

FIAT JUSTITIA.



BEING A FEW THOUGHTS RESPECTING THE MAORI PRISONER

K E R E O P A ,

NOW IN NAPIER GAOL, AWAITING HIS TRIAL FOR MURDER.

Respectfully Addressed to the considerate and justice-loving Christian Settlers of Hawke's Bay, and also to our Rulers, in a Letter to the Editor of the "Hawke's Bay Herald."

BY W. COLENZO.

"Audi alteram partem,"

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This reprint is issued in March 2015 as a supplement to *eColenso*,
the newsletter of the Colenso Society, 23 Hawkestone St, Wellington 6011,
ISSN 1179-8351

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TO THE EDITOR OF THE "HAWKE'S BAY HERALD."

"Thrice the brinded cat hath mewed
Thrice; and once the hedge-pig whined." —*Macbeth*
— "Shall the sword devour for ever: knowest thou
not that it will be bitterness in the latter end?"
—*Old Chronicle*.

I.

SIR,—During the past week I have wished to give utterance to a few thoughts respecting the unhappy Maori prisoner Kereopa now in our gaol. At one time I entertained the notion of giving a lecture about him and Te Kooti, and the Hauhau fanaticism in general; but this, for the present, I have abandoned. I am glad, too, that I did not write to you last week; as then (from what I could hear, and see in our papers,) there was much of a nature that was objectionable, reminding me forcibly of the old Nursery Tale of the Giant and his refrain—

"Fee fa fum,
I smell the blood of an Englishman (read
Hauhau)
I will and must have some."

And which, of course, I should have to deal with. Not that such a spirit or feeling does not now exist; but folks (including myself) are a little more calm today,—and a few words conveying a few facts (forgotten, it may be, in the midst of much of everyday hurly-burly and din,) may not altogether be written in vain.

I address myself, therefore, firstly, to the thoughtful and considerate justice-loving *bona fide* settlers of this Province, and in particular to those who have families growing up around them; and, secondly, to those in authority. Premising, however, that the justice I speak of, is that which is true real and Divine,—allied to compassion to the oppressed, and mercy to the sufferer; and not that mock unreal shadowy figment called justice, too often (to the shame of the 19th century) found in our Courts of Law!

What I have to say, will be,—To shew good and valid reasons why mercy should be extended to the unhappy man Kereopa; and this not so much by way of begging, or as a matter of political expediency, as by its being the

only just and proper course, or corollary, for us and our rulers to pursue.

It may be asked, what right have I, a private person, to come out in this kind of way? and this I will answer at once—in *limine*. I step out then on this occasion into the arena:—

1. Because, in 1865, I did, as Member for Napier, in my place in the House of Representatives, both move and support certain resolutions touching on this very question.

2. Because there, as a member, I read all the official correspondence and Government information respecting it.

3. Because I am in possession of certain facts, which, possibly not many (if any) besides myself in the Province possess.

4. Because my long experience among the uncivilised New Zealanders—prior to the arrival of, and their intercourse with, settlers—has taught me, that they are (or naturally were) a patient and justice-loving people; but, if they could not have justice they would have revenge,—cost what it would!

5. Because I believe that while all will talk in all manner of ways about a thing, few are found to investigate it closely and reasonably.

6. Because an intricate matter, extending, too, over years, can never be fairly dealt with except by commencing at the very beginning: and, also, because I firmly hold the following axioms:—

1. That in all -isms (to mention only a few of the prominent modern ones,—Rationalism, Communism, Mormonism, Fenianism, and Hauhauism;), there is a germ of truth: it is this which gives vitality; it is this which causes men to embrace it. (Would that rulers would, or could, "take a note of it"!)

2. That many a poor fellow would have been reformed and saved "from lowest depths of woe," and become a valuable member of society,—if society in general, and Christian Churches in particular, had but acted a *kinder* part towards him, for

"Evil is done by want of thought,
As well as want of heart."

3. That the Devil is neither so black nor so ugly as he is painted.

II.

The Hauhau superstition originated at Taranaki in 1864, while we were fighting with the natives. It was begun by a native named Te Ua, who had been known for many years to the Europeans as a very good man, and who, in the wreck of the Lord Worsley steamer, did all that he could to prevent his people from plundering the wreck. He now announced himself as a prophet, divinely commissioned by the angel Gabriel to succour and relieve his suffering countrymen. He was believed in by many, and, he sent out his servants, or colleagues, all over the island; among others he sent a chief, named Patara to visit the East Coast, and to induce the then populous tribes residing here to join them. Patara had with him in his party the prisoner Kereopa, now in our gaol, and they carried with them the head of a Capt. Lloyd, who had been killed in fighting. The party came to Opotiki, the Rev. Mr. Volkner's station, by way of Tarawera lake, where the Rev. Mr. Spencer was residing; they did, however, no harm to Mr. Spencer.

On their arrival at Opotiki they commenced haranguing the people; the fame of the new religion having preceded them; and soon gained many adherents. And there can be little doubt, that, under their fanatical zeal and their maddening orgies continually being practised by day and night, they were more or less insane.

Most unfortunately, after only a few days' sojourn at Opotiki, a small vessel arrived from Auckland, having on board Mr. Volkner and a Mr. Grace (another Minister). This was considered by them as highly confirmatory of their new religion, as their god had thus given their enemies into their hands! Mr. Volkner was soon seized and cruelly killed, for his alleged political offences against the Maoris, as well as by way of revenge for the more serious offences charged against the Government.

There can be little doubt, that the prisoner Kereopa was more or less concerned with many others in all that took place.

Shortly afterwards a young half-caste named Fulloon, holding a subordinate office in the Government service, was also killed by his own excited Hauhau tribe in the neighbor-

hood of Opotiki, on his arriving among them in a little vessel, for similar political offences real or alleged.

Here I would quote a few words from an able and cautiously-written letter by the late Chief Justice of New Zealand, Sir William Martin, to the Native Minister; it is dated September 23, 1865. Speaking of the state of things at Opotiki *preceding* Mr. Volkner's death, Sir William says:—"No spot in the island was better prepared to receive this fanaticism than Opotiki. The people of that place had sympathised in the Waikato, and some of them had taken part in the war. Various circumstances had caused their Minister (Mr. Volkner) to be suspected of being in secret correspondence with the Government on the subject of their disaffection. The feeling of the people became more bitter when their leading chief Aperotanga, who had been wounded and taken prisoner by our allies, was murdered by a woman of that tribe (the widow of Pekama Tohi), in revenge for the death of her husband who had fallen in the war. Yet this provocation did not at once lead them to retaliate on Mr. Volkner. Even two men of the offending tribe who had come into the district from the eastward in ignorance of all that had passed were spared. The cry of blood which arose from the widows was rebuked by a woman, and the men were fed, conducted to the western boundary of the district, and sent on their way... Mr. Volkner having again visited Auckland, was continually troubled by the thought of the miserable condition of his people. Their cultivations had been neglected, and a low fever, caused by the lack of food, had carried off more than 150 persons. It appeared to be worthwhile to try the effect of an attempt to minister to them. He resolved therefore to revisit them... A small vessel was seen entering the river, and it was discovered that Mr. Volkner was on board. As the people cluster on the banks of the river the Hauhau leaders pointed to the vessel as a proof of the magical power of the new worship which had brought their betrayer into their hands."

And, again, after Mr. Volkner's death, he says:—"Even after this foul crime the superstition continued to spread. Patara, who was himself not present at the murder, proceeded with his party to Turanga (Poverty Bay). He kept Kereopa in the background, and spoke of

the murder as a misfortune, a great blow to a good cause. Even then, men who had for years exhibited a sober, thoughtful character, were induced to join, carried away by what the Maori calls "*Aroha ki te iwi*" (pity for the people), what we should call a strong sympathy with the National cause. The Maoris were strongly affected by the novel practices and the burthen of the worship, and especially by the bitter crying and wailing for their countrymen slain, and their land seized by the pakeha."

Indeed, the chiefs of Opotiki, in writing to the Government after Mr. Volkner's death, told them what had been done, and of the reasons, and what Europeans might further expect; they say:—"Friends, this is a word to you. Mr. Volkner, Minister, is dead. He has been hung according to the laws of the New Canaan, in the same manner as it has been ordained by the Parliament of England that, the guilty man be hung. Mr. Grace, Minister, is captured, and is in the prison of the New Canaan, which was arranged by us in the same manner as that which the Parliament of England instituted, that the guilty man be imprisoned. Friends, do not you ask (as if you did not know), "What is the cause of that wrong?" This alone is the cause; firstly, the deception practised upon our island by the Church. That Church said that they were sent hither by God; but now we are aware that they were sent hither by the knowing Society of the Church of England; secondly, the sin of the Governor at Rangiriri,—his murder, the women are dead; thirdly, Rangiaohia, where the women were shot; that is now an unalterable law of the Governor's. We are now aware, with regard to those laws, that they were made by the authority of England. Why is not the Governor ashamed?... Friends, our island is now aware of your doings. Listen. You catch the Maoris, we kill the pakehas. You hang the Maoris and we hang the pakehas. Release to us Hori Tupaea and we will then let go Mr. Grace; but if you withhold Hori Tupaea, we will also withhold Mr. Grace."

