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THE
Maori Record



A JOURNAL DEVOTED TO
THE ADVANCEMENT OF THE
MAORI PEOPLE.



NORMANBY, N.Z.:

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VOL. I., No. 3.

NORMANBY, NEW ZEALAND, SEPTEMBER, 1905.

[PRICE 3d.]

NATIVE TRUSTS.—"These Trusts ought to be dealt with by a private Bill. If the Natives could see that their reserves were removed from outside interference they would feel that what had taken place in the past would not take place again, namely, that by one Act after another the power of retaining these reserves has been set aside. When a Native property is put into the hands of the Public Trustee it should no more be capable of being dealt with by the General Legislature than the property of a private individual."—ROLLESTON.

NOTIFICATIONS.

TO SUBSCRIBERS.

The price of the MAORI RECORD is 3d. per copy. It will be published monthly, and the annual subscription for the paper, posted to any address, is 3s. 6d., paid in advance.

All letters to the Editor must be addressed to him, Box 9, Post Office, Normanby, Taranaki.

Subscriptions may be forwarded to Mr. R. S. Thompson, at the same address.

We hope also to place the paper on sale at leading booksellers. Support of the paper is earnestly requested. It is not a commercial speculation. No one is getting paid for its production but the printer, and out of an earnest desire to place the grievances, desires, and aspirations of the Maori people before their European fellow-subjects, some Maori ladies have combined to ensure sufficient capital for supplying subscribers for a year without disappointment. The future lies with the public, and depends upon their support. In order to promote the circulation of the RECORD, and thus assist the Native cause, we shall be glad to receive names of subscribers of £1 per annum, to whom six copies monthly of the paper will be posted.

SUBSCRIPTIONS ACKNOWLEDGED.

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We have forwarded many copies to individuals who we thought would like to become subscribers. As we cannot supply the paper free for an indefinite period we shall be glad to receive subscriptions from such of these as wish the paper sent to them in the future.

LATE SUBSCRIPTIONS ACKNOWLEDGED.

H.G., Ebbam; A.H.T., Wellington; C.H., Mount Albert.

TO CORRESPONDENTS.

A column will be open to those who have useful suggestions to make in Maori matters. Notes on ancient Maori history, habits, manners and customs will find a place. Communications must be written on one side of the paper only, and be as legible as the writer can make them; typed letters preferred.

The Rehabilitation of the Maori.

HAVING destroyed the old Maori environment, in which he flourished and was happy, it is proposed to supply him with a suitable equipment whereby he may, in competition with the European which is inevitable, acquire an equal state of prosperity and happiness in the new condition we have supplied him with. The most earnest thinkers among the reforming party consider that their chief mission is to endue the Maori with an appreciative idea of the importance of the gospel of work, and without quite agreeing with those who, forgetting the Maori's lack of opportunity, call the Maori constitutionally lazy as a race, we think that application to steady work is the most useful lesson to be taught him. It is not proposed, as has hitherto been the case, at least inferentially, to confine the native's sphere of utility to his labor applied to land, but as land is the source of all wealth, and he already owns some of that source in his

own unchallengeable right, it is natural that attention should be given to securing him, first, an individual and secure tenure of that land, though instruction in the arts and crafts might well accompany the operation. In our July number we gave a resume of the Premier's speech at Rotorua. If the lines adumbrated in that speech are developed on equitable conditions the future Maori may look back on that operation as containing for the race a Magna Charta. But it is absolutely necessary that care should be exercised in the laying of every stone to form the future edifice, lest, keeping the word of promise to the ear, we "break it to the hope." We believe the Premier is earnest in the matter, and intends not only to do strict justice to the Maori, but to at the same time ensure both Maori and European settlement on the lands of the colony now held by the Maoris under native title. And, further, we are quite confident that, if these two conditions march in cordial agreement through the legislation necessary to consummate the policy, the Premier will have the unqualified support of the Opposition in the operations.

The Native Land question is peculiarly a North Island one. But we have much pleasure in reproducing a South Island view of it from the Canterbury Times, a journal which in general supports the Ministry of the day. It is editorial comment on a speech delivered by the Premier in the Alexandra Hall, Christchurch:—"The native land question does not affect us directly in the South Island, but the position is becoming acute in the North, and the problem is pressing for solution. It is only right that South Islanders should endeavour to understand the question for themselves, because an agitation is being promoted for the 'individualisation' of native lands, and it may yet rest with the South Island members to support the Government in protecting the interests of the Maoris against the too hasty schemes of the northerners. It is doubtless exasperating for landless whites to see many acres of good country locked up, but we must not enter rashly upon any policy that will prejudice the rights and prospects of the natives." There has been ample necessity for this warning, and since it was given the agitation for seizure of the natives'

lands has intensified. A circular has been sent round to the Chambers of Commerce of the Island, suggesting identical action in bringing pressure to bear on the Government in order that native lands should be taken under the Lands for Settlement Act or an amendment thereto. We are happy to see that the Premier is alive to the equitable necessities of the situation. Judging from past native legislation during his term of office, we cannot but think that he has hitherto trusted to others consideration of what has been thought to be a matter for experts, or if not, then the Premier's present attitude is a reversal of type. At present it is quite admirable. From a contemporary we extract the following:—"Replying to an Auckland deputation, Mr Seddon said: Coming to the question of native lands, the Premier said that it had been suggested that the natives should be treated in the same way as Europeans. He reminded them that they could not confiscate. The lands had to be dealt with in a manner which would reflect credit on the colony. European lands were not confiscated. If the land of a European were taken, he was allowed to keep 1000 acres, and if each native owner were allowed that minimum there would not be much left to take. They wanted to promote settlement in such a way as to carry the natives with them. They had tried the council system, and during the period of its existence of four or five years half a million acres had been opened up for settlement or put through the Native Councils. The natives were slow, and time was not an object. If you tried to force them they became passive resistors. Small sections in a large number of blocks were allocated to natives, instead of their interests being consolidated in one block. A Bill dealing with the matter would shortly be before the House, and he hoped he would have their assistance in carrying the matter through."

The statutory quantity of land to be reserved for a Maori's maintenance is now 50 acres per capita. As Mr Seddon has pointed out, if the lands could be taken under the Lands for Settlement Act, which they can't, then the areas reserved to each Maori would be 1000 acres each. With respect to what Mr Seddon said about the inability to confiscate Maori lands, the matter was very trenchantly argued recently in a petition to the House of Representatives by Niniwaite-rangi, a Wairarapa chieftainess, protesting against the appropriation of her lands under the "Lands for Settlement Consolidation Act, 1900." Clause 8 of the recital says:—"That your petitioner is advised that it is beyond the powers of the Parliament of New Zealand to legislate for the acquisition of native lands otherwise than by voluntary cession by the native owners on the following grounds: (1) The 72nd section of the New Zealand Constitution Act, 1852, provides for the disposal of waste lands in New Zealand wherein the titles of natives shall be extinguished as thereafter mentioned—that is to say, by the 73rd section of the last-mentioned Act. (2) That though section 73 aforesaid has been repealed, it must still be referred to, to ascertain the manner in which the title to their lands may be extinguished, and a reference to the 73rd section shows that the only mode of acquisition contemplated by the Imperial Parliament is

voluntary cession by the native owners. (3) That voluntary cession is the only mode of acquisition which is in harmony with the express terms of the Treaty of Waitangi and the rights of the natives under *jus gentium*. (4) That the Judicial Committee of the Privy Council in the recent case of *Nireaha Tamaki* against Baker, in dealing with the question of the extinguishment of native rights to land in New Zealand, cited the treaty of Waitangi at length, and adopted the view expressed by the late Mr Justice Chapman in the case of *Queen* against Symons, as appears from the following extract from the judgment of the Judicial Committee delivered by Lord Davey, as reported in the Law Reports, 1902, Appeal Cases, page, 561, at page 579 (referring to the judgments of the Supreme Court of New Zealand in *Regina v. Symonds*): "In the course of his judgment, however, Chapman, J., made some observations very pertinent to the present case. He says: 'Whatever may be the opinion of jurists as to the strength or weakness of the native title, it cannot be too solemnly asserted that it is entitled to be respected, that it cannot be extinguished (at least in times of peace) otherwise than by free contract of the native occupiers. And while affirming 'the Queen's exclusive right to extinguish it,' secured by the right of pre-emption reserved to the Crown, he holds that it cannot be extinguished otherwise than in strict compliance with the provisions of the statutes.'"

Clause 5 cites the second clause of the Treaty of Waitangi, which is given entire by us in another column, and argues that if the Lands for Settlement Bill were made applicable to native lands it would be a violation of that second clause. (6) That the Treaty of Waitangi has been recognised as a binding treaty by the Judicial Committee of the Privy Council in the decision of *Nireaha Tamaki v. Baker* before referred to, although it may be conceded that the treaty does no more than express the rights of the natives according to the *jus gentium*. Quotations of a speech by the Hon. Mr Carroll protesting against the inclusion of native lands at a time when the estimate given of lands left to them was more than double what it is now, and also this assurance of the Minister of Lands, "I can assure them that there is no intention to take land from the natives under this Bill. They can make their minds easy on that point."

