

## CHAPTER THREE

### **Australasia: one or two ‘honorable cannibals’ in the House?**

The first colonies on the Australian continent and the islands of New Zealand in the decades from the late 1830s to 1870 were notable for their swift movement politically from initial Crown colonies to virtual local self-government. As in Canada, the British Government first made arrangements for representative government based on a property franchise for all of these colonies, the already existing and the new, and then conceded responsible government to the colonists. Further, by 1860 the legislatures of the eastern and south-eastern Australian colonies had instituted full manhood suffrage. Formally, the Indigenous peoples of the Australasian colonies, Aborigines and Maori, were included in this rush along the path to self-government and democracy. Closer examination reveals that colonists on the Australian continent could afford to show contemptuous disregard of Aborigines’ involvement in political processes. New Zealand settlers, by contrast, would need to surround their initially fragile dominance of the colony with safeguards against Maori potential to influence their political agendas. White Canadians explicitly and consciously enshrined in law that Indigenous political rights were dependent on ‘progress’ in ‘civilisation’. In the Australasian colonies, that agenda also would never be far from the surface, interwoven with urgent settler imperatives grounded in their intensive pursuit of their own economic interests. The means by which colonists could acquire land and their subsequent usage of it would strongly influence Maori and Aborigines’ entitlement to political citizenship and the likelihood of their exercising it.<sup>1</sup>

*‘The aboriginal inhabitants are all British subjects and could qualify for the franchise equally with others’*

At the time the Select Committee on Aborigines was sitting in Britain, in 1836, the principal British colony of New South Wales (NSW) was a

huge expanse of territory extending from the north-eastern coastline to the south-east, with growing colonial sub-divisions, most notably in the Port Phillip district in the south and in the north around Moreton Bay. The other two colonies were the small island offshoot Van Diemen's Land (later Tasmania) and the struggling colony of Western Australia, huge in territorial extent but small in numbers of settlers. The situation was, however, changing quickly. Pastoralists had begun to drive their flocks into the hinterland of Sydney, taking over vast runs. By the end of 1836 the colony of South Australia had been founded by an independent company with a charter from the British government. Shiploads of eager colonists arrived at its port, Adelaide, while pastoralists from Van Diemen's Land had crossed the Bass Strait to establish themselves in the Port Phillip District, in the south-east, and soon commenced a campaign for separate recognition as the colony of Victoria.<sup>2</sup>

NSW was ruled directly by the Colonial Office and the Crown's local representatives, the governors. NSW had up to that time been denied representative institutions because of its origins as a convict settlement. Once its population of free settlers and ex-convicts had grown, they demanded elective institutions like 'freeborn Englishmen' elsewhere in the Empire. NSW settlers initiated the political pressure on governors, the Colonial Office and successive British governments, the results of which ultimately flowed on to other colonies. The arrangements devised first for NSW would flow on to Tasmania, South Australia and Victoria, and finally, in 1859, to the new colony of Queensland when it was carved out of the land of north-eastern NSW.<sup>3</sup> But what was barely addressed, in the swift passage of these colonies from Crown colonies to near-self-governing democratic societies, was the place of Indigenous peoples in the political process.

British humanitarians put considerable pressure on the Colonial Office through the later 1830s and the 1840s to protect the Indigenous peoples on the continent of Australia – named by the generic title 'Aborigines' – hoping to avoid the disastrous near-genocide that seemed imminent in Van Diemen's Land. A protectorate was established, but one with feeble authority. The precedent was already set for settlers invading Aborigines' land without pretence of negotiation or treaty, unceremoniously using whatever force was necessary to accomplish their objective. The capacity of isolated governors on the spot and officials of the Colonial Office far away to contain the continuing ruthless expansion of settlement was heavily restricted, especially as none of them, however much they might decry the cruelty involved, wanted to put a stop to British colonisation. Unlike Canada, there was no acknowledgement of entitlement to land, no treaties and no thought of reserves in the initial phases of the frontiers. Perversely, it became easier to

allow colonists a greater say in governing themselves, and colonists were more eager to embrace democracy when they had had greater prior success in defeating 'the natives'. The British in Australia had fewer risks of potential military involvement.

The British Government ceased the transportation of convicts to NSW in 1840, removing a major obstacle to the extension of representative government. Colonists were well aware that Canadian colonies had representative assemblies, and also that Lord Durham had recommended bi-cameral institutions and considerable local responsibility. The NSW settlers wanted at least the first of these processes: that a body of colonists should advise the governors, elected by colonists themselves.<sup>4</sup> In 1842 the British Parliament duly passed an Act granting representative government to NSW. There would be a Legislative Council of 36 men, 12 of whom would be nominated by the Queen and 24 elected popularly by men who owned property worth £200 or rented a dwelling-house with an annual value of £20. For the right to stand for election, the aspiring politician needed an estate of £2,000. Voters were to be men aged 21 years and over, and British subjects (by birth or naturalisation) who had lived for at least six months in their current location.<sup>5</sup> It was 'race-blind' legislation, a term that would be much used in southern Africa: there was no clause that excluded Aboriginal men, but nor did anyone need to mention explicitly their possible exclusion.

Humanitarians were in no doubt that, whatever the political arrangements for the colony, Aborigines needed a range of protection to secure their lives and livelihoods. Legal rights would constitute one segment – the lynchpin – of what would have to be a range of protective steps. The APS, some British parliamentarians and Colonial Office officials were joined in the colonies by a small group of humanitarians – missionaries, 'protectors', some church people – and made spirited attempts to see some Indigenous rights to land accepted and acted upon. Aborigines' rights to compensation for land they ceded must be acknowledged, and reserves of land set aside specifically for their use; they should have access for hunting and food gathering on the huge pastoral leases. These policies were all the more urgent because the missions that might have offered Aborigines assistance were themselves under intense pressure. As fast as missionaries gained a foothold, the White frontier overtook them. Anxieties increased as they saw the previous pattern of murder and eviction repeated in the Port Phillip District, where Aborigines' numbers were swiftly reduced from several thousand to a few hundred survivors, despite the presence of 'protectors' under the oversight of Lieutenant-Governor Charles La Trobe.<sup>6</sup> The editor of a Port Phillip newspaper wrote in 1840 in a derisory fashion of the British government's attempts to extend the rights of

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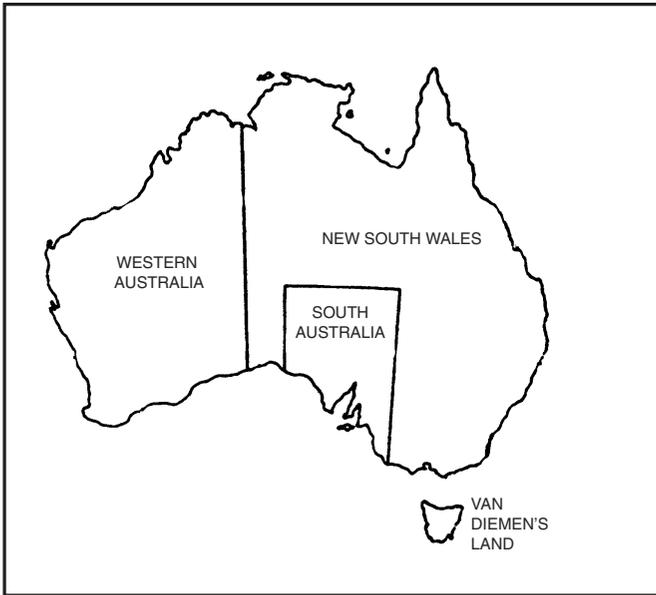
British subjects to Aborigines. The result was neither protection for the Aborigines nor security for the settlers. He declared that the settlers' needs must prevail: giving nominal rights to Aborigines was as absurd as giving the rights of manhood to infants. No satisfactory conclusion could ever be reached 'so long as the abstract right of the aborigines to their native soil, is entertained'.<sup>7</sup>

