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CHAPTER I.

INTRODUCTION.

PRIOR to 1840 New Zealand was internationally a "No Man's Land." At a period still undefined some Polynesian navigator sailing or drifting in his canoe had sighted its shores, and subsequently his race had peopled its fertile and forest-clad lands, unknown to and unknowing of the great world beyond the Pacific. Then came Abel Janszoon Tasman, the Dutch explorer, who in 1642 stumbled upon its coast and left it again unconscious of what he had really seen and found. For more than a century after that no civilized sailor ventured near its shores, until Captain James Cook, the greatest navigator of them all, rediscovered for Britain in 1769 a treasure which Holland by her lack of enterprise had lost. At various points he took possession of the country for and in the name of King George III, but beyond these formal precautions Britain was as negligent of her new-found possession as were her Dutch neighbours. No systematic occupation of the territory followed, nor were any other steps taken which would serve to confirm her right to exclude other nations from the colonization of the Islands. Failure to enforce her claim was not, however, the only feature which characterized the policy of Britain, for by several direct executive acts she had proceeded to divest herself of even the slender rights she once possessed. These acts of renunciation culminated in 1834 when Lord Aberdeen, on

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behalf of the Government of King William IV, definitely recognized as an independent nation a confederation of chiefs in the northern portion of the northern Island, and presented them with a national flag as the symbol of their independence.*

It is true that in the previous year the Government had appointed a British Resident in the person of Mr. James Busby, but he had and could have no real power, since he was unsupported by physical force of any kind. He was therefore of more service as a butt for the cynics than to his own countrymen or to the native people whose interests he was supposed to protect. The necessity for this appointment lay in the fact that the spirit of adventure and enterprise in the British people was not so lethargic as their Government officials. As the result of the wide publication of the accounts of Cook's voyages and the growth of the whaling industry in the southern seas many persons of robust British birth were finding their way to these antipodean islands, where the free life and bracing climate proved an irresistible attraction. There was thus growing up at several centres—notably at the Bay of Islands—an ungoverned and to some extent an ungovernable white population, many of whom by their lawlessness were creating a social problem which could not be ignored, while others by their industry were building up commercial interests, for the conservation of which the British Government was constantly being solicited to take effective measures. To do this, British

* The pole upon which this flag was flown was destined to play an important part in New Zealand history. It was made from a kauri spar grown upon the land of Hone Heke, and was given by that chief to Mr. Busby, the British Resident, who erected it in front of his house at Waitangi. When British sovereignty over the country was declared, the staff was taken down and removed to the opposite side of the harbour, where it was erected on Maiki Hill, above the town of Kororareka. Here it was used primarily to signal ships entering the Bay of Islands, but when not so employed the Union Jack was flown at its peak, a proceeding which angered the anti-British element at the Bay, and at the same time served materially to mystify the Maori, who was slow to comprehend its true meaning. The misunderstandings—intensified by mischievous Europeans—which centred round the staff, led to its being cut down by Hone Heke in 1844, and so brought on the war described in these pages.

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statesmen of all parties were distinctly disinclined. There was a feeling that Britain had colonies enough, and that the existing responsibilities of the infant Empire were as much as the parent country could bear. There was then no vision of a world-wide confederation of peoples, embracing men of all races and all religions, who were to find a common bond in the justice and freedom which the British Constitution affords.

If, however, British statesmen were loath to interfere with such members of the race as were then residing in New Zealand, and if they hesitated to accept the responsibility of protecting the increasing trade of those Islands, they were unable successfully to maintain this attitude of indifference when, in 1839, the question of colonizing this country began to be actively canvassed, especially in England. The first big factor which then materially influenced British policy was the fear of French intervention, and the second was her own social stress at home. However well- or ill-founded the fear of French aggression may have been, there could be no question as to the pressure of the social unrest. The industrial and agricultural condition of the British Isles was truly deplorable, propagating a feeling which Carlyle described as the "sullen, revengeful humour of revolt against the upper classes."

