct.)—"the labour of working up this river is immense." It was only on that day that the first whale boat was hauled through the great gate of the second Cataract at Wady Halfa, though in "nuggers" troops had arrived at Dongola in September.

On the 2nd Nov. the sad tidings of the loss of the "Abbas" steamer, near Merawi, with Colonel Stewart and his companions (18th Sept.), reached Wolseley's people near Korti.

Military authorities have described the campaign; and here it is fitting to deal only with a few facts concerning the victim whose fate, Lord Granville had graciously informed him, was interesting to Her Majesty's government.

As far as human mismanagement could prevail, that government had made it impossible for Gordon and Wolseley to meet in the Soudan. But Gordon succeeded in writing a characteristic letter, dated 4th Nov., to Wolseley (Blue Book, Egypt, No. 1, 1885, p. 97):

can hold out forty days with ease; after that it will be  
about loss of steamer. I sent Colonel Stewart, Power,  
telling them to give you all information. . . . We  
with Arabs. Since 10th March we have had up to  
Hutchener's 14th Oct., only two despatches; one,  
one from Suakim, 5th May; one of same import,  
out a crowd of messengers in all directions

during eight months. . . . I should take the road from Ambukol to Metammeh, where my steamers wait for you. . . . The Arabs camped outside Khartoum on the 12th March. We attacked them on the 16th March, got defeated, and lost heavily, also a gun.<sup>24</sup> . . . We have built two new steamers. . . . Your expedition is for relief of garrison which I failed to accomplish. I decline to agree that it is for me personally. . . . We defended the lines with wire entanglements and live shells as mines, which did great execution. We put lucifer matches to ignite them."<sup>25</sup>

Gordon's last Journals tell us (15th Nov., when heavy firing was being sustained): "I feel quite indifferent, for if not relieved for a month, our food supply fails, and even at the above rate of expenditure of ammunition we have fifty days' cartridges. I like to go down with our colours flying."

On the 5th Dec. there were only "737 ardebs of dhoora, 121,300 okes of biscuit in store." On the 10th he wrote: "Truly I am worn to a shadow with the food question; it is one continual demand. Five men deserted to-day. The Arabs shape the stones they fire like to the shells of their guns; they will soon spoil the rifling of their guns if they continue this." The close of the Journal, 14th Dec., is: "Now, mark this; if the expeditionary force, and I ask for no more than two hundred men, does not come in ten days, the town may fall, and I have done my best for the honour of our country. Good-bye. C. G. GORDON."

In addition to the last entry in his Journal, letters of the same date were sent with it to Metammeh. To his sister he said: "I am quite happy, thank God, and, like Lawrence, I have tried to do my duty." To a military friend (Watson) he wrote: "All is up. I expect a catastrophe in ten days' time. It would not have been so if our people had kept me better informed as to their intentions. My adieux to all." Facts are useless to those who do not see that it is almost a certainty that "it would not have been so" if the ministers who vaunted that they had empowered Gordon to

<sup>24</sup> It was on the *1st May*, after much fighting at Khartoum had been reported, that Gladstone declared that he "adhered to his opinion that there is *no military danger* at the present moment besetting Khartoum."

<sup>25</sup> [The author asked a general of artillery in what manner Gordon carried out this process of blowing up his assailants, and was told that no one in Europe could answer the question, and that Gordon must have devised his own method.]

“draft his own instructions” had kept faith, and allowed him to have Zebehr.

Starving, like the other ghost-like haunters of Khartoum; “worn to a shadow” (as his Journal tells us) many weeks before the fall of the town—there being left, on the 14th Dec. (for many thousands of persons), only 546 ardebs of dhoora, and 83,525 okes of biscuits, the deserted General, nerved by a courage and endurance which seemed more than mortal, and were, indeed, prompted from on high, sent words of comfort to his sister, and unimpassioned words to an old comrade.

But, among all the inhabitants, heroism could not be looked for; and it was almost certain that the hope of favour from the Mahdi for successful treachery, and of release from the fangs of hunger, would tempt some to betray the General, and those who were too deeply involved in the defence of the city to have any hope of mercy at its fall. Therefore “the catastrophe” was expected. Meanwhile, with his steamers, the General secured scraps of food on the river banks, and an occasional capture of a cow revived hope, though it could not remove famine.

When his last Journal (to 14th Dec.) was taken to Metammeh, he sent by an Arab messenger a brief message (to be carried on to the Commander of the Relief Expedition) which, if seized by the enemy, might mislead him, but which the trusty bearer was to explain to Wolseley, in words sadly in unison with the last records in the Journal of the same date (14th Dec.) The written message was—“Khartoum all right. 14th Dec., 1894.” The verbal was longer; but Arabs have trustworthy memories. “. . . Fighting goes on day and night. Enemy cannot take us except by starving us out. Do not scatter your troops. . . .” Specially “secret and confidential” were other words which doubtless were urgently pressed upon the Arab’s memory by those Khartoumese notables who had hazarded their lives by aiding Gordon to defend the city. “Our troops in Khartoum are suffering from lack of provisions. Food we still have is little; some grain and biscuit. We want you to come quickly. . . . In Khartoum there are no butter, nor dates, and little

meat. All food is very dear."<sup>26</sup> (Blue-Book, 1885. No. 1, p. 132.)

A written letter to Wolseley, dated 14th Dec., accompanied the Journal and remained with it at Metammeh, so that Wolseley never saw the letter until the result of the "great refusal" was completed. He sent it to England on the 10th Feb. Its terms were:—" . . . The state of affairs is such that one cannot foresee further than five to seven days, after which the town may at any time fall. I have done all in my power to hold out, but I own I consider the position extremely critical, almost desperate; and I say this without any feeling of bitterness with respect to Her Majesty's government, but merely as a matter of fact. Should the town fall, it will be questionable whether it will be worth the while of Her Majesty's government to continue its expedition, for it is certain that the fall of Khartoum will ensure that of Kassala and Sennaar."<sup>27</sup>

One more communication from Gordon reached Wolseley's hands, but it was only a *fac simile* (*Ib.*, p. 141) of the previous note—"Khartoum all right. 14th Dec., 1884." It was taken to Wolseley by a man who had been sent by Wolseley from Korti on the 18th Dec., and who returned to him on the 11th Jan. He said he had been one day in Khartoum, that he was taken prisoner on his return, and that "Gordon's letters were taken from him." He bore marks of having been bound and beaten. He brought *no verbal message from Gordon*. He told Wolseley that the steamers seized cattle and grain, and took them up the river to Khartoum; and Mr. Gladstone had the ineffable meanness to tell the House, in Feb., 1885, that "the despatch of 28th Dec. overrides the account of 14th Dec.," (though *the only despatch was a repetition of that of 14th Dec.*), and represents a state of things in which there was not the smallest reference to a scarcity of provisions."

Such prevarication could deceive no one. No one could

<sup>26</sup> Sir E. Baring telegraphed this to Lord Granville on the 1st Jan., 1885. (Blue Book, No. 1, 1885, p. 132.)

<sup>27</sup> The Blue Book (No. 9, 1885) which contains this despatch (p. 23) is worth reading for the sake of the despatches of Lord Wolseley and Sir C. Wilson, and their testimony to the loyalty of Khasm-el-Mûs; a report from whom to Lord Wolseley is included in the Blue Book.

imagine that many thousands<sup>28</sup> of people could be supplied by an occasional capture of a cow and a few bushels of dhoora on the banks of a river held by hostile troops.

Khasm-el-Mûs described how (before Sir C. Wilson's arrival in Jan.) one steamer, the "Mansourah," with captured dhoora, was struck by a cannon-ball, and sunk with her booty. When Khasm-el-Mûs got to Metammeh finally (he wrote), "we had not a day's rations for ourselves or the soldiers."

And yet Gladstone dared to tell the House that a despatch (which had no existence) represented "a state of things at Khartoum in which there was not the smallest reference to a scarcity of provisions"—and, so great is the credulity or so little the honour of some people, that he secured a majority of 14 in the House when Sir Stafford Northcote righteously moved a vote of censure in February, 1885.

We know that all previous despatches showed that by the 14th Dec. supplies would be exhausted. We know from Gordon's Journal that for all practical purposes they were so exhausted.

Let us see what the real state of affairs proved to be so far as the subsequent inquiries by Major Kitchener, of the Staff Intelligence Department, enable us to judge. He had spoken with all refugees from Khartoum whom he had been able to meet, and had special duties in communicating with the tribes from 26th Jan. to 18th Aug., 1885, the date of his report. Communication between Omdurman and Khartoum was cut off on 3rd Nov., 1884, Omdurman then having only one and a-half month's provisions; so that the Omdurman garrison "must have been in great difficulties for food and necessaries after 20th Dec."

Gordon's position was "weakened" by sending the steamers (with Stewart and) to meet the expeditionary force.