Aboriginal issues featured as matters of principle in settlers' negotiations with the British government. When the newly elected NSW Legislative Council met for the first time, in August 1843, much of the debate focused on provisions of the new Constitution which, members declared, challenged the rights of free British subjects. Members queried in particular the right of the imperial Parliament to appropriate money from the colonial revenue derived from land sales. This demand was enshrined in the 1842 Act for Regulating the Sale of Wasteland, which allowed the governor to appropriate a proportion not exceeding 15 per cent for the 'civilising mission' – that is, for the benefit, education and protection of Aborigines.<sup>8</sup> Conversely, representatives championed the cause of the squatters – the very men who were systematically stealing Aboriginal lands – most of whom did not meet the qualifications necessary to vote.

Almost every aspect of the 1842 Constitution for NSW came under attack, and in 1844 the settler representatives passed a motion demanding responsible government. The governor referred the matter to the imperial Government, but told the Council that its demands could never be granted 'unless it be the pleasure of Her Majesty and Parliament, fundamentally and entirely to alter the relations in which the country now stands to the British Empire'.<sup>9</sup> By 1850 the British Government had shown itself unwilling to allow humanitarian concerns any longer to get in the way of Australian colonisation and its relationship with the settlers. The Government took the first steps in meeting NSW colonists' objections, in relation to the high rate for qualification to vote, in the 1850 Act for the Better Government of Her Majesty's Australian Colonies. The Act liberalised the NSW provisions and provided similar constitutions for the colonies of South Australia, Victoria and Tasmania.

British humanitarians – anticipating quite correctly that colonists would swiftly thereafter demand greater autonomy, if not responsible government – pressed the Government to protect the rights of Aborigines in the new constitutions before it lost its last chance to exert any further real control. On 20 March 1850 a deputation from the APS secured an interview with the secretary of state for the colonies, and presented the APS's views on the draft of this Bill. The deputation expressed concern that the Government did not appear to have made any provision in the Bill 'for imparting to the Natives the privileges

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South Australia added to New South Wales, Western Australia and Van Diemen's land (Tasmania) in 1836.



The addition of Victoria (1851) and Queensland (1859).

### 3.1 The colonies of Australia in 1836 and 1859

enjoyed by British subjects'. It was essential, the APS claimed, to entrench Aboriginal rights in these new constitutions: Britain must not repeat its former errors in North America. The Bill should also provide for the Aborigines' possession of 'an adequate portion of the land of which they once had the undisputed possession'. Aborigines should feel secure in their right to give evidence in court, and in the recognition generally of their rights as men and citizens to full participation in all the privileges of the British subject, 'so that the distinctions of colour and race may no longer operate against them, and that effectual steps may be taken, both at home and in the Colonies, to effect their elevation in a moral, intellectual and political point of view'.<sup>10</sup>

The Colonial Office representatives had their answer ready. They blandly replied that 'the aboriginal inhabitants of the Colonies were all British subjects, and, as such, could qualify for the franchise equally with others'. The APS retorted that, while this statement was a token of the feeling of the Government with respect to 'native tribes', those who were closely acquainted with the real position of the Aborigines felt only increased anxiety to see this feeling entrenched explicitly in law. 'It may be literally true that the Aborigines have the power to acquire the franchise', it said; but that power was 'everywhere associated with conditions to which they alone are subject, and which incapacitate them from using it'. Some might consider the Aborigines of Australia to 'constitute so degraded and hopeless a portion of the human family, that it is in vain to contemplate them as possessing any claim to civil privileges', but the APS deputation, paternalists to a man, urged that 'in proportion to their inherent feebleness is the strength of their claim to the paternal care of the Government'. The dangers faced by Aborigines were doubled by the fact that 'the colonists to whom they were exposed were not restrained by the law'.<sup>11</sup>

The deputation's voices did not prevail. NSW settlers rejoiced that Britain had lowered the property qualification for the franchise from £200 to £100, and included some leaseholders with three years to run on holdings of £10 annual value. The other three colonies received franchises at similarly modest levels.<sup>12</sup> The new constitutions contained no statement of human rights, and no specific entitlement for Aborigines to exercise the political rights to which they were formally admitted. The British ignored the fact that the vicious land-grab meant that Aborigines had been decreed to have no property rights, and therefore, under a franchise based on ownership or occupation of considerable property, no access to political rights. In a speech that clearly revealed where the British Government's heart lay, Secretary of State Earl Grey told the colonists:

It is my earnest and confident hope that by this Act of Parliament, the foundation is laid upon which institutions may gradually be raised, worthy of the great nation of British origins which seems destined rapidly to rise up in the Southern hemisphere, and to spread our race and our language and carry the power of the British Crown over the whole of the vast territory of Australia.<sup>13</sup>

While Earl Grey gave no ground on the contentious issue of dedicated funds for Aboriginal needs, he alluded to the matter of finances in a conciliatory tone. His dispatch to Governor FitzRoy stressed that the new Act made no change with regard to expenditure on Aborigines, but 'Her Majesty's Government had no desire to exercise any control over the appropriation of this revenue beyond that necessary to insure its being extended on the objects to which it is legitimately applicable and in a manner consistent with justice towards those from who it is raised . . .'. He wanted the best arrangements for the protection and civilising of Aborigines, funded from the revenue 'derived from the appropriation of the lands of which they were the original inhabitants.' His dispatch to the lieutenant-governor of Van Diemen's Land noted that 'in Van Diemen's Land there is no longer occasion for any expenditure on account of the Aboriginal Natives'.<sup>14</sup> In the 1850 Act, Grey reinforced his conviction that to effect 'the real civilisation of the aborigines' the means adopted should be directed, not to their improvement as a distinct race, but to their 'amalgamation', that is, assimilation, as soon as possible with the settlers.<sup>15</sup>

The NSW Legislative Council's 'Remonstrance' against the 1850 Act dealt extensively with Earl Grey's insistence on controlling funds from the sale of lands to spend on Aborigines. Soon, as members pressed for greater autonomy, the imperial Government allowed all four colonies local political control, conceding responsible government to NSW and Tasmania in 1855, to South Australia in 1856 and to Victoria in 1857. The colonial legislatures could now alter the franchise as they wished, and, noisily asserting their democratic credentials, the legislatures moved with alacrity to manhood suffrage. South Australia had manhood suffrage written into its Constitution in 1856. It introduced a thirty-six-member Legislative Assembly elected by the vote of any man over 21 years who had been on the electoral roll for six months. Victoria brought in manhood suffrage in 1857: 'Every male person of the full age of twenty-one years and not subject to any legal incapacity who shall be a natural born subject of Her Majesty shall be qualified to vote.' NSW followed suit in 1858.<sup>16</sup> (Conversely, the colonies retained property qualifications or nominated members for their upper houses.) Aborigines, as previously, were not expressly excluded from the vote for the lower houses, and

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no one in any colonial legislature queried the implications for Aboriginal political rights as they took this step. Aboriginal men were simply included by default, without debate or question; many colonists, even those in parliament, appeared unaware of the situation.

