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by

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CHRISTCHURCH, N.Z.
How poor are they that have not patience!
What wound did ever heal but by degrees?
Thou know'st we work by wit, and not by
witchcraft;
And wit depends on dilatory time.

Othello, Act II, Scene II.
The biography - history antithesis is merely a corollory to that of the individual and society. The historian cannot escape committing himself to one side or the other on the question, a point of view which will be based on his own interpretation of his study. Modern developments in historiography would seem to stress society rather than the individual as the object of study, "men" not "man". Theoretically history would seem to be the record of all the activities of all mankind but the individual historian, recognising the practical impossibility of such a task, seeks a path, however irregular, in the rich garden of the past, and therefore selects from his material, summarises and generalises, as a result of which sometimes the individual and society would seem to coincide and the story of men could be told in terms of one man. Even then, when the historian turns biographer, it is his aim to achieve a nice balance between "life" and "times", to place the individual in society, and to use biography as a lantern to illuminate his misty path.

Such remarks perhaps explain why this thesis is confined to a study of Donald McLean during the period 1869-76. During those years the history of native affairs and the story of his life coincide, but from the historian's, as opposed to the biographer's viewpoint, the latter is chiefly significant as throwing light on the former. As far as possible, therefore, an attempt has been made to relate McLean's life to that
of his times while also pointing out that it is only one section of the times that he affects. The decade 1870-80 finds its place in New Zealand history, not through McLean and his native administration, but through Vogel and his public works and immigration policy.

Even so, the history of the period 1869-76 forms an epilogue to the history of the Maori Wars, a natural unity the keyword to which, "pacification", is supplied by McLean. While pessimism and warfare are the characteristics of 1869, in 1876 peace has been won and made so secure that McLean's resignation and death were mere incidents. The period can be compared perhaps to the ground shivering into a stillness after an earthquake, to the sea growing calm after a great storm. The subject of this thesis is the calming of the troubled waters.

From the point of view of research the thesis can pretend to be no more than a preliminary study. The McLean Papers, essential for a fuller study of McLean and his policy are not as yet accessible to the research student, and conclusions have had to be based largely on the official information contained in the Appendices to the Journals of the Houses of Representatives. It is worth while, however, to call attention to the utility of these as a source of evidence. Their scope is wide. They contain viceregal despatches, reports and letters from both private individuals and government officials,
accounts of meetings, statistical information, reports of and evidence tendered to Commissions. Not only do they cover a large field but they have the reputation of being among the most reliable sources of material that the historian has at his command.

Commentaries on the period are few and the two most detailed, Gowan's book on the military history and Rusden for a general treatment, are hardly more than summaries of the information contained in the Appendices.

Less useful than the Appendices, because less detailed and less reliable are the newspapers of the time. Hawkes Bay claimed McLean as one of its few great figures and therefore the "Hawkes Bay Herald" gives special prominence to his activities. "The Wellington Independent" at the opening of the period can be both favourable and critical but in its later guise of "The New Zealand Times", like all other papers of the time, it quite naturally favours other topics at the expense of native affairs. Once peace had been established, "news" was sought in other directions.

A thesis such as this presupposes a certain knowledge of Maori society. From the several reliable and fascinating books on Maori customs and culture, useful information has been gleaned. Such writings are but other forms of expressing the sympathy with and interest in the Maori race which McLean himself displayed both by his consideration for the Maoris and by his own fine collection of Maori ornaments,
(iv)

weapons and carvings, now housed in the Napier Museum, Hawkes Bay.
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LIST OF ABBREVIATIONS USED IN FOOT-NOTES.

A.J.H.R. Appendices to the Journals of the Houses of Representatives.
P.D. Parliamentary Debates.
H.B.H. Hawkes Bay Herald.
Wgtn.Ind. Wellington Independent.
N.Z. New Zealand.

I have adhered to the spelling "McLean" as being more common than "M'Lean"; to the spelling "Whanganui" for the modern "Wanganui"; to the term "Middle Island" for the South Island.
CHAPTER I.

Introduction. The coming of the pakeha to New Zealand; the missionaries; Treaty of Waitangi and land regulations; Fitzroy and the first Maori Wars; Grey's native policy; acquisition of native lands; system of native administration, 1853-64; King Movement, 1854-60; Gore Browne's governorship. The Wars 1860-9. Waitara dispute - first Taranaki War; return of Grey; second Taranaki War 1864-6; Waikato War; Hau Hau Movement - East Coast insurrection 1866; Te Kooti 1868-70; Titokowaru. Politics 1863-9. Whitaker-Fox ministry and confiscation; Weld and self-reliance; Stafford 1865-9 - Maori Representation and Native Land Court Acts; defeat of Stafford - accession of Fox with McLean. New Zealand in 1869 - effect of Wars on Maoris - on Colonists.

Past history is the key to an understanding of the unhappy relations existing between the Maoris and the white colonists in the New Zealand of 1869. The dragon's teeth which had sprung up armed men in the 'sixties had been sown unintentionally many years previously when the white man had first begun to frequent the shores of the little islands in the Southern Pacific. The Maori inhabitants who for several hundreds of years had dwelt there undistrubed and followed their own distinctive way of living, did not realise that intrusion threatened their existing social system, based as it was on a well-developed tribal system, hereditary chieftainship and communal land tenure. The coming of the pakeha made New Zealand the scene of the conflict, dramatic and often tragic, between two civilisations, one more advanced than another.
Throughout the century the problem confronting the Maori people was that of adaptation to the white man's way of life.

The missionaries who followed the traders and whalers had no solution for the problem. They were content to preserve the Maori as he was for they taught that the white and the brown man were brothers and that both were equal in the eyes of God. They did not radically alter the life of the Maoris though their influence was equivalent to that of any chief, but they could not avert the evil hour when systematic immigration would begin.

The real misfortunes of the Maoris begin with the Treaty of Waitangi which ceded the sovereignty of New Zealand to Queen Victoria and guaranteed "the full, exclusive and undisputed possession of their lands" (1) to the Maoris as long as they wished to retain them. But the Crown reserved to itself the exclusive right of pre-emption and this precaution, though admirable, resulted in endless friction between the Crown, the Governor, Maoris and settlers. A Land Court was established in 1842 to adjudicate on land purchases effected prior to 1840 but inquiry into the communal life of Maori holdings was arduous and lengthy, and the unavoidable delay irritated the settlers and encouraged lawlessness among the natives.

