

HISTORY OR PROPOGANDA?

INTERPRETATIONS OF THE MARQUIS OF NORMANBY'S INSTRUCTIONS TO CAPTAIN WILLIAM HOBSON AUGUST 1839

On August 13th 1839 Captain William Hobson was appointed British Consul in New Zealand (Appendix 1). Palmerston, the British Foreign Secretary, also sent Hobson a second letter stating that he should obey whatever instructions he received from the Secretary of State for the Colonial Department (Appendix 2). On 14th August 1839 the Secretary of State for the Colonial Department, the Marquis of Normanby, sent Hobson his instructions (Appendix 3). Hobson asked for further explanation of the instructions (Appendix 4) and received an answer from the Marquis of Normanby (Appendix 5).

The reasons for and motives behind the appointment and dispatch of Hobson to New Zealand have been much debated by historians over the last 150 years. Different historians have approached the subject from different perspectives. Some have taken the view that British intervention was very much in the best interests of New Zealand and its Maori population. Others have argued that it was a disaster. It would be enlightening to compile a book containing the key writings of eminent historians presenting the different perspectives.

In the time available it has not been possible to do this. However, a study has been made of the books on the shelves of Auckland University library, and extracts taken of the writings of historians from different decades, and writing from different perspectives. The following extracts are presented in the order of the date of publication of the work. The selection of the extract from each work can of course lead to bias. An attempt has been made to give an indication of the author's perceived perspective from the extract selected.

William Gisborne 1888 Page 56 of "The Colony of New Zealand Its History, Vicissitudes and Progress"

Writing about the New Zealand Company.

"The company took this energetic step, the dispatch of their ship, in desperation, after having attempted in vain to move the Colonial Office, and to secure its sanction and support. Theoretically, it may be said, the step was illegal, because the formation of a colony by British subjects needs the consent of the Crown. Practically, no step was ever taken with more important consequences to New Zealand colonisation. That step was the cause and commencement of that colonisation, and its ulterior influence on the character and progress thereafter has been permanent and incalculably beneficial".

R. F. Irvine & O. T. Alpers 1902 Page 113 of "The Progress of New Zealand in the Century"

Writing about the Treaty of Waitangi

"The Colonists, on the other hand, felt that in doing justice to the Maoris, the Governor had neglected the claims of the settlers. They were, indeed, in a far from pleasant predicament. Their titles were abolished by a scratch of the pen, and no modus vivendi had as yet been suggested. Many of them had paid what at the time was regarded as a fair price for their lands, and now they could be ousted at a barbarian's caprice. To many of them the native land customs seemed chaotic and whimsical to an exasperating degree, and it was reasonably inferred that the treaty would but substitute Maori chicanery for that of the white speculator".

Professor Frank Parsons 1904 Page 26 of "The Story of New Zealand"

"England dealt honourably with the Maoris. She did not take their country by force. The royal proclamation only covered such territory as might be acquired in sovereignty by the Queen"

Reginald Horsley 1908 Pages 137-8 of "Romance of Empire New Zealand"

"Because - and it is with keen pleasure that one can write this truth- the story of colonisation in New Zealand is honourably distinguished from that in some other portions of the globe, by the righteous attitude of most of the early settlers towards the native population in possession, and by the fact that the rights of the original owners of the soil were clearly recognised and forcibly insisted upon by those in power. And the same principle is at work to-day".

T. Lindsay Buick 1914 Page 228 of "The Treaty of Waitangi or How New Zealand Became a British Colony"

"Here then we have the genesis of the treaty. Discovery gave no right of sovereignty. Force of arms was incompatible with the spirit of the times; possibly beyond the resources of the nation. Negotiation on the other hand had been made easy by the labours of the missionaries, and the repeated expressions of good-will which had passed between the British Sovereigns and the Chiefs. It was the line of least resistance; a mode agreeable to the national conscience, and approved by the laws of civilisation. For these all-sufficient reasons then Captain Hobson was despatched to New Zealand, charged with the mission of securing for the British Crown the sovereignty of the country by the "full and intelligent consent of the natives, according to their established usages". "

A. J. Harrop 1926 Page 139 of "England and New Zealand From Tasman to The Taranaki War"

"The policy adopted by Captain Hobson on behalf of the British Government was bitterly criticised as far too favourable to the natives, but it was resolutely adhered to. The Treaty of Waitangi was the expression of the sincere belief of British statesmen in the then comparatively novel doctrine that the aboriginal natives of a country possessed the first claim upon its soil. Right down to the present day the Treaty has retained its importance as a charter of Maori rights."