The chief Wiremu Tamihana te Waharoa also, in his two long and sad petitions of grievances to the General assembly, dated

April and July 1865, complained of pretty nearly the same things; he says;—

"To the Parliament at Wellington. Salutations. Hearken. I will tell you the causes of the trouble which has disturbed this island. I write to you all because I have heard people say, that you are the men selected to inquire into the wrongs of the Maoris and pakeha.... For a period of 20 years we had no desire to fight with the pakehas, notwithstanding during that period we were numerous and you, the pakehas, were few. And how was it that we did not wage war with you at that time, when we were in the majority and when you were few?... When it came to be time of the murder at Rangiaohia, then I surely knew, for the first time, that this was a great war for New Zealand. Look also: Maoris have been burnt alive in their sleeping-houses! Because of this, I did not listen to the words of the pakehas disapproving of the evil of the Maoris' mode of fighting, which partook of the nature of cruelty. When the women were killed at the pa at Rangiriri, then, for the first time, the General advised, that the women should be sent to live at places where there was no fighting. Then the pa at Paterangi was set aside as a place for fighting, and Rangiaohia was left for the women and children. As soon as we had arranged this, the war party of Bishop Selwyn and the General started to fight with the women and children. The children and women fell there! Before this time our desire was great to put away the customs of our forefathers—ambuscades and surprises, and other modes of warfare by which the enemy could be destroyed. Do not say that the words of advice are thrown away upon us. No the words of advice are regarded by us; it was the affair at Rangiaohia which completely hardened the hearts of the Maori people. The reason was the many instances of murder. Now let me count them. First, the commencement of this war was Rangiriri, a murder; Rangiaohia, a murder. The taking of the river of Horotiu was also a murder,—a murder of men and a murder of land. My reason for calling the taking of Horotiu a murder is, that the General said, he would not carry the war into my territory. But after this he brought his men to occupy my country

(Horotiu), to fight also with my tribe; but I was not willing to fight with him; I, and my people, and also the King, departed, and left our land to be cut up without cause by him. I believed in his peaceable word.”— This petition is dated, April 5, 1865, just a month after the death of Mr. Volkner.

There are many official papers to the same effect, indicating too plainly the deep-seated feeling of long-borne injury in the Maori mind. Sir W. Martin also clearly shews that he was aware of this; in his letter already quoted, he says:—“The practical fact with which we have to deal is this: the old feeling of distrust and exasperation towards our Government has been strong enough to lead thoughtful men incapable of being parties to such acts, to join the Hauhau cause, even after the commission of the great crime at Opotiki. This is our real difficulty; the same in kind as ever, but greater in degree. I believe that this feeling is now more deep and more widely spread than at any time. I believe there are now many who are convinced that we are determined, even by fraud and violence, to get possession of their land, and force our dominion upon men who have never consented to it. Many, therefore, on their part determine to hold their own as best they may, and are content to sacrifice their lives in the contest. The state of the case is this: we have put too great a pressure upon these people, more than they can bear, more than we can continue to exert; we have driven many of the natives into a state of determined resistance, bordering on desperation; we have brought upon ourselves the necessity of bearing burdens beyond our strength.”

An extract from a statement of Mr. Agassiz, a European surgeon resident at Opotiki at the time, is worthy of notice, as shewing how these deluded Hauhaus were again unfortunately confirmed in their new religion, and that, too, from a quarter we should least have expected it, viz., the first English man-of-war sent against them; he says:—

“The Opotiki natives did not make any pa or fortification. They said, if any soldiers came their god would defend them. They instance, the retreat of the crew of H.M.S. Eclipse, as one of the interpositions of their god in their behalf. That steamer had landed several soldiers; they marched up to a pa occupied by

twelve natives, and they were frightened by their god and ran away. (*In answer to a question.*) I believe the number of natives in that pa is correctly stated. A sailor was shot, by his own comrades. The natives assert they never fired a shot on the night when the sailors landed; the firing was all done by the pakeha. They found on the beach some sand which had been stained with the blood of the wounded sailor; they also picked up some four or five cartridges. The sand containing the blood was carefully collected, and with the cartridges placed on a board beside the sacred post. After the usual ceremonies of encircling the post and singing Pai Marire songs, each person advanced to the board, bowed low, and thanked the good god of the Pai Marire for making the pakehas shoot their own people.”—

Subsequently, as is well known, much mischief and loss of life was caused everywhere on the East Coast, from Opotiki to Hawke’s Bay, through that fanatical party of excited Hauhaus headed by Patara. The East Coast tribes, once populous, have been ruined, and their consequent loss has been altogether above 1000 lives! but of all this I do not now care to speak.

PART III

On the 2nd September 1865, while the General Assembly was in session, the Governor issued his famous “Proclamation of Peace;” in which he stated, that, “the war is at an end;” that “sufficient punishment had been inflicted, and so much land confiscated as was thought necessary; that all who have been in arms would never be prosecuted for past offences, excepting only those who have been concerned in the murders of the following persons (naming 8); and the chief Te Pehi, because, having taken the oath of allegiance be violated his oath, and treacherously attacked the Queen’s troops Pipiriki; when taken, he will be brought to trial for this crime. All others are forgiven. Out of the lands which have been confiscated in the Waikato, and at Taranaki, and Ngatiruanui, the Governor will at once restore considerable quantities to the natives, &c. The Governor will take no more

lands on account of the present war. The Governor is sending an expedition to the Bay of Plenty to arrest the murderers of Mr. Volkner and Mr. Fulloon. If they are given up to justice, the Governor will be satisfied; if not, the Governor will seize a part of the lands of the tribes who conceal these murderers, &c.

On the 4th of September (only two days after the aforesaid "Peace Proclamation,") the "Proclamation proclaiming martial law throughout, the districts of Opotiki and Whakatane was issued. The "expedition" sailed from Wellington to Opotiki without a Civil Magistrate; arriving there, they immediately (without even a formal parley or demand of the murderers) commenced military operations, killing (as per official return) in the first three days 16 of the natives (sex not shown), utterly destroying their war pah and villages, and also all their cultivations for miles. The following is an extract from what was then published:—"After the (first day's) fight the British flag was waving where Volkner was murdered. Judging from expressions of feeling around our camp fires, the conclusion is unavoidable, that it will not require a very large gaol to hold our prisoners; we have not sufficient men to tell off as a guard, and we have nothing but a church to put them in—which is too good for such a purpose. Thirteen dead bodies of the enemy were counted this day, and twelve more a few days after."

Other engagements took place afterwards in that district, and very many more natives were slaughtered; the number, however, is not known.

Subsequently a large number of them were also taken prisoner; these were conveyed to Auckland, tried, and several of them hung there, while others of them were imprisoned.

The land ("500,000 acres") was also confiscated.

Here I pause awhile in my recital to ask, if any one, after reading the foregoing brief and meagre yet faithful outline, can say, that "the murders of Mr. Volkner and Mr. Fulloon" were not most amply avenged?

For my own part I candidly confess, that, to this day, I have never been able to see the justice of this most complicated proceeding; which, remember, was not done in a hurry.

The carefully drawn, and plain and full "Peace Proclamation" was issued six months after the murder of Mr. Volkner. In it the Colony was informed, that "the war was at an end;" that "the Governor was sending an expedition to arrest the murderers. *If they are given up to justice the Governor will be satisfied; if not the Governor will seize a part of the lands of those who conceal the murderers;*" not, however, as in former cases, for the Crown, but "and will use them for the purpose of maintaining peace in that part of the country, and of providing for the widows and relatives of the murdered people." But nothing of the kind was attempted—may I not rightly say, *intended?* seeing that no Civil Magistrate accompanied the said expedition, and that a proclamation levying war unconditionally on that district was actually issued previous to the expedition leaving Wellington! The Governor himself broke his own terms, and chose again to initiate war in the island and Colony only two days after he had announced peace, and that without any thing new calling for his doing so. I, therefore, cannot see the justice of beating the unhappy Opotiki Hauhaus with *both* ends of the stick! Either (one would suppose) by civil law, or by fighting and confiscation, but not by *both*. I waive, for the present, the enquiry as to the Governor's legal power to proclaim martial law at all,—there, or anywhere else in the Colony.

To proceed: I should have stated, that the Act first making (or "deeming") the Maoris to be British subjects, was assented to on the 20th September 1865; a fortnight after the visit of the aforesaid expedition to Opotiki.

In March, 1866, the Governor visited those parts in H.M.S. Eclipse, and thus reports in a despatch to the Right Hon. E. Cardwell, dated the 23rd of that month:—"At Opotiki I found the Hauhaus fanatics entirely subdued, and tranquillity fully established. The disturbances which have for so long a time unhappily prevailed are thus at an end, and I see every reason to hope that the existing tranquillity will not again be disturbed, and that New Zealand will continue rapidly to progress."