On the face of it, Aboriginal men aged 21 years and over in NSW, Victoria, South Australia and Queensland – when it inherited the NSW Constitution in 1859 – had the right in law to vote and stand for the lower houses of colonial legislatures. The first constitutions had reflected the imperial Government's conviction that colour should be no bar, but that ownership of property signified a man with a stake in the country. Now the settlers, almost inadvertently, had left Aborigines provided for in the legislation extending the basis of the franchise. They moved to manhood suffrage without specifically raising or querying the inclusion of Aborigines.

This silence in the 1850s about Aborigines and manhood suffrage was broken just once, in a debate in the South Australia Lower House in 1859 on a Bill to amend some detail in the Electoral Bill. The member for East Torrens, Mr Glyde, suddenly intervened, just as the division was to be taken, to declare that 'he had been credibly informed [that] in the outlying districts there were a considerable number of the aboriginal inhabitants upon the electoral roll, and he wished to know if such were the case, whether the returning officer would be justified in receiving their votes'. The attorney-general replied that he did not know. 'His impression was that the aborigines were excluded by the Constitution Act.' If, however, it turned out that Aborigines were not excluded, he would have to insist that the returning officer would be bound to take the votes of anyone who appeared on the roll. Mr Glyde pursued the matter. If the Constitution did not prevent Aborigines from voting, the House should immediately alter the Constitution. Surely, 'if Germans who were not naturalised were prevented from voting [then] he certainly thought aborigines should be. He was desirous of preventing squatters from putting a number of aborigines on the roll in order to turn elections in a particular way.' The member for West Torrens, Mr Reynolds, now joined the discussion. He trusted that the Bill would not be postponed to implement Mr Glyde's wish, 'for if the condition of the Aborigines could be so improved by education as to enable them to exercise a proper discrimination, he could not see why they should be prevented from voting'. There was in his electorate 'a very intelligent fellow, who was upon the roll, though he voted against him (Mr Reynolds), and he could not see why they should be prohibited'. The Bill was then agreed to without further ado.<sup>17</sup>

*Maori and the meaning of subjecthood*

In the islands that the colonists called New Zealand and the Maori named Aotearoa Maori participation in White politics was, by contrast, a major source of contention from the first. New Zealand became an official colony of Britain in 1840. Church of England missionaries had worked among Maori since 1814, Wesleyans since 1823, and more recently, in 1838, Marist fathers had established a mission. Sealers, whalers, traders, adventurers of one kind or another – perhaps 2,000 souls – were spread out across the islands. New Zealand had a brief period, from 1837, under the wing of the governor of NSW, culminating in the appointment of Lieutenant-Governor William Hobson in 1839 with the duty of negotiating a treaty with Maori chiefs. In his advice to Hobson, Colonial Office Under-Secretary James Stephen suggested that the rapid ‘amalgamation’ of Maori into settler politics should be the aim, but first Maori would need some practical experience. Maori were not just ‘wanderers’ or herdsmen, ‘but a people among whom the arts of Government have made some progress; who have established by their own customs a division and appropriation of the soil; who are not without some measure of agricultural skill and a certain subordination of ranks; with usages having the character and authority of law’.<sup>18</sup>

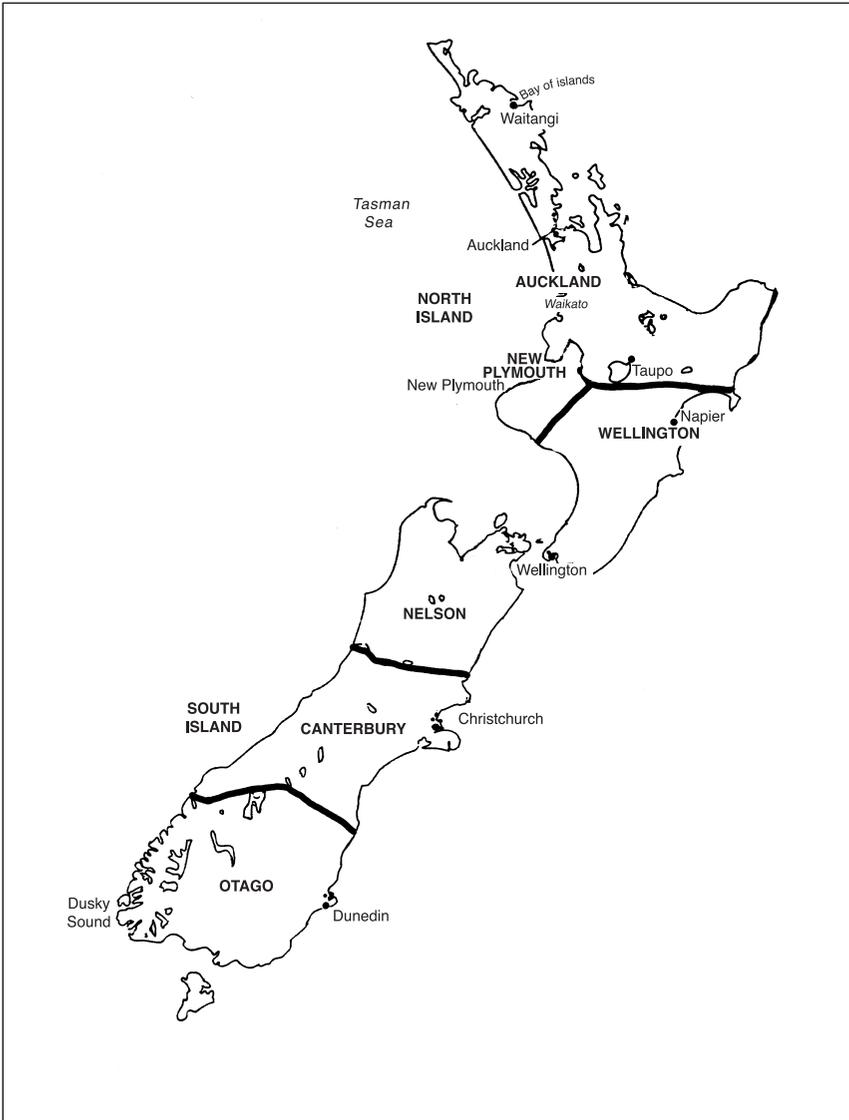
Colonisation would not be a simple matter. Maori were numerous, decidedly more numerous than the White colonists. As horticulturalists Maori were firmly in possession of most of the harbours and river valleys, and of the good agricultural or pastoral land that was scarce enough in these volcanic islands; they would not easily make way for land-hungry new settlers. In addition, Maori tribal groups were organised politically, glorified the warrior, and had for decades experimented with European weapons. On behalf of the British Crown, Hobson signed the Treaty of Waitangi with numerous Maori chiefs in February 1840, by which the British believed Maori had conceded sovereignty in exchange for the rights and privileges of British subjects and the protection of their lands and resources. Britain declared New Zealand its newest colony: the North Island, where most Maori lived, by right of cession, and the South Island by right of discovery by Captain James Cook.<sup>19</sup> While the British asserted their claims to ownership, their political control did not penetrate far into Maori-held domains and would not do so for several more decades.