<sup>28</sup> The exact population at Khartoum in Dec., 1884, cannot be ascertained. Originally, in February, there had been 40,000; but Gordon sent 2000 persons to Berber before Khartoum was captured, and lost no opportunity of letting others leave. On the 6th of Dec. he estimated that all might go who would. Major Kitchener, on the 11th, estimated that great numbers availed themselves of this permission. He estimated that in September the population had

He had already (22nd Nov.) "found it necessary to issue 9600 lbs. biscuit to the poor," and then wrote, "I am determined, if the town has to fall, the Mahdi shall find precious little to eat in it."

It may be considered (writes Kitchener) "that *even on reduced rations* the supply in store must have been *almost, if not quite, exhausted* about 1st Jan., 1885."

On the 6th Jan., when he proclaimed freedom for all to leave, Gordon wrote to the Mahdi "requesting him to protect and feed these poor Moslem people as he had done for the last nine months."

About the 18th Jan. there was desperate fighting, and about 200 of the Khartoum garrison were killed. Gordon publicly thanked the troops for their conduct.

"The state of the garrison was then desperate from want of food; all the donkeys, dogs, cats, rats, &c., had been eaten. *A small ration of gum was issued daily to the troops, and a sort of bread was made from pounded palm-tree fibres.* Gordon held several councils of the leading inhabitants, and on one occasion had the town most rigorously searched for provisions; the result, however, was very poor, only yielding four ardebs of grain through the whole town. This was issued to the troops. Gordon *continually visited the posts*, and personally encouraged the soldiers to stand firm. *It was said during this period that he never slept.*"

On the night of the 25th Jan. "many of the famished troops left their posts on the fortifications in search of food in the town. *Some of the troops were also too weak from want of nourishment to go to their posts.*" At 3.30 the south front was attacked. "In my opinion, Khartoum fell from sudden assault *when the garrison were too exhausted by privations to make proper resistance.*"

When Gladstone averred in the House, "It was plain that the despatch of 28th Dec. overrides the account of 14th Dec., and represents a state of things in which there was not the smallest reference to a scarcity of provisions," his object was, if not to tell an untruth, to induce the House to believe a lie.

There was no despatch of 28th Dec. at all. Wolseley's despatch says that the only written document borne by the

messenger was dated the 14th Dec.; "a *fac-simile*," indeed, of the former brief words similarly dated.

And Wolseley's messenger carried *no verbal message*. Therefore, the 14th Dec. despatch was overridden by no other despatch, and the words reported as used by Gladstone in the House were untrue.

It is perhaps proper to record here what Major Kitchener's careful inquiries elicited as to the fall of Khartoum. He prefaces it by saying that "the last accurate information received about Khartoum is contained in General Gordon's Diary, and dated the 14th Dec., 1884."

Major Kitchener obtained no proof that the gates were treacherously opened, but shows that Farag Pasha, to whom treachery was generally imputed, was well received by the Mahdi, although three days after the fall of the city, when he failed to discover treasure, Farag "was killed on the public market-place at Omdurman."

"Hassan Bey Balmasawi" (he says), "who commanded at the Mesalamia gate, certainly did not make a proper defence," and Hassan "afterwards took a commission under the Mahdi" and went to Khordofan. Major Kitchener considered there was "very full and complete evidence that General Gordon was killed at or near the palace. . . . All the evidence tends to prove that his death happened near the palace, where his body was subsequently seen by several witnesses." One who claimed to have been a witness said, "General Gordon was walking in front, leading the party. The rebels fired a volley, and Gordon was killed at once. Nine of the cavasses, Ibrahim Bey Rushdi, and Mahomed Bey Mustafa, were killed. The rest ran away." Major Kitchener adds, "the massacre in the town lasted some six hours, and about 4000 *persons at least were killed*. . . . The Bashi-Bazouks and white regulars, numbering 3327, and the Shaikiyeh irregulars, were mostly *all killed in cold blood after they had surrendered and had been disarmed*. . . . *The women were distributed as slaves amongst the rebel chiefs*" (those chiefs whom the Gladstone ministry exalted in preference to Zebehr) — The town was given over to pillage for three days.

The rigid official narrative of Major Kitchener



with two brief sentences wrung from his heart by the working out of the "great refusal." "The memorable siege of Khartoum lasted 317 days, and it is not too much to say that such a noble resistance was due to the indomitable resolution and resource of one Englishman. Never was a garrison so nearly rescued, and never was a commander so sincerely lamented."

The gallant major wrote nobly, on a noble theme. But there were one or two of those who had lured Gordon to his doom who seem not to have shared the major's feelings. When the tidings of the fall of Khartoum, and the consequent moral certainty of the death of Gordon, arrived in London at the War Office, on Thursday, the 5th Feb., 1885, it was announced in the newspapers on the 6th that "the news was sent to Mr. Gladstone, Lord Hartington, and Lord Granville."

On the 7th Feb. the *Times* reported that a "Cabinet Council was held yesterday," and added:—"We are asked to state that Mr. Gladstone came to London on Thursday by the first train, after the news of the fall of Khartoum reached him."

On the 9th the *Times* printed a formal announcement of a Cabinet meeting for that day.

All men knew that Gordon was not a man to be captured alive; indeed, his telegram to Sir E. Baring of 8th April, 1884, had said (Blue Book, 1884, No. 15): "I do not see the fun of being caught here, to walk about the streets for years as a dervish with sandalled feet; not that (D.V.) I will ever be taken alive;" and Gordon was a man of his word. But those who are promise-breakers themselves do not comprehend the virtue of truthfulness.

The particular mode in which the immolation of Gordon was accomplished cannot be said to be known even now; but that he was immolated at the fall of Khartoum by the joint labours of the Gladstone Government and the Arab slave-owners was as certain in London on the 10th Feb., 1885, as it is now. Such being the facts, the horror with which loyal Englishmen read that on the night of the 10th Feb. Mr. Gladstone was observed as a "guilty creature sitting at a play" may be imagined.

Some time afterwards, Sir F. Milner, speaking at York, alluded to the fact. Some one brought Sir F. Milner's speech to the notice of Mr. Gladstone, who desired his secretary to write, "that there was not even a rumour of General Gordon's death at the time alluded to." Sir F. Milner set forth these facts in a letter which appeared in the *Morning Post*, 2nd Nov., 1885, and showed that the death of Gordon was placarded throughout London on the 10th Feb., whereupon Mr. Gladstone reiterated on 3rd Nov. "that he was absolutely ignorant of the rumour to which Sir F. Milner referred."

He must have doubted whether he was believed, for we find him writing (*Times*, 27th Nov., 1885): "It is absolutely untrue that either any news or any rumour, supported by any colour of evidence that General Gordon was dead, had reached Mr. Gladstone on the evening to which reference has so improperly been made by some political opponents."

If this be so, it was useless to summon Mr. Gladstone to a council on the fall of Khartoum; and if it be improper to call attention to gross behaviour in a public man, it must be indecent in a bystander to call the attention of the police to any crime which he sees committed in the street.

The situation in Egypt was, nevertheless, not calculated to raise the reputation of the ministry, and to pacify a public which they felt must be sorely offended, Mr. Gladstone declared in Parliament (19th Feb.) that "the Government decided that it was their duty to instruct Lord Wolseley to frame his military measures upon the expectation and upon the policy of proceeding to *overthrow the power of the Mahdi at Khartoum.*

Brave words! but who could trust them in the mouth of the "broker that still breaks the pate of faith?" Had he not used the same words about the Transvaal, and did his conduct in South Africa augur that he would care for England's honour in the north? "Time, the clock-seeker, was soon to show him as ready to run from the Mahdi from the Boers; but not before he had spilled England's blood and treasure.

But here it is proper to show the state

and his accomplices put forward in defence of their "great refusal" when challenged by Sir Stafford Northcote.

Gladstone, on 23rd Feb. reiterated his strange assertion that Gordon "was able to remove himself by going to the South. . . . Then came the recommendation to send Zebehr, but it was well-known that if, when that recommendation was made, we had complied with it, an address from this House to the Crown would have paralyzed our action. . . ."

We see in newspapers that Mr. Gladstone enchants worshippers by entering tabernacles and reading lessons. If in any such assemblage he should read about the qualities of him who shall dwell in the Supreme Tabernacle—"He that sweareth unto his neighbour and disappointeth him not, though it were to his own hindrance"—he would need surpassing vanity to escape qualms of conscience for those who broke their pledges to Gordon.

The friends of Gordon, on the other hand, from the same sentence may derive enduring comfort.

Some points of Gladstone's speech—the choice of the route by the Nile and the "hypothesis of starvation"—have already been touched upon. His obstinate assertion ("Hansard," vol. ccciv., p. 1092), "There is no reason at present to believe that a great effusion of blood attended the occupation of Khartoum," must have jarred upon all humane minds; but though the massacres which Mr. Gladstone minimized as merely an "occupation of Khartoum" involved Gordon's death, he did not venture in Feb., 1885, to disparage the character of one whom he had called "a hero of heroes." At a later date, however, he threw out hints that Gordon had overweening confidence in himself, and over-rated his influence.