The Hon. the Premier speaks of the work done by the Maori Land Councils, and thinks their aid might still be of service. But he says the natives are too slow. He remarked that there was too much "taihoa." From the point of view of those natives who wish their lands individualised, in part for their own use, and the surplus leased or sold to Europeans; from the point of view also of those who wish to see the Maoris with separate holdings secured to them on secure tenure, there is every excuse for such "taihoa" in the operations of the Councils, as exposed in the only large instance we have before us—the Ohutu Block of 58,000 acres. It has been found that, once the land has been ceded in trust to the Councils, no native owner or family can get a partition of the land for individual use, even though it remains unleased in the hands of the Council. The native owners of Ohutu applied to the Native Land Court, presided over by

Judge Dunbar Johnston, for partition of 5000 acres for farm holdings for different members and families of the owners. They were informed that the law did not allow it to be done. All that they could do was to take up the land on lease like pakeha applicants. It appears that the "free cession" had been made by vesting the land in the Council. But the natives could not be aware of what they were doing, or they would not have subsequently applied for partition and been angry with the Judge for simply carrying out the law. They possessed the rules of the Court, which said partition of native lands could be made on application, and they never imagined that the pure native title had been extinguished by cession—if it has. They ceded the land in trust for the purpose of lease, but they did not think they destroyed all opportunity for any other purpose of their own, prior to the leasing of the land. Until power is given to the Councils to first lay off holdings for approved native owners, before leasing to Europeans, we are of opinion that the natives would do well to go still slower, or the four million and a half acres will follow the half-million Mr Seddon tells us is already dealt with by the Councils. They will all be shut out from individualisation of their lands, the very basis of any system adopted for the improved sanitary, social and economical position of the Maori race. What has been done by the Council scheme has been done in a similar way by legislation over the Crown-granted West Coast Settlement Reserves of 201,000 acres. It has been vested in fee-simple in the Public Trustee, and ever since 1892, when that was done, no native has been able to get an individual title, no matter how often he applies in the ordinary way followed prior to the passing of that iniquitous Act. The corollary is that when native lands are left subject only to native title a native can get his individual interest subdivided, but wherever legislation has attempted settlement on native lands, either by Europeans or Maoris, he has been debarred from individualisation. And not only is partition denied, but the land tax is levied on the highest scale over the large blocks. If there is to be an honest attempt to settle the Maori on individual holdings on his land, some other device than is afforded either by the Public Trustee or the Native Land Councils must be adopted. Before any Trust for the leasing of native lands to Europeans is established, the native requirements in the matter of individual holdings must be cared for. We are not speaking of village sites; we are aware that they have been in blocks dealt with provided for. It is not sufficient that the natives get rent from lands leased. Such a system as practically makes the natives pitiable pensioners of the State which administers their lands, whilst they are derided as Maori landlords, is destructive of all hope of making the natives self-respecting and useful subjects of the Crown. As to their fitness, there are many Maori families in Taranaki operating dairy farms. There would be more should reasonable assistance be given them and encouragement extended in the individualisation of their lands.

NOTE.—The article on "The Broken-hearted Maori" in our July number was taken from the Auckland Weekly News, and we regret not having mentioned that excellent paper at the time.

Maori Land Councils.

The following telegram indicates fairly the feeling of irritation existing at the delay in bringing Maori lands into beneficial occupation.

LEGISLATIVE COUNCIL.

WELLINGTON, August 17.

The Council met at 2.30 p.m.

The Attorney-General moved the second reading of the Maori Land Councils Bill, which extends the terms of office of members of Councils to 31st March, 1906. After a discussion, in the course of which Messrs Ormond, Kelly, McLean and Macdonald strongly criticised the inaction of the Land Councils in dealing with native lands, the second reading was agreed to.

Nevertheless, we hope that this delay will continue until the Act, under which the Maori Land Councils work, is so amended as to enable the Councils to do justice to the Maori race, on lines indicated in the Premier's speech at Rotorua. Those lines are:—First, individualisation of each native's interest in the lands, which is, or should be, a *sine qua non*. Second, the extension to every such individual native of a secure tenure, as free from special legislative interference as is the freehold tenure of the European. This will give real and tangible security for the third item in the Premier's programme—the advances to natives of money to enable them to profitably occupy and work the lands individualised. At present the Councils are but machines to bring the native lands into European occupation, and enable all native lands to be taxed without the slightest consideration of the value of each native's holding, or the area each native owns. Moreover, as the law under which the Land Councils work permits such administration as was indicated in our July number, the said law is a thing to be loathed in the present, and must be mended or ended in the future. And if the Premier is, as we believe, honest in his programme for the proper settlement of the native race on the land, he will see to it. And it is useless for Government or any member of it to say we don't know the facts, or attribute what we have said to the general ignorance of newspapers. For if the Government, in or out of the House, or Government officers, possess a man who knows more about the two sides of the native land question than we do we shall be glad of an introduction. At present we have neither seen nor heard of him, and, without vanity, do not believe he exists.

Where the White Man Treads.

(Contributed to Auckland Weekly News by W.B., Te Kuiti.)

It has recently been my pleasure to meet with and hear the opinions of many who have dispassionately studied the Maori, both in his past and present conditions; not as collectors of

prurient flotsam, but hard-headed, earnest colonists, with a knowledge of his customs, mode of thought, language, and intimate contact with him in a life-long service to their country, which authorises them to deliver practical judgments upon his and his ever-increasing complexities; and because office discretion no longer forbids them can now speak out, whether to justify or denounce the tyrannical impositions of a lamentable past. To my intense satisfaction their conclusions so exactly agree with mine that we might have sat in conclave and concerted the ideas to be presently described, thereby showing that to those who know there is only one course to be pursued in a fundamental redemption of the Maori. For let no one deceive himself, the Maori is a living presence in our midst and refuses to be ignored. He meets us in up-country wastes and at town street-corners, a standing reproach to our pretensions. And looking back upon our rapacity and the base machinations by which it was stated, with all the deplorable consequences, surely our colonial heart will at this eleventh hour arise, and, despite the incompetence which centres all things unto itself at Wellington, respond with one voice to his pathetic appeals for assistance.

One of my friends is a grim, reliable old pioneer, who has served his country honourably both on the Bench and in private life as a settler. Last night in piecing together fragments of history we also discovered the disabilities of our brown friend the Maori; presently he leant over to me and roared—as it is his emphatic habit—"It is our despotic assumption of superior wisdom, and a mulish obstinacy in defending untenable positions which prevent every attempt at pacifying the Maori. The bother began at Waitara." Here he stabbed every word with a forcible finger on my chest. "After five years of bitterness, bloodshed, reprisal, and expense Governor Grey proclaimed that: 'Whereas an engagement for the purchase at Waitara of what is known as Kēira's block was entered into but never completed, and as circumstances have come to light which make it advisable that the sale (?) should not be proceeded with, therefore I hereby declare that the purchase be abandoned, and all claim to the same by the Crown is now removed.' But Nābotti's vineyard was inexpressibly covetable, hence what did we do (with a final stab). We confiscated it! See the dodge?" And he chuckled a warm, rich chuckle of admiration at the depths which duplicity can plumb!

And when I read to him the points by which to my mind we should guide our brown brother's canoe to reach a haven at last he agreed with me, that, (1) and before all things, the Maori shall be placed on the same platform as the European, to enjoy the rights and privileges of a British subject and to frankly admit that the Treaty of Waitangi is the same inviolable compact which its framers and subscribers intended it should be; (2) to wipe off as with a sponge from the statutes of the colony that collection of idiotic nonsense, the Native Land Laws, and enact that reserves be apportioned to each family sufficient to maintain it, and rendered absolutely inalienable to others than next-of-kin. That all native lands shall at once be individualised by the State, and any surpluses, after all reserves

have been made, it shall be in the owner's power to deal with them as to him, or her, seems fittest—to sell or lease, according to his best advantage or market price. That instead of the intricate process now in vogue of wasting time and money appearing before Land Courts, Commissioners, and other poverty inducing institutions, a Native Trust Board be established in each district, consisting of four members—two Europeans and two Maoris—whose duty it shall be to investigate and ratify titles, receive rents or sale moneys, and banking the same disburse them according to the strict requirements of the depositors; in short, stand in loco parentis to the people, and be responsible to no other person whatever but the Auditor-General and Parliament, to which an audited account of the year's stewardship shall be rendered. That all restrictions but those mentioned shall be removed, that thereby the Maori may feel a responsibility and live up to it, and be enforced to redeem his emancipation, be proud of his position as an independent man, and glory in his membership of the British nation, which the Treaty of Waitangi guaranteed them. That this Trust Board shall be of competent persons, having a thorough knowledge of Maori language and customs, and be salaried officers of the State, to devote their whole energies to the economical management of all matters entrusted to them and be bound by their appointment to constantly keep in view these two prime factors: the progress of the colony and the happiness of the Maori race. And so soon as all ratifications have established the Maori as a going concern a less expensive arrangement be instituted. This Trust Board shall report to Parliament where extra legislation is required in excess of their already discretionary powers, and Parliament shall consider these as suggestions to be acted upon, and if found desirable to legalise them. That the office of Public Trustee for native lands be abolished at once and for ever, because by the nature of its control and extortionate expense it satisfies neither race, and is a barrier to the comfort of both. That the office of Native Minister be closed and the key thrown into the sea where it is deepest. Also that the effete farce of native representation be exchanged for a system by which there is no distinction of franchise, and the natives who fall into a certain pakeha electorate may vote for any candidate they may wish for; or, as in the case of the popular member for Gisborne—Timi Kara, a half-caste, or even Maori—may bid for pakeha support. This change is absolutely imperative. The four Maori members are mere marionettes whose strings are pulled by astute political dodgers, whose policy is self-aggrandisement and suction; and who, say what they may, will improve nothing they touch, because their principles are wrong. And what makes it all so intolerably maddening is that so long as party interests are permitted to override the weal of the public so long will waste, corruption, and inflated incompetence stifle the cry for relief!

So far I have outlined the foundations upon which a successful native policy must be built. Other minor details will automatically group themselves where they arise and where they belong. All else is endless patching and shoring, constant and irritable renewals. And be-

cause we will not concede what he legitimately asks for he will not bestir himself; nor is it humanly possible to force him, because he can lie down and die when he wants to, and his graves reproach us and our descendants for ever!

The Independent Maori Nation.

Though many people understand that the Maoris voluntarily relinquished the sovereignty of New Zealand, whilst preserving to themselves the ownership of their lands, there are comparatively few who are aware of their political status and acknowledged political and international independence, prior to that date. We have become so accustomed to reading of British emissaries, authorised by State or syndicate, concluding treaties with savage and barbarous natives in many parts of the world, natives who have generally had the sense to conclude such treaties knocked into them by the bullets of the Maxim gun, that many will be inclined to think that somewhat similar conditions existed when the independent Maori sought the protection of the British sovereign. In order to remove such misapprehensions we have gathered the following information on the subject from various authorities, and this information will be all the more valuable at a time when it is proposed to do tardy justice to our Maori fellow-subjects.