Maori had a different understanding of the terms of the Treaty of Waitangi, one that would increasingly fuel their anxieties about the future. Many chiefs knew full well the story of the British occupation of the lands of the Australian Aborigines. In 1840, Ernest Dieffenbach

– naturalist with the New Zealand Company expedition and a corresponding member of the APS – made some pertinent observations on arrival at the new town of Wellington. Since the Select Committee's *Report* of 1837, he rejoiced, the British Parliament had insisted that colonisation could take place only if the interests of Aboriginal inhabitants were respected; Secretary of State Lord John Russell had undertaken extensive correspondence with the New Zealand Company on this matter. Dieffenbach watched Maori men during negotiations for the sale of their land and found them 'full of intelligence, eager to acquire knowledge, of a scrupulous honesty, and of a mild and cheerful temper'.<sup>20</sup> One chief and several of his tribe had been to Sydney and were well acquainted with what happened to the Aborigines there. One chief pointed to the mountains and the fine harbour, which, he said, could not be destroyed, but Maori would soon use up the tobacco the English offered in exchange: the pipes they received would be quickly broken and the clothes worn out. Maori wanted many of the advantages that Europeans possessed: 'But will the white man keep his promise? Look at Port Jackson [Sydney], and say, what has become of the natives? When the white man has built his house; and we come to his door, will he not say to us, "Be off"?'<sup>21</sup> Would the same fate await the Maori as had befallen the North American Indian and the Australian Aborigine? Dieffenbach asked himself. Surely not: Maori were a different case. 'They are a people decidedly in a nearer relation to us, than any other; they are endowed with uncommonly good intellectual faculties; they are an agricultural nation, with fixed domicile, and have reached the farthest point of civilization which they possibly could, without the aid of other nations, and without the example of history.'<sup>22</sup> Whatever happened, there was no going back now, as people from Sydney and Adelaide were at that very moment preparing to join the existing colonists, and some Maori were prepared to welcome them. But the chiefs had hitherto held the whip-hand in dealings with explorers, missionaries, seamen and visitors. Many began to sense that the stakes now were different. One chief panicked when he saw just how many colonists swarmed ashore, swiftly outnumbering his own people.<sup>23</sup>

To control the acquisition of land and see colonisation proceed, settlers needed a say in the political decisions governing the colony. Almost immediately, they asserted their entitlement to representative government. But Maori, unlike Aborigines, put a brake on the settlers' – the *pakeha's*, or foreigners' – race for political hegemony. The British Government had to tread a wary path, fearful of the expense of protecting their ex-patriots, and of the dangers of defining Maori as outside, or inside, White politics. Their first effort to hand over some local say in government, the 1846 Charter, was never set in place, but is interest-

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3.2 White settlement in New Zealand in 1852

ing in that it foreshadowed compromises that would become familiar. This Act, devised by Earl Grey, divided New Zealand into two administrative areas, with voting for a legislature confined to men 21 years and over who were 'burgesses', or property-holders, and who demonstrated

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that they could read and write English.<sup>24</sup> These two provisions all-but eliminated any likelihood of Maori participation, even if they wanted it. The provisions were not ostensibly racially discriminatory, but because Maori tribal groups owned most land in common, had the British accepted as property-owners all male Maori who shared rights to land, then all chiefs and almost every Maori man could have laid claim to a vote. The British clearly had no intention of doing so. Further, missionaries had taught Maori to read and write in the Maori language, with the result that few of them, except some of the chiefs, were fluent in English. Earl Grey commended to the future assemblies 'the sacred duty' of watching over the interests, protecting the persons, and 'cultivating the minds of the aboriginal race among whom they and their constituents have settled'.<sup>25</sup> He clearly thought he had lit upon a race-blind franchise that nevertheless neutralised the power of Maori numbers.

Both British humanitarians and the new governor, Captain (later Sir) George Grey, found the Charter sadly wanting on these counts; the APS found that the Charter compromised the rights of the Natives, both as citizens and as landed proprietors. They told Earl Grey that 'the power of this great franchise of the representatives of the people may be perverted into an instrument for the oppression of the less civilized and less powerful races of men inhabiting the same colony . . .'.<sup>26</sup> Learning English was desirable, 'but is it just to make their ignorance of it a cause for withholding from them their civil rights in their own country?' Could not New Zealand stand as an example of a colony founded among 'Australian aboriginal tribes' without the sacrifice of their existence, their rights or their property?<sup>27</sup> To the shame of his race and country, almost all historical experience seemed on the side of 'the exterminating politician'. A Maori would need to be an angel or a dastard to give up his power to the British throne and his land to British colonists, and retire quietly into insignificance!<sup>28</sup> 'Every step which the native advances in civilization, without sharing in self-government', the APS warned, 'renders more certain the permanence of his exclusion.'<sup>29</sup>

Governor Grey rejected the Charter for more pragmatic reasons – it endangered colonisation itself. On his arrival he promptly suspended the Charter for five years. He refused to give increased power to the colonists, on the one hand, and to virtually eliminate Maori, on the other. 'The aboriginal inhabitants are so numerous, and generally, I regret to say, are so much better armed than our own men, that no force which Great Britain could spare, could hold military possession of the country until after a long and expensive war . . .', Governor Grey argued.<sup>30</sup> Maori were too suspicious and warlike to be placed under a settler minority

or to be debarred from the franchise. He placed his hopes in an 'amalgamation' policy to close the gap between Maori and settler and thereby improve the chances of representative government succeeding. He rejected 'Native Districts' because they would confirm the power and authority of the chiefs. Grey wanted to reduce the chiefs' power which he saw as tending 'to draw back the mass of the native population to their barbarous customs'.<sup>31</sup> As for Earl Grey's suggestions about courting the chiefs to acquire land, the settlers had a preference for much more direct methods. While Governor Grey disliked the missionaries for trying to exert too much influence in support of Maori, including their support for the protectorate, he encouraged missionary activities in the field and subsidised mission schools where teaching was in English. Mission teaching, 'whilst it is most effective, can neither irritate the pride nor offend the prejudice of the natives', he said.<sup>32</sup>

Leading colonists kept up their pressure on the British Government for representative institutions, going over Governor Grey's head. In 1851 a group headed by William Fox sent a letter to the new Colonial Secretary Sir William Peel accusing Grey of misrepresenting colonists both to London and to Maori chiefs. The governor's dispatches to the home Government, published first in British Parliamentary Papers, and then circulated in the colony, fed Maori with alarm at the introduction of popular institutions. Colonists would not mistreat Maori if given greater responsibilities in government. Settlers, on the other hand, might not long tolerate taxation for Maori concerns without satisfactory representation.<sup>33</sup> These efforts facilitated the passage through the British Parliament in 1852 of the New Zealand Constitution Act, which provided a bi-cameral parliament: a Legislative Council nominated by the governor, and a House of Representatives elected on a low property franchise. Votes went to men 21 years or over, who owned property valued at £50 or held a lease of at least three years' duration on an estate with an annual value of £10 or more; or were householders occupying a house worth £10 in urban or £5 in rural areas. Section 71, to which Maori would return on many future occasions, permitted the governor to proclaim designated 'Native Districts', where Maori Law would continue if not repugnant to the laws of humanity. Earl Grey's literacy provision had disappeared, but almost all Maori were, in effect, disfranchised by the property provision. Large areas of the central and southern North Island were not included in the electorates at all.<sup>34</sup> Governor Grey made no attempt to proclaim 'Native Districts' and left New Zealand at the end of 1853 to govern the Cape Colony.