On the 30th April, 1885, Gladstone was asked in the House to produce the evidence on which he had said: "We have no reason<sup>20</sup> to suppose that any very considerable body

<sup>20</sup> But the telegrams of Feb., 1884, furnished ample reason, and in conformity with them we read in the work of the Rev. Mr. Barnes ("C. G. Gordon." Macmillan. 1884), p. 79: "The people appeared in their thousands at Khartoum to kiss his feet, styling him the Sultan of the Soudan." Fortunately, it is difficult for deceivers to weave their sophis-

ever attached themselves to General Gordon, and we have no reason to suppose that the general population of Khartoum—though I have no doubt that some of his immediate adherents may—have suffered in consequence of what has taken place.” One reads in “Hansard” these strange words from Gladstone, which certainly cannot be called an answer: “I entirely differ from the hon. gentleman as to the preamble of his question; and as to his request, I cannot comply with it.”

As to the mean suggestion that Gordon over-rated his own importance, Gordon gave, by anticipation, the fullest refutation to such a slander when, *on the day of his arrival at Khartoum*, amid the acclamation of thousands, he telegraphed that Zebehr must be sent thither to enable the work of evacuation to be done.

The other ministers who defended in the House of Commons their abandonment of Gordon may be briefly dismissed.

Sir Charles Dilke, who had boasted in 1884 that he had concurred in authorizing Gordon to “draft his own instructions,” made a speech which was one long shuffle. He had no plea to make for the refusal of Zebehr, but he pointed out “that only one hon. gentleman (Sir F. Milner) attacked us for not sending Zebehr.” His morality seemed to be such as might make promise-breaking a virtue if no one objected to it.

Sir W. Harcourt declared (26th Feb.) that he “would not have been a party to sending out Zebehr,” and he had the unspeakable meanness (which even Gladstone had not exhibited) of pretending that considerations for Gordon’s safety made the refusal necessary. Privileged to say anything, however inhuman, he declared, “If Gordon had been able to hold out a week or ten days longer it is quite certain that Sir H. Stewart’s force would have been in Khartoum. I say we were not too late, and I am entitled to say so.”

tries so as to escape detection when t and expert as  
Mr. Gladstone is in the art of distorti at confirm the  
old saying that it is better to tell by tampering  
subterfuge to gain brief credit for



Sir Robert Peel replied that Harcourt had been "good enough to admit that the government had experienced failures and made some mistakes. Made some mistakes! Why, good God; their hands were deep in blood. They were ankle-deep in it."

The patriotic enthusiasm which despatched the New South Wales contingent to the Soudan, and wafted offers from other colonies, was acknowledged with effusion by Mr. Gladstone in Parliament on the 20th Feb. If he had known how largely indignation at his own treachery had actuated many colonists, and that he himself was more than once burned in effigy in Australia at the time, by lovers of their country and admirers of Gordon, it would have required all his powers of dissimulation to appear sincere.

A feeble member of the Cabinet, unwarned by the abstinence of his more astute colleagues from disparagement of Gordon, ventured to sneer at the victim of Khartoum.

Lord Kimberley told his brother peers (27th Feb.), "General Gordon was not infallible. . . . He was of opinion that his influence in the Soudan was such that he might be able to accomplish the pacification of the country by his name and by his influence with the tribes. . . . General Gordon, it is impossible not to say, was mistaken<sup>30</sup> in his calculations. . . . I never was more clear in my life upon any subject than that it was the absolute duty of Her Majesty's government to refuse to send Zebehr." One would think that his mind must always have been muddy, if it was never clearer than when he broke his word.

Never was the fable of the living donkey and the dead lion illustrated more completely than by the living lord.

If Gordon was "mistaken in any calculation," it was in supposing that an English ministry would not wantonly be forsworn; and his prompt demand for Zebehr on his arrival at Khartoum, proves that the Kimberley complaint

<sup>30</sup> If Gordon presumed confidently that the Gladstone ministry would keep faith with him, no doubt he was mistaken. But such was his sense of duty to his country that if anyone had warned him that the ministry would not keep faith and would betray him, it is possible that he would have replied, "If the ministry be false, what is that to me? They apply to me in the name of my country, and I must do my best for its honour." This, at any rate, is what he did when they betrayed him.

of Gordon's self-conceit as to his own "name and influence" was as false as unworthy.

What Gladstone was not unblushing enough to do in the Commons House, Lord Granville did without shame in the Lords. With his despatch of the 22nd Feb., 1884, assigning the fear of public opinion as the reason for the "great refusal," on the table to refute him, he had the insolence to aver (19th Feb., 1885): "We considered that Zebehr's appointment would be constituted a danger to Gordon. . . . My Lords, we agreed to any other form of assistance which he might prefer."

His speech, of course, included praise of Gordon, but his words were to the friends of Gordon offensive, as would be the intrusive presence at a funeral of those by whose machinations the funeral had been caused.

"The noble Earl spoke with justice (said Lord Salisbury) of the sympathy and deep regret with which we all of us have heard of the fall—I might say the sacrifice—of our Christian hero. But these are not the only feelings which have been excited in the breasts of the people of his country. There has not only been sympathy and regret, but bitter and burning indignation. General Gordon has been sacrificed to the squabbles of a Cabinet, and the necessities of Parliamentary tactics."

When, at a later date (18th May, 1885), Lord Napier of Magdala expressed unwillingness to "re-open the wound caused by the delays and refusals to relieve General Gordon," and added that "the military character of the country had sustained a great blow—he would almost say an irretrievable blow," Lord Granville was not ashamed to reply that he did "not understand what the gallant Field Marshal can have meant."

Perhaps his answer was true, and he was not able to comprehend anything noble. His intelligence, however, appears to have staggered strangely. How otherwise can be explained his maundering contention that the Ministry would "have been accomplices in the murder of General Gordon if they had acceded to his demand for Zebehr," and that it would have been "a positive act of treachery" to Gordon to keep their promises to him?

This modern Boyet, however, who had gambled with the life of Gordon, could "chide the dice in honourable terms," for he added, "when *we have destroyed the Mahdi*, and are masters of the situation, as I hope and believe we shall be. . . . I imagine that we shall desire, all of us equally, to *form the best government that can be formed on the spot.*" Yet he had, by his share in the "great refusal," rejected the advice of Gordon, of Colonel Stewart, of the Khedive, and of Nubar Pasha, as to the best government that could be so formed.

The fate of the garrisons weighed lightly on the noble Earl. Lord Ellenborough asked on the 3rd March how it was proposed to relieve Kassala, and Granville replied pleasantly: "It is outside the scope of our military operations."

Those operations soon culminated in withdrawal, and in what Lord Napier of Magdala could not help calling, in spite of the skill and gallantry of the soldiery, an almost irretrievable blow to the military character of the country.

And so the long tragedy caused by the "great refusal" came to an end in action, but never can be blotted out of the national memory while virtue is held in reverence and hypocrisy is despised among Englishmen. Lord Granville, and others, thought it becoming to simulate in Parliament some sorrow for the death of Gordon; but when the indignation of the country had expended itself without hurling the ministry from office, and, other events having intervened, it seemed safe to smile upon the past, he said, in public, at Shrewsbury (in November): "I can never look back without regret that General Gordon was sent on that mission; but at the same time I cannot, with truth, admit that I feel remorse on the subject." It was wasteful excess in the noble culprit thus to gibbet himself as insensible to shame. His despatches had proved what manner of man he was; and in 1890 he has been hung—where now-a-days we hang such offenders—on the walls of the Royal Academy; and on the complacent effigy there were, indeed, no traces of remorse for the fate of Gordon.

Yet, what severer censure could be passed on a man than that he was active in the betrayal of Gordon, and was

without remorse when the victim of the "great refusal" was immolated on the altar of duty, to which the sacrificial priests had sent him, in order that they might prolong, for a brief term, their miserable tenure of office?

The fire which burned in their bosoms was not lit at the source which warmed the breast of Gordon. Duty, the handmaid of right, animated the victim. Self-seeking, the slave of meanness, prompted the officiating ministers.

Time, the redresser of wrong, will guard with reverence the victim as a type of that which is noblest in humanity; and will as surely doom his betrayers to the perpetual scorn of mankind.

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#### POSTSCRIPT, 1894.

"The Great Refusal" was published in London in 1890, with the signature "Vindex." The author sent a copy of it by post to General Gordon's sister. She promptly wrote to the publishers: "Will you kindly convey my compliments and thanks to the author (Vindex) of the pamphlet entitled 'The Great Refusal,' which so accords with my feelings on the subject on which he has so ably and forcibly written. As I am unable to write direct, not knowing the author's name, I hope you will excuse my troubling you."

The author thereupon wrote to Miss Gordon, who replied thus:—

"28th Nov., 1890.