The real extent of the Maori international independence was not even recognised by the Government of New South Wales in the second decade of last century, and they were only reminded of the fact by the refusal of the British Government to consent to the appointment of certain officials in New Zealand nominated by the Government of New South Wales. New Zealand was recognised as an independent State by the Act of George III. Cap. 53. Thomson, in his "Story of New Zealand," Vol. I., page 253, says: "In 1814 the Government of New South Wales tried to suppress outrages (of Europeans) by appointing Mr Thomas Kendall and the chiefs Ruatara, Hongi, and Korokoro Magistrates for the Bay of Islands territory. A useless and illegal edict (proclamation Government Gazette, Sydney, 1814), not confirmed by His Majesty, because New Zealand had already been recognised as an independent State in an Act to punish offences committed in places beyond the King's dominions. . . . The idea of extirpating a race of cannibals stimulated Europeans to shoot New Zealanders; revenge and covetousness stimulated New Zealanders to slaughter Europeans. In 1823 Parliament tried to stop these inhuman scenes by passing an Act giving to the Supreme Court of Australia and Tasmania jurisdiction over British subjects in New Zealand (p. 254). In 1814 emissaries from the Church Missionary Society introduced Christianity and letters into New Zealand. . . . In 1844 a committee of the House of Commons reported that the missionaries first instructed the natives in the rights of landed property; but this statement

is not altogether correct, for long before the advent of the missionaries they had fought and bled for their lands. Women and land were in their eyes treasures which last for ever, seeing that women produce children and land food. Every tribe, even in Cook's time, could point out certain districts where they alone could plant and reap, kill birds, snare rats and dig fern root; and waste lands were to them more valuable than hunting grounds were to feudal lords, because to deprive a baron of his moor only cut off an amusement, while to deprive the New Zealanders of their waste lands cut off an important means of subsistence." (pp. 256-7.)

The natives continued in their state of recognised independence, selling land to missionaries and traders for goods of a kind, and no effort was made to establish protectorate or sovereignty over them, although there was an abortive attempt at colonisation in 1825, which cost a London company £20,000. They had experience of both American and French subjects as well as British, and whilst they liked the last, the French they hated with a bitter hatred, dating from the retaliatory massacre of their peoples by Marion du Fresne.

When years afterwards Kororareka was attacked by Heke, the settlers and soldiers rallied to the stockade called Polack's stockade, shown in the plan given by Thomson. This was J. S. Polack, Esq., member of the Colonial Society in London, who had traded with the natives for years, and bought such lands as he could make use of from them. He published a narrative of travels and adventures in 1838, containing accounts of a residence in New Zealand between the years 1831 and 1837. At page 216 et seq. we find the following: "I was absent the greater part of 1836 from the Bay of Islands, and on my return the alteration in the character of the natives on the Kororareka, which is opposite to Paihia, the Church Missionary Station, astonished me. Several of the gentlemen attached to the mission enquired of me if I did not perceive the fact of the increase of crime and decline of civilisation among the people, and of the missionary instruction introduced. It was too apparent; a petition had been consequently drawn up, directing the attention of the lawless conduct of runaway seamen and prisoners of the colonies. This was received in England last year by the Government."

But previous to this, in 1831, the natives themselves had taken action, not only in consequence of the outrages of runaway convicts and others, but also from apprehension of aggressive action of the French. Thomson, at page 271, gives this account of the despatch of the letter to William IV.: "The New Zealanders at the Bay of Islands, who have distrusted the French ever since Marion's days, consulted their friends the missionaries on the subject of the French occupation of the country, and these men fanned the flames, for thirteen Ngapuhi chiefs, styling themselves 'the chiefs of the natives of New Zealand,' prayed King William the Fourth to protect them from the tribe of Marion and prevent strangers from depriving them of their land." (Parliamentary Papers, 1838.)

Polack gives the following account: "On the arrival of Captain Le Place in the French corvette *La Favorite*, in October, 1831, a report

was industriously circulated in Sydney and the Bay of Islands that this enterprising commander intended to take possession of the country in the name of his august master, Louis Philippe. The fabulous report gave rise to some heroics in the colonial papers, which would have induced a stranger to that press to imagine a Mars had turned editor, assisted by an Achilles as printer's devil. It occasioned a few native chiefs to hold conferences, which resulted in their requesting the missionaries to address a letter to His Majesty William the Fourth at their dictation. It ran thus: 'King William,—We, the chiefs of New Zealand assembled at this place, called the Kerikeri, write to thee, for we hear thou art the great chief on the other side of the water, since the many ships that come to our land belong to thee. We are a people without possessions; we have nothing but timber, pork, flax, and potatoes. We sell these things, however, to your people; and then we see the property of Europeans; it is only thy land which is liberal towards us, from thee come also the missionaries, who teach us to believe in Jehovah God, and in Jesus Christ, his Son. We hear that the tribe of Marion is at hand, coming to take away our land. We therefore pray thee to become our guardian and friend of these islands, lest the tearing of other tribes should come near to us, and lest strangers should come to take away our land; and if any of thy people should be troublesome and vicious towards us, for some people are living here who have run away from ships; we pray thee to be angry with them, that they may be obedient, lest the anger of the people of this land fall upon them. This letter is from us, from the chiefs of the natives of New Zealand.' (Signed) Warrerahi, Rewa, Patuone, Nene, Kekeao, Titore, Ripi, Temorenga, Hara, Atuahere, Moitara, Matangi, Taunni.' On the 5th of May, 1833, H.M.S. *Imogene* arrived in the Bay, with James Busby, Esq., as passenger, bearing the appointment of British Resident in the country."

We are accustomed to associate the appointment of "Resident" in a native state by the British with a certain loss of prestige on the part of the state so treated. In India, we believe, at least some of these states with a British Resident are under the mandate of those officers. Such was not the case with the appointment of Mr Busby in New Zealand, and nothing shows this more than the actions of that gentleman himself. Many years subsequently he defended the purchase of certain lands from the Maoris in an action at law, on the plea that he purchased from an independent people. (Busby v. McKenzie, reported in New Zealand papers.) It matters not that he lost his case on the decision of a jury of the settlers. The importance of the matter to us is that he was British Agent, and knew his instructions from the British Government with respect to the status of the Maoris. He was apparently appointed in answer to the letter of the natives, and also on the suggestion of the Governor of New South Wales, transmitted to England about the same time.

Dr. Thomson places the matter very clearly in Vol. I p.p. 270-1:—"To meet the wishes of both parties, Mr James Busby, a well-known settler in Australia, was appointed by His Majesty's Ministers to proceed to New Zealand as

British Resident, an officer the East India Government have living at all native courts; he was likewise the bearer of a royal answer to the memorial of the chiefs. (Parliamentary Papers, 1840). In that letter the Secretary of State, in the King's name, expresses sorrow that the New Zealanders should have suffered injury from any of his subjects, announces his determination to prevent similar outrages, and bespeaks for the Resident the zealous support of all chiefs."

It will be seen by reference to the latter part of the chiefs' memorial that they were not afraid of any injury to their independence arising from the attacks of escaped convicts, runaway sailors and the like, but that they ask the King's intervention to prevent the anger of the Maoris falling upon them. To return to the "Story":—"Mr Busby arrived in the Bay of Islands in May, 1833, and at an assembly of natives presented the Minister of State's letter and delivered the presents with which he was entrusted. The aborigines received the Resident with respect, but the English settlers characteristically denominated him a man-of-war without guns; and the Governor of New South Wales appears to have formed a similar opinion of his powers, for he warns Mr Busby of his anomalous position, impresses upon him that he must be careful of bringing offenders to justice, that if a murder occurred he should send competent witnesses of the deed to Sydney, and if the evidence was sufficient a bench warrant for the murderer's arrest would be transmitted. (This under the British Act of 1825, giving to the Supreme Courts of Australia and Tasmania jurisdiction over British subjects in New Zealand.) The truth was Mr Busby was not a Resident, only a Government Agent with a salary of £500 a year, and £200 for annual distribution in presents among the natives; and his real duty was to promote peace, watch the proceedings of other European Powers in the country, furnish returns of New Zealand's progress, and support the missionaries with his countenance." (Instructions to British Resident, Parliamentary Papers, 1840.)

THE NEW ZEALAND FLAG.

Polack says (page 220, Vol. 2: "Another era in the politics of the country took place some time after H.M.S. Alligator, Captain Lambert, brought to the Bay of Islands a number of flags for the inspection of the chiefs, that they might choose a national standard for their country, whereby vessels built in their ports might roam the ocean without molestation or exposure to the hazard of being taken as unnational craft. The standard then selected has been made use of and acknowledged as under British protection. It is a St. George's Cross, red on a white ground, with a smaller cross in a fourth of the surface of the flag with four white stars, on a blue ground. On the standard being hoisted it was received with loud acclamations by the Europeans and natives assembled; the latter had an opportunity of speechifying which is seldom neglected by the people." Dr Thomson views the whole transaction with disfavour, but says an account of it was "transmitted to the Colonial Secretary of State, who approved of it in the King's name, and the Lords of the Admiralty instructed their officers to acknowledge and respect New Zealand's national flag. (Parliamentary Papers, 19,

1840. Lord Aberdeen's letter.") The New Zealand flag was thus chosen by independent Maori chiefs, not by European settlers, who, however, acclaimed it.

On the ridiculous attempt of Baron de Thierry, styling himself "King of the Nukuhava," to establish a sovereignty over the islands, Mr Busby issued a long proclamation to the British residents, the concluding paragraph of which is as follows:—"The British Resident will take immediate steps for calling together the native chiefs, in order to inform them of this proposed attempt upon their independence, and to advise them of what is due to themselves and to their country, and of the protection which British subjects are entitled to at their hands. And he has no doubt that such a manifestation will be exhibited of the characteristic spirit, courage and independence of the New Zealanders as will stop at the outset such an attempt upon their liberties by demonstrating its utter hopelessness. (Signed) James Busby, British Resident." The proclamation as a whole has been published by the New Zealand Government, and is to be purchased at the offices of the Government Printer, bound together with the Treaty of Waitangi, containing the tattoo marks forming the sign-manual of the respective chiefs, and also the declaration of independence which followed the proclamation, five years previous to the signing of the treaty. The following is the declaration:—

The "Declaration," or rather a translation of it, was duly forwarded by Mr Busby to the Secretary of State for the Colonies. The correspondence referred to is contained in the two following letters:—

No. 1.

The British Resident to the Under Secretary of State.

British Residency at New Zealand,
Bay of Islands,
2nd November, 1835.

Sir,—I have the honour to enclose herewith a copy of a Declaration, by the chiefs of the Northern parts of New Zealand, of the independence of their country, and of their having united their tribes into one State, under the designation of "The United Tribes of New Zealand."

In this Declaration the chiefs entreat that His Majesty will continue to be parent to their infant State, and that he will become its protector from all attempts on its independence; and it is at their unanimous desire that I transmit this document, in order to its being laid at the feet of His Majesty.

I have, etc.,

(Signed) JAMES BUSBY,
British Resident at New Zealand.