In his opening address to the first meeting of the legislature, in 1854, Acting-Governor Wynyard noted optimistically that conditions were 'happily favourable to the introduction of the representative principle

into the government of the country', given that relations 'between the two races of Her Majesty's subjects' were friendly.<sup>35</sup> Through its prudence and moderation the Assembly would demonstrate its countrymen's fitness for representative self-government and free institutions, through their appreciation of the need 'to preserve and to advance in the scale of civilization the Native inhabitants of these Islands', while they acted as 'pioneers for its colonization by the Anglo-Saxon race'.<sup>36</sup> Settler representatives were not slow to show where their priorities lay. They recommended abolition of the position of native secretary since its principal object, they declared, had been to persuade Maori that the government was their friend and the settlers their enemies. They moved that the £7,000 vote in the Civil List for 'Native affairs' should be used exclusively to subsidise mission boarding-schools where Maori pupils would be taught in English. A motion to deny £650 for the Native Department was narrowly defeated.

The legislature's main grievance was that the Constitution denied responsible government: Earl Grey's advisers seemed not to understand the real meaning of constitutional government. Surely they should have known that to introduce representative government and not recognise the consequences would create an unnecessarily discordant system. One member referred darkly to the ill-effects that would flow from a struggle between settlers – 'the people' – and the British government.<sup>37</sup> Edward Gibbon Wakefield, who had accompanied Durham to the Canadian colonies in 1838 and was now a New Zealand politician, claimed special knowledge. He noted that some 'negroes' sat in the Assembly of Jamaica, and asked: '[I]f Her Majesty's Government think the Jamaica negroes fit for Responsible Government, surely the gentleman who now holds the office of Governor in this colony must think that the colonists of New Zealand are not less fit'.<sup>38</sup> Wakefield referred to the continuing British fear of settler ill-treatment of Maori, complaining that 'nothing could be more irritating than the reiteration of the calumny against the colonists, which had for so many years been made an excuse for depriving them of their rights'.<sup>39</sup>

Only two members acknowledged that Maori might face problems if settlers operated under responsible government. When Maori consented to the establishing of British authority, one pointed out, they voluntarily agreed to rely upon the queen as their guardian and defender. 'Would they be satisfied with such an arrangement as that which proposes to transfer this power from the hands of the Queen to those of a party?'<sup>40</sup> Another declared that the only reason he supported an Upper House was its potential to safeguard the interests of the Maori. The Legislative Council would offer 'the benefit of second thoughts on many subjects more or less directly affecting the interests

of the large number who are unrepresented in the elections'.<sup>41</sup> The majority prevailed. In 1856, the British Government gave way partially, and directed Governor Thomas Gore Browne to institute responsible government. The governor had no qualms, however, about retaining control of 'Native affairs', since in the event of hostilities with Maori it would be a British government that footed the bill. Settlers deeply resented being denied full responsibility in Maori affairs, involving as this did Maori lands, an issue that was the major source of settler complaint for the next six years. But in any case, given that Browne had few administrators and insufficient forces, and that the General Assembly now provided his main source of funds, his authority to control the settler government was sorely compromised.

*The shame of 'the exterminating politician'*

While Maori were effectively disfranchised, there were still sufficient numbers of Maori claiming eligibility to fuel settler fears.<sup>42</sup> Demographically, Maori remained a substantial presence – just over 56 per cent of a total population of 115,000 in 1858. Rumours abounded that some North Island politicians had enrolled Maori voters in order to manipulate their votes. A letter from Superintendent Featherstone of Wellington Province to the colonial secretary in Auckland, late in 1856, neatly illustrated settler anxieties. Featherstone requested the central government's 'immediate notice' of the registration of thirty-five 'Native Voters'. This had been sponsored by local missionaries and seemed 'to indicate the existence of a scheme to swamp the Europeans at the next elections, and to place the whole representation of this Province in the hands of the Natives, or rather of certain missionaries'. Various descriptions of the registration of Maori voters as a 'plot' and 'a dangerous weapon', Featherstone pointed out that two parties could play at this game. The settlers, in self-defence against the dangerous weapon deployed against them, could just as easily register 'any number of Natives, on the Roll, and to bring them up like a flock of sheep'.<sup>43</sup> The colonial secretary responded, with moderation, that existing constitutional arrangements would effectively contain any political power Maori might legally exercise. He pointed out that the Constitution Act conferred the franchise 'without distinction of race', but added that 'having regard to the limited number of Natives who possess an Electoral qualification, it does not appear that if they were all registered any fear need be entertained'. Colonists needed above all to maintain the semblance of racial harmony to protect its newly won system of responsible government. With his thoughts perhaps more in London than in Wellington, Stafford expressed the hope that no political

feeling in Wellington would 'mislead men of any party into the adoption of a course of proceeding calculated, from the inevitable results, so seriously to injure the cause of Self Government'.<sup>44</sup> In 1858 the General Assembly moved to exclude Maori householders from the franchise unless their land was held by a Crown grant – that is, land first alienated to the Crown and then purchased back. An opinion was sought from the Crown law officers in London, who ruled that a Crown grant was indeed essential.<sup>45</sup>

Maori, sympathetic observers noted, appreciated that theirs was a false position, 'neither retaining the efficiency of their native laws, nor participating in the benefits enjoyed by the settlers as British Colonial subjects'. Through the 1850s Maori sought alternative means of making and administering law, since British law did not penetrate far into remote areas of dense Maori populations. Maori churches had established *komiti*, or parish committees, that dealt with a number of moral and practical issues at the local village level. Now more wide-ranging committees, called *runanga*, evolved to provide more extensive arrangements. They dealt with issues ranging from control of alcohol and drunkenness to trials of law-breakers involving serious offences – all, in theory at least, under the watchful eye of colonial officers, though there was no formal delegation of rights.<sup>46</sup>

Such committees nevertheless could not touch the deep grievance of most Maori, 'friendly' to the government or not, about land. Some tribal groups proposed another novel means of Maori government: a Maori king.<sup>47</sup> The Maori King Movement could, supporters hoped, confront the insatiable greed for land of settlers, and their use of any means, including trickery, to acquire it. One chief said:

God is good. Israel were his people; they had a king. I see no reason why any nation should not have a King. It says, 'Honour the king; love the brotherhood.' Why should the Queen be angry? We shall be in alliance with her, and friendship will be preserved. The Governor does not stop fights and murders among us; a King will be able to do that. Let us have order, so that we may grow as the Pakehas grow. Why should we disappear from the country; New Zealand is ours; I love it.<sup>48</sup>

The favoured candidate emerged, Te Wherowhero, who would be known as King Potatau I. Governor Browne could see this only as a step towards serious conflict. With foreboding he wrote to the Colonial Office: 'I assume that it would not be safe strictly to permit the election of a King, and the next question is what steps should be taken to render such an election either unsuccessful or nugatory.'<sup>49</sup> He observed: 'The natives have seen the lands they alienated for farthings sold for pounds; they feel that dominion and power, or, as they term it, "sub-

stance", went from them with the territories they alienated; and they look with apprehension to the annihilation of their nationality.<sup>50</sup> Browne could not understand how Maori could be so ungrateful: 'New Zealand is the only Colony where the Aborigines have been treated with unvarying kindness', he pleaded with the chiefs, the only colony 'where they have been invited to become one people under one law ...'.<sup>51</sup>

In 1860 open war broke out in Taranaki, on the west coast of the North Island. An inferior chief authorised a land sale; Browne insisted on the legality of the sale and sent in troops to disperse those Maori who resisted. In the fighting that ensued a number of chiefs stayed loyal to the queen, though even they spoke 'plainly of their wrongs and [the] unequal application of British laws'.<sup>52</sup> The British Government recalled Browne and in his place brought back Sir George Grey from the Cape. It sent additional troops, and enlisted a local militia, enlarged by volunteers from Australia, where many spirited young men eagerly volunteered. To a great degree, observers noticed, Maori distinguished the colonists from the British troops, but once the colonists began assisting the soldiers and native villages were broken up, violence became mutually indiscriminate. In 1862 the secretary of state agreed to place the management of Maori under control of the New Zealand parliament, relying on Governor Grey's capacity to do what was best for their welfare. 'I cannot disguise from myself', the colonial secretary wrote, 'that the endeavour to keep the management of the natives under the control of the Home Government has failed. It can only be mischievous to retain a shadow of responsibility when the beneficial exercise of power has become impossible.'<sup>53</sup>