Centennial of the Treaty of Waitangi Souvenir Programme 6 February 1940 Pages 5 and 6

"By the eighteen-thirties there was regular European trade with New Zealand, based on the Australian ports of Sydney and Hobart. More and more white men settled in the country - whalers, traders and missionaries. Reports reached Europe of the harm that was being done to the Maori people by the uncontrolled conduct of irresponsible white men, who had added to the havoc worked by their vices a greedy appetite for land. These reports stirred the conscience of Evangelical England at the same time as reports of New Zealand's wonderful natural resources stirred the imagination of Edward Gibbon Wakefield."

There were thus two parallel movements of opinion in Britain in regard to New Zealand. The British Government wished to protect the Maori people from white adventurers and land-buyers. The New Zealand Association (later to become the Company) wanted to people these Islands with the best elements of British Society. Both opinions coloured the later course of events."

"In 1839 the British Government took the step which the logic of events had made inevitable. It selected Captain William Hobson, R. N., to go to New Zealand and take the measures necessary for the explicit recognition of New Zealand as part of the Empire. In order that there should be no doubt as to the Government's views and intentions, Hobson was armed with a set of carefully framed instructions"

"The colonisation of New Zealand began without official sanction. Britain accepted the Government of New Zealand to protect the Maori people from the white settlers, though in later years it was to assume the opposite role".

Melville Harcourt 1940 Pages 146-7 of "The Day Before Yesterday A Short History of the Bay of Islands.

"The clouds that had so threateningly crept on to the horizon during the previous day had now filled the sky, and Friday 7th dawned bleak and rain-swept. To cover the announcement of Her Britannic Majesty's Sovereignty beneath such a curtain of gloom was deemed inadvisable and so Friday, which was to have been a day of rejoicing, dragged by dolorously uneventful. Saturday, however, rose clear and fine, and out came the flags and bunting to greet the sun. A concisely and unemotional entry in the log of H.M.S. Herald (" A salute of twenty-one guns was

fired to commemorate the cession to Her Majesty of the right of sovereignty of New Zealand") announced to officialdom that New Zealand was the newest of Her Majesty's colonies."

Keith Sinclair 1961 Page 54 of "A History of New Zealand"

"These instructions marked a new and a noble beginning in British Colonial policy. The history of New Zealand was to be distinguished from that of earlier settlement colonies; the fate of the Maoris was to differ from that of the American Indian, the Bantu, the Australian or Tasmanian aborigine; for the new colony was being launched in an evangelical age. Imperialism and humanitarianism would henceforth march together. Even the Colonial Office, without much conviction, hoped that New Zealand would be the scene of a Utopian experiment."

Ian Wards 1968 Page 37 of "The Shadow of the Land A Study of British Policy and Racial Conflict in New Zealand 1832-1852"

"By the end of 1839 the period of seventy years of lack of interest or indecision that had followed the voyage of Captain Cook was at an end. Naturally, imperceptibly at times, reluctantly always, the British Crown was led to assume responsibility for the future of New Zealand. In coming at last to this decision it appears that all the experience gained in the intervening years had come to nothing, for in determining the pattern of the government which was to exercise control for the Crown, little or no attention was paid to the needs and means of the people who were to be governed. Everything was subordinated to the single act of obtaining sovereignty."

Peter Adams 1977 Page 162 of "Fatal Necessity British Intervention in New Zealand 1830-1847"

"Yet the Treaty of Waitangi was a constitutional and legal nullity. The cessation by a certain number of chiefs did not make New Zealand British; it merely removed the chief political obstacle to its becoming so. Rather, it was the proclamation of 21 May 1840, issued by an authorised agent of the Crown, and the subsequent official gazetting of these proclamations on 2 October 1840, that made New Zealand British in terms of English Constitutional procedure and international law. And since the proclamations themselves were based on a legally invalid treaty of cession and a non-existent 'right' of discovery, it follows that New Zealand became a colony by an Act of State of the British Crown and was confirmed so by occupation and settlement".