To the study of how best to alleviate the prevailing political sores there came a body of young men whose almost revolutionary spirit longed to break the bonds of English conservatism, and who because of their advanced views became known as the "Philosophic Radicals." To their aid came a small band of philanthropic Tories, who were gravely concerned at the alleged "overpopulation" of the British Isles. These men busily propounded the doctrine of colonization as the cure for Britain's social and industrial woes, and when searching for a field in which their scheme might find fulfilment they selected New Zealand as the country offering "the most profitable investment for British capital and the highest prospects

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for employment and opportunity for England's idle labour."

This agitation passed through several phases and many vicissitudes, but was ever insistent, and at last, when its promoters believed they were unable to induce the Government to act in the direction they desired, the movement became so practical that its leaders despatched the smart-sailing brig *Tory* with an advance party to form a colony of their own somewhere on the shores of Cook Strait. That the British Government would sooner or later have taken measures to consolidate the British position in New Zealand is tolerably certain, but the act of the New Zealand Company in rushing their vessel off to begin the work of systematic colonization was a new and vitalizing influence which stirred up the dry bones of Downing Street in a manner most surprising. Rapidly a decision was reached that the Government must now intervene; that they must despatch an Agent of their own, invested with Consular powers and with instructions to negotiate a treaty with the native chiefs for the cession of their sovereignty to the Queen. The choice of an officer to fill this position fell upon Captain William Hobson, R.N., who had previously been in New Zealand in the *Rattlesnake*, and who had reported upon the most advisable method of controlling and safeguarding British interests there.

The plan of the Imperial authorities was that if Hobson succeeded in his mission New Zealand was to be attached as a dependency to New South Wales, and that in matters of importance Hobson was to take his directions from Sir George Gipps, the Governor of that colony. Hobson left England in H.M.S. *Druid*, and after a brief stay in Sydney, where he assembled his staff of civil officers and received his final instructions, he reached Kororareka, in the Bay of Islands, on the 29th January, 1840. Kororareka is caustically described at this date by one of Hobson's staff as "a miserable place, composed of some twenty houses and native huts, standing on a narrow shingly bank which separates the beach from a morass forming the background

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of the 'town' as it is called; immediately behind which the hills rise steep and abrupt, clothed with coarse fern and dwarf cyprus scrub. The soil is very sterile, and the whole appearance of the place wretched in the extreme." Still, it was the largest settlement of Europeans in the country, and on the day after his arrival Hobson proceeded to the little Mission Church, and there announced by Proclamation that he had been appointed Lieutenant-Governor over such territory, the sovereignty of which the natives were willing to cede to Her Majesty Queen Victoria.

This announcement created a distinct flutter in the local dovecote. It gladdened the hearts of those who were anxious to see some system of regular government established in the country, just as it deeply aggrieved those who desired to continue their land-sharking or to pursue their loose and irresponsible mode of living. But, whether he was welcomed or contemned, Hobson's arrival laid down a definite milestone in the history of New Zealand, for, as events proved, he had come to stay.

Before he left England Captain Hobson had received specific instructions that any concessions the natives might make to Her Majesty must be of a purely voluntary character, and that they must be accompanied by a *quid pro quo* in the shape of some definite guarantee of Her Majesty's good will. He was therefore not to seize the country, but to endeavour to persuade the chiefs to cede their sovereignty under a fair and equitable treaty. These reservations were made because the spirit of Britain at that day revolted against the practices of former times, under which native peoples had been ruthlessly despoiled of their possessions and so reduced to a state of moral and physical degradation. Beyond these general outlines Hobson appears to have had but little to help him in formulating the terms of the treaty. With, however, the assistance of several local gentlemen, notably Mr. James Busby, who was now superseded in his position as British Resident, he devised a document at once terse and simple in its terms, but none

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the less a storm-centre of conflicting interpretations for many years. This treaty provided,—

(1.) That the native chiefs should cede their sovereignty to the Queen of Great Britain.