"DEAR MR. RUSDEN,—Your kind letter received this morning has gratified me very much. I was most anxious to convey my thanks to the author of 'The Great Refusal,' and doubly pleased to find it was from the pen of a friend. I sent a copy of it to Cairo a few days ago, where I think it will be appreciated. It is well to have such matters put concisely before the public, as in these days few will take the trouble to search for themselves, even when they have facilities for so doing.—Yours sincerely,

"G. W. Rusden, Esq., Athenæum Club, Pall Mall."

Many other letters of thanks to the author, whose name was well known.

In the year 1891 a book was published and the Egyptian Soudan" (M'M



1891), and the author examined it with interest, in order to ascertain whether in the opinion of an experienced soldier serving in Egypt the keeping of faith with Gordon by the English ministry might have been effectual in saving the garrisons in the Soudan, and enabling Gordon to accomplish the work which he was appointed to do.

Major Wingate, R.A., was Assistant Adjutant-General for Intelligence in the Egyptian army. A few brief extracts from his book will suffice to confirm the author's reflections in the note at page 414.

In Gordon's opinion there was but one man possible; . . . Zebehr was the one ruler. A quiet, far-seeing, thoughtful man, of iron will—a born ruler of men. The natural ruler of the Soudanese was Zebehr. If he were coming all would go well. . . . But the tribes were threatening and impatient. . . . Zebehr must come at once. . . . Zebehr did not go, and from this arose grave consequences. Those consequences were sure and swift. . . . One searches in vain for a single circumstance hopeful for Gordon. When the eye wanders over the huge and hostile Soudan, and notes the little pin-point garrisons, each smothered in a cloud of hostile spears, . . . and when it is remembered that one of these Englishmen sat resolute there for eleven months, and that no one could dislodge him, one is proud beyond measure of the exploit."

But some one may say—"Of what value is Major Wingate's opinion?" In 1892, Mr. Alfred Milner testified to its value in a work—"England and Egypt," by "Alfred Milner, late Under-Secretary for Finance in Egypt." (London: Edward Arnold, 1892.) Speaking of Major Wingate's book, Mr. Milner wrote:—"No man could possibly have been better fitted to perform that task. A practical soldier, with long and varied experience of Soudanese warfare, Major Wingate has also been for a number of years the chief in the Intelligence Department of the Egyptian army. Knowing the language and the people, he has amassed and digested an amount of information which was not within the reach of any other man, and has presented it in a form which may safely be regarded as final."

Major Wingate's statement—"The natural ruler of the Soudanese was Zebehr. If he were coming all would go well"—and Mr. Milner's testimony as to Major Wingate's competency to judge, make it unnecessary to alter a line in "The Great Refusal" as published in 1890.

# STATISTICS OF NEW ZEALAND.

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## A. GENERAL SUMMARY, 1854 TO 1893-4.

Year.	Population on 31st December (a) (Exclusive of Maoris).			Excess of Immigrants over Emigrants.	Public Revenue (Calendar Years).		Debt.		External Trade.	
	Males.	Females.	Total.		Exclusive of Land Revenue.	Total.	Public.	Of Local Bodies.	Total Imports.	Exports of Home Products.
1854	17,914	14,640	32,554	2,057	£ 111,214	£ 292,060	£ ...	£ ...	£ 891,201	£ 320,890
1861	61,062	37,959	99,021	16,222	344,110	691,464	836,000 <i>d</i>	...	2,493,811	1,339,241
1871	156,431	110,555	266,986	4,786	964,417	1,342,116	8,900,991	...	4,078,193	5,117,104
1881	274,986	225,924	500,910	1,616	3,206,554	3,757,493	29,659,111	3,039,807	7,457,045	5,762,250
1891	336,174	297,884	634,058	—3,198 <i>b</i>	3,804,307	4,146,230	38,844,914	6,042,693	6,503,849	9,400,094
1893	357,635	314,630	672,265	10,412	4,063,131	4,407,963	39,729,376	6,203,869	6,911,515	8,557,443
1894	363,763	322,365	686,128	2,253	3,972,549 <i>c</i>	4,288,716 <i>c</i>	40,386,964 <i>c</i>	...	6,788,020	9,085,148

## EXPORTS OF HOME PRODUCE.

Year.	Wool.		Grain.		Frozen Meat.		Gold. (f)		N.Z. Flax.		Tallow, Timber, &c.
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	
	lbs.	£	bushels.	£	cwt.	£	oz.	£	tons.	£	
1854	1,254,416	70,103	94,600	41,019	...	...	...	...	48	1,562	179,341
1861	7,855,920	523,728	8,818	2,518	...	...	194,234	752,659	2	43	50,407
1871	37,793,734	1,606,144	1,032,902	164,087	...	...	730,029	2,787,520	4,248	90,611	354,784
1881	59,415,940	2,909,760	5,815,960	980,072	15,244 <i>e</i>	19,339 <i>e</i>	250,683	996,867	1,308	26,285	589,488
1891	106,189,114	4,129,686	5,877,059	676,328	1,000,307	1,194,724	251,161	1,007,172	15,809	281,504	1,673,604
1893	109,719,684	3,774,733	4,855,368	583,397	903,836	1,085,167	227,502	915,921	12,587	219,375	1,468,070
1894	144,295,159	4,827,016	...	...	...	...	221,615	887,839	...	...	...

A. GENERAL SUMMARY, 1854 to 1893-4—Continued.

Year.	Shipping.		No. of Occupied & Cultivated Holdings.	Acres in Cultivation (inclusive of Sown Grasses.)	Land Under Wheat.		Coal Raised.	Live Stock. (g)				
	Entered and Cleared.	Owned by Colony.			Acres.	Produce.		Horses.	Cattle.	Sheep.	Pigs.	
												tons.
1854	51,549	...	...	...	...	...	...	...	...	...	...	...
1861	403,336	9,144	...	226,621	...	...	...	28,275	193,285	2,761,853	43,270	...
1862	540,261	27,107	14,874	1,226,222	...	...	...	81,028	436,592	9,700,629	151,460	...
1863	833,621	72,389	26,298	5,189,104	365,715	8,297,890	337,262	161,736	698,637	12,985,085	200,083	...
1864	1,244,322	102,068	41,224	8,893,225	402,273	10,257,738	667,794	211,040	831,831	18,128,186	308,812	...
1893	1,258,070	100,388	45,290	10,063,051	242,737	4,891,695	691,548	...	885,305	19,380,369	...	...

Miles Open.	Banks (000's omitted).			Savings Banks		Members of Friendly Societies.	Education (Primary).					
	Telegraph Lines.	Railways.	Deposits.	Total Assets.	Total Liabilities.		No. of Depositors.	Amount Deposited.	Public.		Private.	
									Schools.	Scholars.	Schools.	Scholars.
1861	...	...	£ 883,	£ 1,236,	£ 1,097,	1,144	£ 22,921	...	...	...	...	...
1871	2,015	145 <sup>h</sup>	3,335,	5,872,	3,988,	14,275	454,966	...	544 <sup>j</sup>	38,215 <sup>j</sup>	188 <sup>j</sup>	8,237 <sup>j</sup>
1881	3,824	1,333	9,069,	14,864,	10,083,	61,054	1,549,515	14,484	869	83,560	266	9,987
1891	5,349	1,869	12,796,	16,815,	13,820,	126,886	3,406,949	28,000	1,255	119,523	281	14,142
1893	5,513	1,948 <sup>i</sup>	14,434,	18,256,	15,490,	147,199	3,966,849	29,000	1,355	124,690	299	14,922

(a) Population at earlier dates:—2050 in 1840; 5000 in 1841; 26,707 in 1851.

(b) Excess of emigrants.

(c) For year ended 31st March, 1895.

(d) Figures for 1862.

(e) Figures for 1892.

(f) Greatest yields:—735,376 in 1866; next greatest in 1871.

(g) Including stock owned by Maoris in 1891.

(h) Figures for 1873.

(i) Government lines only; there are also 150 miles of private lines.

(j) Figures for 1874.

## B. DETAILED STATEMENTS.

### 1. Area.

North Island	...	...	...	...	44,468 square miles.
Middle Island	...	...	...	...	58,525 „
Stewart Island	...	...	...	...	665 „
Other Islands	...	...	...	...	813 „
Total	...	...	...	...	<u>104,471</u> „

NOTE.—The area is one-fifth larger than Victoria, but one-seventh smaller than the United Kingdom. The length of coast line is 4330 miles.

### 2. Temperature and Rainfall.

Latitude	...	Auckland.	Wellington.	Christchurch.	Dunedin.
	...	36° 50'	41° 16'	43° 32'	45° 52'
MEAN TEMPERATURE—					
Summer	...	66·9	62·2	61·5	57·2
Autumn	...	61·2	56·7	53·6	51·8
Winter	...	52·3	48·7	43·5	43·5
Spring	...	57·6	54·5	53·2	50·5
Year	...	59·5	55·6	52·9	50·7
YEARLY EXTREMES—					
Average maximum	...	88·5	78·4	88·2	84·7
„ minimum	...	33·3	32·2	25·2	29·9
Average Rainfall *	...	41·8	37·4	25·1	35·7

\* These figures hardly give an adequate idea of the rainfall of the country, as the rainfall in the Western portions of the Colony is greater than in the Eastern, and the towns shown are situated on the Easterly coasts. At Hokitika, on the West coast, for example, the average is 120 in., and the maximum 154½ in.