Peter Adams 1977 Page 171 of "Fatal Necessity British Intervention in New Zealand 1830-1847"

"The annexation, although explained to the Maoris as resulting mainly from the duty to protect them, was in reality intended to put both races on an equal footing and then govern impartially between them. The dual duty rationale contained both imperialistic and humanitarian motives for intervention within a promise of equality and impartiality in the future government of the two races'.

Ian F Grant 1980 Page 6 of "The Unauthorised Version A Cartoon History of New Zealand"

"The British Government, not brooking unregulated colonisation, sent Captain William Hobson on the long voyage to the bottom of the world with orders to take possession of New Zealand in the name of Queen Victoria. Hobson persuaded the Maori chiefs to sign the Treaty of Waitangi and cede sovereignty, just a few days after the first colonists arrived at Wellington several hundred miles to the south. The first 50 years of organised European settlement in New Zealand was, quite simply, the great Maori land grab."

Ian F Grant 1980 Front page of "The Unauthorised Version A Cartoon History of New Zealand"

With regard to a sheet saying "The Meaning of Waitangi Day" an interpreter is shown saying "Once again we celebrate the biggest land deal in New Zealand's history in which one side didn't have a lawyer".

Claudia Orange 1987 page 31 of 'The Treaty of Waitangi'

After analysing Normanby's instructions to Hobson, Claudia Orange concludes:

"While Normanby's apology tried to argue that a balance was being held in fulfilling Britain's duty towards the Maori as well as her own subjects, the official insistence on the upholding of Maori rights is deceptive, for along the trail of decision-making those rights had already been severely restricted.

Hobson's instructions did not provide for the incorporation of Maori within the colony's administrative structure nor allow for the development of Maori government of any sort- options which had come before the government earlier. It was as if the perception of Maori capacity in this respect had diminished as the government moved towards accepting that New Zealand was destined to be a British settler colony. No longer were they considering a Maori New Zealand in which a place had to be found for British intruders, but a settler New Zealand in which a place had to be found for the Maori."

J. M. R. Owen 1992 Page 52 of The Oxford History of New Zealand edited by Geoffrey W Rice

"Although the country was annexed largely because of increased British migration, the prospect of annexation had itself fostered migration. The humanitarian justification for annexation, the idea that New Zealand was sliding into uncontrollable warfare, anarchy and depopulation, was grossly exaggerated."

"In 1840 the only threat from which New Zealand needed to be rescued was the threat of uncontrolled British migration."

Stuart C Scott 1995 Page 16 of "The Treaty of Waitangi"

In 1831 a number of chiefs sent a petition to King William (Appendix 6). The reply from Lord Viscount Goderich is reproduced in Appendix 7. Scott's interpretation is given below:

"The response of Lord Goderich of the British Colonial Office to this petition, reversing Britain's previous indifference to and lack of interest in New Zealand, clearly illustrates the fact that that the appointment of Busby as British resident, and the ensuing Treaty, originated from entirely humanitarian considerations and that Britain conceived the Treaty with the Maori people purely in the interests of the latter and without the slightest thought of the acquisition of land for its own sake, or any provision for British settlement".

Conclusion

The depth and quality of the historical research varies. At times it is difficult to distinguish between history and propoganda. However, if two excellently researched recent historical works are compared, for example "Fatal Necessity British Intervention in New Zealand 1830-1847" by Peter Adams and "The Treaty of Waitangi" by Claudia Orange, different conclusions regarding the reasons for and motives behind the appointment and dispatch of Hobson to New Zealand are reached.

W R Lodder
26 January 1999

SIR, Foreign Office, August 13th, 1839.
The islands of New Zealand have long been resorted to by British subjects, on account of the valuable articles of commerce which those islands produce, and by reason of the peculiar advantages which they offer to whalo ships requiring repair. But the nearness of those islands to the British penal settlements of New South Wales and Van Diemen's Land has also led to their being resorted to as an asylum for fugitive British convicts; and such persons having associated with men left in New Zealand by whalo ships, and other vessels, have formed a society, which indispensably requires the check of some controlling authority. Her Majesty's Government have, therefore, deemed it expedient to station at New Zealand an officer, with the character and powers of a British Consul; and I have the satisfaction to acquaint you, that the Queen has been graciously pleased to select you for that appointment.