Mr Under Secretary Hay,
etc., etc., etc.

[Translation.]

Declaration of Independence of New Zealand.

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the independence of our country, which is hereby constituted and declared to be an independent State, under the designation of the United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgment of their flag; and in return for his friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

[Here follow the signatures or marks of 35 hereditary Chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.]

English witnesses—

(Signed) Henry Williams, Missionary, C.M.S.
George Clarke, C.M.S.
James C. Clendon, Merchant.
Gilbert Mair, Merchant.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the Chiefs.

(Signed) JAMES BUSBY,
British Resident at New Zealand.

No. 2.

Extract of a Despatch from Lord Glenelg to Major-General Sir Richard Bourke, New South Wales, dated Downing street, 25th May, 1836.

I have received a letter from Mr Busby, enclosing a copy of a Declaration made by the Chiefs of the Northern parts of New Zealand, setting forth the independence of their country, and declaring the Union of their respective Tribes into one State, under the designation of The United Tribes of New Zealand. I perceive that the chiefs at the same time came to the resolution to send a copy of their Declaration to His Majesty, to thank him for his acknowledgment of their flag, and to entreat that, in return for the friendship and protection which they have shown, and are prepared to show, to such British subjects as have settled in their country or resorted to its shores for the purposes of trade, His Majesty will continue to be the parent of their infant State, and its protector from all attempts on its independence.

With reference to the desire which the chiefs have expressed on this occasion to maintain a good understanding with His Majesty's subjects, it will be proper that they should be assured, in His Majesty's name, that he will not fail to avail himself of every opportunity of showing his goodwill, and of affording to those chiefs such support and protection as may be consistent with a due regard to the just rights of others and to the interests of His Majesty's subjects.

From a parchment document in the Native Secretary's Office in New Zealand Dr Thomson condensed the following account of the "constitution" which was formulated subsequent to the signing of the Declaration:—"The United Tribes of New Zealand in congress assembled approved of the following constitution. All sovereign power and authority within the New Zealand Islands was to reside in the hereditary chiefs and heads of tribes in their collective capacity. A Provisional Government was to be established, which was provided over by the British Resident, and one-half of the Council were to be aboriginal inhabitants. Justice was to be administered by European and native Judges, and English and native laws were to be amalgamated. An ecclesiastical establishment was to be supported from funds derived from the sale of lands. Financial arrangements were to be vested in Congress, but a money advance was to be obtained from the British Government. A military force of Europeans and natives was to be maintained for protection and obedience. Lands not occupied by natives, or sold to Europeans, were to be declared, by a resolution of Congress, public property. New Zealand was to be divided into districts, to be presided over by a chief and a European high sheriff. Towns with a thousand inhabitants were to have charters. The country was to be divided into counties with charters, to be managed by councils composed of Europeans and natives elected by the people. This Provisional Government was to continue in force twenty-one years; afterwards each incorporated county and town was to send deputies to form a House of Assembly, to make laws for the future government of New Zealand."

We are not concerned to notice either the ridicule thrown upon Mr Busby for what was called by Dr Thomson "the absurdity of the whole affair," or remark upon "the boldness of the European who manufactured the charter." The value of the "charter" lies in the evidence it contains of the complete independence of the Maori people, and of the high state of intelligence of that people which led those in the best position to know, to deem them worthy of taking an equal share with Europeans in the government of the country, and of the sense of justice which the Europeans must have credited the Maoris with at a time when physical force and material strength were overwhelmingly on the latter's side. And the equal representation in Congress the Maoris agreed to for a race of intruders is a drastic contrast to the utterly inadequate vote we allow the original owners of the soil, who have the most to lose, in the Parliament of the colony.

The Treaty of Waitangi.

After the formal declaration of independence, the equipage of New Zealand with a national flag, and the attempt to establish a Congress, i.e., between the years 1835 and 1840, there were several circumstances which rendered it advisable that a more definite protectorate should be established and a more potent internal government constituted. It was during this period that Polack published his book in London, 1838. There had arisen something like a boom in the purchase of native land, generally by, besides local missionaries and traders, speculators in New South Wales. One Sydney colonist shipped as a venture a consignment of deeds of transfer of land, to be filled up as occasion required. The banks of navigable streams, river-mouths, and harbour sites were first secured, and enormous blocks of kauri timber country purchased on terms which subsequent information found to be but very moderately equitable. It was the first New Zealand land boom, and blood was shed by the partisan chiefs of different purchasers. Recounting one bloody incident at the home of the British Resident, whither antagonistic purchasers and native owners had gone to state their claims, Mr Polack concludes as follows: "The influence of the missionaries stopped the further effusion of blood, which the native law requires as retaliation."

Dr. Thomson indicates the way in which order was kept under the joint efforts of chiefs and settlers in his "Story of New Zealand," vol. I., page 287:—"The Kororareka Association, which was in the spirit of the United Tribes' declaration of independence, committed a few unjust acts; but it did more good than evil, and the worst law is better than none. On two occasions offenders were tarred and feathered, and a description of this extreme punishment was given to me by a New Zealander who witnessed it, and he frequently burst into laughter at the very remembrance of the exhibition." Armed bands of ex-convicts and runaway sailors, with adventurers of all kinds and countries, marauded throughout the Bay of Islands district, and ensnared the crews of ships ashore to murder and rob vessels and crews. The British Resident appears to have been unsuited to his position. Polack says that his subsidy in presents for the chiefs annually "would have enabled the donor not only to command the respect and affection of those sons, but they would have formed a body around him, ready to act on the command of a Resident of the British Government; but the contrary was the case. Unversed in the language, customs, or habits of the people, retiring within himself, avoiding the respectable class of Europeans, and choosing a locality distant from the natives and traders, the character of Mr Busby as a British Consul was early lost; and the native tribes on whose land he took up his residence treated him with indifference, and at a later period with insults. The conduct of these unruly tribes among whom the Resident located himself was disgraceful. European mechanics were scarcely to be procured to finish the official residence, exposed to the

bad conduct of these natives." This conduct culminated in a band under Reti of Waitangi attacking with arms the settlement of the Resident one year after his landing, slightly wounding that gentleman, and robbing his premises and those of his servants. We gather that on his lauding the reception of the Resident by the natives was somewhat tentative. They were in doubt as to his instructions and intentions as regards any interference with their independence. Satisfied on this point, Mr Polack points out, there existed immense opportunity for a suitable person equipped as he was. We shall take further occasion to treat more fully on many phases of the existing conditions. We can spare but little space for notice of Baron de Thierry's enterprise now, which is thus finally disposed of by Mr Polack: "The circumstance is fully detailed in a document, the first ever printed in the English language in New Zealand, and may be accounted as the earliest diplomatic essay, premising that not a single person, save the Resident, placed the slightest credence in the intentions of the Baron de Thierry, who it is stated was the son of a reputable French emigre in England, and at the period referred to residing at Tahiti, and married to a lady of superior accomplishments and elegance. The land in Hokianga, it is said, was justly purchased for the Baron, in 1822, by Mr Kendall; and a few Europeans, with many natives, yet remember the circumstances." The document referred to is the proclamation of Mr Busby, from which we have extracted the final paragraph in our paper on the Declaration of Independence. We have seen it stated that the purchase consideration for the land was 22 axes. Mr Polack concludes as follows:—"The Baron has since (September, 1837) sailed for Hokianga, taking with him a number of emigrants. He has published a lengthy address to the white residents, and proposes ruling by moral force only. Later information has been received, dated the 20th of February, 1838, stating the arrival of this enthusiastic leader, and that his colonists had seceded from his authority, and entered on employment as farmers on their own account."

It was in 1837 that the petition given by Mr Polack in an appendix to his second volume, which was signed by nearly 200 settlers of the 500 said to be resident in the country north of the Thames, was sent home. It drew attention to the fact that the British Resident had no power to act for the suppression of disturbances, "not even the authority of a civil magistrate to administer an affidavit." In respect to the congress initiated by Mr Busby it says: "Your petitioners would observe that it has been considered that the confederate tribes of New Zealand were competent to enact laws for the proper government of this land, whereby protection would be afforded in all cases of necessity; but experience evidently shows that, in the infant state of this country, this cannot be accomplished or expected. It is acknowledged by the chiefs themselves to be impracticable. Your petitioners, therefore, feel persuaded that considerable time must elapse before the chiefs of this land can be capable of exercising the duties of an independent Government." It is noticeable that it was the chiefs who were to be the rulers,

The petition did not pray for money in aid of settlement. It drew attention to the large and increasing amount of shipping visiting the country, and said, "Should the colony continue to advance, no doubt means would be devised whereby many of its internal expenses would be met, as in other new countries." But it did not ask the British Government to adopt the settlements as a British colony. On the contrary, it remarked that "Your petitioners are aware that it is not the desire of Your Majesty to extend the colonies of Great Britain," but it fully recognised that some protection was necessary, and expresses, "with much concern, their conviction that unless Your Majesty's fostering care be extended towards them, they can only anticipate that both Your Majesty's subjects and also the aborigines of this land will be liable in an increased degree to murders, robberies, and every kind of evil." It concludes with the usual open prayer. From other sources we gather that it was thought that the Kororareka Association wished to rule through the independent chiefs, as Mr Bushy is credited by Dr. Thomson with aspiring to do through the congress of combined races. The fostering care asked for is nothing more than the protection the chiefs prayed King William for the settlers in 1831. There are many missionary names in the petition, and the missionaries were opposed to any colonisation. They had tried to get recognised as trustees of the natives' lands, which, in the light of their own transactions, appears a piece of amazing impudence. The French were about to send two eminent vessels to colonise Banks Peninsula, and a wealthy association had been formed in England to settle New Zealand on republican lines. This was the New Zealand Company, which only accepted a charter as a trading company from the British Government on failure of their original plan.

After referring to the doings of the Kororareka Association, Dr. Thomson thus concludes his account of that period:—"His Majesty's Ministers were startled on hearing of this new declaration of independence in New Zealand, and the Secretary of State now saw that British authority must henceforth be established, to prevent the Kororareka Association growing into a republic, and perhaps ultimately governing the country through the fictitious aid of the United Tribes. In December, 1838, Lord Glenelg suggested that a British Consul should be sent out; but no steps were taken towards the appointment of that officer until the New Zealand Company's expedition had actually sailed for the purpose of laying the foundation of a republican settlement in Cook's Strait. Then Captain Hobson, an officer of the British Navy, was ordered to New Zealand as a Consul, with a Lieutenant-Governor's commission in his possession." *Parl. Papers*, 1840.