Fitzroy (Governor 1843-5) foolishly broke the intended continuity of the land purchase system by waiving the Crown's right of pre-emption on the payment by the European purchaser of a commission first of 10/-, then of 1d. per acre. His Native Exemption Ordinance, another questionable measure, was later repeated by Grey. Fitzroy's term of office is memorable also for the Wairau "Massacre", the result of a land dispute, and for the disaffection of Hone Heke leading to a war north of Auckland. The over-conciliatory attitude of the Governor in regard to the Wairau fracas cast a severe slur on white prestige in the eyes of the Maori, and the revolt of the Ngapuhi in the northern district was the first open expression of distrust of Europeanisation.

Fitzroy was followed by George Grey, who acting firmly suppressed the rebellion in the north and re-established the Crown's right of pre-emption of native lands. Grey's governorship is a significant one in Maori history. By his personal influence and just measures he won the love and respect of the Maoris and some thirteen years of moderately peaceful relations between pakeha and native followed. Yet Grey is held responsible for much of the trouble in the 'sixties. His native policy was one of Europeanisation: "the employment of a native constabulary force thus acquainting them with our laws; the enactment of laws for the adjustment of all disputes between natives and Europeans; the employment of natives upon public works where they
are trained in various kinds of skilled labour and in the use of European tools and implements; and the providing of employment generally for from 1200 to 1400 natives in the various public works" (2). But Grey proceeded too rapidly with his civilising measures and many of his institutions soon fell into disuse after his departure. By substituting his own personal authority for the prestige of the native chiefs, he hastened the break up of the Maori tribal organisation and thereby made a direct, if unintentional, contribution to the Wars which lay as yet in the future.

While Grey was governor, acquisition of native lands proceeded apace. He bought a larger quantity of land from the natives than any of his predecessors, and by 1859, the Maori titles in the South Island had, with the exception of native reserves, been extinguished and about 32 million acres acquired, while in the North Island between six and seven million acres had been peacefully purchased. Such peaceable negotiation was later to be the exception rather than the rule, and the rapid bargains completed during these years probably helped to disillusion the natives as to the advantages of selling their land.

Grey departed from New Zealand after the establishment of representative institutions in 1853. Although responsible government followed soon after (3), administration of native affairs were still left in the hands of the Governor as representing the Crown. But he who pays the piper calls the tune and the Assembly had full control of expenditure on native affairs except for an annual grant of £7,000 to be used for welfare work. This unfortunate system of divided control was aggravated in 1856 by the creation of the office of Native Secretary. The Native Secretary was to be a permanent officer who gave an opinion on all papers passing through his office, submitted them to a responsible Minister for further comment, but received final instructions from the Governor himself. With the qualification of fifteen years experience among the Maoris Donald McLean was appointed to the position,(4) but the anomalous system made a cohesive and constructive native policy well nigh impossible, and during the Wars of the Sixties resulted in bitter quarrels among the authorities. Not till 1864 did the General Assembly assume full control of native affairs and then with obvious reluctance, for control of native affairs then meant the burdensome responsibility for the conduct of the War that was raging.

(3) Responsible government was made possible by the Constitution Act of 1853 but was not instituted till 1856.

(4) See infra p. 19.
To the Maoris, Governor Grey's departure seemed to leave them in the pitiless clutches of the Colonists. The more keen sighted among the chiefs perceived the gradual disintegration of their social system, symbolised in the rapid alienation of their much-loved land. The Maori could not adapt himself to the white civilisation without being scorned as an inferior by the pakeha. (5) Governor Gore Browne offered nothing in the way of institutional reform and so the Waikato natives set themselves to secure some effective means of protecting their social life. It was not a far cry from Grey's patriarchal rule to the establishment of a king and about 1854 the first steps towards the organisation of the "King Movement" were taken (6). Its objects were praiseworthy: to preserve Maori society by ending tribal feuds, limiting sales of land to the Crown, regulating sale of arms and spirituous liquors and organising defence among themselves. They aimed at a policy of isolation to preserve their "land 'mana' and nationality". Wiremu Tamihana Te Waharoa, an influential Waikato Chief and anxious to co-operate with the Government, was coldly received by Gore Browne in 1857 when he made his appeal for attention to Maori problems. The result was that it was Wiremu Tamihana who set up Te Whero Whero as King in April 1858. Not till after the Waitaia dispute of 1860, however, did the King supporters


(6) For further reference, see Gorst: Maori King.
show overt hostility towards the colonists.

Gore Browne's next foolish step was to remove the restrictions which Grey had placed on the sale of arms and munitions to the natives, and as a result the Maoris began to accumulate large stocks of arms. The Union of the Native Department and Land Purchase Department in 1856 disheartened many chiefs who felt that the Government's one idea was to deprive them of their land as rapidly as possible. A Bill to make local by-laws for natives according to their expressed wishes, a Native Circuits Court Bill, and a Native Schools Act, all proved mere "dead letters".

Matters came to a head over a land dispute in Taranaki (7). The Governor, influenced by pressure from the settlers and advice from the Minister of Native Affairs, C. W. Richmond, consented to the purchase of the Waitara block of land offered for sale by one Teira. Te Rangitake who had a legitimate claim to the land protested but Gore Browne ignored the protest and unwisely attempted to enforce the decision by the proclamation of martial law in Taranaki. Such a virtual declaration of war had its effect on Te Rangitake. He, not hitherto a King supporter, now appealed to the King, and though Potatau (Te Whero Whero) counselled peace, Waikato Maoris assisted the Taranaki tribes in the military

(7) For further reference see W. Martin: The Taranaki Question.
operations of 1860 and 1861. In 1861 General Cameron in command of the Imperial troops negotiated a truce, an inquiry into the Waitara dispute was promised, and the Taranaki Maoris agreed to submit. The War laid waste to the Taranaki settlements, increased the Maoris' sense of wrong and deepened their antipathy towards the settlers. Though the occasion of the War had been a land dispute, fundamental causes were the contempt of the natives for the white man and their fear of loss of "mana" (prestige).