I enclose to you herewith the Queen's Commission, as Her Majesty's Consul in New Zealand. You will lose no time in making yourself practically conversant with the details of the consular service, and with the nature and extent of your duties. The General Instructions to Her Majesty's Consuls, of which a copy is herewith enclosed, contain full directions for the guidance of your official conduct on all ordinary occasions; and special instructions on particular points will be given to you from time to time, as occasion may require. I also enclose to you copies of Circular Despatches, dated 30th of September 1833, and 1st of October 1836; and I have to call your particular attention to the directions contained in those Despatches, enjoining the careful preservation of the archives of the consulate.

You will be punctual in forwarding, at the regular periods, the returns required by the General Instructions; and it will be your duty to avail yourself of every favourable opportunity for collecting and transmitting to me any useful or interesting information relating to commerce, navigation, agriculture, and any other branch of statistics. You will receive a salary of £500 a year, commencing ten days before the day of your embarkation, and you will consider yourself restricted from engaging in mercantile pursuits.

Captain Hobson, R. N., I am, &c.
Her Majesty's Consul, New Zealand. (Signed) PALMERSTON.

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SIR, Foreign Office, August 13th, 1839.
The object which her Majesty's Government have in view, in stationing a Consul at New Zealand, is intimately connected with the colonial policy of this country; and it is desirable, therefore, that Her Majesty's Consul in New Zealand should correspond with the Colonial Department, as well as with the Foreign Office. I have accordingly to desire, that you will obey whatever instructions you may receive from the Secretary of State for the Colonial Department, and that you will report to him, from time to time, as occasion may require. You will confine your reports to me, to the consular matters which are adverted to in my Despatch, No. 1, of this day's date.

Captain Hobson, R. N., I am, &c.
Her Majesty's Consul, New Zealand. (Signed) PALMERSTON.

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From the Marquis of NORMANBY to Captain HONSON, R.N.

Sta. Downing Street, August 14th, 1839.

Your appointment to the office of Her Majesty's Consul at New Zealand, having been signified to you by Viscount Palmerston, and his Lordship having conveyed to you the usual instructions for your guidance in that character, it remains for me to address you on the subject of the duties which you will be called to discharge, in a separate capacity, and under my own official superintendence.

The acquaintance which your service in Her Majesty's Navy has enabled you to obtain with the state of society in New Zealand, relieves me from the necessity of entering on any explanations on that subject. It is sufficient that I should generally notice the fact, that a very considerable body of Her Majesty's subjects have already established their residence and effected settlements there, and that many persons in this kingdom have formed themselves into a society, having for its object the acquisition of land, and the removal of emigrants to those islands.

Her Majesty's Government have watched these proceedings with attention and solicitude. We have not been insensible to the importance of New Zealand to the interests of Great Britain in Australia, nor unaware of the great natural resources by which that country is distinguished, or that its geographical position must in seasons, either of peace or of war, enable it, in the hands of civilized men, to exercise a paramount influence in that quarter of the globe. There is, probably, no part of the earth in which colonization could be effected with a greater or surer prospect of national advantage.

On the other hand, the Ministers of the Crown have been restrained by still higher motives from engaging in such an enterprise. They have deferred to the advice of the Committee appointed by the House of Commons in the year 1836, to inquire into the state of the Aborigines residing in the vicinity of our colonial settlements; and have concurred with that Committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British Government. We retain these opinions in unimpaired force; and though circumstances entirely beyond our control have at length compelled us to alter our course, I do not scruple to avow that we depart from it with extreme reluctance.