In considering how to stop the fighting and reconcile Maori to White government, Grey opposed strengthening the *runanga* or appointing a permanent advisory council of chiefs: he wanted no rival to the central parliament. In 1862 a leading Canterbury colonist, James FitzGerald, proposed that the House should recognise the right of all Her Majesty's subjects, of whatever race, 'to a full and equal enjoyment of civil and political privileges'; that members of the Maori nobility should be admitted to the Legislative Council; that there should be a fair representation in the House 'of a race which constitutes one-third of the population'; and that the same principle should apply in all courts of law.<sup>54</sup> The House declared its support for equal political and civil rights for Maori, but reiterated that its ideal goal was 'amalgamation', which required no special provisions for Maori in politics. They expressed concern that the Maori representatives would be of 'poor' quality, or that settlers would manipulate their voting decisions. The House rejected the acceptance of direct Maori members by 20 votes to 17.<sup>55</sup>

Still, the margin was narrow. Rumours of FitzGerald's attempt to bring chiefs into parliament produced an enthusiastic response in some quarters. In 1864 a series of letters from 'friendly' Maori chiefs reached FitzGerald, requesting permission to enter the Assembly. 'Our word to you is that we native chiefs very much wish to go into your Assembly (to speak on native matters)', wrote two chiefs from Auckland. Another chief drew an evocative picture of Maori exclusion from settler politics: 'Let us be ushered in, so that you may hear some of the growling of the native dogs without mouths [i.e. no voice in public affairs], so that eye may come into contact with eye and tooth with tooth of both Maori and European.'<sup>56</sup>

The chiefs' efforts came to nothing. It was, however, clear to most settlers that the central parliament would soon be forced to accept some form of Maori representation. The challenge remained as it had been for two decades, to introduce a system of participation that would satisfy Maori aspirations without endangering dominant settler interests. FitzGerald tried another route and proposed a Maori Provinces Bill in 1865, which would have accorded a very limited degree of Maori independence, but most representatives strongly opposed any suggestion of a separate Maori authority.<sup>57</sup> By the mid-1860s the worst of the hostilities were over, although supporters of the Maori King Movement still occupied the mountainous terrain in the centre of the North Island and defied colonial authority. The old system of effective Maori disfranchisement through a property qualification was clearly no longer tenable, however, in a climate that demanded some sort of political settlement between Maori and Europeans.<sup>58</sup>

The crucial debate on Maori and political citizenship took place over the Maori Representation Bill of 1867. A member, Donald McLean, who had experience of dealing with Maori issues suggested adapting a measure (copied from the colony of Victoria) to give miners a special temporary vote for Maori. The islands would be divided into four large electorates, three in the North Island and one in the South Island. All Maori men of 21 years and over could vote in these electorates; Maori who satisfied the property qualification in the White electorates would keep their votes there along with settlers. McLean envisaged this as a temporary measure: as Maori land was converted into individual title, their numbers would increase among the normal electors until such special provisions were unnecessary. Only Maori would be permitted to stand in Maori seats: 'The fact of their presence alone should have more effect than either their advice or their votes in the House', a member argued. 'It would be putting them on an obvious footing of equality.' In addition, if Europeans were allowed to represent Maori they might see undesirable Whites, 'land jobbers, Maori traders,

and other go-between of the Natives and the Europeans' gaining the seats.<sup>59</sup>

In introducing the Maori Representation Bill, in 1867, McLean neatly encapsulated the political realities faced by the settler government. He noted that Maori paid taxes, owned three-fourths of the territory of the North Island and that, perhaps more importantly, they were 'a people with whom the Government had been recently at war, and with whom it was desirable that peace should be established'. The House should 'use the means at its disposal for allaying any of the angry feeling or excitement that might still remain'. He had no doubt that 'honorable members would perceive there was a necessity for the adoption of such a measure as would direct the minds of the Natives in the proper channel'. From a colonial point of view, he concluded, the introduction of special representation for Maori 'would tend to the best interests of the whole colony'.<sup>60</sup> Unless Maori had some form of representation in the legislature their interests could not be conserved under the system of responsible government, where the colonists were daily looking eagerly for land and Maori interests were likely to be forgotten.<sup>61</sup>

Derogatory remarks about Maori peppered the debate. Had New Zealand been discovered 1,000 years later, quipped one member, there would not have been any Native difficulty to trouble the first colonists, because they would have eaten each other by then.<sup>62</sup> What, asked another, would stop a rebel being elected, or what was the likelihood of seeing, next session, one or two, if not more, 'honorable cannibals' in the House? He could support such a measure only when he saw that Maori, through appropriate education, had learned to appreciate the privileges of a British subject. Since 'the Natives' had only partially emerged from 'savagedom', it would take very little to induce them to return to 'the barbarous habits which characterized the whole race when Europeans first settled in the Colony, and which still characterized it as a whole'.<sup>63</sup> But a protagonist for Maori countered with the caution that such remarks could effectively stop any healing process resulting from this acknowledgement of equal rights for Maori, a noble race. 'Barbarism had never stood in the presence of civilization with less to be ashamed of . . .'.<sup>64</sup> Another member said that he 'had always looked on the Europeans as intruders in New Zealand, and on the Maoris as the natural owners of the soil, and as such having a right to a full share in the liberties which we claim for ourselves in this country . . .'. Maori were well prepared for the task, since 'politics and war had been the history of their lives from infancy upwards'.<sup>65</sup>

Members swung between schemes for special Maori representation and measures to hasten assimilation. A few revisited the idea of 'Native

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Districts' or an advisory council of chiefs; or the proposal that Maori who wanted political rights would be obliged to place their land under the Native Land Court, facilitating 'amalgamation' after the Maori elector had indicated 'his loyalty and good sense'.<sup>66</sup> All members concurred that introducing general manhood suffrage would be dangerous, lest Maori demanded it too. They toyed with restricting representation to those who could read and write English, but rejected that in turn. At last the majority came to favour the adoption of McLean's Act as a temporary expedient. It would hopefully keep Maori minds occupied in a healthy manner, since they would turn their attention to public affairs, and gradually initiate themselves in 'the knowledge of the institutions under which we live'.<sup>67</sup> Some Maori had been promised that they would take part with the pakeha in the government of the country; they looked forward to the time 'when their children should mingle with the pakeha and take their seats in the great Houses of Assembly'.<sup>68</sup>

McLean thought having Maori in parliament would work well, referring by way of example to the Native deacons who sat at synods with Europeans, and worked satisfactorily with them. He wound up the debate by expressing the hope that

in the interests of the Native people – a highly interesting race of people, who have fought us in politics and war for seven years – that we should make an endeavour to do for them what has been successfully done for other people, and give them a voice in the administration of the Colony and make them feel that they have a voice in the management of public affairs. Let them have the wholesome excitement resulting from freedom of election to replace the excitement of war.