### 3. Constitution, 1893.

LEGISLATIVE COUNCIL—					
Present No. of Members	...	...	...	...	46
Term of appointment—					
Prior to September, 1891	...	...	...	...	Life
From	„	„	„	„	7 years
How appointed	„	„	„	„	Nominated
HOUSE OF REPRESENTATIVES—					
No. of Members—					
Europeans	...	...	...	...	70
Maoris	...	...	...	...	4
Term for which elected (years)	...	...	...	...	3
Constituencies—					
European	...	...	...	...	62*
Maori	...	...	...	...	4

\* Four with three members to each.

**4. Electoral Franchise, 1893.**

Electors on Roll (exclusive of Maoris)—

Males ... 193,536 | Females ... 109,461

Electors who recorded their votes in contested districts, 1893—

Proportion to No. on Rolls.

Males ... 75 per cent. | Females ... 85 per cent.

NOTE.—Women were admitted to the franchise in September, 1893.

**5. Population of Chief Cities, 1891.**

(WITH SUBURBS.)

					Percentage of Total Population.
Auckland	...	...	51,287	...	8.2
Wellington	...	...	34,190	...	5.4
Christchurch	...	...	47,846	...	7.6
Dunedin	...	...	45,869	...	7.3

**6. Balance of Immigration.**

Period.	Total.	State Assisted Immigrants.	Expenditure on Immigration.
1853-60	33,483	Not stated	£2,008,500
1861-70	113,705*	„	
1871-80	136,733†	100,920	
1881-90	20,257	14,614	
1891-93	1,760	44	
	Total		£2,189,233

\* Of which 73,000 took place in 1861-3. † Of which 63,376 took place in 1874-5.

**7. Birth, Death and Marriage Rates.**

Average 1889-93. Per 1000 of the Population.

Births ... 28.77 Deaths ... 9.95 Marriages ... 6.32

**8. Public Revenue Account.**

(YEAR ENDED 31ST MARCH, 1895.)

Credit Balance from previous year	...	£290,238
Revenue, 1894-5	£4,288,716	
Expenditure, 1894-5	4,398,930*	
Deficiency	...	110,214
Credit Balance carried forward	...	

\* See latter portion of foot note (†) to No. 10.

**9. Public Revenue, 1894-5.**

(Exclusive of Loans.)

<b>TAXATION—</b>						
Customs	...	...	...	...	...	£1,569,785
Excise—Beer Duty	...	...	...	...	...	59,901
Land Tax	...	...	...	...	...	280,207†
Income Tax	...	...	...	...	...	89,892
Succession and other Stamp Duties	...	...	...	...	...	297,000*
<b>Total</b>	...	...	...	...	...	<b>£2,296,785</b>
<b>LAND REVENUE—</b>						
Alienation	...	...	...	...	...	£131,468
Rents of Pastoral Lands, &c.	...	...	...	...	...	184,699 ]
<b>Total</b>	...	...	...	...	...	<b>£316,167</b>
<b>PUBLIC WORKS—</b>						
Railways	...	...	...	...	...	£1,152,748
Post and Money Order Office	...	...	...	...	...	254,800*
Telegraphs and Telephones	...	...	...	...	...	86,900†
<b>Total</b>	...	...	...	...	...	<b>£1,494,448</b>
<b>MISCELLANEOUS—</b>						
Registration and Other Fees (including fee stamps)...	...	...	...	...	...	£89,906
Marine	...	...	...	...	...	21,514
Other	...	...	...	...	...	69,896
<b>Total</b>	...	...	...	...	...	<b>£181,316</b>
<b>Grand Total</b>	...	...	...	...	...	<b>£4,288,716</b>

\* Approximate only; one kind of stamp being used for all these purposes.

† Including £19 on account of old Property Tax.

‡ Exclusive of value of Government Free Correspondence and Messages, viz.:—  
Postage, £59,070; Telegrams, £26,060.**10. Public Expenditure, 1894-5.**

<b>GENERAL ADMINISTRATION—</b>						
Civil List	...	...	...	...	...	£24,412
Legislature	...	...	...	...	...	17,398
Civil Establishment	...	...	...	...	...	110,703
Judicial and Legal	...	...	...	...	...	124,204
Police	...	...	...	...	...	94,210
Defences	...	...	...	...	...	62,156
Not specified (under special acts)	...	...	...	...	...	189,891
<b>Total</b>	...	...	...	...	...	<b>£622,974</b>
<b>LANDS—</b>						
Crown Lands, Administration and Survey	...	...	...	...	...	£165,043
Agriculture	...	...	...	...	...	42,530
Mining	...	...	...	...	...	15,602
<b>Total</b>	...	...	...	...	...	<b>£223,175</b>

INTELLECTUAL CULTURE AND CHARITIES—					
Public Instruction	...	...	...	...	£396,234
Charitable Institutions	...	...	...	...	54,414
Total	...	...	...	...	£450,648
PUBLIC WORKS—					
Railways	...	...	...	...	£725,256
Post Office and Telegraphs	...	...	...	...	298,766
General Public Works	...	...	...	...	367,517*
Interest, &c., Public Debt	...	...	...	...	1,599,089†
Total	...	...	...	...	£2,990,628
COMMERCE—					
Customs and Excise	...	...	...	...	£65,675
Harbour Endowments	...	...	...	...	33,508
Total	...	...	...	...	£99,183
MISCELLANEOUS—					
Department of Labour	...	...	...	...	£3,437
Other ...	...	...	...	...	8,885
Total	...	...	...	...	£12,322
Grand Total	...	...	...	...	£4,398,930

\* Including endowment to local bodies, £37,343; and £250,000 transferred to Public Works Fund.

† Debt largely raised for the construction of public works. Exclusive of charges for sinking fund, met by Debentures raised for the purpose, viz., £117,800.

### 11. Public Debt, 1894-5.

NOTE.—Affairs connected with the New Zealand Bank are not embodied here; being inchoate. At page 385 in this volume the hasty manner in which in 1894 the New Zealand ministry contracted an obligation of Two Millions Sterling has been recorded. Their confidence in themselves and their proposals was speedily exposed to a rude shock. In 1895, they made another hurried application for help for the institution to which they had linked themselves; and their Parliamentary opponents magnanimously aided in devising measures of relief. Statistics are sometimes sneered at as deceptive; but they do not fail to teach that a community led by men who flout at wisdom and deride experience will have to pay for its own experiments. "The injuries which wilful men procure must be their schoolmasters."

#### (a) PURPOSES FOR WHICH CONTRACTED.

1. REPRODUCTIVE WORKS—					
Railways	...	...	...	...	£14,655,026
Telegraphs	...	...	...	...	679,793
Water Supply	...	...	...	...	587,041
Harbours, &c.	...	...	...	...	906,958*
Total Revenue Yield	...	...	...	...	£16,828,818
2. OTHER WORKS—					
Roads and Bridges	...	...	...	...	£3,855,455
Defence Works...	...	...	...	...	429,719*
Other Public Works	...	...	...	...	2,266,873
Total	...	...	...	...	£6,552,047



## 3. MISCELLANEOUS—

Immigration ... ..	£2,146,552
Land Purchases (chiefly from Maoris) ... ..	1,297,517
Rates on Native Lands ... ..	61,072
Revenue Deficiencies ... ..	218,500
Charges and Expenses of Raising Loans ... ..	1,026,828
Unapportioned ... ..	11,695,081*
<b>Total ... ..</b>	<b>£16,445,550</b>
<b>Total Debt, 31st March, 1894 ... ..</b>	<b>£39,826,415</b>
<b>Total Debt, 31st March, 1895 ... ..</b>	<b>£40,386,964</b>

NOTE.—The above figures represent the net expenditure out of the "Public Works Fund" since 1870, as there is no other existing record of the loans' expenditure. This fund, however, includes, besides loan moneys, receipts in aid from stamp duties, &c. The balance unaccounted for, set down above as "Unapportioned," includes the old provincial loans, loans not accounted for, and unexpended balances. Treasury Bills, amounting to £810,000—of which £334,000 were in aid of revenue, and £476,000 to redeem guaranteed debentures—are not included. As a set-off against the public debt there was an ACCRUED SINKING FUND amounting to £961,924 on 31st March, 1894, and £751,932 on 31st March, 1895.

\* Portion of expenditure on Defences included under Harbours, &c., and portion under "Unapportioned."