The necessity for the interposition of the Government has, however, become too evident to admit of any farther inaction. The reports which have reached this office within the last few months, establish the facts, that about the commencement of the year 1838, a body of not less than two thousand British subjects had become permanent inhabitants of New Zealand; that amongst them were many persons of bad or doubtful character—convicts who had fled from our penal settlements, or seamen who had deserted their ships; and that these people, unrestrained by any law, and amenable to no tribunals, were alternately the authors and the victims of every species of crime and outrage. It further appears that extensive cessions of land have been obtained from the natives, and that several hundred persons have recently sailed from this country to occupy and cultivate those lands. The spirit of adventure having thus been effectually roused, it can no longer be doubted that an extensive settlement of British subjects will be rapidly established in New Zealand; and that, unless protected and restrained by necessary laws and institutions, they will repeat, unchecked, in that quarter of the globe, the same process of war and spoliation, under which uncivilized tribes have almost invariably disappeared as often as they have been brought into the immediate vicinity of emigrants from the nations of Christendom. To mitigate and, if possible, to avert these disasters, and to rescue the emigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil government. To accomplish this design is the principal object of your mission.

I have already stated that we acknowledge New Zealand as a sovereign and independent state, so far at least as it is possible to make that acknowledgement in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even

sionary societies in this kingdom; and it will be at once the most important, and the most grateful of your duties to this ignorant race of men, to afford the utmost encouragement, protection, and support, to their Christian teachers. I acknowledge, also, the obligation of rendering to the missions such pecuniary aid as the local Government may be able to afford, and as their increased labours may reasonably entitle them to expect. The establishment of schools for the education of the aborigines in the elements of literature, will be another object of your solicitude; and until they can be brought within the pale of civilized life, and trained to the adoption of its habits, they must be carefully defended in the observance of their own customs, so far as these are compatible with the universal maxims of humanity and morals. But the savage practices of human sacrifice, and of cannibalism, must be promptly and decisively interdicted. Such atrocities, under whatever plea of religion they may take place, are not to be tolerated within any part of the dominions of the British Crown.

It remains to consider in what manner provision is to be made for carrying these instructions into effect, and for the establishment and exercise of your authority over Her Majesty's subjects who may settle in New Zealand, or who are already resident there. Numerous projects for the establishment of a constitution for the proposed colony have, at different times, been suggested to myself and my immediate predecessor in office; and during the last session of Parliament a Bill for the same purpose was introduced into the House of Commons, at the instance of some persons immediately connected with the emigrations then contemplated. The same subject was carefully examined by a Committee of the House of Lords. But the common result of all inquiries, both in this office and in either House of Parliament, was to show the impracticability of the schemes proposed for adoption, and the extreme difficulty of establishing at New Zealand any institutions, legislative, judicial, or fiscal, without some more effective control than could be found amongst the settlers themselves in the infancy of their settlement. It has, therefore, been resolved to place whatever territories may be acquired in sovereignty by the Queen in New Zealand, in the relation to a dependency of the Government of New South Wales. I am of course fully aware of the objections which may be reasonably urged against this measure; but, after the most ample investigation, I am convinced that, for the present, there is no other practical course which would not be opposed by difficulties still more considerable, although I trust that the time is not distant when it may be proper to establish in New Zealand itself a local legislative authority.

In New South Wales there is a Colonial Government, possessing a comparatively long experience, sustained by a large revenue, and constituted in such a manner as is best adapted to enable the legislative and executive authorities to act with promptitude and decision. It presents the opportunity of bringing the internal economy of the proposed new colony under the constant revision of a power sufficiently near to obtain early and accurate intelligence, and sufficiently remote to be removed from the influence of the passions and prejudices by which the first colonists must, in the commencement of their enterprise, be agitated.

It is impossible to confide to an indiscriminate body of persons, who have voluntarily settled themselves in the immediate vicinity of the numerous population of New Zealand, those large and irresponsible powers which belong to the representative system of Colonial Government. Nor is that system adapted to a colony struggling with the first difficulties of their new situation. Whatever may be the ultimate form of government to which the British settlers in New Zealand are to be subject, it is essential to their own welfare, not less than to that of the aborigines, that they should at first be placed under a rule, which is at once effective, and to a considerable degree external.

The proposed connection with New South Wales will not, however, involve the extension to New Zealand of the character of a penal settlement. Every motive concurs in forbidding this; and it is to be understood as a fundamental principle of the new colony, that no convict is ever to be sent thither to undergo his punishment.