Gore Browne's action in the Waitara dispute was upheld by the Assembly in 1860. An Act was passed restricting the sale of munitions to natives but no measures were suggested for settling the dispute peaceably or for turning the King Movement to advantage.

Gore Browne was replaced by George Grey in 1861 and the Stafford ministry by a short-lived ministry under Fox. It was thought in the colony and in England that Grey would be as successful in 1861 as he had been in 1845. But he found the Maoris embittered and ready to suspect his suggestions for local government and his schemes for roads and buildings. In the Waikato, the influence of the militant Rewi Maniapoto was predominant and Grey found his visits to Waikato and Taranaki brought no improvement to the situation. The promised investigation of the Waitara dispute was delayed and unfortunately the nearby Tataraimaka block was occupied by troops. The Maoris treated the action as a "casus belei" and so
broke out the second Taranaki War.

It lasted intermittently till 1866, spreading to the Waikato in 1864. General Cameron sent to conduct the campaign, succeeded in gaining control of the lower reaches of the river and the War practically ended with the capture of the Orakau stockade in 1864. The angry spirit of the Maoris was to remain however, showing itself by the voluntary isolation of the tribes and their unconcealed dislike of the pakeha.

Just when peace seemed a little more likely, rebellio hitherto confined to the Taranaki and Waikato districts, spread to the East Coast. A dangerous and fanatical cult Hau Hauism originating in Taranaki, spread over to the Bay of Plenty and East Coast. Hau Hauism was a mixture of degraded Christianity and Maori ritual, but it was a semi-nationalist as well as a semi-religious movement. Like the King Movement, it expressed the wish of the Maori to have done with the white man and all his trappings, but it soon assumed a far more violent form when Volkner, a missionary at Opotiki, was murdered by Kereopa a Hau Hau in 1865, and general insurrection broke out from Tauranga to Poverty Bay. Maori allies, especially the Ngatiporou, Ropata te Wahawaha, were invaluable in this East Coast campaign. By 1866, the rebellion was controlled and over a hundred Hau Haus were deported to the Chatham Islands. The failure of the Stafford ministry
to carry out a promise of freedom after two years deportation, and the carelessness of the Chatham Island officials resulted in the escape of the prisoners under their capable leader Te Kooti Rikirangi. They landed near Poverty Bay in 1868 and evaded the troops of Major Biggs and Colonel Whitmore. Late in the year, they descended on the Mate Whero settlement and murdered thirty-two Europeans and thirty-seven natives. Though Ropata managed to capture the strategically placed Hau Hau fastness Ngatapa, Te Kooti escaped into the Urewera country where pursuit vainly followed him. During the succeeding years which he spend in this wild and unexplored country, he was an effective menace and nightmare to settlers both far and near.

While both soldiers and politicians had their hands full with Te Kooti, another rebellion broke out near Patea in Taranaki in 1868 under Titokowaru. Not till 1869 did this rebellion come to a close.

It was during the unhappy years of the Waikato War that the New Zealand Government was given full responsibility for native affairs (8). One of the first ministries to take up that heavy burden was the Whitaker-Fox ministry of 1863-4, memorable for the disastrous confiscation of nearly three million acres of native land to meet the

(8) See C.H.B.E., Vol.VII, Part II, p.106. The transfer was arranged by the Governor and the Colonial Office with the very ungracious surrender of the N.Z. Government.
expenses of the War and to punish the rebels. The confiscation finally proclaimed in 1864-5, had neither of the intended results. It only strengthened the hostility of the Maoris and remained as a grievance for many years to come. The land, not only of rebel, but also of loyal, natives was placed at the arbitrary disposal of the Government. The Assembly contrived to raise a loan of three million pounds for defence and the suppression of the rebellion, but quarrels in the House were incessant and in 1864 Weld replaced Fox, promising loud-sounding "self-reliance" as the solution of New Zealand's troubles. The Home authorities took the Weld ministry at its word and though Weld was soon replaced by Stafford, Imperial troops were steadily withdrawn and the colony was forced to rely more and more on its own volunteers.

The policy of the Stafford ministry, in which Richmond was Native Minister and Colonel Haultain Defence Minister, was to use force to the bitter end even if it meant extermination of the natives. The ironic result was the spread of insurrection over to the East Coast, Titokowaru's revolt on the West Coast, and the sullen isolation of the Ngatimaniapoto. Stafford refused to commit himself over the question of the retention or withdrawal of the Imperial troops and did little to heal the breach between the Colony and the Home Government. Nor had Grey's second governorship seen the expected peace or reconciliation, and in
1867 he was cursorily withdrawn, to be replaced by George Fergusson Bowen.

One of the few significant actions of the Stafford Ministry was the passage of the Maori Representation Act in 1867, owing to the work of Donald McLean. The Maoris were apportioned to four electoral districts, each district being given the right to elect one Maori member to Parliament. According to Rusden (9) there was little enthusiasm among the natives for the Act but at least it was a step towards recognition of their right to a share in the government of the country.

A measure of 1865 which though not popular at the time, was immensely useful over the next sixty years was the institution of the Native Land Court as a permanent tribunal to investigate and settle native titles.

In 1868 a motion of no-confidence in the Government's native and defence policy was narrowly defeated. In the early part of 1869 the dismissal of McLean from the East Coast Government Agency (10) deepened dissatisfaction with Stafford's government and shortly after the session of 1869 opened, Fox tabled his no-confidence motion. His point of attack was general misconduct of native affairs with special reference to the dismissal of McLean, the


(10) Infra p. 25.
escape of the Chatham Island prisoners, quarrels between Lieutenant McDonnell and Stafford ending in McDonnell's resignation, and finally the huge total expenditure on defence which Fox estimated at £500,000 (11) for the year 1868-9, all of which Fox used to illustrate the futility of "self-reliance" in the present circumstances. On June 26th Stafford and his Cabinet resigned and Fox formed a Ministry choosing among his first colleagues Julius Vogel and Donald McLean, the latter occupying the double portfolio of Minister of Native Affairs and of Defence. So began McLean's native administration which was to last but for a brief interim in 1872, until his resignation at the end of 1876.