It would be a proud thing to have recorded, by the future historian of New Zealand, 'that the Anglo-Saxon race in this Colony had extended to its aboriginal inhabitants the highest privilege which it could confer, namely, a participation in the Legislature . . .'.<sup>69</sup> The Bill passed easily. Four dedicated Maori seats had come into existence.

Maori responses varied. Some were unaware of the new seats; many more were totally indifferent to them. Some were angry that the number was restricted to four, and wanted every tribal group represented. Elections were held, however, and four Maori representatives duly named. When the men took their seats in the new session of 1868, White members, who had assumed that the Maori would simply observe proceedings, were taken by surprise when they rose to speak – in Maori, which triggered a rush to find interpreters. A further unpleasant discovery was made: in a House of relatively small numbers and shifting factions, four Maori voting as a *bloc* could influence the fate of Bills, and even bring down a government.<sup>70</sup> Few settler politicians

in the future would ever wish to increase the number in the Maori ranks.

*Pursuing the 'civilising mission'*

Not long before the outbreak of the New Zealand wars a politician observed that there had been noticeable changes in Maori villages. The old Maori regime was falling into decay, he said, and in the administration of justice there was a shift towards British usages led by 'mostly young men of standing, educated at the Mission Schools . . .'.<sup>71</sup> In the colonies of South-Eastern Australia, too, such slender opportunities as were offered to Aborigines to participate in settler political processes went to mission-trained men. Mr Glyde's Aboriginal acquaintance, who exercised his vote in South Australia, undoubtedly had received his education in one of South Australia's missions.<sup>72</sup> Humanitarians continued to place great hope in the constructive role of missionaries in converting Aborigines into exemplary Christian citizens. Anne Camfield, of Albany on the south coast of Western Australia, reported that the eighteen native children were doing very well at her mission school, quite as well as the White children; and she enclosed a letter written by one of her charges.<sup>73</sup> At regular intervals, Camfield confirmed her success: it was incorrect that the Natives were 'so low in the scale of humanity, that it would be lost time and labour to endeavour to raise them': her school proved that 'the races are capable of great improvement'. She sent a letter by one 'pure' Aboriginal girl, Bessy Flower, who was 'equal in intelligence to any of the white girls here'.<sup>74</sup>

There was also encouraging news of the 'success' of Aborigines living on mission stations in Victoria, whence Bessy Flower was despatched as a teacher.<sup>75</sup> With Aborigines reduced to a tiny number in Victoria, its government was the first colonial legislature to introduce state-supported missions, controlled through specific laws and administered by bureaucrats in conjunction with missionaries. Education would equip Aborigines for citizenship: knowledge of Western ways of praying, living, working, speaking, thinking, dressing, eating, marrying, giving birth, and burying the dead would also show their fitness for independent work and responsible citizenship. This alliance of Church and State in the civilising project – ostensibly aimed at 'improvement' – became increasingly ominous for the cause of Aboriginal rights. Aborigines saw small reserves and minimal assistance as some slight return for all they had lost; but settlers, politicians and bureaucrats saw Aborigines as charity cases, who should submit to White direction and surveillance while working towards independence through manual toil off the reserves. A clause in the franchise provisions of NSW and

Victoria debarred 'paupers', people in receipt of charity, from voting. Some interpreted the clause to include those Aboriginal survivors who received assistance from the State. The solution offered was to turn Aborigines, as swiftly as possible, into self-sufficient labourers and sturdy housewives through conversion and training, ideally in concentrated groups, removed from their traditional countries.<sup>76</sup>

In newer sites of Australian settlement further north, however, where the story of the bloody invasion of the south-east was being repeated, missions were not high on the settlers' list of priorities. Nor did settlers pay much attention to formal equality in political rights under the Constitution of the new colony of Queensland. As the frontier moved north and west, invaders faced fierce guerrilla resistance from the Aboriginal owners of land. But the settlers responded with methods so cruel that British humanitarians could scarcely believe the reports. A Bendigo cleric wrote to the APS that, ever since Columbus, the maritime nations of Europe had acted as if they would found a colonial empire 'on the mangled corpses of Aboriginal populations, and to cement its walls with their blood'. Aborigines in north-east Queensland would not receive humane or equitable treatment: unfortunately for the Aborigines, the influence of their foes would undoubtedly predominate in the Queensland legislature. Settlers who slew young and old escaped with impunity and did not even lose caste with their associates. 'To a legislature under the influence of such gentlemen it would be Utopian to look for fair treatment to the Aborigines.' Could not the imperial Government constitutionally interfere, at least to suggest to the colonial government that it adopt efficient means to guard Aborigines?<sup>77</sup>

Pastoralists took up grazing land, miners opened fresh diggings, and maritime workers plied their trades along the northern coast. They brought in Pacific Islanders, many virtually kidnapped from their home islands, as contract workers on sugar plantations; this exacerbated racist views justifying unequal treatment of people of colour. British humanitarians, aware that their influence had waned as responsible government prevailed, nevertheless called on the British Government to intervene. Had it even tried, when it set up this new colony, to think of the Aboriginal inhabitants, thousands of defenceless natives? And 'did it endeavour, by a few philanthropic sentences[,] to awaken the officials of the new colony to a consideration of the difficult position in which they were about to be placed?'<sup>78</sup> Where natives were few and weak, as in Australia, 'they are speedily swept off the face of the earth', said one; where, as in New Zealand, they were numerous and powerful 'the colony gets involved in a war of subjugation'.<sup>79</sup>

By 1870 the political situations of Aboriginal and Maori men in the

colonies of Australasia reflected this difference. In 1870, the crown colony of Western Australia received its first representative Constitution. As with the other colonies, a 'colour-blind' property qualification franchise enshrined ostensible equality; but it had little practical value for Aborigines faced with frontier violence. These ambiguities and tensions were in the same decades being played out in the Cape Colony and in the new colony of Natal in Southern Africa, to which we now turn.

Notes

- 1 For examinations of the political rights of Indigenous peoples in the Australasian colonies, see: John Chesterman and Brian Galligan, *Citizens Without Rights: Aborigines and Australian Citizenship* (Melbourne: Cambridge University Press, 1997); Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand* (Auckland: University of Auckland Press, 1973). For a general comparative overview of the colonies, see: Donald Denoon and Philippa Mein-Smith, *A History of Australia, New Zealand and the Pacific* (London: Blackwell, 2000).
- 2 See Ann McGrath (ed.), *Contested Ground: Australian Aborigines Under the British Crown* (Sydney: Allen & Unwin, 1995); Henry Reynolds, *Frontier: Aborigines, Settlers and Land* (Sydney, Allen & Unwin, 1987); Heather Goodall, *Invasion to Embassy: Land in Aboriginal Politics in New South Wales, 1770–1972* (Sydney: Allen & Unwin, 1996).
- 3 For details of constitutions see: C. M. H. Clark, *Select Documents in Australian History*, vol. 1: 1788–1850 (Melbourne: Angus & Robertson, 1950); and vol. 2: 1851–1900 (Melbourne: Angus & Robertson, 1955). For a study of White politics, see John Hirst, *The Strange Birth of Colonial Democracy* (Sydney: Allen & Unwin, 1988).
- 4 See *Votes and Proceedings of the Legislative Council of New South Wales*, pp. 1840–2 [hereafter: VPLC–NSW].
- 5 Clark, *Select Documents*, vol. 1, pp. 354–7.
- 6 Henry Reynolds, *The Law of the Land*, 2nd edn (Ringwood, Victoria: Penguin, 1992). For missions see: John Harris, *One Blood: 200 Years of Aboriginal Encounter with Christianity* (Sutherland, NSW: Albatross Books, 1990); Henry Reynolds, *This Whispering in Our Hearts* (Melbourne: Penguin, 1999); Tony Swain and Deborah Bird Rose (eds), *Aboriginal Australians and Christian Missions: Ethnographic and Historical Studies* (Bedford Park, South Australia: AASR, 1988).
- 7 *Geelong Advertiser*, 12 December 1840, p. 2.
- 8 See Lord John Russell to Governor Gipps, 1841, VPLC–NSW. See also P. Burroughs, *Britain and Australia: A Study in Imperial Relations and Crown Lands' Administration* (Oxford: Clarendon Press, 1967).
- 9 *Colonial Intelligencer, or Aborigines' Friend*, May (1847), p. 43.
- 10 *Colonial Intelligencer*, April (1850), pp. 403–8.
- 11 *Ibid.*
- 12 Clark, *Select Documents*, vol. 1, pp. 377–85.
- 13 Earl Grey to Charles FitzRoy, August 1850, VPLC–NSW (1851), p. 42.
- 14 *Ibid.*, p. 40.
- 15 *Ibid.*
- 16 Clark, *Select Documents*, vol. 2, pp. 321–78.
- 17 *Debates in the Houses of Legislature, During the Third Session of the First Parliament of South Australia, 1859*, p. 556.
- 18 James Stephen to Governor William Hobson, 9 December 1840, quoted in Ward, *A Show of Justice*, p. 37.
- 19 Claudia Orange, *The Treaty of Waitangi* (Wellington: Allen & Unwin, 1987).