On this occasion the Governor took with him the Hauhaus prophet Te Ua, the prime

mover and Originator of the whole Hauhau movement, who had also been recently charged with murders on the West Coast. At Te Awanui, near the East Cape, where the "Eclipse" anchored, and the Governor saw some of the loyal chiefs, Mokena and others, they were highly indignant at seeing Te Ua on board as his Excellency's companion, and were with great difficulty restrained from laying hands on him—as the cause of so much misery and loss of life; Mokena assured the Governor that if Te Ua went on shore his people would kill him.

The Governor in a despatch, written also to Mr. Cardwell, six days after the former one, from Raglan (Kawhia), speaks thus of Te Ua:—"Rewi and his followers were within thirty miles of me, celebrating the religious services of the Hauhau fanatical faith, whilst Te Ua, the former prophet and founder of this faith, and framer of these religious services, was taking part in the service of the Church of England on board H.M.S. Eclipse, having renounced the Hauhau doctrines, and having made a full statement of the delusions under which he was suffering when he imagined he had those visions which led him to found and promulgate the Hauhau superstition."

Te Ua was landed at Auckland a free man; and Patara, too, has since been allowed to go free. (For my part I do not object to this; I think it, under all the circumstances, a wise and proper policy.)

Notwithstanding the Governor's statement in his despatch, of the great tranquillity at Opotiki, and of the entire subjugation of the Hauhaus at that place, martial law was not revoked there until the 6th of January 1867; some ten months afterwards!

I may here mention in passing (as I do not intend to deduce anything from it) the following highly curious circumstance (not, however, without its well-known parallel in history), viz., that although the Government received a very large amount of written information concerning the death of Mr. Volkner (I having read more than twenty letters and statements, written and signed by a great number of persons, European and Maori, many of whom were resident on the spot), scarcely two of them agree, save in his having been killed;

indeed, some of them strangely contradict each other.

Messrs. Volkner and Fulloon were killed in 1865, and in the same year was the dreadful retribution exacted. Where, then, has the prisoner Kereopa been during those six subsequent years? A miserable fugitive in the mountain recesses, perpetually hunted, and fleeing from place to place with his life in his hand—*coput lupus!* £1000 was the price set upon his head by one of the Ministry of the day (although such was not agreed to in the General Assembly in 1865, when the question was brought before them, and was also subsequently censured by the Home Government); yet, to the honor of the poor starving, half-clad Maoris of those parts, who knew of his retreats, and who suffered largely for concealing him, not one allowed himself to be seduced by such a golden bait! No doubt, if all his adventures and hair-breadth escapes during that long and miserable time could be written, they would vie in romantic and perilous incidents with those of the Pretender and his son (James Stuart and Charles Edward Stuart) in the Highlands of Scotland, which also served to exhibit the good qualities of the highlanders; but with this great addition on the part of the Maoris, that their trial of good qualities extended over so much longer time, and under far greater miseries and privations, and that he, poor wretch! had no ultimate hope,—no silver lining to his black cloud,—no friendly foreign court, or power, to flee to!

IV.

I have already shewn, that in the "Proclamation of Peace," all natives who had been in arms were unconditionally forgiven, and assured that they would never be prosecuted for past offences: excepting only those who had been engaged in eight murders, therein specified; and, also, a chief named Te Pehi, for violating his oath and treacherously attacking the Queen's troops.

In a proclamation, however, dated Oct. 5, 1864, (and again in a later one of December of the same year, issued just two months before Mr. Volkner was killed,) the murderers of upwards of thirty persons, men women and children, all therein named, are specially excepted from pardon,—as against many of

them coroners' juries had returned a verdict of wilful murder. Now of all these thirty, nearly all of whom were quiet settlers, only four are mentioned and included in the eight subsequently given in the "Proclamation of Peace;" so that, by that proclamation of the second of September, 1865, the murderers of 26 of our people were absolutely forgiven, though hitherto repeatedly declared to be legally and specially excepted. Not a few, too, of those 26 who were murdered were (if possible) less deserving of so sad a fate than Mr. Volkner, (as the natives had nothing individually against them) and certainly they were very much less deserving of it (politically speaking) than Mr. Fulloon, a Government officer, and, by the mother's side, belonging to the tribe which killed him.

The chief Te Pehi, who was specially excepted from pardon in the aforesaid proclamation, for violating his oath of allegiance and for his treacherously attacking the Queen's troops (as already stated), was also pardoned by notification in the Gazette for 1867, page 338.

Again, in a later proclamation dated October 2, 1865, £1000 is offered for the apprehension of three natives named therein, "the murderers of Kereti," the Governor's messenger or bearer of the aforesaid "Proclamation of Peace" to the West Coast tribes. They would not have his peace, thus made by himself within the four walls of his study, so quietly foisted upon them; as a fighting people, used to the ways and terms of peace-making, they did not understand it. Here, it should be borne in mind, that (as in the case of young Fulloon) this native Kereti was one of themselves: the Government of the day, however, did not seem to know, or to consider, this. These three natives, like Te Ua and Patara, have also been allowed to go free:—and rightly so, as I take it.

I will not now enter into the vexed question whether those Maori were belligerents or "rebels;" enough for me at present that, on the one side, were a handful of natives driven to fight for their lives and liberties,—their lands their children and their homes,—or rather, to sell them as dearly as possible, (as our forefathers English, Irish, Scotch, and Welsh, have often done), and on the other side the might and majesty of Imperial Britain, lowered and

debased in this distant part of the Empire, to do that which could not have been legally done nearer the Home Country.

And here I will state my great surprise at this Maori prisoner Kereopa being brought to this small place (town) for trial. He is neither a native of this province, nor is Opotiki where Mr. Volkner was killed within it, neither was he taken within its boundaries. I know very well the wise practice of our ancestors of allowing a change of *venue* for a prisoner that he may have a fair trial; but can such be thought of here?—rather, is it not all t'other way?—It may be (such things are talked of "by the man in the street,") that since certain persons high in authority have been balked in their wish as to hanging drawing and quartering, that they will try hard for the next to it, and have an unhappy Maori hung, &c., in every little place in the North Island, and so demonstrate "the terror and dread majesty of the law!" Vain idea. If such be the case, then such persons miserably mistake. For to such men as our prisoner, who have long ago counted the cost, and who "are content to sacrifice their lives in the contest," (as Sir W. Martin ably and truthfully expresses it,) all such considerations are most puerile;—shewn, indeed, in his manfully and heroically attempting to commit suicide the moment he fell into the Christians' (!) hands.

I would also call your attention to two remarkable documents, bearing on the subject now before us,—viz. two despatches from two noblemen, successively British Secretaries of State, relative to our past Maori executions. (Will the thirsty of Napier and Hawke's Bay also please to "take a note of it?")

In October, and also in November, 1869, Governor Bowen wrote lengthy despatches to the British Secretary of State, Earl Granville, respecting the Hauhau prisoners, then lately tried at Wellington, when a large number were quickly sentenced to death and something else; enclosing of course, the famous "Charge," and other similar documents. Now how were they answered by Earl Granville? By a single despatch of 5 lines, in these words:—

"I have to acknowledge the receipt of your despatches of — and of —, reporting the final

decision arrived at, and the execution of only *one* of the prisoners. I observe with great pleasure the lenient course adopted by the Government of New Zealand.”

Again; in July, 1870, Governor Bowen wrote another very long despatch to the Secretary of State, concerning 30 more of the Hauhau prisoners, who had recently been tried at Wellington, and, of course, sentenced to death (but not, *this time*, to be hung drawn quartered, &c., &c.), in which despatch the Governor *again* brings in the Judge’s “Charge” to the jury of the *last year!* (sent by him in his despatch mentioned above, but then as a separate document,) and this time actually incorporated into the body of his despatch! (Just as it has again more recently been brought forward by the present Ministry in their speeches in the session of the General Assembly just closed:—serving as a kind of “stock gravy!”) And, no doubt, to this despatch some more pleasing more suitable reply was expected:—and what was the answer? I give it complete, below, as it should long ago have been published throughout New Zealand.

“Downing-street, 7th October, 1870.

Sir,—I have the honor to acknowledge the receipt of your Despatch No. 91, of the 28th July, informing me of the course pursued with regard to the members of Te Kooti’s band recently tried before the Supreme Court at Wellington for levying war against the Queen. I am very glad to find that it has not been found necessary to execute any of these prisoners.

“I have, &c. (signed), KIMBERLEY.

“Governor Sir G.F. Bowen, G.C.M.G.”

Any comment on the above few terse and pregnant words would be superfluous, and as vain as to attempt to gild gold or paint the lily. They are all the more striking when read in connexion with the long and florid despatches they are replies to, To me, as an Englishman, it is especially pleasing to find such instances in these days, when so much is spoken and written against our British House of Lords and British Nobility. Thank GOD, I say, that we have still among our British noblemen, men possessing noble hearts and minds!