The accompanying copy of my correspondence with the law officers of the Crown will explain to you the grounds of law on which it is concluded, that, by the annexation of New Zealand to New South Wales, the powers vested by Parliament in the Governor and Legislative Council of the older settlement might be exercised over the inhabitants of the new colony. The accompanying commission, under the great seal, will give effect to this arrangement; and the warrant,

which I enclose, under Her Majesty's sign manual, will constitute you Lieutenant-Governor of that part of the New South Wales colony which has thus been extended over the New Zealand islands. These instruments you will deliver to Sir George Gipps, who, on your proceeding to New Zealand, will place them in your hands to be published there. You will then return them to him to be deposited among the archives of the New South Wales Government. In the event of your death, or absence, the officer administering the government of New South Wales will, provisionally, and until Her Majesty's pleasure can be known, appoint a Lieutenant-Governor in your place, by an instrument under the public seal of his government.

It is not, for the present, proposed to appoint any subordinate officers for your assistance. That such appointments will be indispensable is not, indeed, to be doubted. But I am unwilling to advance at first beyond the strict limits of the necessity which alone induces the Ministers of the Crown to interfere at all on this subject. You will confer with Sir George Gipps as to the number and the nature of the official appointments which should be made at the commencement of the undertaking, and as to the proper rate of their emoluments. These must be fixed with the most anxious regard to frugality in the expenditure of the public resources.

The selection of the individuals, by whom such offices are to be borne, must be made by yourself, from the colonists either of New South Wales or New Zealand, but upon the full and distinct understanding that their tenure of office, and even the existence of the offices which they are to hold, must be provisional, and dependent upon the future pleasure of the Crown. Amongst the officers thus to be created, the most evidently indispensable are those of a judge, a public prosecutor, a protector of aborigines, a colonial secretary, a treasurer, a surveyor-general of lands, and a superintendent of police. Of these the judge alone will require the enactment of a law to create and define his functions. The Act now pending in Parliament for the revival, with amendments, of the New South Wales Act, will, if passed into a law, enable the Governor and Legislative Council to make all necessary provision for the establishment in New Zealand of a court of justice and a judicial system, separate from, and independent of, the existing Supreme Court. The other functionaries I have mentioned can be appointed by the Governor in the unaided exercise of the delegated prerogative of the Crown.

Whatever laws may be required for the government of the new colony will be enacted by the Governor and Legislative Council. It will be his duty to bring under their notice such recommendations as you may see cause to convey to him on subjects of this nature.

The absolute necessity of a revenue being raised to defray the expenses of the government of the proposed settlements in New Zealand, has not, of course, escaped my careful attention. Having consulted the Lords of the Treasury on this subject, I have arranged with their Lordships that, until the sources of such a revenue shall have been set in action, you should be authorized to draw on the Government of New South Wales for your unavoidable expenditure. Separate accounts, however, will be kept of the public revenue of New Zealand, and of the application of it; and whatever debt may be contracted to New South Wales, must be replaced by the earliest possible opportunity. Duties of import on tobacco, spirits, wine, and sugar, will probably supersede the necessity for any other taxation; and such duties, except on spirits, will probably be of a very moderate amount.

The system at present established in New South Wales regarding land will be applied to all the waste lands which may be acquired by the Crown in New Zealand. Separate accounts must be kept of the land revenue, subject to the necessary deductions for the expense of surveys and management, and for the improvement, by roads and otherwise, of the unsold territory; and, subject to any deductions which may be required to meet the indispensable exigencies of the local government, the surplus of this revenue will be applicable, as in New South Wales, to the charge of removing emigrants from this kingdom to the new colony.

The system established in New South Wales to provide for the religious instruction of the inhabitants has so fully justified the policy by which it was dictated, that I could suggest no better means of providing for this all-important object in New Zealand. It is, however, gratifying to know that the spiritual wants of the settlers will, in the commencement of the undertaking, be readily and amply provided for by the missionaries of the Established Church of England, and of other Christian communions, who have been so long settled in those islands. It will not be difficult to secure for the European inhabitants some portion of that

time and attention which the missionaries have hitherto devoted exclusively to the aborigines.

I enclose for your information and guidance copies of a correspondence between this Department and the Treasury, referring you to Sir George Gipps for such additional instructions as may enable you to give full effect to the views of Her Majesty's Government on the subject of finance. You will observe that the general principle is that of maintaining in the proposed colony a system of revenue expenditure and account entirely separate from that of New South Wales, though corresponding with it as far as that correspondence can be maintained.