The New Zealand Company, we are told, "determined to consider New Zealand as a foreign country, and to establish settlements in it without the Crown's permission. In 1839, before the directors had divulged their scheme to the public, the ship *Tory*, 400 tons burthen, sailed for New Zealand, having on board Colonel Wakefield, the Company's chief agent." Lord John Russell informed the directors subsequently that the instructions sent out for the government of the emigrants and the entire expedition were illegal,

because no body of Englishmen can form a colony in any country without the consent of the Crown. But if the Company acted in secret, the British Government, it would appear, met their opponents with alike reticence, for it was not apparently known to the general public of Great Britain that Captain Hobson carried a Lieutenant-Governor's commission in his pocket. It was thought by some that Captain Hobson had been instructed to proclaim British sovereignty over New Zealand. But the Government was fully aware of its disability to do so, in consequence of the Maori people having been declared and addressed as an independent nation. A sovereignty could only be established with the consent of that people by treaty. And with so many conflicting interests at work in the country it would have been folly to have allowed obstructive individuals or companies an opportunity of intriguing with the natives in order to deter them from signing the treaty. Captain Hobson was therefore sent out as Consul, with a Consul's instructions alone thrown open for the perusal of the public. It was what natives and settlers in New Zealand had asked for.

And this reticence would appear to have been continued until success was assured. Dr Thomson, in the *Story of New Zealand*, says in Vol. 2, p. 11: "On the 10th March, 1840, a highly favourable despatch was received from Colonel Wakefield. This drew public attention to some papers relating to Captain Hobson's appointment, already laid before Parliament; and several influential London merchants were surprised to find the Ministers had not ordered that officer to proclaim Her Majesty's sovereignty over New Zealand. Without delay one hundred and fifteen bankers, merchants, and traders of London called a public meeting at the Guildhall on the 15th April, 1840, to consider the subject, and from this assembly petitions were sent to both Houses of Parliament praying them to annex the New Zealand Islands, the Britain of the South, to Her Majesty's dominions. This led to the appointment of a Select Committee of the House of Commons to collect evidence on the question, and it was then ascertained that Captain Cook took possession of the islands in the name of George III. in 1769, and that, when New South Wales was declared a portion of the British dominions, in 1787, these islands, although not named, were within the proclaimed boundaries as much as Norfolk Island, but that certain acts had occurred since these events which prevented the Queen of England assuming the sovereignty; these were King William IV. having addressed the New Zealanders as an independent people in 1833, and having recognised their national flag in 1834." There was also the previous recognition in an Act referring to British subjects in foreign countries, dated, we think, 1805. The New Zealand Company was in high favour with merchantmen, and had many influential men to back it, and shares went up.

Seeing that our claims to the South Island, called "*Victoria*," and named so on Polack's map, rested entirely on "discovery," and that discovery would not be likely to keep intruders off unless followed by occupation, the menace of French colonisation of New Zealand was far more imminent. Not indeed in the North Island, where the

alarm of the natives at the reported advent of the "tribe of Marion" was probably intensified by British settlers for a purpose, but in the South, where, on Banks Peninsula, the French wished to settle. Dr Thomson says:—"For many months after the departure of Colonel Wakefield and Captain Hobson nothing was heard of either of them. Meanwhile it became known in London that a vessel named the *Comte de Paris*, having on board emigrants, had left France in October, 1839, for Akaroa, in the Middle Island, and that the French frigate *L'Aube* was on the eve of sailing for the same destination. The shareholders of the Company grew uneasy at this intelligence, for it was gravely announced that France contemplated the formation of a penal settlement and a colony in New Zealand; and although this statement was denied, I am convinced, from enquiries made at Akaroa, that the French did intend to form a colony in the country. Louis Philippe possessed shares in the company which sent out the Akaroa settlers, and M. de Belligny, the agent of the expedition, openly stated that the French Government promised protection to the emigrants. (*Journal de Havre*, 1840.) The French occupation of Tahiti and New Caledonia in the Pacific, since this period, tends to confirm the accuracy of the above rumour. . . . After a prosperous voyage, Her Majesty's ship *Druid* landed Captain Hobson at Sydney. Here he took the oaths of office, and had the good fortune to receive advice in the art of ruling a colony from that able man, Governor Sir George Gipps. Captain Hobson then sailed for New Zealand, accompanied by a treasurer, two clerks, a sergeant, and four troopers of the New South Wales mounted police, and landed at the Bay of Islands on the 29th of January, 1840."

There appears to be ample justification for the secrecy preserved with regard to the real mission of Captain Hobson. He left England as a simple Consul—his instructions produced before Parliament but demonstrated that he went as Consul—but he received his equipment and staff in New South Wales, and leaving there carried his commission as Lieutenant-Governor in his pocket. Everything depended upon the acceptance of the sovereignty by the chiefs of New Zealand, and their signature to the treaty acknowledged such acceptance. And the peace of the country depended upon their unanimity in accepting the British treaty and repudiating entirely any French offers, for one shudders to think, in view of a like situation among settlers and Indians in Canada and North America, what dreadful slaughter and widespread bloodshed would have ensued had English and French enrolled partisan tribes on their respective sides in support of their respective treaties. There were suspicions that French missionaries attempted to delay the signature of the British treaty, and those were probably aware of a French man-of-war being en route for New Zealand. The natives of the two islands were fully armed with firearms, and the expeditions of Te Rauparaha prove that the South Island was not beyond the reach of northern warriors. The hatred of the latter to the tribe of Marion was a strenuous factor on the British side, but had a struggle for the sovereignty arose between the two European nations in New Zealand, and French emigrants were

slaughtered by tribes acknowledging allegiance to the British Crown, or even by neutral tribes, we cannot but think that the French would have despatched troops to New Zealand to revenge their death, or perhaps engaged hostile Maori tribes to do so, especially as the French King was a shareholder in the French Company which promoted French emigration to New Zealand. As it happened, the French were forestalled, the French emigrants received as emigrants on British soil, and ultimately acknowledged such by the French Government, though French men-of-war continually called at Akaroa to enquire into their welfare. It will be seen, then, how much depended upon the attitude of the Maoris of the Bay of Islands on that summer day of 1840.

To return to the "Story" of Dr Thomson: "The Consul was loyally received by the motley population of Kororareka, and next day, on the beach of that notorious settlement, two commissions were read: one under the great seal, extending the limits of New South Wales to include New Zealand; the other under the Royal signet, appointing Captain Hobson Lieutenant-Governor over such parts of New Zealand as shall hereafter be added to Her Majesty's dominions. Two proclamations, afterwards printed at the missionary press at Pahiia, were at the same time promulgated. The first asserted Her Majesty's authority over British subjects in the colony, and the second announced that the Queen would acknowledge no titles to land but those derived from Crown grants, that purchasing land from natives after this date was illegal, and that a Commission would investigate into all the land purchases already made. This last announcement startled the whole community, being a death-blow to men who had purchased principalities for baubles. Captain Hobson had now to perform a duty which has fallen to the lot of few British Governors of Her Majesty's sovereignty over the country he was commissioned first to acquire and then to rule. This task weighed on his broken spirit during the dreary solitude of the voyage to the Antipodes; and when he contemplated the multitude of armed warriors in the neighborhood of Kororareka, with his own defenceless position, he saw the declaration could not be made without the almost unanimous permission of the people. But how to obtain this without exciting their suspicion was a delicate and dangerous task. As the work brooked no delay, an assembly of natives was convened five days after his arrival, for the purpose of laying the question before them. The spot chosen for the conference was where the Waitangi river falls into the sea. Here, on the 5th of February, a great number of chiefs with their followers were gathered together. . . . A spacious marquee profusely decorated with flags had been erected, and at noon Captain Hobson entered the tent, accompanied by Mr Busby, the late Resident, the principal European inhabitants, the heads of the English and French missions, the Government officers, and the officers of Her Majesty's ship *Herald*. The following treaty, prepared by Mr Busby, was explained to the natives by the Rev. Henry Williams, and Captain Hobson, at the conclusion of the explanation asked the chiefs individually to sign the treaty in the name of their respective tribes."

The official document is as follows:—

THE ORIGINAL DRAFT OF THE TREATY OF WAITANGI.

This document was drawn up by Captain Hobson on board H.M.S. ship *Herald*, immediately after his arrival in this country. It is interesting as showing the great care and deliberation which attended the treaty during the process of its concoction, but which, after all, did not finally issue in the exact terms of the draft. The alterations, amendments, and additions evince an amount of anxiety during its preparation only too natural under the circumstances, since the political and social condition of both races—indeed the entire future prosperity of the colony—might be assumed to depend very much on the conditions of this treaty with its aboriginal inhabitants. Hence Captain Hobson, who was ill at the time on board the *Herald*, sought counsel from the former British Resident and others as to the best terms in which the compact should be drawn; and the result appears, at that time, to have given much satisfaction to the great majority of native chiefs.

That Mr Busby had a considerable share in the composition of the treaty is apparent, not only from the internal evidence of the latter portion of the draft (especially in the handwriting, which is similar to that of the fifth sheet of the treaty), but also from the following extract of certain "Remarks" made by him in July, 1861, and published in the Appendix to Journals of that year (E. No. 2, page 67), where he says:—

At the period (January, 1840), when Captain Hobson, R.N., arrived in New Zealand with the appointment of Consul, and authority to treat with the chiefs and people for a cession to the Queen of the sovereign and territorial rights which had been acknowledged by the British Government, I had filled for seven years the office of H.M. Resident in New Zealand.

Though my official character terminated on the arrival of Captain Hobson, I did not the less consider it to be my duty to aid him with my experience and influence; and though I afterwards declined his invitation to join his Government, yet, till the treaty was accomplished, our relations were of the most unreserved and confidential character. In writing to me afterwards he expressed himself in the following words: "I beg further to add that through your disinterested and unbiassed advice, and to your personal exertions, I may chiefly ascribe the ready adherence of the chiefs and other natives to the Treaty of Waitangi, and I feel it but due to you to state that, without your aid in furthering the objects of the Commission with which I was charged by H.M. Government, I should have experienced much difficulty in reconciling the minds of the natives, as well as the Europeans who have located themselves in these islands, to the changes I contemplated carrying into effect."