The new Cabinet and more especially the new Minister for Native Affairs had no easy task to face. There were military operations to be undertaken against Titokowaru on the West Coast, and against Te Kooti roaming freely in the centre of the Island and threatening at will the Bay of Plenty, East Coast or Upper Wanganui settlements. There was an unsympathetic Government in England relentlessly withdrawing its troops: only one regiment of the ten of 1865 remained by 1869. There were the distrustful and sulky Waikato natives maintaining their "aukati" or pale within which no settlements, telegraph lines or roads could intrude. They had suffered most heavily and most

(11) In a population totalling about 218,700.
unfairly from the confiscation policy. Condliffe sums up the general effect of the Wars: "The legacy of the Wars in all these respects was a psychological situation far more important in its immediate results than the immediate economic consequences of either the War or the confiscations. . . . it is important to remember that over a large part of Maoridom there was this feeling of utter despair of justice at the hands of the Pakeha. The feeling was strongest in tribes which had from the beginning distrusted the Pakeha and had even refused to sign the Treaty of Waitangi. It took different forms, according to the leadership of the tribe. In some cases the tribe was welded more closely together than ever and in face of discouragement and economic difficulty fought a successful battle for survival, while refusing to accept Pakeha co-operation except in the most limited and necessary degree. In other tribes the loss of their land, which they had defended vainly in what they believed to be a fair fight for a just cause, resulted in the apathy of frustration and contributed quickly to the rapid spread of disease and depopulation." (12) The Government figures for the Maori population in 1861 were 55,356; in 1867 were 38,540; in 1871 were 37,502.

The attitude of the country itself by 1869 was not

encouraging. Both Islands were weary of ceaseless warfare and ever-increasing taxation to pay the price, and the South Island who had suffered little even talked of secession. The Wars had meant considerable destruction of property among the settlers, especially in Taranaki, and a thorough upset of finances in the disturbed provinces. Land sales had naturally fallen off, and Maori hostility meant that the provinces were unable to recoup themselves from the undeveloped gold fields of the Thames district.

But before discussing the manner in which the new Native Minister tackled the problems in 1869, it is necessary to examine his qualifications for the position in the form of his past career and his character.
CHAPTER II.

McLean's ancestry and youth; departure for Australia and New Zealand; position in office of Protector of Aborigines; promotion to Taranaki; Commissioner for Land Purchases; Native Secretary; quarrel with Fenton; McLean's retirement; Superintendent of Hawkes Bay - progress during his tenure of office; General Government Agent on East Coast; beginning of Parliamentary career; dismissal from Agency; defeat of Stafford.

McLean (1) was fitted for the position he was called to occupy not only on account of his long apprenticeship in the field of native affairs but also on account of his Highland ancestry and early life. In the isle of Tiree "amongst the farthest Hebrides", where McLean was born in 1820, the patriotic spirit of the Highland clan was still strong. Both his parents belonged to aristocratic Highland families, his father John McLean to the House of Ardgour, his mother to that of Coll. Such an inheritance was not without a connection with the sympathy he showed in later life for the customs and traditions of another tribal people, the Maoris.

His boyhood did not prove an easy one for he was left an orphan while very young and was brought up by his grandfather, a severe Presbyterian minister. These circumstances moulded his character in the form of self-reliance and independence and it is not surprising there-

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fore to find that he set forth to seek his fortune when only seventeen. He chose Australia and entered the service of a firm of merchants in Sydney, but within two years he came to New Zealand to serve on a schooner carrying supplies to the natives of the Thames district. Thus his first acquaintance with the Maoris was made in very humble conditions but he promptly showed an interest in their life by learning their language and customs. Such knowledge was a qualification which he used to obtain in 1840 a position in the office of Protector of the Aborigines at Auckland.

His first important promotion came in 1844 when he was made a Sub-protector of the Aborigines in the Taranaki district. The duties of Protector were undefined but broad and responsible (2). They acted as intermediaries between Her Majesty's Government and the natives, they conducted land negotiations, settled disputes and generally kept a watchful eye on native affairs.

Governor Grey abolished the department of Native Protectors in the next year, but McLean discharged similar duties as an Inspector of Police in the same district with a small force of three Europeans and three natives at his command. Settlement in Taranaki had been hindered by the confusion resulting from the New Zealand Company's land

purchases and Commissioner Spain's subsequent award (3). McLean was appointed a Commissioner to negotiate land purchases from the natives and to acquire if possible the land included in Spain's award (4). His appointment was popular for he had already established a reputation among the settlers (5). By 1848 about 30,000 acres round Whanganui had been secured. His success in this negotiation led to another important purchase for in 1849 he bought from the Ngatiraukawa Maoris the notorious Rangitikei-Manawatu block, still the cause of disputes when twenty years later he was Native Minister (6). His next step upwards was to receive a Commission to acquire native land for the Government in both Islands in 1850. This appointment led to visits to Hawkes Bay where he bought nearly 700,000 acres from the natives. The more extensive settlement of Hawkes Bay followed rapidly upon this purchase (7).

The hunger for land was a characteristic common to all colonists and so little time was wasted after Grey had issued his famous land regulations of 1853 (8). As Chief Commissioner of the Native Lands Purchase Department,

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(3) Spain had recommended a grant of 50,000 acres to N.Z. Co. in Taranaki district.
(5) Wellington Independent, 29/7/46.
(6) See below p. 78.
(7) Dinwiddie: Old Hawkes Bay, p.38.
(8) Grey reduced the price of rural land to 10/- per acre, and shortly afterwards to 5/-.
McLean had the tasks of organising the department, appointing Commissioners to various districts and supervising their actions, while continuing to negotiate large purchases himself. These duties involved fairly frequent journeys throughout both islands. As a result, his knowledge of the habits of the Maoris and his personal friendship with members of the tribes grew steadily, all of which deepened his sympathy with them. Now, and even in later life, he stoutly maintained that native rights should not be encroached upon by the abrogation of the Crown's pre-emptive right of purchase of Maori land (9). Neither did he favour full political control of native affairs by the General Assembly (10). He resented even the small amount of control that the Assembly had won for itself by 1856.