One sentence, however, in the Governor’s despatch of July, 1870, I would like to give

equal publicity to, as it reflects credit on our own member for Napier, Mr. McLean, and shews a little (through a crevice as it were) of how he must have acted in the consultation of the Governor and his Executive on this occasion. The Governor says:—“Mr. McLean and all those who know the Maoris best, believe that the lenity of the Government has produced a favorable effect on the native mind generally. They think, in short, that in this as in other countries, the maxim holds good which declares that ‘the grass soon grows over blood shed on the battle-field, but rarely over blood shed on the political scaffold.’”

Yes, Mr. McLean was right in so speaking of lenity to the erring deluded Maoris; such will indeed be appreciated by them; such, steadily pursued, will go a great way to win them back again—*if such can ever again be effected!* Some people, however (whether from temperament, or from the peculiar hardening bias of their profession—like some lawyers, or from prejudice, or the obliquity of their mental vision,) delight in speaking *ex cathedra* in strong language; vainly supposing that strong words so spoken necessarily convey strong ideas! Just as some others rap out oaths with every sentence; or as some parsons in a church, where they know they cannot be answered. Such people know not the power and majesty of a mild rebuke, neither would it answer for them to attempt it. I could at any time make a New Zealand youth weep by a few mild touching words, whereas a torrent of invective has only the very opposite effect; so true it is—

“One touch of nature makes the whole world kin.”

It is not amiss to state what the Native chiefs themselves now think of our prisoner Kereopa; some of them, too, having severely suffered through the Hauhau invasion. It so happens that I am in Communication with several of them, and I know some of their thoughts. (I do not speak of the *paid* emissaries of the Government, neither of any other *protegés* or proselytes; such, parrot-like, always repeat the key-note struck or indicated by their masters.) The natives say, (1.) That it is not just to punish him now, because the Governor pardoned Te Ua and Patara, the originators of the evil, the greater men, and

the greater criminals. In other words, our own law maxim, *Qui facit per alium facit per se*. (Native justice.) 2. That as the Governor chose his mode of visiting the crime at Opotiki by a war party (*taua*), and killing so many for the murder of one man, that, if Kereopa should now be punished for his acts, then the Governor and those who levied war afresh there for this crime and killed so many of the natives should also be tried and punished. (Native justice again.)

Let us hear, again, the clear-headed lawyer Sir W. Martin; he says:—"Not only in newspapers but in public documents from the commencement of these troubles the hostile natives have been called rebels. It is now admitted that a large portion of the native population has never intelligently, or at all, assented to our dominion, and therefore remains where Capt. Hobson found it. Such portions of the population are still what the terms of our first national transaction with them admitted them to be. Small communities entitled to the possession of their own soil, and to the management of their own internal affairs. This is their position at present. Those, therefore, who are actually in arms against us are to be regarded as enemies in war,—as hostile but *not* criminal. If so, then so far as these communities are concerned, the Acts and Proclamations are not properly laws, but simply announcements that the stronger party will take the lands of the weaker. The taking itself is an act of war, an act of the Queen, to whom alone belongs the prerogative of peace and war. It is for the English nation, therefore, finally to determine how the "giant's strength" of England is to be used. The object of the war itself was to repress and terminate the efforts which the natives were making to set up a separate nationality, but though that effort was a great folly it was *not* a great crime."

The Natives also say (or have said), that this continuous pursuit after Kereopa and Te Kooti, and the consequent hunting down and slaughtering in cold blood of so many men women and children, is not now from the Government but from the Church (!) kept up by the Williams' (*Te Wiremu ma*) in revenge for the uprooting of their Mission Station at

Poverty Bay, and for the killing of a minister, &c.

In your issue of Nov. 30, you tell us,—“that steps are being taken to collect evidence of the murder of Mr. Volkner,” and that “the Keera (steamer) will bring the witnesses to Napier on her return trip.” And no doubt she will bring *quantum suff.*, and they will be well “shepherded”! I read with disgust the statements made by some of the Maori witnesses brought forward by the Government at the political trials of Hauhaus at Wellington, and only wished that I had had the cross examining of some of them! Allow me to tell you of two matters which occurred, highly applicable here; in 1846, I walked, as usual, to Wellington; arriving there I found the Hutt troubles had begun, and four Natives were then in chains on board of H.M. steamer “Driver,” at anchor off Pitoone, charged with the murder of settlers at the Hutt. I stopped in my tent among the Natives at their village, Pitoone. I heard a good deal. I knew, also, that the four unhappy Maoris in fetters were all intent on committing suicide. I sent them word not to do so. In Wellington I saw Mr. St. Hill the respected R.M., I told him all that I had heard; subsequently he allowed me to see the depositions—eight, I think, taken before him. They were all most plain, most positive; eight Settlers, decent ones, too, all swearing dead point-blank against those four natives. I returned to Pitoone with a heavy heart; and spent a day or two more there; during that time I gained quite enough to convince me of the innocence of those four prisoners of what they were charged with—by a most clear and striking *alibi*. I wrote it down and sent it to Mr. St. Hill, as I could no longer stay in those parts, begging that a Special Commission might be appointed to try them. The present Bishop of Wellington, then confined to his bed at Mr. St. Hill's, took the matter up; they were soon tried and were all acquitted. So here, in Napier, in 1862; the young Native from Te Wairoa committed for the murder of his wife would have been convicted by super-abundant Maori evidence brought against him by his own people! had not I and others exerted ourselves: he, too, was acquitted. Their very statements, however preposterous, he would

not deny or rebut; and, indeed, virtually plead Guilty!—i.e., they, my people, my fathers and superiors, say so, and I won't gainsay it.—This is in strict accordance with old native custom.—I merely, however, mention these two cases now to shew,—1. That one cannot always believe what even respectable witnesses say as to what took place, in a great tumult; 2. That I should be very chary as to believing Maori witnesses deposing against any Hauhaus, especially if in the pay of Government in country districts, and brought forward (selected) by Government officials; the said Hauhaus not belonging to their tribe, and being (rigidly or wrongly) popularly obnoxious.

I should like to say somewhat about Hauhausism, which has been, and is, much misrepresented. Many of those who have written about it—(“bothered,” I might, truly enough, say, the Government, with forcing upon them their crude notions,)—knowing least about it. I cannot, however, enter fully on it now; but this much I will say—1. That some of its prayers, of which I have more than 40 composed for various occasions, are truly beautiful good and pious.* (Witness, also, that sublime prayer, uttered up before Mr. M^cLean at Waikato when he went to visit Rewi, and which has been published.) They are all correctly addressed, too, to the One true God—Jehovah; and are such as I could well use myself. 2. That I have heard from most trustworthy Europeans, resident on the West Coast and in other parts, that they would rather deal with a Hauhaus than with a “Missionary” or “Christian” Native,—as the former was civil honest and truthful; while the latter were often bounceable deceivers and liars. And, I would ask, is it fair to charge the atrocities committed by some of the insane Hauhaus in the height of their mad fanaticism upon the whole body as a part of their belief? any more than to charge the Christian Church, whether Romanist or Protestant, with their equal abominations which some of their mad or persecuting followers have committed? Those who do so know little of Ecclesiastical history, whether past or present:—in ancient days, the thousands who have been anathematized and put

* Specimens will be given in the appendix at the end of this pamphlet.

to death by their fellow Christians on account of the use or disuse of the letter *i* in their creed!—in modern times, the hundreds of highly educated English Christians (?) who are now cordially hating each other, about robes, positions, postures, genuflections, crossings, and holy water!—in all which, as I take it, they are in the matter of pure religious worship infinitely below the simple uneducated Hauhaus.—

For, think you, God loves our tame levelled acres
More than the bare crag of some heaven-kissed hill?
Man's straight-dug ditch, more than His own free
river,

That wanders, He regarding, where it will?

So about Cannibalism, (Nay, don't start, I am not going to support it, simply because there is no such thing practised in New Zealand. With much more propriety you may charge the citizens of Paris with such a deed.) To me, however, the mere ill-usage of the dead body of an enemy, even to the eating the flesh, is not so bad as the killing him, whether by the bayonet or *mitralleuse*. Particularly if such a custom, however horrid, has always been practised among them. It is the reckless slaughter of *living* men! how many of our so-called European heroes and kings have attained that eminence by guilt and crime? daring

— “to wade through slaughter to a throne.”

If the deeds of Kereopa and the deeds of Napoleon should ever be viewed in a stronger clearer more just and divine light than either that Aluminium or Electricity, which of the two would be seen to be the greater scoundrel? *“Judge not according to the appearance, but judge righteous judgment.”*

Then as to “the extreme sentence of the law” (as it is termed by us) the penalty of death is not always so considered, never has been by all nations; degradation, and servitude, and banishment, with many, is still the heavier, the unbearable punishment—the one that tells most upon the living. Witness—Toulon; the unhealthy marshes of Cayenne, and the frozen deserts of Siberia; and nearer still, our Norfolk Island, formerly. That Oriental prince knew human nature well, acted wisely, when he carried about his prisoner in a cage in chains. So did our Henry VII when he made Lambert Simnel, who had publicly been

crowned King of Ireland with a golden Crown taken from a statue of the Virgin Mary, a scullion in his kitchen,—notwithstanding his bold invasion of England and the many lives it cost. With all aboriginal nations, who think lightly of human life and of suicide—degradation and imprisonment and banishment, are far worse punishments than death. Our rulers seem to have ignored all this. Besides, with a Native people like ours, no greater hold could a Government ever obtain over the free for their good behaviour, than by a *discreet* humane management of the Maori prisoners. (This, with other similar matters, I pointed out to Governor Browne, in 1861.)

v.