## (b) RATES OF INTEREST.

Rate.	Amounts Outstanding.	Rate.	Amounts Outstanding
7 ... ..	£15,000	4 ... ..	£31,167,702
6½ ... ..	35,000	3½ ... ..	5,466,351
6 ... ..	176,900	Nil (overdue) ... ..	311
5 ... ..	1,137,300		
4½ ... ..	2,388,400	<b>Total, 31st March, 1895</b>	<b>£40,386,964</b>

## (c) ANNUAL CHARGE FOR DEBT, ON 31ST MARCH, 1895.

	Amount.	Average Rate.
Annual Interest ... ..	£1,616,225	3·90 %
Sinking Fund ... ..	40,746	·10 %
<b>Total ... ..</b>	<b>£1,656,971</b>	<b>4·10 %</b>

## (d) WHEN REPAYABLE.

Year.	Amount.	Year.	Amount.
1895 ... ..	£311*	1913 ... ..	£506,500
1896 ... ..	136,408	1914 ... ..	367,100
1897 ... ..	491,200	1915 ... ..	3,800
1897 ... ..	305,890	1916 ... ..	12,200
1898 ... ..	1,540,200	1929 (Inscribed Stock	
1899 ... ..	279,302	London) ... ..	29,150,302
1900 ... ..	50,000	1940 (Inscribed Stock	
1905 ... ..	102,600	London) ... ..	5,308,326
1907 ... ..	1,000,000	Annual drawings ... ..	725,800
1908 ... ..	184,000		
1909 ... ..	40,000	<b>Total, Mar. 31, 1895</b>	<b>£40,386,964†</b>
1910 ... ..	183,025		

\* Overdue. † Consisting of £34,616,653 Inscribed Stock issued in London, £1,888,308 Stock in the Colony, and £3,882,003 Debentures.

## 12. Income Tax.

Levied on all incomes over £300 not derived from land, with an exemption of first £300 and a further exemption up to £50 for Life Assurance Premiums paid, at the following rates for 1893-4:—

First taxable £1000	...	...	...	6d. in £1
Over £1000	...	...	...	1s. in £1

(NOTE.—No exemption to absentees or companies. Dividends from companies are not included in individual incomes, but are taxed as Companies' Income. Companies pay the higher rate.)

Revenue, 1893-4	...	...	...	£75,238
1894-5	...	...	...	89,892

Of which the proportion payable by companies is 53 per cent.

No. of taxpayers, 1892-3 (including 237 companies)	...	3,448
Proportion to adult male population, nearly 2 per cent.		

## 13. Land Tax.

LAND TAX is at the rate of 1d. in £1 on the value of land, less improvements and mortgages, after deducting an exemption of £500 on estates of an unimproved value of £1500 or under, and a gradually diminishing exemption up to £2500, when the exemption vanishes. (Mortgages are taxed as if holders of land.)

GRADUATED LAND TAX, in addition, on estates of an unimproved value (including mortgages) of £5000 or upwards. Rate of tax is graduated, commencing with  $\frac{1}{8}$  penny, and gradually increasing by eighths to a maximum of 2d. on properties valued at £210,000 or upwards. (Absentees pay 20 per cent. additional.)

## (a) LAND OWNERS IN NEW ZEALAND—

				Percentage.
Paying tax	...	...	12,360	13 $\frac{1}{2}$
Exempt from tax	...	...	79,141	86 $\frac{1}{2}$
Total	...	...	91,501*	100

\* Equivalent to 53 per cent. of adult male population.

## (b) VALUE OF PRIVATE LAND—

Without improvements—			Acres.	Percentage.
Taxed	...	...	48,480,000	53
Exempt	...	...	5,947,175	6
			54,427,175	59
Improvements	...	...	37,943,991	41
Total	...	...	92,371,166	100

## (c) LAND TAX PAYABLE 1893-4—

Ordinary	...	...	£202,0
Graduated	...	...	83,0
Total	...	...	285,0

## (d) COST OF COLLECTION (average)—

Per £100 revenue from Land and Income Taxes ... £4 18 6

## (e) OCCUPATIONS OF TAXPAYERS, 1892-3.

DESIGNATION.	Ordinary Land Tax.		Graduated Land Tax.		Income Tax.	
	No. of Payers.	Amount.	No. of Payers.	Amount.	No. of Payers.	Amount.
Professional—clergymen, lawyers, doctors, authors, editors, engineers, surveyors, and architects ... ..	449	6,612	42	755	652	6,153
Civil servants, officers of local bodies, teachers, &c. ... ..	173	773	5	10	391	1,498
Retired professional men, merchants, and others ... ..	154	6,610	45	1,660	89	692
Merchants, importers, warehousemen, contractors, &c.—firms ... ..	92	2,603	22	243	111	8,383
Merchants, importers, warehousemen, contractors, &c.—persons ... ..	300	5,770	56	1,306	127	2,010
Tradesmen, wholesale and retail shopkeepers, storekeepers, carriers, &c. ...	1,251	6,182	41	204	558	5,592
Working storemen, mechanics, labourers, shepherds, miners, sailors, &c. ...	220	474	2	7	29	62
Manufacturers, brewers, millers, founders, sawmillers, shipbuilders, &c. ... ..	170	1,697	19	175	139	2,280
Graziers, sheepfarmers, farmers, dairymen, &c. ... ..	4,760	60,203	766	28,015	97	1,123
Land, commission, or general agents, auctioneers, accountants, brokers, commercial and other managers, clerks, bookkeepers, master mariners ... ..	397	4,220	35	323	914	6,112
Widows, wives' trustees, spinsters ...	1,837	13,574	57	689	58	483
Other trust estates and estates of deceased persons ... ..	1,522	33,455	210	6,738	26	362
Absentees ... ..	784	21,053	114	4,109	20	139
Companies—						
Banks ... ..	6	4,596	6	2,512	4	3,076
Life insurance ... ..	6	6,771	6	446	8	4,573
Loan ... ..	30	26,567	14	2,700	15	1,656
Land ... ..	19	16,579	13	15,232	3	396
Mercantile ... ..	36	4,850	9	492	84	10,960
Manufacturing ... ..	23	1,832	8	463	44	5,254
Manufacturing and mercantile ... ..	15	1,495	5	791	21	3,336
Mining (coal) ... ..	6	92	2	8	7	1,325
Mining (gold) ... ..	...	...	...	...	23	2,735
Fire and marine insurance ... ..	9	2,631	3	221	28	5,427
Building societies ... ..	37	1,968	1	19	...	...
Church property—						
Corporation and trusts ... ..	64	1,974	10	762	...	...
Totals ... ..	12,360	232,581	1,491	67,880	3,448	73,000



CROWN LANDS—		Acres.
Under Perpetual Lease with right of purchase ...	1,100,537	
Under Occupation with right of purchase ...	138,073	
Lease in Perpetuity (999 years) ...	208,785	
Under Depasturing Leases† ...	11,896,110	
Small Grazing Runs† ...	893,874	
Maori Lands ...	14,000,000	
State Forest Reserves ...	1,136,467	
Remainder of Public Estate ...	16,350,018	
<b>Total Area of Colony ...</b>	<b>66,861,464</b>	

† The Number and Rental of Depasturing Leases were 1481 and £125,351 respectively; and of small Grazing Runs 477 and £18,892.

NOTE.—Of the 31,700,000 acres of unalienated Crown lands (exclusive of Maori lands) nearly 10,000,000 acres are forests; 9,000,000 barren mountain tops, lakes, &c.; and the remainder open fern or grass country. The Maori lands also embrace large forest spaces. The rental of land selected with right of purchase is 5 per cent., and of a lease in perpetuity 4 per cent. of the cash price of the land. Right of purchase can only be exercised in the former case after ten years' residence.

### 16. Occupied Holdings 1891 (over 1 acre).

Size of Holdings.	No. of Holdings.	Acreage (000's omitted).		
		Freehold.	Leasehold, &c.*	Total.
Acres.				
1- ...	11,116	28,	24,	52,
10- ...	8,899	149,	106,	255,
50- ...	5,613	277,	158,	435,
100- ...	6,851	655,	374,	1,029,
200- ...	3,916	610,	403,	1,013,
320- ...	3,802	1,058,	660,	1,718,
640- ...	1,321	662,	396,	1,058,
1,000- ...	1,675	2,144,	1,281,	3,425,
5,000- ...	247	1,209,	560,	1,769,
10,000- ...	189	1,911,	788,	2,699,
20,000- ...	117	2,508,	833,	3,341,
50,000- ...	24	802,	723,	1,525,
Upwards of 100,000 ...	7	397,	681,	1,078,
<b>Total ...</b>	<b>43,777</b>	<b>12,410,</b>	<b>6,987,</b>	<b>19,397,</b>

### 17. Agriculture, 1893-4.

Land Under—	Acres.	Produce.
Wheat ...	242,737	4,891,695 bush.
Oats ...	376,646	12,153,068 "
Barley ...	28,857	724,653 "
Maize ...	5,116	224,539 "
Other Cereals ...	16,494	444,126 "
Potatoes ...	21,121	126,540 tons.
Hay ...	60,740	86,198 "
Green Forage (exclusive of grass)	517,747	—

Land Under—	Acres.	Produce.
Mangolds, Beet, Carrots, &c.	7,021	—
Hops ... ..	778	7,665 cwt.
Tobacco ... ..	4	2,290 lb. drd. leaf.
Gardens and Orchards ... ..	31,060	
Other Crops ... ..	5,291	
In Fallow ... ..	142,342	
<b>Total Tillage ... ..</b>	<b>1,455,954</b>	

Under Permanent Artificial Grass 8,638,157

PRODUCE PER ACRE.	
Wheat ... ..	20·15 bush.
Oats ... ..	32·27 ”
Barley ... ..	25·11 ”
Maize ... ..	43·89 ”
Other Cereals ... ..	26·93 ”
Potatoes ... ..	5·99 tons
Hay ... ..	1·42 ”

18.—Minerals Obtained up to end of 1893.