His conduct as permanent Native Secretary after the reorganisation of the Native Department (11) testified only too clearly to the truth of the statement that no man can serve two masters, in this case the Governor and the Assembly. To make matters worse, McLean retained his position as Chief Land Purchase Commissioner though the union of the two offices aggravated the raw sore of sus-

(9) Sewell: Journal, Part I, p.815 - "I had a good deal of talk with him (McLean) about land purchasing, particularly about direct purchase from the natives. He insists strongly on the difficulty of introducing such a system from the impossibility of defining native rights." Cf.also P.D. Vol.XVIIp.56.
(11) See supra p.5.
picion already festering in the native mind (12). The vices of the ill-organised system of administration revealed themselves only too disastrously in the "contretemps" of 1857 between McLean and F. D. Fenton (13). Fenton's code of laws for native use was an attempt to give the Waikato natives some form of local government, but Fenton, appointed by the Government, worked independently of McLean and wished to have full responsibility for his task. McLean equally uncompromising and throughout his career jealous of the success of others in his own sphere, made no effort to co-operate with Fenton. On the grounds that the latter was fostering discontent in the Waikato, McLean secured his withdrawal and the whole attempt to formulate a constructive native policy collapsed. McLean in his evidence before the investigating Committee in 1880 underestimated the importance of the King Movement (14), whether through personal animosity against Mr. Fenton or whether through complete misunderstanding of the situation, it is difficult to decide. It is sufficient to say that when there was a chance of averting disaster, McLean failed to seize it.

As Native Secretary and Chief Land Purchase Commissioner, McLean might be expected to bear also the onus of the

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(14) Ibid. Enclos. 4 in No.3.
Waitara purchase. He did indeed commence that purchase but was prevented from completing it by a long and severe illness, and the responsibility for Waitara rests chiefly on the shoulders of Gore Browne. McLean, however, when examined before the bar of the House in 1860 (15) gave his opinion that the purchase was just. Gisborne in discussing the question exonerates him from any complicity (16).

Once war had broken out among the dissatisfied natives, McLean's personal influence over them was of little effect. He presided at a conference at Kohimarama in 1860 (17) which attempted to allay the anxiety felt by the Government in respect of the Waikato natives; he advised the Governor to allow full time for negotiations before considering an invasion of the Waikato (18). But the invasion of the Waikato began, and shortly after Gore Browne was replaced by Grey. One of Grey's first actions was to separate the Native Department from the Land Purchase Department. McLean resigned and retired for the time being to his home in Hawkes Bay.

(15) A.J.H.R., 1860, E4. Cf. also P.D., Vol.XII, p.638. (16) Gisborne op.cit., p.136. "I am convinced from a knowledge of his character that he would never have counselled Gore Browne to complete the purchase and enforce it by armed measures. . . His policy would have been by diplomacy to have brought the aspirations of the natives under control, and made them work together for the common good.
But the peace of a private life was soon broken. He consented to stand for and was elected unanimously to the position of Superintendent of the Province of Hawkes Bay in February, 1863. This position he occupied until he assumed ministerial duties in 1869. Though rebellion had not yet spread to the East Coast, there was always a chance that it might if the natives were not treated with fitting tact. As McLean possessed the confidence both of natives and of settlers in Hawkes Bay his election was opportune (19). His opening speech to the Provincial Council (20) outlined measures which he afterwards developed as Native Minister. The best means for maintaining peace were through closer settlement, and money would be well spent acquiring land from the natives, making roads (upon which natives were to be employed), and encouraging immigration. A loan of £60,000 he devoted to these ends.

The development of Hawkes Bay went ahead under McLean's superintendency. He was able to testify in later years to the progress of road-making, the acquisition of land from the natives, and the outcome of immigration assistance, the population having increased about 30% between 1864 and 1868 (21).

But his position became more difficult when rebellion was carried to the East Coast. The danger from the proximity of the Hau Haus was serious and McLean took advantage

(19) H.B.H. 28/2/63: "he would enjoy the confidence of the whole of the native and the greater part of the European race".
(21) Opening speeches to Prov.Council H.B., 1866, 1867, 1868.
of his influence with the natives to hold friendly meetings and to discountenance the Hau Hau movement. Frederick Weld, then Prime Minister, took advantage of McLean's knowledge of native affairs, and after the Volkner catastrophe, asked him to act as General Government Agent on the East Coast (22). McLean demanded and obtained almost complete control of the defence of the (23) East Coast. He was allowed ample latitude in supplying friendly natives with arms, men and money, and the East Coast campaigns of 1865-6 were conducted by natives and colonial volunteers only, the Imperial troops not being called in at all. The campaigns were comparatively successful ending with the transportation of the chief offenders to the Chatham Islands. "Four or five months have done more there than as many years under the old military system at Taransaki and Auckland", wrote Sewell (24) rather bitterly. Before ending his duties on the East Coast, McLean gave assistance in settling land disputes which had arisen as a result of the rebellion, but as happened only too often, the solution of the disputes satisfied no one and a permanent grievance remained.

In 1866 he managed to combine Parliamentary duties with his Superintendency, being elected to represent

(22) Sewell, op.cit., Part II, p.603: "He is a valuable man for such a crisis, being thoroughly acquainted with the natives all round and having as much influence over them as any man."
Napier. He took little part in political life outside the sphere of native affairs, but within that he was honoured as an expert (25). From the outset he was an advocate of more sympathetic treatment of the Maori, giving reality to his opinions by introducing the Maori Representation Bill of 1867 which passed through both Houses easily. In the next year he deserted the Stafford government, justifying his action by calling attention to its ruthless native policy, and moving a vote of alarm at the conduct of the War. The motion escaped affirmation by a very narrow margin and Stafford remained for yet another session to carry on the War.

When Te Kooti began to be a serious menace to the East Coast settlers, McLean, though still a critical opponent of Stafford, offered to renew his services as General Government Agent, apart from any political considerations (26). He demanded the full authority and support that he had had in 1865-6. The offer was accepted and McLean returned to his former task of organising pursuing parties, the backbones to which were as before the friendly natives, in particular the Ngatiporou led by their loyal and sturdy chief Ropeta te Waha Waha. The year was not without its harvest for as a result of McLean's efforts, the pakeha and Maori allies made the successful onslaught against the notorious fortress of Ngatapa.