I have called your attention to what the Native Chiefs think of our prisoner; it is also worth while to consider their present attitude towards us; especially as we are now largely committed to such an extensive extension of Public Works throughout the Island.—What do they think of us, and of the Government, in their heart of hearts? Are they satisfied, or dissatisfied? I say, highly dissatisfied; and this feeling, rightly or wrongly, is daily increasing—even among those who, 3–5 years ago, were our friends and “loyal Natives.” What Sir W. Martin wrote then, is still more true, more applicable now:—“The practical fact with which we have to deal is this, the old feeling of distrust and exasperation towards our Government.... this is our real difficulty.... I believe that this feeling is now more deep more widely spread than at any time. I believe there are now many who are convinced that we are determined even by fraud and violence to get possession of their land.” (Let the rapacious reckless “Landsharks” of Hawke’s Bay consider this,—and what follows, already given, *ante*.) They are dissatisfied (including the members of Parliament) at the various Acts formerly passed by the Government against them, and not even amended in this last session. Speaking of some of those acts, Sir W. Martin shews that they are against English Law; and he further says,—“within 12 months two Acts have been passed, which, if they should actually remain as law, would leave to scarcely any Maori in the Country any security for the retention of an acre of his

land.” And again, speaking generally of recent enactments,—“In all this business of bringing the Natives within the operation of the law, it behoves us to be ourselves careful to act according to law, and that the Law of England. As long as we are able to say, “This is part of the Law of England,” we ensure a certain degree of acceptance... they are willing to recognise in the greatness of our Nation a proof of the excellence of all laws. But we offer them as a boon the name of English subjects, and they find that in practice for them that name is to mean subjection to hard rules, which no man in England is subject to.”—

Yes, they are dissatisfied.—1. As to the constitution and working of the Native Land’s Court, through which they are fast losing their lands. 2. As to the double-tongue (*arero rua*) of the Government, ever promising and cajoling, but doing nothing. Their patience, even of the “loyal Natives,” is getting well-nigh exhausted; witness their complaints and petitions to the General Assembly, made too often in vain for redress, little or no attention being paid to them, at all events no alleviation is granted; the burden is as of yore. And 3. The chronic fighting, or slaying of their people; or, as they say, the double dealing of the Government, as against offenders—both by civil *and* by Martial Law; not merely life and land (of the offender), but the wholesale killing, of the innocent and helpless, by day and by night, under the pretext of obtaining *one* offender. In this respect the Governor (who has to bear the blame of all) is often by them likened to a bloody thief of olden time called Te Whatu, who, when he went on his small marauding and killing expeditions, and had done as much mischief as he cared for, would say,—“It’s over now; all right; come back and dwell;” and then, in a few days, or weeks, he would return again to slay; so he was named Te Whatuareroua, which name is now commonly given to the Governor and Government,

Perhaps in no one thing has our Government lost influence with the Maoris more during the last few years than in this—their perpetual hunting and slaying of the helpless ones in the interior under the miserable subterfuge of pursuing Te Kooti!

We, the early missionaries to this people, had the utmost difficulty in bringing the native tribes to leave off their seeking recompense for offences in this kind of way—by armed murdering prowling bands. Eventually, however, Christianity triumphed, and it was put down everywhere. Now, however, the Government has revived it, and they, I fear, will bye-and-bye find out their very serious error. But their doing so has caused the natives to think and talk and brood over their wrongs more than ever. Look, for a moment, at that last sad case (one of many similar ones,) reported in your paper a few weeks ago: of the murderous band of mercenary bloodhounds surrounding a small village by night, and shooting down suddenly and unexpectedly 6 unoffending natives (3 men and 3 women) and wounding others! Were these British subjects? No one *here* lamented them; no Christian female settler even said, How shocking! But, had such a deed been done by the Prussians when overrunning France, all England would have rung with the atrocity, and our Napier papers would have copied it—but these, alas! were Hauhaus!

Our Premier, the Hon. Mr. Fox, on the 7th ult., in the House of Representatives, moved an address to the Queen respecting the melancholy death of Bishop Patteson, which address concludes in these words:

—“And we pray that your Majesty may long live as the protector of the weak and defenceless in every part of the world.”—To which good words I respond heartily, Amen. But, “Charity begins at home;” and our Premier might have thought of those wretched “weak and defenceless” Maories in the mountains of New Zealand, so long harassed and hunted and killed by the mercenaries of the Government. There was a time when he could speak eloquently in their defence, as “men of like passions with ourselves.” As it is, such can only remind one of what Dickens so forcibly tells us of Mrs. Jellyby and her telescopic philanthropy for educating the African children of Borriboola-Gha, while her own family around her were utterly without it!

Why it is, that the ministers of our various Christian churches have not long ago stood up unitedly in the defence of the oppressed, I cannot divine. In rude ancient times, the bish-

ops, abbots, priors, priests, and presbyters, were always found in the van, loudly denouncing all such ill-usage, even when made by their own nobles and kings. But then the clergy led and tended and taught their flocks, being independent of them; now, alas! they follow in the ruck, and preach to please their sleepy fat sheep (as we have seen in the clergy of the American slave-holding States,) being wholly dependent on them.

Of one thing however I feel it to be my duty to tell my fellow-settlers, of our rulers, (and they know I am not an alarmist,)—that if this unhallowed proceeding of secretly slaughtering the natives in the woods and mountains in the interior is not quickly put a stop to, they must prepare for the inevitable result. Let them remember the wise proverb,—“It is the last straw (not heavy weight) which breaks the camel’s back.” Let them look at the sad fate of Bishop Patteson, and be warned in time. The same fell spirit is abroad—here, as in the Melanesian Islands, and will surely be followed by the same terrible results. Tragedies, far more fearful than those of Opotiki, Poverty Bay, and Mohaka, will yet be enacted. The innocent will again suffer for the guilty. To me it is really marvellous, the patience and forbearance of those harassed fugitives,—in those dreadfully cold and wet regions without fire or food. Surely some day their blood will be avenged by a righteous GOD! Let the believer in the inspiration of the Old Testament read the former part of the 21 chap. of 2 Samuel, and con.

The Government and Colony has more than once been engaged in considering the best means to oppose invasion, but, I fear, they have never yet duly considered the *growing discontent* (Fenianism) *within*: ’tis *this* which has to be considered and prepared for: here is the great danger, in case of any war with England. Be wise in time. *Verb. sat sap.*

As one of the latest proofs of the double-tongue on the part of the Government, the natives speak of the following; it should appear, that the four Maori members before they left Wellington waited on the Government respecting the standing sore of the continued imprisonment and servitude of the Maori political prisoners at Otago, when their release was promised at Christmas. This satisfied

them; and was also published here in our papers. Since their return, however, the Governor and Ministry have visited Whanganui, and among the requests made there on that occasion by the chiefs was, to repeat what had been already asked for and granted; when the reply was a half-refusal, and, eventually, that the Native Minister would think over it! This is also published in the papers. Well may Sir W. Martin say,—“With all this delay and uncertainty, projects put forward and never carried out, one expectation after another raised and disappointed, the soreness and distrust of the natives will remain unallayed, or even increased; many more will come to say, what too many say already, that our plans and proposals to them are *maminga*,—devices to cheat them and to gain time.”

And again,—“The great principle of all our policy towards the natives, the one hope of success in overcoming their fear and distrust of us was expressed by the first Native Minister in words which ought not to be forgotten, —*‘The fears of the natives can be calmed, and the peace of the country secured, only by a policy which seeks not theirs but them’*” (Mr. (now Judge) Richmond’s Mem.)