	Quantity.	Value.
Gold ... ..	12,600,944 ozs.	£49,566,878
Silver ... ..	667,762 ”	153,887
Coal ... ..	5,653,063 tons }	4,502,290
Brown Coal and Lignite ... ..	2,843,786 ” }	
Kauri Gum ... ..	—	6,860,196
Manganese Ore ... ..	17,297 ”	56,107
Antimony Ore, &c. ... ..	3,481 ”	49,507
Chrome Ore ... ..	5,666 ”	37,367
Other Minerals ... ..	—	111,757
<b>Total ... ..</b>		<b>£61,337,989</b>

19.—Manufactories, Works, &c., Censuses 1881 and 1891.

(Including Gold-quartz and Hydraulic Mining Works, Collieries and Stone Quarries; but exclusive of Government Printing Office and Railway Workshops.)

No. of Manufactories, &c.	1881.	1891.
No. of Manufactories, &c. ... ..	1,643	2,570
<b>HANDS EMPLOYED—</b>		
Males ... ..	16,599	26,911
Females ... ..	1,399	2,969
<b>Horse Power Employed</b>	13,315	33,392
<b>WAGES PAID ANNUALLY</b>		
Males ... ..	£2,111,000	£2,111,000
Females ... ..	£111,000	£111,000
<b>Total ... ..</b>		<b>£2,222,000</b>

	£	£
Value of Articles Produced ... ..	*7,436,649	9,422,146
„ Materials Used ... ..	Not stated	3,472,000
Value of Machinery and Plant ... ..	1,612,141	3,051,699
„ Lands and Buildings ... ..	1,993,141	2,775,277

\* Figures for 1886.

### 19a.—Production and Employment in Chief Manufactories 1891.

	Annual Output. £	Hands Employed.
Meat-freezing, Preserving, and Boiling-down Works ... ..	1,464,659	1,568
Tanning, Fellmongering, and Wool-scouring Establishments ... ..	1,026,349	1,196
Grain Mills ... ..	991,812	499
Saw Mills ... ..	832,959	3,266
Boot and Shoe Factories ... ..	403,736	1,943
Iron and Brass Foundries, Boiler Manufacturers, and Millwrights ... ..	403,635	1,787
Printing Establishments ... ..	354,559	2,569
Breweries ... ..	300,508	476
Collieries ... ..	279,777	1,655
Woollen Mills ... ..	279,175	1,175
Gold-mining, &c., Works ... ..	278,893	1,971
Flax Mills ... ..	234,266	3,204
All Others ... ..	2,571,818	8,571
<b>Total ... ..</b>	<b>£9,422,146</b>	<b>29,880</b>

### 20.—Timber Industry, 1890.

No. of Mills ... ..	243
Hands Employed ... ..	3,266
Horse Power Employed ... ..	4,637

TIMBER WORKED UP DURING YEAR—	Quantity.	Value.
Sawn ... ..	162,116,221 feet	£566,535
Posts and Rails ... ..	—	56,293
Re-sawing, Planed Flooring, Skirting, &c. ... ..	30,451,949 „	144,095
Moulding ... ..	8,436,584 run. feet	25,786
Doors and Sashes ... ..	52,275 No.	40,250
<b>Total Value ... ..</b>		<b>£832,959</b>

**21. Government Railways, 1898-4 (Gauge 3ft. 6in.)**

<b>MILES OPEN—</b>					
At End of Year	...	...	...	...	1,948 miles.
Per 1000 Inhabitants	...	...	...	...	2.90 „
Average for Year	...	...	...	...	1.917 „
Capital Cost	...	...	...	...	£15,137,036
Average per Mile	...	...	...	...	£7,771
<b>REVENUE ACCOUNT—</b>					
Gross Receipts	...	...	...	...	£1,172,792
Average per train mile	...	...	...	...	90½d.
Working Expenses	...	...	...	...	£735,538
Average per train mile	...	...	...	...	56½d.
Percentage of Receipts	...	...	...	...	62.7
Net Receipts	...	...	...	...	£437,434
Percentage of Mean Capital Cost	...	...	...	...	2.93
<b>TRAFFIC—</b>					
Train Mileage	...	...	...	...	3,113,231
Per Head of Population	...	...	...	...	7.51
Passenger Journeys	...	...	...	...	6,122,340
Average per mile open	...	...	...	...	3,194
Goods Carried (tons)	...	...	...	...	2,198,709
Average per mile open	...	...	...	...	1,110

**22. State Primary Education, 1898.**

Schools (No.)...	...	...	...	...	1,355
Teachers (including 160 sewing mistresses)	...	...	...	...	3,426
<b>Scholars—</b>					
Gross Enrolment	...	...	...	...	163,105
Distinct Children	...	...	...	...	138,500
Daily Attendance (average)	...	...	...	...	98,615
Percentage of Enrolments	...	...	...	...	60.5
<b>Expenditure defrayed by—</b>					
State	...	...	...	...	£349,688
Education Reserves Fund	...	...	...	...	37,170
Local Sources	...	...	...	...	2,902
<b>Total</b>	...	...	...	...	<b>£389,760</b>

Cost of Instruction per head of Population	...	...	...	...	£0 11 9
“ “ “ “ “ Attendance	...	...	...	...	3 19 0

NOTE.—The system of State primary education is compulsory. The compulsory school age is 7 to 13.



**23. State Life Insurance, 1893.**

				Percentage of Assurances in all Offices.
Policies in Force	...	...	31,709	53
Sums Assured and Bonuses	...	...	£9,098,000	54
Annual Income	...	...	£362,000	
Funds	...	...	£2,129,000	

NOTE.—Amongst Policy-holders the most numerous are Farmers, Government Officials, Labourers, Clerks, Railway Employés, Farm Labourers, and Miners.

**24. Public Trust Office.**

## ESTATES REMAINING AT END OF 1893.

	No.	Value.
Wills and Trusts	371	£543,238
Intestate Estates	886	84,436
Unclaimed Realty	117	23,465
Lunatic Estates	271	51,278
Native Reserves	102	348,500
West Coast Settlement Reserves	293	400,000
<b>Total</b>	<b>2,040</b>	<b>£1,450,917</b>

**25. Government Advances to Settlers.**

(Act passed in 1894.)

Amount Authorized	...	...	...	£3,000,000
Borrowed in London to 30th June, 1895	...	...	...	£1,500,000
Rate of Interest, Nominal	...	...	...	3 %
Proceeds	...	...	...	£1,416,600
Applications for Advances to 30th June, 1895—				
	No.	Amount.		
Received	2,156	£884,453		
Dealt with	1,552	559,855		
Approved	965	354,907		

NOTE.—The object of this measure is to reduce the rate of interest payable by producers in the Colony, and it is stated that it has to a certain extent already achieved that object.

**C. CENSUS RESULTS, 1891.**

(Proportions per 1000 exclusive of Maoris.)

1. Birthplaces.		2. Religions.	
New Zealand ... ..	586	Church of England ... ..	405
Australia and Tasmania ... ..	25	Presbyterians ... ..	226
England and Wales [... ..	190	Methodists ... ..	101
Scotland ... ..	83	Other Protestants ... ..	78
Ireland ... ..	76	Roman Catholics ... ..	140
Other British Possessions ... ..	6	Jews ... ..	2
Denmark, Sweden and Norway	8	Buddhists, Confucians, &c.	6
Germany ... ..	7	Other Denominations ... ..	1
China ... ..	7	No Denomination, no Religion	16
Other Countries ... ..	11	Object to state ... ..	25
<b>Total ... ..</b>	<b>1000</b>	<b>Total ... ..</b>	<b>1000</b>

**3. Occupations.**

	Males.	Females.	Total.
<b>I. BREADWINNERS—</b>			
Professional ... ..	30	20	25
Domestic ... ..	17	66	40
Commercial ... ..	121	10	69
Industrial* ... ..	178	39	113
<b>Primary Producers—</b>			
Agriculturists	170	8	94
Pastoralists	28	1	15
Miners ... ..	51	—	27
Others ... ..	15	—	8
Indefinite ... ..	13	11	12
<b>II. DEPENDENTS—</b>	<b>377</b>	<b>845</b>	<b>597</b>
	<b>1000</b>	<b>1000</b>	<b>1000</b>

\* Persons engaged in Industrial and Commercial pursuits in combination are preferentially classed as "Industrial."