(26) A.J.H.R., 1869, A4 and A4A. Papers relative to Mr. McLean's Agency.
Early in 1869, the Government began withdrawing its native allies from the East Coast to take part against the latest rebel Titokowaru. McLean failed to appreciate the Government's motive and intimated his disapproval to Richmond, the Native Minister. His protestations were not deemed worthy of a reply and finally, receiving no further orders, he acted on his own authority and detained the main body of Ngatiporou at Napier. This action did attract the attention of the Government to the extent of a curt notification of his dismissal. It was a foolish step on the Government's part for its own life was a thin thread upon which the shears of Fate were closing. The settlers of Hawkes Bay forwarded resolutions designating McLean's dismissal as "a great public calamity" (27), and the opposition in Parliament was quick to seize the proffered opportunity. Fox, in his vote of no-confidence, stressed McLean's unique qualifications for conducting native affairs and hinted that his shabby treatment was the result of a political combination. The vote was successful and in the Cabinet of Fox, McLean accepted the post of Native and Defence Minister (28).

As testimonials for his new position, McLean could have shown other assets besides his long training in the field of native affairs. The tradition of the Highland clan into which he had been born accounts for his spiritual

(28) See supra p. 13.
affinity with this tribal people, from which sprang the mutual understanding between the Maoris and the Scotsman, between the brown-skinned men and the white-skinned man. In return for the sympathy which they found him ready to extend, the Maoris gave him their confidence, their faith, and their constant affection. He possessed just such qualities of character which they admired and respected. His trustworthiness, energy, and firmness were qualities not alien to their "national character". "Like unto a quartz stone his hardness" (29) wrote one Maori in appreciation of McLean. Most significant, there was his patience, his mastery of the art of "taihoa" or "wait a little", in which the Maoris themselves were skilled to a high degree. His dealings with them give amusing proof that they appreciated him all the more highly (30). Probably too his figure six feet in height, his broad shoulders and fine bearing impressed natives, famous up till even then for their splendid physique.

Gisborne, his contemporary, who has illuminating remarks on many of New Zealand's figures, sums up McLean in comprehensive sentences: "He had a commanding presence and dignity of behaviour, qualities to which the New Zealand natives attach considerable importance... His avoidance of all haste and his characteristic power of

(29) A.J.H.R., 1874, 63, No.18.
(30) For anecdotes of McLean's dealings with the Maoris, see Morgan Grace's Sketch of N.Z.War, pp.55-9; Cox: Recollections, p. 178.
quietly waiting for results were important factors in his favour. . . For many years his name was a host in itself in native New Zealand" (31). With some gift of prophecy therefore did Edward Gibbon Wakefield nickname him "the great Maori mystery man" (32).

But he possessed the faults of his virtues. Knowledge of his success where so many of his predecessors had failed combined with his lifelong habits of self-reliance and independence to make him consider himself indispensable, and accordingly he became jealous of and resentful towards those who presumed to offer suggestions (33). The field of Maori affairs was his own, a sacred ground on which none could encroach. He was a difficult colleague, and not only because he took the native problem completely out of politics and reserved to himself the right of deciding what the House should know and what it should not know, but also because in matters of general administration he was lax, procrastinating, and even incompetent. In 1856, while Land Purchase Commissioner, he had been accused of extravagant spending and had not been able to account very satisfactorily to the House for the dissipation of the money (34). Criticisms were made against his choice of officers in the Native

(33) e.g. Fenton.
Department, a severe charge for lack of discrimination on such an important matter meant that his own confidence and that of the natives were abused and that the web of harmony which he himself had woven was torn by the incompetence and carelessness of his subordinates. Moreover his characteristic of waiting on events, though usefully employed time and time again, developed especially in later life into a system of organised procrastination and permanent postpone-ment of difficulties.

Of accusations that his policy was too "maternal", a flour and sugar policy, one of expediency based on personal influence, more will be said anon (35). There can be no doubt that like his greater predecessor Grey, he failed to realise that personal influence over an uncivilised people can be a double edged weapon and that to be permanently effective it must be weaved into a cohesive and constructive system of native policy. But in spite of his faults, there was no other man in New Zealand at the time who was so well fitted for the task of turning the natives back into the ways and arts of peace and of bringing all New Zealand back to peaceful habits. It was this which he set out to do in 1869.
CHAPTER III.

1869. Recapitulation of native affairs. McLean's plan of action: policy of conciliation; defence proposals; measures for employment of natives. Practical application of this policy: against Te Kooti in the Taupo district; on the West Coast; treatment of prisoners; Fox's visit; in the Waikato; interview with Rewi.

The condition of native affairs when McLean took over his new duties can be briefly recapitulated. On the East Coast, Te Kooti had successfully evaded an expedition sent to seek him out, and was roaming freely somewhere in the interior. On the West Coast, Titokowaru also at large, was a menace to the few settlers who had dared to remain within the districts of Patea, Waitotara and Upper Whanganui. Along the banks of the Waikato, King Tawhiao and his adherents lived in sullen isolation and maintained with vigilance their "aukati" or boundary line across which Europeans were forbidden to venture. Moreover, the remaining Imperial regiment, idle in Auckland was awaiting its final orders to leave New Zealand.

There was therefore no more important aspect of native policy at the moment than defence. In his ministerial statement on June 24th, (1) Fox outlined the plan of action the new Government would follow. For Stafford's "War to the knife" policy was to be substituted one described

as purely "defensive", a term at once scorned as ludicrous and quite impossible (2). Expenditure on defence was to be reduced, the colonial forces to be reorganised. A few days after Fox had adumbrated the Government's policy, McLean to whom as Defence Minister fell the task of realising the suggestions, amplified them in a general survey of native affairs (3).

His speech gave ample proof that from his long association with the natives he had more insight into their troubles than was common among New Zealand politicians. He saw that the question of Anglo-Maori relations could not be solved by completely subjugating the natives, though such a method was popular throughout New Zealand (4). He attributed the past disasters to a total misunderstanding of the Maori character and he pleaded earnestly for the recognition of the best features of the race "which may yet prove of vast advantage if they can only be so fused and blended as to bring them under one general system that will work in harmony with the institutions of the colony" (5).