When it became necessary to draw the treaty, Captain Hobson was so unwell as to be unable to leave the ship. He sent the gentleman who was to be appointed Colonial Treasurer, and the Chief Clerk, to me with notes, which they had put together as the basis of the treaty, to ask my advice respecting them. I stated that I should not consider the propositions contained in these notes as calculated to accomplish the object, but offered to prepare the draft of a treaty

for Captain Hobson's consideration. To this they replied that that was precisely what Captain Hobson desired.

The draft of the treaty prepared by me was adopted by Captain Hobson without any other alteration than a transposition of certain sentences, which did not in any degree affect the sense.

The Treaty Itself.

As finally adopted and signed by upwards of five hundred of the principal chiefs (512), the Treaty of Waitangi appeared in the following form, which we here insert for the sake of easy reference, as the English document only appears once in these pages:—

English Version.

Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal favour the Native Chiefs and Tribes of New Zealand, and anxious to protect their just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary, in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia which is still in progress, to constitute and appoint a functionary properly authorised to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of these islands. Her Majesty, therefore, being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary institutions alike to the native population and to her subjects, has been graciously pleased to empower and authorise me, William Hobson, a captain in Her Majesty's Royal Navy, Consul and Lieutenant-Governor of such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following articles and conditions.

Article the First.

The Chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation of Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess, over their respective territories as the sole Sovereigns thereof.

Article the Second.

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third.

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection, and imparts to them all the rights and privileges of British subjects.

W. HOBSON,
Lieutenant-Governor,

Now, therefore, we, the Chiefs of the Confederation of the United Tribes of New Zealand, being assembled in Congress at Victoria, in Waitangi, and we, the separate and independent Chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the provisions of the foregoing treaty, accept and enter into the same in the full spirit and meaning thereof. In witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi, this sixth day of February, in the year of our Lord one thousand eight hundred and forty.

Dr Thomson continues in the "Story" thus:—"Twenty chiefs addressed the meeting in favour of the treaty, and six against it. The objectors stated, in speeches full of quotations from ancient songs and familiar proverbs, that the treaty would deprive them of their lands, that it was smooth and oily, but treachery was hidden under it; and these orations so moved the audience that an unfavourable termination of the conference was anticipated. At this juncture a chief, afterwards celebrated as our best ally in the day of battle, Thomas Walker Nene, rose and spoke. He called to the minds of his countrymen their degraded position before the arrival of white men among them told them they could not govern themselves without bloodshed, besought them to place confidence in Captain Hobson's promises, and acknowledge the Queen of England as their sovereign by signing the treaty."

We consider the Maori wording in clause one most important. It is quite inadequate to express the very explicit pronouncement of the English version. It is to be hoped that explanations were full, but certainly "te Kawanatanga katoa o o ratou whenua," the Government of our entire land, does not say so much as the occasion demanded or the potency of the words "sovereignty, absolutely and without any reservation ceded," required for their thorough translation. In respect of the intervention of Tamati Waka Nene, it may be said that since Dr Thomson wrote in 1859, the late Mr W. Colenso, F.R.S., F.L.S., etc., who was an eye-witness, has given to the world through the New Zealand Government Printer extracts from his diary of the period. This he did in 1890, the jubilee of the signing of the momentous document. From this it appears that, though some had spoken in favour of the treaty previously, it was Hoani Heke, grand-uncle, we believe, of the present member for the Northern Maori electorate, who turned the tide and gave the lead to Tamati Waka. We extract from Colenso the two speeches in rotation as they were delivered:—

Hoani Heke, chief of the Matarahurahu tribe, arose and said: "To raise up or to bring down? To raise up or to bring down? Which? which? Who knows? Sit, Governor, sit." (We cannot but think that the word "noho" would have been quite as properly, and far more plainly to the occasion, interpreted as "stay" instead of "sit.") "If thou shouldst return, we natives are gone, utterly gone, nothinged, extinct. What, then, shall we do? Who are we? Remain, Governor, a father for us. If thou goest away, what then? We do not know. This, my friends," addressing the natives around him,

"is a good thing. It is even as the word of God." (The New Testament, lately printed in Maori at Pahiia, and circulated among the natives.) "Thou go away!! No, no, no! For then the French or the rum-sellers will have us natives. Remain, remain, remain; sit, sit here; you with the missionaries, all as one. But we natives are children—yes, mere children. Yes; it is not for us, but for you, our fathers—you missionaries—it is for you to say, to decide, what it shall be. It is for you to choose. For we are only natives. Who and what are we? Children—yes, children solely. We do not know; do you then choose for us. You, our fathers—you missionaries. Sit, I say, Governor—srr!!!—a father, a Governor for us." (Pronounced with remarkably strong and solemn emphasis, well supported both by gesture and manner.)

Hakitaru, a chief of the Rarawa tribe, rose and said a few words; but in consequence of several talking (both whites and natives), the one or the other at this moment remarking on Hoani Heke's speech and manner, and from Hakitaru speaking low, what was said was not plainly heard. He spoke, however, in favour of the Governor's remaining. Tamati Waka Nene, chief of the Ngatihao tribe, rose and said:—

"I shall speak first to us, to ourselves, natives," addressing them. "What do you say? The Governor to return? What, then, shall we do? Say here to me, O ye chiefs of the tribes of the northern part of New Zealand, what we, how we?" (meaning how, in such case, are we henceforward to act?) "Is not the land already gone? Is it not covered, all covered, with men, with strangers, foreigners—even to the grass and herb-
age—over whom we have no power? We the chiefs and natives of this land, are down low; they are up high, exalted. What, what do you say? The Governor to go back? I am sick, I am dead, killed by you. Had you spoken thus in the old time, when the traders and grog-sellers came—had you turned them away—then you could well say to the Governor, 'Go back!' and it would have been correct, straight; and I also would have said with you, 'Go back!' Yes, we together, as one man, one voice. But now as things are, no, no, no." Turning to His Excellency, he resumed: "O Governor, sit. I, Tamati Waka, say to thee srr! Do not thou go away from us; remain for us—a father, a judge, a peace maker. Yes, it is good, it is straight. Sit you here; dwell in our midst. Remain; do not go away. Do not thou listen to what (the chiefs of) Ngapuhi say. Stay thou, our friend, our father, our Governor."

Says Dr. Thomson:—"The Governor insinuated that the opposition to the treaty was got up by French missionaries and evil-disposed white men, and that the former employed for this purpose a cannibal European called Munion."—*Parl. Papers*, 1840. Colenso relates how the French Bishop Pompallier rudely pushed his way past sentries into the Governor's presence, and tells of the commotion his behaviour caused among English missionaries, and the effect it had upon the Maoris in temporarily enhancing the standing

of the French prelate. "As the debate produced much excitement, twenty-four hours were given for deliberation, and this time was separately occupied by each tribe in earnestly considering the question. Next day, without further discussion, forty-six chiefs, in the presence of 500 followers, signed the treaty. The first name on the roll is Kawiti, one of the leaders of the insurrection in 1844. From Waitangi the treaty was taken about the country by missionaries and Government agents for signature. Captain Hobson took it to Hokianga, where 3000 natives were collected together for the purpose of again discussing its terms, and up the River Thames. Major Bunbury and the Rev. Henry Williams were despatched with it to the eastern and western coasts of the North Island, to Cook's Strait, Stewart's Island, and the Middle Island. Before the end of June 512 New Zealand chiefs signed the treaty of Waitangi. To most of the signers a blanket and some tobacco were given, but several refused these presents lest they might be construed into payment for the land. The legal difficulty was thus removed, and the Queen of England could now assert her sovereignty to the satisfaction of State lawyers. This was proclaimed over the North Island on the 21st of May, 1840, in view of the Treaty of Waitangi; over the Middle Island and Stewart's Island on the same day, in virtue of the right of discovery. To remove all doubts regarding the legality of this last act, Major Bunbury proclaimed the Queen's authority over the Middle Island on the 17th June in virtue of the Waitangi treaty. The sovereignty of Stewart's Island still rests on the right of discovery."—*Parl. Papers*, 1841. . . . "The Treaty of Waitangi did this good to the New Zealanders and to the cause of peace: it clearly recognised their legal right to all land in the country, and on that account the act may be denominated the Magna Charta of the people." To what Dr Thomson has said we may add that the pre-emptive right given to the Queen by the natives over lands they desired to sell is, in the Maori language, one of the most clearly stated in the deed.

"W.B." Te Kūhi, sends the following statement to the New Zealand Herald:—"That Dr. Pomare's strictures on tohungism are unerringly correct, all who saw what I did on Monday last will heartily confirm. From casual observation I find that a young woman, believing that the makutu spell had been laid upon her, came in to consult a noted tohunga to have a malison removed, but recrimination ensuing the hoecuspocus ended in the afflicted fiercely attacking the diviner and becoming insane, which insanity then spread to the remainder of the family of four, including the father and son-in-law. The young woman was arrested by the local constable and deported to an asylum, but the scene at the native village among her own people was beyond description—a horrible exhibition of degraded superstition, accentuated by insanity or its make-believe. Clothes were burnt, planted in earth, and otherwise destroyed. Then the natives strutted about naked, howled incantations, and ran amok, attacking both friends and imaginary foes. They re-clothed themselves in women's garments, and quoted Scripture, until some neighbouring relations pacified them."

Trend of Legislation for the Maori People.