Before, however, that I close this part of my subject, I must say a word about some of their petitions to the General Assembly, to which I have alluded. From those of W. Tamihana te Waharoa I have already briefly extracted; there are many others of that class,—from those natives and tribes who have been in arms against us; I will not touch these; I will confine myself to those from our friends, and from some of the most eminent and prominent of our “loyal natives.” 1. There is a very able one from Karaitiana last year, in which he unmistakably tells the Government, that he and his will not submit to having their lands taken from them under the guise of law, &c., and ventures constitutionally to warn them of consequences. 2. This year, there is one from Tamihana te Rauparaha (son of the famed chief Te Rauparaha), and other West Coast chiefs, in which, after narrating their troubles and fears, mainly arising from the very large amount of Government arms and ammunition left in the hands of several of the West Coast tribes, and of the probability of

Maori war, and that these petitioners had applied in vain to the Government, they say,—“Some of us are in great distress, and have begun to think, that the Government have no regard for, nor do they draw near to peaceful people. Our tribe have for many years been living in peace, and have been patient through the troubles which have occurred in this island: we have steadfastly kept to our Churches and to our schools, and have been faithful to the Queen, and have upheld her laws even up to this year. Our applications to the Government, have not been heeded.” 3. Then there is a most remarkable petition from Paul (Pauro) Tuhaere, the proud chief of Orakei, the Maori founder of Auckland City, and the steadfast friend and visitor of all the Governors, and who, a few years ago, was chosen by the then Superintendent of Auckland (Mr. Williamson) to a seat in the Executive Council of that province! And what does he complain of? That he cannot get justice from the Government. That, for years, he has complained to each and every Governor, including the present, Governor Bowen, and the Native Minister, Mr. M^cLean, to do him justice, and pay for the land they have unjustly taken and sold. Will it be believed, that that land is the valuable property of Taurarua near Auckland containing 252 acres? Where Bishop Selwyn lived and built his Church and College, and where Sir W. Martin has always dwelt! Will it be believed, that the new law is such that as Crown Grants have been issued to the occupiers (the Government having sold it and got the money), the Native Lands Court will not investigate his claim? The petition is a long one, and is well worthy attentive perusal—not so much on account of the alleged deep wrong, as to shew the patience and the love of justice inherent in the Maori, and the working of the native mind, and the strong deep dissatisfaction which exists (even in the bosoms of such loyal men) against our Government. I must make a long extract or two, as his account of an interview with the late Governor, Sir G. Grey, is too rich, too characteristic, to be lost.

—“That Sir G. Grey returned to the Colony as Governor in the place of the said Thomas Gore Browne, and your petitioner knowing

that it was in the time of the said Sir G. Grey that your petitioner's land had been finally taken away, waited upon the said Sir G. Grey; accompanied by the Chief Te Keene Tangaroa. The said Sir G. Grey asked your petitioner what he had to say. Your petitioner replied, "I have come to converse about Taurarua, the land you heard of at the time of your first arrival in the Colony as Governor." Sir G. Grey replied, "That is correct, Paul, but what is to be done in the matter?" Your petitioner answered, "I want payment for that piece of land." Sir G. Grey said, "Paul, don't demand too heavy a payment. How much do you require?" Your petitioner replied, "£4000." Sir G. Grey said, "That is far too much. You had better compromise it." Your petitioner replied, "Now, according to your idea, how much should it be?" Sir G. Grey said, "£1000." Your petitioner replied, "The reason I ask £4000 is, that my land was taken away for no reason, and without my consent." Sir G. Grey said, "Agree to take the £1000." Your petitioner replied, "Will the £1000 be paid at once?" Sir G. Grey said, he would speak to his Council and he asked your petitioner to return on the following day."

They did return, but nothing definite was effected. Then arbitration, at the request of the Governor, was resorted to, in 1862; which, Paul says, was in his favor, but nothing came of it.

Paul, however, throughout his Petition speaks nobly; reminding one of a certain Araunah, "who, as a King gave to the King" his land; (such a contrast to the heavy-pursed European land- and money-grabbers!)—not wishing to drive a hard bargain, he says,—

"That your Petitioner does not wish your honorable Assembly to restore Taurarua aforesaid to him, as Europeans are now inhabiting the land, and Crown grants have been issued for portions of the same, but he wishes to obtain compensation for the loss of his said land—for your petitioner and his descendants will always maintain that the same was unjustly taken away."

"That your Petitioner would most humbly and respectfully remind your honorable Assembly that he has always been a faithful and

loyal subject of Her Most Gracious Majesty Queen Victoria, and that your Petitioner has been the constant friend of the Europeans since their first arrival in Auckland.

Another pregnant sentence must not be omitted. Paul quotes what he had told the Conference of Native Chiefs at Auckland in 1860; Mr. McLean being also present, and presiding on behalf of the Government. It was with reference to the twelfth paragraph of the Governor's address to them, just delivered, in which he addressing the Native Chiefs had said;—"It is your adoption by her Majesty as her subjects which makes it impossible that the Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow-subject."

Paul replied—"Listen all of you! The Governor has got possession of Taurarua, and I have not yet seen the payment. The land is occupied by Bishops, Judges, and great people, but I am not paid for it. I applied to the first Governor for redress, and to the second, the third, and fourth, without obtaining it. Matapipi (another estate) has also been taken from me. I did not receive any payment for it. I am continually urging payment for those pieces of land. Had these lands belonged to some people, they would have made it a greater cause for war than that which originated the present one" (namely, the Taranaki war, that was at that time being carried on). "I content myself with constantly asking for satisfaction. Now, listen all of you! If the matter is not arranged on this occasion, and if life is spared to me for two or three years, I shall go to England to the Queen about it."

All, however, was in vain! and it is thus, in numberless cases, that the Government has succeeded in estranging from them some of their best Maori friends.

And this from Paora Tuhaere! the friend of all the Governors!! the constant guest at Government house!!! the petted Maori Lion with all noble visitors, from H.R.H. the Duke of Edinburgh downwards!!!! the only Maori chief ever selected to sit in an Executive Council of the Colony!!!!

"Tell it not in Gath!"—

I addressed a letter to you in April 1869, pointing out what I then believed best calculated to establish a lasting peace between the two races:—the first step towards which was, to do justice and to proclaim a general amnesty. Oh! that that letter had but been considered!* I feel daily more and more assured that the way pointed out therein was “the right way.” It would, no doubt, have cost some money, but not so much as the present policy (or “drift”) is costing, and will and must continue to cost. Besides, by that plan, the Colony would have permanent and settled Peace—which it sadly wants. But by that plan the thousand-and-one who now derive a gainful trade by the present miserable chronic war, and the keeping-up of unprofitable scattered outlying redoubts and depôts, would find, alas! their occupation gone.

While writing the foregoing, I have thought, that it is just possible that some few of my fellow-townsmen may suppose (from my former official connection with the Maoris, and my having lived so many years among them,) that I am now writing in defence of this prisoner Kereopa, merely because he is a Maori: such, however, is not the case. And, as I do not wish to fall out with my fellow-townsmen, nor that they should fall out with me, I now add,—that I do this solely in the cause of strict and pure and holy justice. Were he an Irish Fenian, an American Mormon, an English traitor, or a “heathen Chinese,” I would do exactly the same, *if* (as in this case) *his crime had been already signally and amply punished* IN ANY WAY CHOSEN BY THE GOVERNMENT OF THE DAY. Had that not been done, then I would certainly cry for justice on Kereopa and some others. It is to prevent another great act of injustice being perpetrated here among us, under the guise of the high and holy name of Law that I do this:—to save our provincial escutcheon from another dark and damning blot! which not the sun of to-day nor of to-morrow, but of coming times will reveal.—Witness, Tasmania!

VI

RESUMÉ, OR SUMMARY.

Those who have carefully read and weighed the foregoing particulars, will, it is believed,

see the justice of most of the following conclusions.

1. That at the time (1865) when Mr. Volkner met with his sad fate, we had been at war with the natives for several years, during which they had suffered greatly.

2. That it is well known that the natives had been repeatedly told, both by word of mouth and by letter, by several Europeans high in office (both spiritual and civil) and their friends,—some of whom, as the present Premier the Hon. Mr. Fox, and Dr. Featherston, and Mr. Fitzherbert the present Superintendent of Wellington, are still connected with the Government of the colony,—that the said war was “an unjust and unholy war” on the part of the Government, and that it was shamefully forced upon the natives.

3. That our own repeated killing of their women and children (no doubt, unintentionally), and other barbarities always more or less incidental in long and heavy war, aroused the worst feelings of the natives against us and set them on barbarous reprisals; which, though in their own old mode of warfare was quite common to them, they in all their former wars with us had never initiated.

4. That Opotiki where Mr. Volkner resided was, for many sad reasons, in a very excitable state at the time of the Hauhau party reaching it, and of his being killed.

5. That the fanatical Hauhau party under Patara, sent forth from Taranaki, where the war began, by Te Ua the Hauhau prophet, visited Opotiki and the East Coast in order to induce the tribes to join the West Coast natives in the war.

6. That on the arrival of the Hauhau party at Opotiki and their being joined by the inhabitants of that place, their acts and deeds were, under all the exciting circumstances, those of a politico-fanatical *emeute*, or mad fanatical tumultuous mob.

7. That all history tells us of such sad times and scenes often and every where occurring.

8. That at such times everything is for the time beyond all reasonable control,—even in the oldest and most Christian countries and cities.

9. That maddening acts of zeal committed at such, times, are seldom severely revenged or, if revenged, done immediately on the spot; never after a period of years.

* This letter will also be appended (at request) to this pamphlet.

10. That Mr. Volkner, much as we deplore his death, was killed at that time by the frantic mob, as a spy or “betrayed”:—much as in the American war General Washington hung the British Officer Major André. (Perhaps, of the two cases, all things calmly considered, General Washington’s act was the worst.)

11. That many other European settlers, men, women, and children, at least as equally innocent of wrong as Mr. Volkner, were also from time to time killed by the natives.

12. That the murderers of these were by proclamation specially excepted from pardon.

13. That the murderers were subsequently pardoned without trial, although coroners’ juries had returned verdicts of wilful murder against many of them.