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- 20 Ernest Dieffenbach, *New Zealand and its Native Population* (London: Smith, Elder & Co., 1841), p. 14.
- 21 *Ibid.*, p. 22.
- 22 *Ibid.*, pp. 27–8.
- 23 E. J. Wakefield, *Adventure in New Zealand from 1839 to 1844* (London: John Murray, 1845), quoted by M. P. K. Sorrenson in W. H. Oliver and B. R. Williams (eds), *The Oxford History of New Zealand* (Wellington: Oxford University Press, 1981) p. 169.
- 24 For more detail see: Raewyn Dalziel, 'The Politics of Settlement', in W. H. Oliver and B. R. Williams (eds), *The Oxford History of New Zealand* (Oxford: Oxford University Press, 1981), p. 91; Ward, *A Show of Justice*, p. 85.
- 25 *Colonial Intelligencer*, March (1847), p. 6.
- 26 *Ibid.*, p. 5.
- 27 *Ibid.*
- 28 *Colonial Intelligencer*, April (1847), p. 10.
- 29 *Ibid.*
- 30 Grey to Lord Stanley, 22 April 1846, cited in Julie Evans, "'To keep within proper bounds . . .': Edward Eyre and the Colonised Peoples of Australia, New Zealand and the Caribbean'. PhD thesis, University of Melbourne, 1998, p. 174.
- 31 *Ibid.*
- 32 Grey to Sir John Pakington, 1852, *British Parliamentary Papers, Correspondence and Papers Relating to the Administration of the Colony and Other Affairs in New Zealand* (1852).
- 33 *British Parliamentary Papers* (1852).
- 34 G. A. Wood, 'The 1878 Electoral Bill and Franchise Reform in Nineteenth Century New Zealand', *Political Science*, 28:1 (1976), p. 42.
- 35 *New Zealand Parliamentary Debates, First Parliament: 1854 and 1855* (hereafter: NZPD 1854–1855), pp. 8–9.
- 36 *Ibid.*, p. 13.
- 37 *Ibid.*, pp. 19–22.
- 38 *Ibid.*, p. 29.
- 39 *Ibid.*, p. 44.
- 40 *Ibid.*, p. 37.
- 41 *Ibid.*, p. 71.
- 42 W. K. Jackson and G. A. Wood, 'The New Zealand Parliament and Maori Representation', *Historical Studies: Australia and New Zealand*, 11:43 (1964), p. 384.
- 43 *Appendices to the Journals of the House of Representatives (New Zealand), 1856*, E–No. 2 (hereafter: *AJHR*).
- 44 *Ibid.*
- 45 Keith Sinclair, *Kinds of Peace: Maori People After the Maori Wars, 1870–1885* (Auckland, Auckland University Press, 1991), p. 86.
- 46 See Ward, *A Show of Justice*, chapter 7.
- 47 See James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland: Penguin, 1988); M. P. K. Sorrenson, 'The Maori King Movement, 1858–1885', in Robert Chapman and Keith Sinclair (eds), *Studies of a Small Democracy: Essays in Honour of Willis Airey* (Auckland: Blackwood & Janet Paul, 1963).
- 48 *Colonial Intelligencer*, July–October (1857), p. 296.
- 49 Governor Gore Browne, memorandum, 5 June 1857, quoted in Ward, *A Show of Justice*, p. 104.
- 50 *Colonial Intelligencer*, January–December (1860), pp. 120–1.
- 51 Quoted in Ward, *A Show of Justice*, pp. 115–16.
- 52 *Colonial Intelligencer*, January–December (1860), p. 125.
- 53 *Colonial Intelligencer*, January–December (1862), p. 305.
- 54 *Ibid.*, p. 307.
- 55 See NZPD 1867, p. 805.

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- 56 *AJHR*, 1864, E–No.15.  
57 *Orange, Treaty of Waitangi*, p. 173.  
58 Keith Jackson, *New Zealand: Politics of Change* (Wellington: Reed, 1973), p. 69.  
59 *NZPD, Second Session of the Fourth Parliament, 1867*, p. 460.  
60 *Ibid.*, p. 336.  
61 *Ibid.*  
62 *Ibid.*, p. 811.  
63 *Ibid.*, p. 815.  
64 *Ibid.*, p. 816.  
65 *Ibid.*, p. 458.  
66 *Ibid.*, p. 814.  
67 *Ibid.*, p. 809.  
68 *Ibid.*, p. 461.  
69 *Ibid.*, p. 459.  
70 See Ward, *A Show of Justice*, pp. 209–10.  
71 *Colonial Intelligencer*, January–December (1860), p. 119.  
72 See Peggy Brock, *Outback Ghettos: Aborigines, Institutionalisation and Survival* (Melbourne: Cambridge University Press, 1995).  
73 *Colonial Intelligencer*, July–December (1859), p. 84.  
74 *Colonial Intelligencer*, January (1863)–December (1864), p. 389.  
75 *Colonial Intelligencer*, January–December (1860), pp. 158–60; see Patricia Grimshaw, ‘Indigenous Women’s Voices in Colonial Reform Narratives: Victoria and New Zealand/Aotearoa’, in Solvi Sogner and Gro Hagermann (eds), *Women’s Politics and Women in Politics* (Bergen: Cappelen Akademisk Forlag, 2000), pp. 173–96.  
76 See Bain Attwood, *The Making of the Aborigines* (Sydney: Allen & Unwin, 1989); Patricia Grimshaw and Elizabeth Nelson, ‘Empire, “the Civilising Mission” and Indigenous Christian Women in Colonial Victoria’, *Australian Feminist Studies*, 16:36 (2001); Patricia Grimshaw, ‘Colonising Motherhood: Evangelical Reformers and Koorie Women in Victoria, Australia, 1880s to the Early 1900s’, *Women’s History Review*, 8:2 (1999).  
77 *Colonial Intelligencer*, January–December (1860), p. 162.  
78 *Ibid.*, p. 163.  
79 *Colonial Intelligencer*, January–December (1866), p. 568.