To accomplish such a fusion, McLean advocated more

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(2) Wgtn.Ind., 1/7/69: "His policy is no policy at all. It is a sham, a subterfuge, a trap to catch votes of Middle Island members", Cf. also 13/7/69 and 17/7/69.
(4) Wgtn.Ind., 1/7/69: "The rebellion will never end, until we have by beating the natives in fair fight, so far reduced their number and weakened their power as to render them comparatively impotent to do us further harm."
reliance on the friendly natives, and more especially on
the tribal chiefs. His recognition of the potentialities
of the institution of chieftainship, in which he stands in
favourable contrast to Governor Grey, dated from the early
years when he was Sub-protector of the Aborigines in
Taranaki (6). Now he intended to make that institution
a power for good by discouraging the detribalisation which
was disintegrating the race into bands of marauders, and by
reposing confidence in those chiefs who yet remained.
Friendly natives were to play the part of mediators between
the Government and the hostile Chiefs, to supply the
Government with reliable information upon which measures
for their welfare could be based, and to give assistance
for the defence of the colony.

McLean's defence policy was indeed as cautious as Fox
had suggested previously. "The policy of the Government
will be non-aggressive, employing such force as the colony
can command in defending life and property" (7). But
McLean was not an advocate of self-reliance, and he
announced that it was the intention of the new Government
to consign that policy to limbo by sending two Commissioners
to England to apply for Imperial troops to complete the
defence system of the colony and to inspire its inhabitants

(6) Letter to Chief Protector of Aborigines 11/7/45; cf.
evidence given before Waikato Committee, A.J.H.R., 1860,
73, pp.92, 97.
(7) P.D., Vol.VI, p.205.
with confidence. The Colonial force itself was to be reconstructed on the model of the Royal Irish Constabulary (8), small, efficient, well disciplined and uniform throughout the Island. To each of the districts of Waikato, Whanganui, Patea, and the East Coast - the danger-zones - a force was to be apportioned. Even when reconstructed, the Colonial forces were not to be employed on risky expeditions against elusive rebels, but on the less exciting but more necessary work of defending frontier settlements.

The attitude of the Government toward rebel natives and prisoners was to be one of firmness coupled with the desire to cultivate peaceable and friendly relations. McLean was prepared to be conciliatory to a degree and measures of an exceptional character (9) were to be used against native prisoners only as a last resort. Punishment by confiscating native land was condemned as costly, confusing and ineffective. "I believe" he wrote a little later, "the sooner it (the confiscation policy) is abandoned in our dealings with the natives of this island, the better for all parties concerned" (10).

McLean mentioned other specific features of his native

(8) The Imperial regiment about to leave New Zealand was a unit of the Royal Irish Constabulary.
(9) e.g. Summary Trials in Disturbed Districts Act, 1869.
policy. As Superintendent of Hawkes Bay Province, he had employed natives successfully in road making and he intended to continue to do so on a larger scale. He suggested the completion of the Napier-Taupo and Bay of Plenty-Taupo roads and the construction of roads connecting Wairarapa and the West Coast with Hawkes Bay. Such roads would serve the manifold purposes of employing natives in a more peaceable manner than warfare, of promoting settlement by opening up the country, and of facilitating the movements of the Constabulary. Road making was one means of occupying the native; another would be agriculture and industry which McLean wished to revive in native districts.

As thus propounded, McLean's policy contained few original features. The opinion was growing that the confiscation measures of 1864-5 had been a mistake and had in no way assisted peaceable settlement, and therefore it would be better for the colony as a whole if they were not repeated. Grey had employed natives on roads; Weld had intended to do so in 1865 (11). Grey too had stimulated agriculture. But McLean's conciliatory attitude, clearly evident from the outset, seemed novel after nine years of continuous warfare between the two races. Peace was essential as McLean saw, and he was prepared to concede much to obtain it.

Measures followed to give effect to his policy. St. John Branigan, Chief of the Otago Police, was appointed Chief Commissioner to reorganise the Colonial forces; Lieut. Colonel McDonnell replaced Colonel Whitmore as Commander-in-Chief of these forces. McLean ordered the return of attacking parties on the West and East Coasts, and the Armed Constabulary on the East Coast were ordered to guard the line of communication and the settlements between Taupo and Napier. An Armed Constabulary Act Amendment Bill, brought in by McLean and successfully passed, provided for the employment of the forces on civil duties. The Assembly voted £30,000 to be spent on military roads and entrusted two Commissioners with the mission of asking the Home Government for military assistance in the form of a loan and troops. The more careful registration of arms was provided for in an Arms Act Amendment Act.

McLean's withdrawal of the expeditionary forces coincided with a momentary lull in Te Kooti's activities. He had taken refuge near ToKano, a central point whence he could easily attack settlements at any point. He took advantage of the suspension of military operations by trying to obtain the aid of King Tawhiao. His visit to the Waikato was viewed with much apprehension by the colonists for co-operation between Te Kooti and Tawhiao would be a serious matter (12). The prospect grew more

menacing when Rewi Maniapoto (13) accompanied Te Kooti back to Tokano and when Te Heu Heu, Chief of the Ngati-wharetoa tribe (which dwelt on the southern shores of Lake Taupo) became an open ally of the rebel.

Te Kooti's activities forced McLean's hand, for fearful of the possible outcome of the situation, he ordered both native allies and colonial forces to converge upon Tokano and attack Te Kooti (14). The defeat of a hostile force on the 25th September, although only a minor engagement, served to convince the wavering Ngati-maniapoto that they would be wiser not to take sides against the Government (15). Rewi returned to the "splendid isolation" of the Waikato without having committed himself to assist Te Kooti, and for the moment the danger from a union of the two parties had passed and Te Kooti was left to his own skill and cunning. McLean's non-aggressive policy had to be sacrificed now that the Hau Hau rebel had shown he was not prepared to remain quietly in the

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(13) One of the finest warriors of the King party, famous especially for his defence of Orakau in 1865.
interior. Moreover, he had a valuable ally in Te Heu Heu and there was always a chance that Te Kooti might be recognised by native tribes for Te Heu Heu's sake (16). So McDonnell, commanding the Colonial forces, took the offensive and attacked Te Kooti's pa on the western slopes of Mt. Tongariro on October 4th. Te Kooti escaped but the pa was taken and within a few days Te Kooti's late ally Te Heu Heu surrendered.