**4. Education of Population.**

15 Years and upwards.

Read and Write	958
Read only	204
Cannot Read	214

Total

## D. MAORIS.

## 1. Number of Maoris (approximate only).

Males	...	...	...	1881.	1891.
Females	...	...	...	24,368	22,861
				19,729	19,132
Total	...	...	...	44,097	41,993

## 2. Tribal Population, 1891.

Principal Tribe.	Ages.				Total Population.		
	Under 15.		Over 15.		Male.	Female.	Persons.
	Male.	Female.	Male.	Female.	Male.	Female.	Persons.
Arawa ...	678	564	1,369	1,102	2,047	1,666	3,713
Muaupoko ...	6	2	45	36	51	38	89
Ngatiporou ...	628	581	1,348	1,138	1,976	1,719	3,695
Ngatikahungunu ...	938	796	1,963	1,497	2,901	2,293	5,194
Ngaiterangi ...	235	192	505	384	740	576	1,316
Ngapuhi ...	1,357	1,205	2,095	1,657	3,452	2,862	6,314
Ngatimaniapoto...	284	256	527	464	811	720	1,531
Ngatimaru ...	203	188	542	416	745	604	1,349
Ngatiawa ...	326	280	806	615	1,132	895	2,027
Ngatiraukawa ...	291	248	576	484	867	732	1,599
Ngatiruanui ...	107	67	373	288	480	355	835
Ngatiwhatua ...	72	65	195	139	267	204	471
Rangitane ...	14	14	43	27	57	41	98
Rarawa ...	414	382	701	526	1,115	908	2,023
Taranaki ...	91	65	260	193	351	258	609
Urewera ...	204	245	418	344	622	589	1,211
Waikato ...	665	636	1,502	1,120	2,167	1,756	3,923
Whanau-a-Apanui	142	108	225	221	367	329	696
Whanganui ...	310	224	676	537	986	761	1,747
Whakatohea ...	101	99	179	167	280	266	546
Unspecified ...	40	26	87	53	246	197	443*
Others ...	17	12	48	29	65	41	106
<i>Population.</i>							
North Island ...	2,123	6,755	14,483	11,437	21,725	17,810	39,535*
Middle Island ...	374	366	598	543	973	910	1,883†
Stewart Island ...	31	34	41	30	72	64	136
Chatham Islands:							
Maoris ..	22	40	43	43	65	83	148
Morioris ...	4	2	22	12	26	14	40
Maori Wives living with European husbands)	...	...	...	251	...	251	251
Totals ...	7,554	6,697	15,187	12,316	22,861	19,132	41,993‡

\* Including 119 males and 118 females; ages not specified.

† Including 1 male and 1 female; ages not specified.

‡ Including 120 males and 119 females; ages not specified.

**3. Parliamentary Representation.**

The Maoris return four Maori members, representing four constituencies (three in the North Island and one in the Middle Island), to the House of Representatives; and two members of the Legislative Council are Aboriginal chiefs. In 1893, the number of Maoris (of both sexes) who voted at the General Election was 11,269, or about 27 per cent. of the total Maori population.

**4. Education of Children, 1893.**

No. of Native Village Schools	...	...	...	66
Scholars attending Native and Public Schools	...	...	...	2,570
"    "    Private Schools	...	...	...	103

**5. Chief Occupations.**

Cultivating land.		Working at flax mills.
Cutting flax.		Stripping wattle bark.
		Digging for kauri gum.

**6. Agriculture, 1891.**

Land under—					Acres.
Wheat	...	...	...	...	11,203
Maize	...	...	...	...	5,599
Potatoes	...	...	...	...	16,093
Other crops	...	...	...	...	16,220
Sown grasses	...	...	...	...	26,718
Total	...	...	...	...	<u>75,833</u>

**7. Live Stock, 1891.**

Sheep	...	...	...	...	262,763
Cattle	...	...	...	...	42,912
Pigs ...	...	...	...	...	86,259

(The Maoris also possess horses.)



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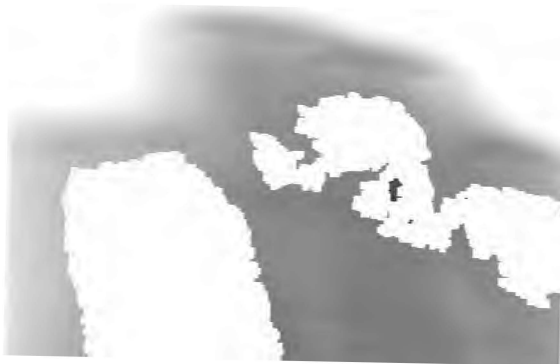
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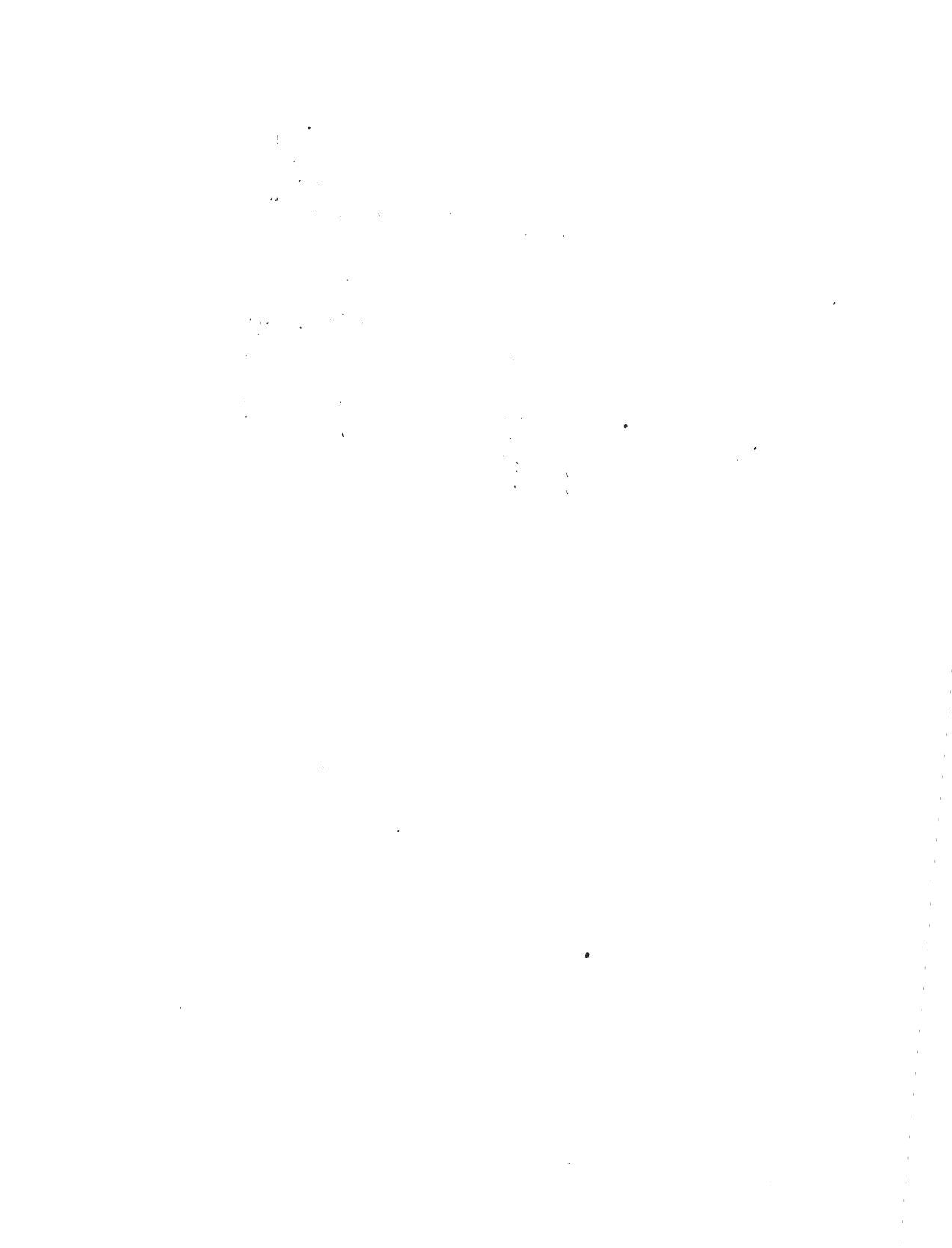
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of the evidence he presents is that the chief Rangitake, who was unwilling to join in or sanction the sale, had the better title. It was determined to take the land by force, and troops were sent to Taranaki for that purpose. Rangitake was careful not to begin hostilities; he erected a pah, and refused to surrender, but did not fire until the colonial forces had opened upon the fort with guns and rockets. The colonists felt that the struggle which ensued was one which threatened to overtax their resources; troops were hastily applied for from Australia, and the aid of the mother country was likewise invoked. Sir George Grey was sent out as governor, and, after a prolonged investigation of the Waitara matter, was obliged to acknowledge the validity of the native title, and to abandon the claim.

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