The accompanying volume of Rules and Regulations for the Colonial service will place you in possession of many details for the guidance of your official conduct. You will, however, understand that so much of that volume as relates to correspondence with this department, will not be strictly applicable to your situation. Your correspondence with myself will, as far as may be practicable, be carried on through the Governor of New South Wales; you will, in fact, be one of the officers of that Government, and you will apply to the head of it for instructions in all those cases in which he would himself address a similar reference to Her Majesty's Government in this country. This rule, however, is not to be so strictly construed as to prevent your transmitting to me direct reports of every occurrence of which Her Majesty's Government should be informed, as often as opportunities may occur of communicating with this country more rapidly than such communications could be made through Sydney, and whenever the occasion shall appear to you of sufficient importance to justify this deviation from the general rule. It will, however, be your duty to transmit to the Governor copies of all despatches which you may thus address directly to this office. He also will convey to me transcripts of all his correspondence with you by the first opportunity which may present itself after any branch of that correspondence has reached its close.

I have thus attempted to touch on all the topics on which it seems to me necessary to address you, on your departure from this country. Many questions have been unavoidably passed over in silence, and others have been adverted to in a brief and cursory manner, because I am fully impressed with the conviction, that in such an undertaking as that in which you are about to engage, much must be left to your own discretion, and many questions must occur which no foresight could anticipate or properly resolve before-hand. Reposing the utmost confidence in your judgment, experience, and zeal for Her Majesty's service, and aware how powerful a coadjutor and how able a guide you will have in Sir G. Gipps, I willingly leave for consultation between you, many subjects on which I feel my own incompetency at this distance from the scene of action to form an opinion.

I have, &c.

Captain Hobson, R.N. (Signed) NORMANBY.

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Captain HOBSON to the UNDER SECRETARY of the COLONIAL DEPARTMENT.

SIR,

34, Great George Street, August 1830.

In order to avoid any misunderstanding of the views of Government in respect of the duties confided to me as Consul and Lieutenant-Governor of New Zealand, I have the honour to call your attention to some passages of my Instructions, upon which I beg the favour of further explanation.

To facilitate a reference to this document, I have numbered the paragraphs in pencil from one to twenty, commencing at the close of the preamble.

The first paragraph, according to that arrangement, relates to the acquisition of the sovereign rights by the Queen over the Islands of New Zealand, and appears to have reference to other instructions, which I may expect to receive from Lord Palmerston. Under this head I perceive that no distinction is made between the northern and southern islands of New Zealand, although their relations with this country, and their respective advancement towards civilization are essentially different.

The declaration of the independence of New Zealand was signed by the united chiefs of the northern island only (in fact, only of the northern part of that island), and it was to them alone that His late Majesty's letter was addressed on the presentation of their flag; and neither of these instruments had any application what-

soever to the southern islands. It may be of vast importance to keep this distinction in view. Not as regards the natives, towards whom the same measure of justice must be dispensed, however their allegiance may have been obtained: but as it may apply to British settlers, who claim a title to property in New Zealand, as in a free and independent state.

I need not exemplify here the uses that may hereafter be made of this difference in their condition; but it is obvious that the power of the Crown may be exercised with much greater freedom in a country over which it possesses all the rights that are usually assumed by first discoverers, than in an adjoining state, which has been recognized as free and independent. In the course of my negotiations, too, my proceedings may be greatly facilitated by availing myself of this disparity. For, with the wild savages in the southern islands, it appears scarcely possible to observe even the form of a treaty, and there I might be permitted to plant the British flag in virtue of those rights of the Crown to which I have alluded.

The 2nd and 3rd Clauses are quite explicit; but I beg to suggest that the Proclamation to be issued on my landing, be drafted in this country, in order to convey exactly the views of Government, and to guard against misconception.

In the 4th Clause my attention is directed to the acquisition of lands by British subjects, and in the following clause, the whole power of interference is confided to Commissioners, who are to be appointed in New South Wales, and who are to report their proceedings to Sir George Gipps. I do not disapprove of this regulation, but on the contrary, I am glad to be relieved from all interference in matters of dispute, which would have a tendency to place me at issue with so large a number of persons over whom I am appointed to preside; but I am at a loss to know to what point I am to direct my attention, beyond the mere preservation of the peace.