As a matter of fact, there is no definite trend of legislation for the Maori people, because the Government apparently has no settled policy with respect to them. But there is noticeable a very distinct inclination with respect to their lands, which, we venture to assert, will have a most disastrous effect upon the future of the people. That policy is in the direction of making the whole Maori race pensioners of the State through the investiture of their lands in a State department. The department, wherever the system has come into operation, leases the lands to Europeans, receives the rent, deducts rates and taxes and a commission in payment of its work, and pays the balance to the natives. The natives have no hope of ever receiving back their lands for their own occupation, however much their numbers may increase, and the consequent necessity for enlarged areas for cultivation enhanced, because the leases are perpetual leases. The natives have really no say in the length of tenure, in the choice of tenant, nor, in practice, in the fixing of the rent, although they are supposed to be consulted. The final word comes from the State department. The West Coast Settlement Reserves afford the chief object lesson, because on them has the system been most largely carried on. The result, as it affects the people, is thus recorded by the Health Officer to the Maoris in the last annual report, or Public Health Statement, issued by the Minister of Public Health, Sir Joseph Ward, pp. 63-4:—

"The Atiawas were once amongst the most brave, the most industrious and enterprising of the race; history tells us this. But look at them to-day. Of all the tribes now living they are the most backward and demoralised. I have had more difficulty with them than with other people. I have had very little done in this district. There are two main causes which keep them back—first, Te Whiti-ism; second, prejudice against the Pakeha. The first cause will only end when Te Whiti dies, and it will be useless to do anything radical till then, as by persecution many will fly to his banner. [We cannot agree that nothing should be done in directing towards a more useful life the largest aggregation of policy and sentiment which, under the influence of Te Whiti, exists in Maoridom, and perhaps has ever existed, with the one exception, perhaps, of the King movement. But we do deprecate any interference which would make the slightest approach towards persecution—that has been tried.—ED. RECORD.] As soon as Te Whiti dies we must turn on the full machinery of the law. (Qy.) The second cause will never end till the land laws are adjusted on the West Coast. The making of the natives of the West Coast mere rent-receivers is one of the direct causes of all the evils now existing in this district. It has taken all individual responsibility out of them. They are absolutely lazy because they have not sufficient lands to work. The doing-away with Maori landlord rights and making them irresponsible has encouraged extravagance, idleness, and debauchery, till Taranaki has become a by-word

among the tribes. The natives do not care about their homes and their persons, they do not care to improve, for there is no incentive. Their heritage has been taken away from them, and now in the abandon of despair they say: "He aha te pai?" (What is the good? The Public Trustee has eaten the heart of the melon and we are given the rind.) They are bitter against everything European because their lands were confiscated, and the remainder they cannot occupy without paying rent for it. They drink and take liquor to their homes and tangis just to be against the law. The King Country is nothing to it. Hardly a tangi passes but large quantities are consumed by men and women. The sights one sees are most painful, debasing, and past all description. They say matters are improving. I suppose they are, but at Parihaka these things still go on unchecked." We are happy to be able to record a little improvement in the matter of drinking at tangis. With respect to the confiscation said to make them bitter: This is not so much the first and great confiscation, which took from them all their tribal lands with the exception of reserves subsequently made, as the recent confiscation of those reserves by vesting them in the Public Trustee. The result is no native can occupy, can cultivate for a living, one acre of the lands reserved and solemnly crown-granted to them by Queen Victoria, without first obtaining a license to occupy or a lease for his own lands from the Public Trustee.

The officer points out a remedy for the whole Maori land trouble in the island at page 60 when advocating the gospel of work. "Then, again, another reason why the Maori is not constantly employed is owing to communism. The individualisation of Maori lands ought to be hastened with all possible speed. As long as we have communism so long shall we find non-employed natives, and so long shall we have idleness. Where there is communism individuality is lost. The individualisation of Maori lands will mean the employment of Maoris; but as long as he can depend on his communistic brother for a meal so long will you have him lazy, and so long will Maori land be of no value in the colony. It stands to reason that if a man has his plot of land, and his little home on it, and his family in that home, he must work or else starve. Give the young Maori generation their lands individualised, and I venture to state that those lands will be more than double their present value. There are hundreds of intelligent Maori youths in this country who are patiently waiting to see communism broken up, and their lands portioned out to them, in order that they may work on them; and the sooner each man thinks for himself the better it will be for the fair land we live in."

The existing alternative to the vestment of the native lands in a State Department is the vesting of them in the Maori Land Councils, which is a system under trial. We shall deal with these in a separate article, but it appears that the destruction of individuality is the same as it is when a State Department administers. A block is vested in the Council, the Government surveys it into sections, the Council lets it to Europeans, and hands over the accruing rents, less expenses, to the Maoris, when the rents arrive. But the individualisation of native land

is generally admitted to be the soundest principle on which to proceed. It was much advocated in the House of Representatives last session. On this subject the Hon. the Native Minister said: "Provision was made in the present law for the individualisation of native lands, and it was not the fault of the Government that individualisation was not proceeding more actively. What stood in the way was the expense, and if the House would put £200,000 on the estimates for that work it would go on much more speedily. Each native had a right to have his share defined, but he would not bear the expense, and the State ought, he urged, to provide the means. It was the expense of individualisation which had driven the Maoris to the expedient of leasing their lands collectively in large areas. The machinery for that was provided by the Maori Lands Administration Act."

That Maori Lands Administration Act, it will be seen, avoids all individualisation, but if there was any earnest desire on the part of the Government to settle the natives individually on the land and destroy communism, means would have to be found to do this by Government departments, as easily as they were found to sectionise the lands for leasing purposes, on security of the lands. But we venture the suggestion that the assertion that the natives cannot, or will not, go to the expense of individualisation is one that is disproved by experience. The character of the West Coast natives has been given by the Public Health Officer. They are the worst and the most thriftless in the two islands, it is said, so that if we choose these as instances where money was found for individualisation till the Government put a stop to it, we shall not be accused of selecting an exceptionally advanced tribe. When in the eighties the 201,001 acres of the West Coast Settlement Reserves were crown-granted to the natives living between Waitotara (in the Wellington) and White Cliffs (on the frontier of the Auckland provincial district) as provision for them out of the far larger area confiscated, the natives desired to do what it is acknowledged it is best to be done—individualise their titles. In the latter end of the decade and the beginning of the nineties many of the Crown grants, covering large areas, were partitioned, on application, by the Native Land Courts. The subdivisions as a rule were not for individuals, but for family groups, just as the natives asked. But the extent of each native's interest had been ascertained by the Public Trustee for the purpose of distributing the rents of lands leased to Europeans. All that was necessary was to allocate those interests on the lands should the interests prove to be correctly ascertained. As time went on the natives saw that it would be advantageous to so extend partition, and numerous applications were made to the Court. So universal was this desire for individualisation that by September, 1893, 196 applications for partition had accumulated in the Registrar's office, and a Gazette was issued for the holding of a Court at New Plymouth on the 23rd of that month and year. As might have been expected, the natives were overjoyed to think that their lands would at last be individualised. The costs, poor and bad as they are reported to be, had no terrors for them. They had found the

The Origin and Destiny of the Maori.

PART I.—THE ORIGIN OF THE MAORI.

CHAPTER II.

I may at once say that rice is a plant indigenous to India, from whence in its cultivated form it appears to have spread to all surrounding countries, three or four centuries before Christ, and that its name in India is nowaree. In this, as Mr Percy Smith correctly says, we recognise the word "wari" or "vari." Rice is also indigenous to Australia, but there is apparently nothing in that to interest us. From these and other data, and the fact that Mr. Logan claims the Polynesians to be the ancient Gangetic race, the author of "Hawaiiiki" makes the following claim, but not hastily. He has used such information as was open to him:—"I claim for the Polynesians that they are the original owners of the name rice, and that they cultivated it in India before the irruption of the Aryans into that country." Before going further I will quote part of Mr Smith's extract from Mr. J. R. Logan:—"A survey of the character and distribution of the Gangetic, Ultra-Indian, and Asianesian (Indonesian as we now call it) peoples, renders it certain that the same Himalayo-Polynesian race was at one time spread over the Gangetic basin and Ultraindia. As this race is allied to the Chinese and Thibetan, it is probable that it originally spread from Ultraindia into North-East India, I will afterwards show reasons for believing that the race is a modified one. . . . The Ultraindian races in their fundamental characters, physical and mental, and in all their social and national developments, from the lowest or most barbarous stages in which in any of their tribes are now extant to the highest civilisation which they have obtained in Burma, Pegu, Siam, and Kamboja, are intimately connected with the Oceanic races. The tribes of the Niha-Polynesian family, who appear to have preceded those of the Malayan, resemble the finer type of Mons, Burmans, and the allied Indian and Himalayan tribes. The Malayan family approximates closely to the ruder or more purely Jougolian type of Ultraindia. The identity in person and character (of the Niha-Polynesians) is accompanied by a closer arrangement in habits, customs, institutions and arts. So as to place beyond doubt that the dark-haired populations of the islands (Oceanica) has been received from the Gangetic and Ultraindian races. The influx of this population closed the long era of Papua predominance, and gave rise to the new or modified forms of language which now prevail. The ethnic distance between the mere language and geographical position of the former attest the great antiquity of the period when the Ultraindian tribes began to settle in Indonesia."

This is a paragraph which requires in reading a large amount of discrimination, in order to identify the Maori Polynesian people whose customs are both of Semitic and Indo-Chinese, besides other origin, with their proper ancestors and the right route of their migration into Oceanica, and as it stands is likely to lead to much confusion. The matter has been dealt with

by Professor Keane in "Ethnology," p. 326:—"Indonesians: Here it should be noticed that the term 'Indonesians,' introduced by Logan to designate the light-coloured non-Malay inhabitants of the Eastern Archipelago, is now used as a convenient collective name for all the peoples of Malaysia and Polynesia, who are neither Malays nor Papuans, but of Caucasian type. Such are the Battaks of North Sumatra, many of Bornean Dyaks, most of the Jilolo natives, many of the Philippine Islanders, and the large brown race of East Polynesia—that is to say, the Samoans, Maoris, Tongans, Tahitians, Marquesas Islanders, and the Hawaiians, who are commonly called Eastern Polynesians. Dr. Hamy, who first gave this extension of the term Indonesia, points out that the Battaks and other pre-Malay people of Malaysia so closely resemble the Eastern Polynesians that the two groups should be regarded as two branches of an original pre-Malay stock."

I shall presently show what the stock was from which the Indian strain was supposed to be brought to the Indonesian people before the advent of the Aryan, and I think that no philo-Maori will then want the blood to enrich (?) that of the Eastern Polynesians.

But first as to the name for rice, vari, rightly said to be the same as newari, the Indian name. It appears to me that there is the same alliance between the Indian name for millet, "jowari," as between newari and vari. Moreover, I think that if wari, applied as it is to both rice and millet, were traced to its root, we should find it is the name for grain food generally, and at first even applied to all soft foods eaten by a hunting people whose flesh-food was tough. (Witness "ngawari," the native name for boiled greens, etc., etc.). That would answer quite as well to account for Java or Sumatra being Hawaiiiki-te-varinga, and equally apply to the more ancient of the two islands, or countries, as a place where such food is abundant, and in Sumatra millet is indigenous.