14. That the chief Te Pehi, who by proclamation had been also specially excepted from pardon, for his gross perjury and for treacherously attacking the troops of the Queen, was also pardoned without trial.

15. That three natives, names known and given, who had in the same year murdered the Governor’s messenger, and for whose apprehension £1000 had been offered,—have not been prosecuted, and are allowed to go at large.

16. That the Hauhau prophet Te Ua, and Patara the leader of the Hauhau party who killed in conjunction with the Opotiki natives Mr. Volkner, and who were the originators and directors of all the subsequent mischief were also pardoned.

17. That the “loyal, native” chiefs, including the members of Parliament, say, (1.) that inasmuch as the Government have pardoned the great Hauhau leaders in wrong-doing, the Government cannot now refuse to pardon the subordinate ones; and (2.) that the Government have already exacted a dreadful revenge at Opotiki for the killing of Mr. Volkner, killing, in all, more than 50 Maoris; and that it is unjust to shed more blood on account of Mr. Volkner’s death, after, too, such a lapse of years.

18. That it is believed that the doing so would be certainly secretly charged against the Church, or against a section thereof.

19. That the “loyal natives” are, in many parts of the island (more or less, rightly or wrongly,) dissatisfied with the Government.

20. That it should be the steady aim of the Government to endeavour to lessen that spirit of dissatisfaction now so prevalent among the “loyal natives,”—and this not by promises, or flattery, or money, but by prompt and cheerful acts of justice.

21. That care should be taken not to increase the spirit of dissatisfaction, by doing that towards one of their nation which in their opinion is eminently unjust.

22. That Christian justice (which we have endeavoured to teach the natives) is ever tempered with mercy.

23. That the Imperial Government dislikes our repeated shedding of Maori blood, especially for long past political offences; and that our Government has been informed, that “it has given the Imperial Government great pleasure to hear, that” (out of thirty Maori prisoners in one batch condemned to death) “there were no executions.”

24. That the sad death of Mr. Volkner by the hands of the infuriated political religious Hauhau natives in the *emuété* at Opotiki in March, 1865 (nearly 7 years ago) *has been fully avenged, and that* IN THE WAY THE GOVERNOR HIMSELF CHOSE.

25. That our Laws do not admit of double punishment for one crime.

Fiat Justitia! Let justice be done.

There’s a heart that leaps, with a burning glow,

The wronged and the weak to defend,
And strikes *as soon* for a trampled foe,

As it does for a soul-bound friend.—

’Tis a rich rough gem, deny it who can;

And this is the heart of an Englishman.”

I am, &c.,

W. COLENZO.

Napier, Dec, 9, 1871.

APPENDIX.

I.

A letter to the Editor of the "Hawke's Bay Herald," on the kind of Policy necessary to be shewn towards the Maoris.

(Reprinted from the "Hawke's Bay Herald" of April 9, 1869.)

"A word in season."—"A time to speak."
"Can ye not discern the signs of the times?"

SIR,—In the HERALD of this day your article concludes with these words: "All that is wanted is CONFIDENCE, the want of which shuts out capital and labour, and impairs the energies of all." These are true words, and to them I heartily assent. But how is this confidence to be brought about? First, we must have *peace*; a true, substantial, firm, and lasting peace; from this will naturally spring confidence, and mark, *from this only*. To this end let us all (Governor, Government, and people) be determined to do two things: 1—To do justice; 2—To acknowledge error.

1. To do justice—prompt and quick, even and fair, commonsense, not tedious, legal, justice. "Do ye to others as ye would they should do to you" if you were in their place.

2. To acknowledge error, frankly and fully, wherever and whenever such has unfortunately been done; even to the retracing of our steps if needful and possible. (Let us not think too highly of ourselves as the "superior," unerring race, adorned with a thousand highflown superlatives of our own inventing! Let us consider the fable of the man sitting astride on a lion, and the lion's truthful remark. Let us endeavour to consider our political conduct in the light of God's truth,—to which scrutinising light it will have to be submitted.)

In order to this:—

I. Let the war be immediately and everywhere stopped.

II. Let a truce be proclaimed.

III. Let an accredited messenger be sent from the Governor to the Maori King Tawhiao (not as King, but, as the acknowledged head of many great tribes), to ask his aid towards making peace; and from him to the various Hauhau leaders; and a similar messenger to the Chiefs of the principal friendly Maori tribes. The basis of such peace

to be:—1. A general amnesty. 2. The return of all (nominally) confiscated lands, subject to certain conditions; such as, on the one side, all useful surveys and substantial improvements to be repaid; on the other, certain spots which it is necessary should be ceded to be paid for, 3. Common freedom to all religions however (to us) absurd.

IV. Let Peace Commissioners be appointed from both sides, and a place be mutually arranged for their meeting.

V. Let powers be given to them to settle equitably our difficulties, and all great vexed questions.

If this be done, and the British Commissioners be fit and high-minded men—men of comprehensive views, and able to grasp the whole subject,—and if all the terms then and there agreed to be hereafter honestly and promptly carried out,—then, I venture to prophesy, a firm and lasting peace to the Colony of New Zealand; otherwise you will not, cannot have it—at least for a long generation, a long and weary time of bloodshed and misery to both races: and, note well, that such a peace so obtained by conquering or destroying isolated tribes, whenever that may be, *will not be lasting*.

I have long entertained those views; I now openly avow them. I know, in doing so, I shall be assailed by the unthinking, with—

1. What of the murders, atrocities, massacres, and cannibalism?

2. What of the present numerous semi-military bands?

3. What of the expense and loss?

4. What of our British name and reputation?

I reply, to the first question—Who began the war with the "Hauhaus"? Who unjustly treated them—men, women, and children—by illegal wholesale banishment without trial? Who, on those Chatham Island "prisoners" returning to their own lands, in a most creditable, and gallant, and peaceful manner, foolishly and insanelly, and without authority, attempted to capture and destroy them! instead

of bringing them bread and water, and giving them the right hand and welcoming them back? Who carried on the war against them *in Maori fashion*? Quietly mark this, and note—they have (*for the first time with us*) also carried on the war against us and our Maori allies *in Maori fashion*, which we call murder, massacre, and atrocities, (and so deceive ourselves, as if such were really different from our own “civilised” mode of warfare!) but hitherto we have only begun to know what it is; and note well, I beg, that to the present time the hunted “Hauhaus” have not retaliated upon a single European living quietly on lands fairly purchased or leased. We have already killed something like seven or eight to one; besides inflicting irretrievable loss and evil. Moreover, fanatical outbreaks and rebellious *emeutes*, everywhere occurring in this world’s sad history, are never rigorously revenged.

To the second question, I reply—The sooner they are disbanded the better for the colony.

To the third—Bear it; it can be borne to restore peace and confidence; it is by far the better, the easier, and the cheaper load.

To the fourth—It will gain additional lustre, which ten years war and eventual success will never bring it. Our Maori foe cannot, will not reflect tauntingly upon it, as we have driven them from all their strongholds, and killed seven or eight to one.

Having said a word to the unthinking, I would also say a word to the really thoughtful among us, including the God-fearing man, and in particular to those of all the Churches who believe in God’s particular Providence and in his stern retribution.

1. Note how successfully this handful of men (“Hauhaus” and “rebels” we call them) have sped; note how they have been hunted; the enormous powers of all kinds brought to bear against them—armies, seven or eight to one—the most improved ordnance and big guns, as well as superior rifles and ammunition; heaps of prayers and invocations, public and private; all the power and strategy of the “superior” race, both “spiritual and carnal,”—and note the result. The different Hauhaus leaders, on whose devoted heads in particular high prices have been set, who have bravely stood to the death in every fight amid showers of balls, are all still safe, as if they were invulnerable, while not a few of our best and good men are gone! With death in every form, including starvation, and want and misery, and

with little of human aid, they have been long familiar.

2. Note also, I pray—The strange, the utter reversal of what is promised to the God-fearing man, of what has hitherto been his lot—freedom from fear and dread. How comes it that so great a panic everywhere prevails? That instead of a few of the “superior” race overawing a whole band of Maoris (“one putting a thousand to flight,” as was formerly the case), now two Maoris even at a distance, or even a fire on some distant hill, are enough to arouse ugly misgivings, and to cause a whole settlement of stalwart whites to flee as affrighted hares! Everywhere the majority of the settlers are suffering from this foolish affection, even where they are dwelling together in large numbers, and where there has been, and is, no cause whatever for any such fear. How comes all this? Think over those questions quietly, and dare to follow them out. Is ours altogether a righteous cause? Have we the God of battles with us, or have we not?

Now it is just because I believe all this, that I am not sorry that Mr. M^cLean is no longer Government Agent; for while he held that situation and stuck to his old schemes (policy I cannot call them), no real confidence could ever arise, as a firm and lasting peace could not possibly under such schemes ever be restored;—for, at the most, as soon as a so-called peace had been at an enormous expense patched up in one place it would break through in another: it would only be the old, miserable union of “iron and miry clay.” I know very well that some few (if they dare speak their thoughts) would say, “Exterminate.” To this I reply, You can’t do it; and if you could, it would take you years to accomplish. Be warned in time: your (present) “friendlies” (mercenaries, on whom some of you depend so very much) would not allow of it.