(2.) That the lands, forests, fisheries, and food-places of the natives should remain theirs inviolate, but that the right of pre-emptive purchase of their lands should vest in the Crown.

(3.) In return for these concessions Her Majesty would afford the native race her Royal protection and impart to them all the rights and privileges of British subjects.

The draft of the treaty was first promulgated at a large meeting of representative natives at Waitangi on the 5th February, 1840. The debate involving its acceptance or rejection lasted with fluctuating fortunes all day, and was then adjourned to permit of private discussion. On the 6th February forty-five chiefs put their signatures to the document, and from that moment New Zealand virtually, if not actually, became a dependency of the British Empire, over which Captain Hobson proclaimed himself Lieutenant-Governor. The full status of a British colony was not, however, reached until the 17th June, 1840, on which day Major Bunbury declared the Queen's sovereignty over the South Island by virtue of the signatures he had received to the treaty from the southern chiefs. Between the 5th February and the 17th June the procuration of signatures was actively pursued by the Lieutenant-Governor and his accredited agents, the majority of whom were the Protestant missionaries then labouring in the country. Not all the chiefs were asked to sign, nor did all who were so asked comply with the request; but most of the accessible portions of the Islands were visited, and with few exceptions the influential chiefs became parties to the pact, the conditions of which they and their people were able to grasp with a remarkable degree of clarity. On the whole, then, the

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canvass for signatures was fairly comprehensive, and the signatories were reasonably representative of the race.

The work which Captain Hobson was sent to do was thus progressing with apparent success until it received a severe check in his own sudden and complete prostration by illness. On Sunday, the 1st March, while on a visit to Waitemata, he was stricken by paralysis, which incapacitated him from work of any kind. Never a robust man, this illness was due to physical exhaustion and mental anxiety arising from the strain of his new responsibilities, accelerated by irritating differences with Captain Nias, who commanded H.M.S. *Herald*, and with whom he was compelled to travel. Both captains were Irishmen, but evidently not of that genial type which Erin's Isle so frequently produces.

When thus stricken and lying helpless in his cabin Hobson's first impulse was to resign his Governorship and return to Sydney. From this course he was dissuaded by the Rev. Henry Williams, head of the Anglican Mission, who promised him care and attention at the Waimate Mission Station, together with assistance in his administrative duties. To these solicitations Hobson yielded, and for some weeks he lay suffering in body and wracked in mind while the urgent task of formulating his administrative plans remained in complete abeyance. His protracted illness necessarily exercised an injurious influence upon the interests of the colony by retarding the development of governmental schemes and depriving the Executive of all life and energy. The Government was, in fact, a mere mockery, for, except that a Police Magistrate and two or three constables were stationed at Kororareka, political and social conditions remained in much the same state as formerly. The authority of the Government was frequently derided, even despised, by both its own subjects and by foreigners. Thus from the unfortunate circumstance of Captain Hobson's illness the movement to establish constitutional rule in New Zealand received at its inception a check from which it made but slow recovery.

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Before he left Sydney certain gentlemen had been allocated by Sir George Gipps to Captain Hobson as the personnel of his civil staff. Lieutenant Willoughby Shortland, R.N., was appointed to the office of Chief Police Magistrate; Mr. George Cooper came as Treasurer and Comptroller of Customs; Mr. Felton Mathew as Surveyor-General; and Mr. James S. Freeman as Acting Colonial Secretary. Between these gentlemen and Hobson there, unfortunately, did not develop that *esprit de corps* so essential to the harmonious working of an infant Government. Justly or unjustly, Hobson refused to repose any measure of confidence in his officers. Public business was therefore stagnated while he was an invalid, and when he was convalescent he insisted upon giving every transaction his personal attention. He thus unnecessarily vexed himself and irritated his staff, who resented what they regarded as his petty interferences. There was as a consequence clash and friction instead of smooth working in official circles, with a resultant loss in executive efficiency and delay in administrative progress.