The 6th Clause is quite understood. In the latter part of the 7th and in the 8th Clause, allusion is made to the Protector of Aborigines. Were the functions of this officer confined to the protection of the natives from physical injury or injustice, there could not be two opinions on the subject of his duty. But in matters which relate to their general welfare, he and I, with equal zeal in their cause, may entertain very different ideas. I sincerely hope that the duties of this officer may be exactly defined, and that the Government may be secured from the effect of capricious opposition.

Clause 9. To the missionaries may be safely confided the religious instruction of the natives. But I cannot bring myself to believe that they will consent to give any portion of the time they have hitherto devoted exclusively to that object, for the benefit of British subjects.

In this part of my instructions I am likewise directed "to interdict the savage practices of cannibalism and human sacrifice." May I request more explicit instructions on this important subject? Shall I be authorized, after the failure of every other means, to repress these diabolical acts by force? And what course am I to adopt to restrain the no less savage native wars, or to protect tribes who are oppressed (probably for becoming Christians) by their more powerful neighbours.

Clauses 10 and 11 relate to the form of government under which New Zealand is to be colonized.

Clause 12 forbids the introduction of convicts. There is nothing I would more regret than the extension to New Zealand of the character of a penal settlement; but I do think, with every possible deference for the superior judgment that dictated the prohibition, that convict labour on roads and public works under the direction of Government, may be most beneficially applied. At the Mauritius, Indian convicts are so employed, and the great prosperity of that colony is mainly attributable to the facility of communication to all parts of the island that is thus obtained. Such will be the demand for labour in New Zealand, that I despair of getting roads made without the aid of convicts.

Clause 13 relates to the Commission under the Great Seal, addressed to Sir George Gipps, and to my Warrant as Lieutenant-Governor. May I request to be informed if I have the power, whilst holding a warrant as Lieutenant-Governor under the Governor of New South Wales, to appoint or suspend magistrates, to embody and call out militia, or to direct the movements of the military force? If I do not possess this power in virtue of my warrant from the Crown, it will be highly essential that provision should be made by the Governor and Legislative Council of New South Wales to vest me with authority on these important matters.

LORD VISCOUNT GODERICII, one of the Principal Secretaries of State to HIS MAJESTY the KING OF GREAT BRITAIN, to the CHIEFS of NEW ZEALAND.

FRIENDS,

I am commanded by the King to acknowledge the receipt of the letter, which you addressed to His Majesty, and which you entrusted to Mr. William Yates to forward to England.

The King is much gratified to find that the cause for alarm, which appears to have existed at the time when your letter was written, has entirely passed away, and he trusts that no circumstances may occur, in future, to interrupt the internal tranquillity of New Zealand, which is so necessary to the maintenance of a close commercial intercourse between its inhabitants and those of Great Britain.

The King is sorry for the injuries, which you inform him, that the people of New Zealand have suffered from some of his subjects; but he will do all in his power to prevent the recurrence of such outrages, and to punish the perpetrators of them according to the laws of their country, whenever they can be apprehended and brought to trial, and the King hopes, that mutual good-will and confidence will exist between the people of both countries.

In order to afford better protection to all classes, both natives of the island of New Zealand and British subjects who may proceed or may be already established there for purposes of trade, the King has sent the bearer of this letter, James Busby, Esq., to reside amongst you, as His Majesty's Resident, whose duties will be to investigate all complaints which may be made to him. It will also be his endeavour to prevent the arrival amongst you of men who have been guilty of crimes in their own country, and who may effect their escape from the place to which they may have been banished, as likewise to apprehend such persons of this description as may be found at present at large.

In return for the anxious desire which will be manifested by the British Resident to afford his protection to the inhabitants of New Zealand against any acts of outrage which may be attempted against them by British subjects, it is confidently expected by His Majesty that on your part, you will render to the Resident that assistance and support which are calculated to promote the object of his appointment, and to extend to your country all the benefits which it is capable of receiving from its friendship and alliance with Great Britain.

Colonial Office, 14th June, 1832.

I have, &c.
GODERICII.

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