Sir, I did hope that the arrival of a son of Her Majesty the Queen among us, the first arrival too of a Prince of the blood royal on these shores, would be advantageously made use of in the way I have above indicated. From my knowledge of the national feelings of the New Zealander, I cannot help stating as my firm belief, that such might have been beneficially done,—and even now it may not be too late.—I am, etc.

WILLIAM COLENSO.

Napier, April 6, 1869.

II.

Extracts from the Speech of the Bishop of Lichfield, Dr. Selwyn, (late Bishop of New Zealand) in his place in the House of Lords.

In the house of Lords on July 27, the affairs of New Zealand were brought under discussion:—

Earl GRANVILLE trusted that the difficulties of the Colony, and the irritation in it, would only be temporary, and that *the Colonial Government* would learn the real nature of the responsibility which it had assumed and *adopt those measures of conciliation towards the natives which would put an end to the state of brigandage* rather than war which prevailed in it.

The Bishop of LICHFIELD thought he should be wanting in his duty towards the colonists of New Zealand, as well as towards the natives of that country, if he were not to address a few words to their lordships on the present occasion. He therefore appealed to the Government to lend such assistance as would enable the colonists to put an end to that system of brigandage, in a country in which the wars from time to time had occurred had, he must say, been conducted in a most honorable and chivalrous manner. There were repeated examples of that. Now, however, when the native forces were broken up into small sections, the same results had followed which always ensued in other countries under similar circumstances. The natives, being unable to beat us, had divided themselves into two parties. One of those shut themselves up in the fastnesses of the country, and the other formed murderous detachments, and, taking advantage of their intimate knowledge of the country, carried desolation in all directions.... The New Zealanders were essentially a law-loving people. When he first went out, to that colony the natives paid willing deference to the authority both of the magistrates and missionaries, and it was not until the unfortunate proclamation was made that the natives might sell their land to the Crown only, that the idea of the Queen's sovereignty began to be degraded in the eyes of the people.... The agent of the Government for the purchase of ground has done incalculable injury by going about the country in a very injudicious manner. The proclamation warning the natives that if they fought on what was called the Queen's ground they would become the Queen's enemies, was

far from being a fulfilment of the contract originally entered into with them.... Could we listen to the cold-blooded sayings that the natives were perishing fast, that this was a war of extermination, and that it must take its course? If, indeed, the natives were to perish, in God's Providence, from off the face of the earth, let us lift up our prayers for the remnant that is yet left. Let us try to fulfil our original contract. When on one occasion a native chief gave him some land on which to build a college, he said—"I give you this land as a site for a place of education for the youth of both races, that they may grow up together in the new principles of the faith of Jesus Christ." That, he would undertake to say, was the prevailing feeling throughout the whole of New Zealand. Every New Zealander desired to be a faithful subject of Her Majesty until that unfortunate idea of the Queen's right to the pre-emption of land took the precedence over every other idea, and the whole notion of government was lost in the simple question of, in what manner and by what quickest possible means the property of the soil in New Zealand should be transferred from the natives to the Crown. Their great mistake in New Zealand had been their asserting from the beginning a sovereignty over a country which they could not govern. They had repeated all the errors committed in Ireland centuries ago, and had punished crime by the confiscation of land. Large tracts had been taken from the natives, and so-called military settlers were placed in them to defend the district. On one occasion he knew that a dealer came to these settlements and bought up the land of those supposed defenders of the country, who went away leaving the place undefended, and then a number of peaceful settlers came instead of those military men and scattered themselves over the district, and although they were exposed to every kind of danger, they were never injured because they were living in the King's country. In other parts, indeed, where peculiarly exasperating circumstances had occurred the case had been different, The men who had done all the mischief on the east coast and at Poverty Bay were men who had been carried off as prison-

ers to the Chatham Islands [and that without any trial, or investigation whatsoever, W.C.] where they were told that if they conducted themselves well at the end of two years they would be set at liberty. There they behaved in the most exemplary manner, but at the expiration of the two years they were informed that they were not to be set at liberty, whereupon a look of despair came over them, as if every hope they had of life were cut off. They had been placed on lonely and remote islands, they had looked forward to the day of their emancipation, and with that view they had behaved exceedingly well. But when they saw no hope left to them, was it surprising that they took matters into their own hands and escaped? Those men went back into their own country, where they were followed up by a military force, driven into the woods, their places stormed, and their houses burnt. The most unwise thing of all was that, in spite of warning, the military officers who had followed up those escaped prisoners went and settled down on the land which had just been taken from them. The New Zealanders would not be like the Scotch, the Irish, or the Welsh, if under such circumstances they had not resisted these excursions. He trusted that none of their lordships would believe that the New Zealanders were a nation of murderers. There were, no doubt, a few murderers among them at the present moment under the force of circumstances, but there was not one cannibal,

unless it was under similar circumstances to those which led French women during the frenzy of the revolution to lap the blood of persons who had been decapitated by the guillotine. When maddened by the influence of some fanatic, some excess of that kind might, perhaps, be committed by a native New Zealander, but as to cannibalism in the real sense of the term, which was sometimes gravely charged against them, and at other times, he grieved to say, alleged against them in order merely to point a jest, such a thing had entirely ceased since the colony was established.... he was convinced that the colonists, instead of looking to some other power for the protection which might be denied them by England, would far rather cling to this country, as they had ever yet clung to it, as their own mother, their own friend, and their own protector, but not to enable them to do acts of injustice towards the natives. Such acts, he must say, in defence of his own brother settlers, had not been attempted excepting on very rare occasions. The general feeling of the settlers, he could assure their lordships, had been that of friendliness towards the native race. There were a few persons among the settlers, as there were also a few among the New Zealanders, who would at times rush into violence but the great majority of the colonists lived in peace and harmony with their native fellow-subjects, and their good will was in a great degree reciprocated by the natives.

III.

Translation of a few "Hauhau" Prayers, written by Te Kooti with his own hand in his pocket memorandum book. A little book very much worn with constant usage and long carrying about in his clothes, and more than once repaired by stitching together with fibres of New Zealand Flax.

FAITHFULLY TRANSLATED BY W. COLENZO.

1.

A Prayer used in the Chatham Islands.

O God, if our hearts arise from the land in which we now dwell as slaves, and repent and pray to Thee and confess our sins in Thy presence, then, O Jehovah, do Thou blot out the sins of Thy own people, who have sinned against Thee. Do not Thou, O God, cause us to be wholly destroyed. Wherefore it is that we glorify Thy Holy Name. Amen.

2.

A Prayer on going to bed.

O God, look Thou down on me dwelling in misery. Here I am invoking Thy Name from my bed, because Thy Angel has preserved me (during the day), by him have I been magnified. And what, indeed, is my own goodness? Thy Servant is altogether evil: my sins are great, they cannot be counted. Alas, O Lord! succour me, in my wanderings, and in my bed; and I will praise Thy Holy Name from day to day. For this we give glory to Thy Holy Name. Amen.

3.

A Prayer offered in the night while in bed.

Here is Thy evil Servant lying on his bed, much like a dead man, without thoughts or desires towards my Creator. Alas! while I was thinking of error and confusion, suddenly there came love from my Father in heaven, and then I broke forth into wailings and lamentations for myself, that I had not been mindful of my heavenly Father. But now, O my Deliverer, remember me; drag me out of the net of death, and place Thy Holy Spirit, within me this night. Glory to Thy Holy Name. Amen.

4.

A Prayer on rising from bed.

O God, here is Thy Servant awaking on my

bed. I now begin to pour forth my prayer; let it reach Thy presence. Let me not be cast forth by Thee, because of my sinning in this night; rather turn favorably unto me, and save my body and my soul, and make me to be [or to do] like one of old in the days of Thy Servant David; and that I may tread in Thy footsteps, and diligently seek Thy honour and Thy Glory. O my Father, do not forsake me. Come Thou, O Lord, and succour Thy Servant. Therefore I glorify Thy Holy Name. Amen.

5.

Another Prayer, on rising from bed.

O Jehovah, O Christ, O Holy Ghost, remember me, now awaking in my bed; for Thou hast watched over me during this past night. O Christ, deliver me from the hand of the devil. Forsake me not throughout this day. O my Lord, turn favorably towards me; draw me up out of the depths; let me be even as Peter, who was taken up by Thee out of the raging sea. Even so, this one now praying. O Lord, take me up from within the net of death. Wherefore I glorify Thy Holy Name. Amen.

6.

A Prayer for deliverance from foes.

O Jehovah, Thou art the God who deliverest the people repenting, therefore do Thou listen hither this day to the prayer of Thy Servant, concerning our Enemies. Let them be destroyed and turned to flight by Thee. Let their counsels be utterly confounded, and their faces covered with sadness and confusion. And when Thou sendest forth Thy Angel to trample our Enemies to the earth, through Thee also shall all their bones be broken to pieces. Glory to Thy Holy Name. Amen.