Hobson's illness had, amongst other things, rendered impossible the determination of a site for the capital of the new colony, and when he was sufficiently recovered to transact public business one of his first acts was to select a spot for the temporary headquarters of the official establishment, the idea being that the locality chosen would prove a desirable site for a town when the Government should be removed to the capital. The opinion of the Surveyor-General on this point being required by the Lieutenant-Governor, that officer's advice was that Kororareka, which already contained a white population of between three hundred and four hundred sculs, should be taken possession of by the Government, and that all parties claiming land therein as purchased from the natives should be compensated in a manner subsequently to be determined. Hobson did not, however, read his instructions as wide enough to bear him out in such a measure. He also foresaw difficulties in adjusting matters with the

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land claimants, who were not likely to act in a conciliatory spirit towards a Government which they regarded as an intruder and which for the most part they despised. The idea of making Kororareka the official centre was therefore rejected, as, indeed, most of the official recommendations were.* The Surveyor-General was instructed to report upon the next most eligible site for a settlement and future town. To comply with the known views of the Lieutenant-Governor an area of land at the junction of the Kawakawa and Waikare Rivers was suggested. This property was owned by a Mr. J. R. Clendon, who was at that time acting as Consul for the United States. Upon it he had erected an excellent house, extensive stores, and outbuildings, which appeared to provide the Lieutenant-Governor with all that he required for a temporary establishment. As a result of negotiation it was agreed that the Government should purchase the property for the sum of £15,000. Outside official circles this was considered an overlarge price to pay. The transaction was severely criticized, and proved ultimately as embarrassing to the Government as it was unpopular with the public. Hobson's justification was that time was pressing. The storeship *Westminster* was daily expected from Sydney with the whole establishment of the Government, a number of mechanics, and a large quantity of stores. It was necessary to make some immediate arrangements for their disposal. In the state of his health it was impossible to leave the Bay of Islands, and no other property at the Bay with the same advantages presented itself. He therefore closed the bargain, and saddled himself with an obligation which proved unexpectedly irksome to him and equally unsatisfactory to Mr. Clendon.†

* Major Bunbury states that Hobson was very jealous of his authority, and obstinate, particularly as disease made encroachments upon his frame and intellect.

† Owing to the breakdown in Hobson's finance, he was unable to pay the price agreed upon in cash, and the affair was, after protracted delay, finally settled by granting Mr. Clendon 10,000 acres of land within twelve miles of Auckland.

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Having settled these initial details at the Bay of Islands, Captain Hobson now seriously turned his attention to the larger question of selecting the permanent site for the capital of the colony. In this he was greatly influenced by the advice and advocacy of the Rev. Henry Williams. On the 30th January, 1840, Henry Williams was at Waimate, having reached that mission station on his return from the south, whither he had gone with Tamihana te Rauparaha and Matene te Whiwhi to install the Rev. Octavius Hadfield in his charge at Otaki. Late that night the missionary received a note from Captain Hobson — of whose arrival he was unaware—telling him of the British Government's intentions with regard to New Zealand. In these proposals Hobson invited the co-operation of the missionary, with whom he begged the pleasure of an interview at the earliest possible moment. They met next day, and one of the many subjects discussed was the purchase of a site for the proposed colonial capital. In this connection the missionary's geographical knowledge was invaluable. He was an ex-officer of the British Navy and had a keen appreciation of a good harbour. Moreover, he had travelled up and down the Island by land and sea, and was better informed than almost any other white man in the colony as to the relative values of the northern sites. When asked for his opinion he immediately pronounced solidly against the Bay of Islands, where, he contended, the land was too circumscribed for a potential city. He was, however, enthusiastic about the isthmus at Waitemata, as being unoccupied by natives and possessing topographical advantages far in excess of any other known site.

It was therefore for the dual purpose of inspecting this promising locality and of meeting the natives in the vicinity of Waitemata that Captain Hobson and Mr. Williams left the Bay of Islands in H.M.S. *Herald* on Friday, the 21st February. With them they took Mr. Felton Mathew, the Surveyor-General, upon whom devolved the duty of advising the Lieutenant-Governor whether the

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