I read in the "Encyclopaedia Britannica," Vol. XVI., p. 321, that millet, the true millet, is indigenous to the East Indies and North Australia, but is mentioned by Hippocrates and Theophrastus as already cultivated in South Europe in their time. There are many varieties, one of which is largely cultivated in tropical countries, and is from Sumatra. This appears to directly indicate that Hawaiiiki-te-varinga nui is Sumatra. *Setaria vulgaris* is, however, the one referred to by Pliny as millet. "But the most important dry grain of the tropical countries of Africa and Asia, particularly of India, is *Sorghum vulgare*. Pers., Durra, Great Millet, Indian Millet, Turkish Millet, or Guinea corn, the French sorgho. German Mohrenhirse or Kafferkorn, Tamil Cholum, Bengali Jowari. It ranges probably as extensive as wheat."

We have thus jowari to account for the Maori word vari in varinga-kai, whether in India or the isles of the sea, and we have found it indigenous to Sumatra. I am aware that Mr. Tregear has written that "The names of lands of Polynesian origin, such as Hawaiiiki, Varinga, Paliuli, and Atia, are derived from words used for varieties of food, but primarily of grain. The grain name was applied to barley, millet, wheat, etc., by the western natives, but to the rice by the people of India and the tribes moving eastwards."

We have seen that in Bengal millet is called

money for previous subdivisions, and would impoverish themselves, if necessary, to find the money for these. But no single piece of land, the subject of these 196 applications, which was under the administration of the Public Trustee as trustee for the applicants, was allowed to be dealt with by the Government. The Government pleaded that the West Coast Settlement Reserves Act Amendment Act, 1892, passed by themselves since the last sitting of the Native Land Court, debarred the Native Land Court from proceeding to partition as of old. The latter part of section 16 of that Act says:—"The Native Land Court shall not make partition of any reserve unless the Governor shall by warrant authorise such partition to be made." No warrant had been issued, no one had applied for one, none knew how to apply, and they don't know to this day. The assessments for land tax are made on the large areas of the original Crown grants and subsequent orders of the Native Land Court, so that if a native interest was but £5 in one of these he pays land tax without exemption. Individualisation to escape this, to hold this land as his own individual property, and thus destroy communism, was barred, and he knew not how to surmount the obstacle. And it was deliberately barred by the same Government that said through its Minister: "It was not the fault of the Government that individualisation was not proceeding more actively."

The native is debarred from selling his land to the European; he can only part with it through the Maori Land Councils, and these don't individualise, as has been shown. The Native Land Court Act, if not interfered with, provides for the subdivision of and individualisation of native lands, and to say that they will not find the money is to say that they are worse than the worst of the Maoris of Taranaki. It is evident that the trend of legislation is against individualisation, and tends to perpetuate communism.

The Late Archdeacon Maunsell.

AUCKLAND, February 13.

A handsome brass tablet to the memory of the late Archdeacon Maunsell, the well-known Maori missionary, was unveiled yesterday morning by the Rev. A. G. Purchas. The Rev. G. Maunsell, a son of the late Archdeacon, and a considerable number of Maoris were present. Canon Mac-Murray, in addressing the congregation, said that Robert Maunsell, a young Irish clergyman, who was a great Hebrew and Greek scholar, came to New Zealand over 70 years ago. He spent some months in acquiring the Maori language, and preparing himself for this great work, the translation of the Bible into Maori. He subsequently worked as a missionary for 30 years, and upon the outbreak of war in 1865 he came to Auckland, where he took the appointment of Incumbent of St. Mary's, Parnell, filling that position for 17 years. The tablet adjoins one erected to the memory of the late Archdeacon Clarke, another well-known Maori missionary.

jawari and rice newari, which would lead one to suppose that when using wari for grain, the kind of grain is fixed by the prefix. With respect to wari, the grain name, being used for rice by the nations moving eastwards from India, I submit from Wallace's "Archipelago" the name for rice of thirty-two peoples of the Eastern Archipelago, and I do not clearly recognise the grain-word or rice-word wari in any one:—

1. English Rice
2. Malay Bras
3. Javanese Bras
4. Bouton, S. Celebes Bai
5. Salayer, do. Biras
6. Menado, N. Celebes Bogasch
7. Bolanghitam, do. Bogasa
8. Sanguiev, Sian Bowaseh
9. Salbabo Boras
10. Sula Is. Bira
11. Cajeli, Bonu Halai
12. Wyapo, do. Hala
13. Massaratty, do. Pala
14. Amblaw Faja
15. Tidore Bira
16. Gani, Gilolo Samasi
17. Galela, do. Itano
18. Liang, Amboyna Allar
19. Morella, do. Allar
20. Batumerah, do. Allai
21. Lariki, do. Hala
22. Saparua Halal
23. Awica, Ceram Hala
24. Camarran, do. Hala
25. Teluti, do. Fala
26. Ahtiago and Toho, do. Fala
27. Ahtiago and Alfuros, do. Halim
28. Gah, Ceram Faasi
29. Wahai, do. Allan
30. Matabello Faha
31. Teor Paser
32. Mysol Wayr
33. Buju Buas

In the "Encyclopædia Britannica," Vol. XIII., I find the following valuable information:—"The origin of the name (Java) is very doubtful. It is not improbable that it was first applied either to Sumatra or to what was known of the Indian Archipelago, the insular character of the several parts not being at once recognised. Jawa Dwipa, or the "land of millet," may have been the original form, and have given rise both to the Jaba diu of Ptolemy and to the Je-pho-thi of Fattien, the Chinese pilgrim of the fourth or fifth century. The oldest form of the name in Arabic is apparently Zabeg. The first epigraphic occurrence of Java is in an inscription of 1343. In Marco Polo the name is the common appellation of all the Sunda Islands. The Jawa of Ibn Batuta is Sumatra; Jawa is his Mul Jawa, i.e., possibly original Java."

For myself I believe that the name is older than any form here mentioned, that it was originally Ha-wai-ariki, that it was given to Sumatra by the Polynesians, and that it was confined to the Oceanic homes of that people.

If we turn to the same work, Vol. XXII., p. 640, in the article on Sumatra we shall find the record of an inscription earlier than the one referred to above, and one very much to the point:—"Certain inscriptions discovered in the Pedang Highlands seem to certify the existence in the seventh century of a powerful Hindu kingdom in Tunah Datar, not far from the later

capital of Menangkabau. In these inscriptions Sumatra is called the first Java." The same article also contains information concerning the ancestors of the Achinese, but it does not appear to me that there is any reason to suppose that they were identical with the Polynesians, although it is becoming more and more evident that these latter once inhabited Sumatra, the first Java. "The original stock of the Achinese appears . . . to have consisted of the Mantirs, who seem to have been driven inland by the Hindus. . . . It is not known whether the Battaks were settled in Sumatra before the Hindu period."

As stated above, the appearances are all too modern, but we shall find presently that the Polynesians have left their remnant behind in Sumatra, and that the Battaks also are very ancient. It appears to me that the "land of millet" is applicable to Sumatra as the first Java, and it is a fair deduction that it is Hawaiiki-te-varinga-nui. And as so far back as the seventh century it was found advisable to state which was the first and real Java, that appears to point out that some great significance was attached to the name, that there had been arguments concerning it, and that it had been finally decided in favour of Sumatra. In respect to the Maori assertion that Hawaiiki was a tuawhenua (a mainland) it is very interesting to note what was said concerning the application of the name to various places in the Indian Archipelago, "the insular character of the several places not being at once recognised," and this becomes doubly significant when the evidence of recent subsidence is taken into consideration. The Straits of Malacca are an extremely narrow and shallow sea, as shown by Wallace in the maps published in his "Malay Archipelago," so shallow, in fact, that they were probably dry land not very long ago, and Sumatra was then joined to Asia. The Singapore Strait is to-day filled with islands. The last remnants of the Polynesians left in Malaysia are on an island off the west shore of Sumatra, and I think that when the first emigrants sighted land they sailed or paddled from the northern end down the western shore, and would not consequently know at first whether they lived on an island or a continent. That they never found out appears to be proved by the tradition. But it should not be forgotten that the word is often used in a relative sense. I have heard the natives of Kapiti allude to the North Island of New Zealand as the tuawhenua. Again Mr. Smith, speaking of Tawhiti-roa as an alternative name to Hawaiiki, apprehends that it means Sumatra. As a matter of fact, the investigations of scientific men and the traditions of the Maori appear to meet in Sumatra.

(To be Continued.)

Considerations which should guide us in settling the Maoris on their Lands.

We should proceed on the law of lines of least resistance by consideration of the law of inherited aptitudes. Customs which have been

evolved and established by probably fifty thousand years of isolation from outside influences have resulted in a certain arrangement of brain cells, which cannot be changed in a year or a generation, even with the best and truest guidance, and with the neglect and erroneous treatment extended to the Maoris during their first communications with Europeans the task is now all the more difficult, in that there is much to undo in reforming mistaken ideas absorbed. The training which in numberless generations had perfected the Maori warrior has not produced the kind of man which makes a settled and isolated farmer. The Maori is gregarious in habits and a social being. He has always lived a semi-communistic life in a settlement where homes cluster round the meeting house, which, in daily and nightly meetings, provides all that the newspaper and the social club give the European. I have said "semi-communistic," because the communism of the Maori is really more a thorough co-operation, than a communism, but it is combined with a too lavish and indiscriminate hospitality. The food grown is raised on the family lands by the family as a unit. On making a new clearing and fencing it, assistance is given by relations and neighbours in the form of a working bee. These will also collect to help one of the community harvest his crops, but the food harvested does not belong to the community, but to the family owning the mara (cultivation). What is described by many as the communism which feeds the lazy is, in fact, but a thorough-hearted hospitality, which is ashamed to see the hungry go without food, presumes that all are hungry who come at meal times, and welcomes all to extend the hand to the steaming dish. To thoroughly isolate a man or a family, to place him on a holding out of touch with his people, in a place where he cannot exchange ideas and news with his tribal fellows is to fail. The loneliness would be unendurable. But to group the families on a village settlement within reach of their farms is to succeed, because it is exactly what the agrarian classes among them have been used to in the cultivation of their little fields for the food of life; and with the gardeners lived the warriors and other chiefs—when at home.

The path of civilisation passes over the lands of the smaller peoples and the graves of primitive man, but the race which takes the path, trailing civilisation in its wake, bears as it goes the White Man's Burden, and is bound by the ties of humanity to add, wherever possible, the nations it supplants to the roll of civilised communities, and ensure to them at least as much as he deprived them of. That is irrespective of treaties. With a specific treaty, the Maori claim is stronger, and the British amenability to moral penalty for neglect greater. We have deprived the Maori of the incentives to industry he had, and provided him with none in his new environment.