The surrender of such an influential and widely known chief gave McLean an opportunity to put into practice his conciliatory intentions (17). He deprecated confiscation of the chief's land as injudicious. Confiscation meant a standing army to maintain possession, besides breeding endless future quarrels. Instead it would be more politic if Te Heu Heu were to bind himself to co-operate in opening the Taupo country by means of roads, the telegraph, and odd military duties. "Any attempt to degrade him in the eyes of the natives" wrote McLean (18), "should be avoided as it would greatly diminish his influence for good." He proposed a Court composed of both Europeans and native chiefs to inquire into the circumstances under which Te Heu Heu joined Te Kooti and the part he took in the fighting. These suggestions were carried out with some slight modifi-

(16) Wgtn.Ind., 16/10/69.
(18) Ibid. Enc.1.
cations by J. O. Ormond, General Government Agent on the East Coast, and Te Heu Heu intimated his satisfaction with the arrangements. (19).

The pursuit of Te Kooti, once undertaken was not to be abandoned. Peace seemed impossible until Te Kooti was captured or killed (20). McLean had able subordinates in McDonnell who commanded the troops in action and Ormond who supervised military operations generally. But though they had the assistance of friendly natives, Te Kooti's whereabouts in the wild country west of Taupo were sought for unsuccessfully. Not till he showed himself again early in 1870 could any definite action be taken against him.

No such complications had ensued from the withdrawal of the expedition under Major Noakes in the Taranaki district Titokowaru and his immediate followers had hidden themselves in the forests of the Upper Waitara. McLean chose to leave them severely alone unless they should give signs of trouble, and turned his attention instead to the tribe Pakakohe who had rebelled with Titokowaru, and had subsequently been taken prisoner by friendly natives and scouting parties shortly after McLean took office. These prisoners, numbering about three hundred, were brought to Wellington to be tried for treason. For such offence the

(19) Ibid. No.38.
(20) A.J.H.R., 1870, Vol.I, ASA, No.1 (McLean to Native Chiefs): "All that we are seeking is that peace should return to this Island, and therefore we are earnest in exterminating these men who continue to commit murder and to do us evil."
legal punishment was death; but McLean considered one execution sufficient as an example and a caution (21) and the rest were deported to Dunedin on varying terms of penal servitude.

Even after the exodus of such a number of rebels, settlers were slow to return to their old houses in the deserted districts of Patea and Waitotara. Government assistance was promised but the settlers insisted on an assurance that no rebel natives should return to those districts. To dispel their apprehensions, not unjustified in the light of their late experiences, McLean located a guard of loyal Ngatiporon on the frontier of the Patea block, and appointed an advisory board on native affairs in the Taranaki district, consisting of the leading men of the province assisted by five chiefs. During his visit in November, the Premier Fox reassured the settlers further by authorising the construction of a blockhouse at Opunake. He visited too the natives of the Whanganui district, warned them against returning to Taranaki where they would be coldly welcomed, and made clear to them the significance of the treatment of the Pakakohe. His mission as McLean’s deputy, bearing the Defence Minister’s message of peace and goodwill, brought a fruitful harvest, for Topia Turoa, a relative of the King and a late rebel, came

(21) A.J.H.R., 1870, Vol.I, Al, No.30. The victim had joined Te Kooti early in his career and was clearly implicated in several murders.
to Fox offering the co-operation of himself and his warriors in capturing the rebel Te Kooti (22). His offer was all the more significant for there had been little love lost between Fox and the natives. But McLean was known and trusted, and it was as acting for him that Fox came (23). The offer was gladly accepted in spite of Topia's former predilections and the meetings ended in all friendliness.

Such were McLean's first attempts to restore law and order to the disaffected regions on East and West Coasts. Titokowaru he had ignored, Te Kooti he had failed to capture; but a valuable ally in Topia Turoa had been gained, and Te Kooti's attempts to win the aid of the Waikatos had been frustrated. In the Waikato itself, territory on which the white man could not tread, and from which trouble rather than tranquillity was expected to emanate, McLean by his own tact and moderation was able to justify triumphantly his conciliation policy.

When the session of 1869 had ended, McLean and Fox both set forth on a tour of the native districts, Fox to visit the Manawatu and Whanganui tribes (24), McLean the Auckland and Waikato. The custom of travelling through native districts which McLean followed extensively throughout his ministerial career, gave him openings to use his

(23) Rusden, op.cit., Vol.II, p.606: "It may be questioned whether Fox's new opinions about Tawhiao and the rights of the Maoris would have been accepted as sincere if McLean had not been the Native Minister."
(24) As noted supra p.38.
personal friendship and influence with chiefs, and to observe native affairs at first hand. The natives in their turn appreciated his visits as showing his concern for their welfare, and not seldom responded to his overtures (25). On this tour, he was accompanied by the Governor, Sir G. F. Bowen, and their journey together opened favourably at New Plymouth when a redoubtable Ngatirunui chief Hone Pihama (26) welcomed them and undertook the contract for conveying mails across Titokowaru's country. The natives of New Plymouth expressed their pleasure at McLean's promotion and their confidence that things would now mend (27).

McLean continued his journey alone into the Waikato. At the end of October, Tamati Ngapora Manuwhiri, one of the King's chief advisers, requested an interview with the Native Minister. Such an overture was of some significance for it was the first time since the Waikato War that the King party had shown the least desire to hold communication with the Government (28). McLean accepted the invitation and on November 6th reached Otorohanga, one of the points of the "aukati", the crossing of which was usually so strictly prohibited. Here a meeting was held (29) and the

(27) Wgtn.Ind., 2/10/69.
(28) H.B.H., 29/10/69.
presence of two hundred natives, among them such leading chiefs as Rewi Maniapoto and Tamati Ngapora, testified to the importance of the occasion.

Aware of the critical nature of the situation, McLean greeted the natives kindly and opened the conference himself (30) by asking them to speak freely and frankly to him, to "have our fight out in words in the broad light of day, and then determine whether good or evil is to prevail. . . If it is to be evil let it be understood, if peace let it be proclaimed" (31). The real question of course, to be discussed was that of the attitude of the King party toward Te Kooti. Rewi evaded it until he had asked for the return of a relative Te Hura (32) and McLean promised to grant his request if Rewi himself would be answerable for the good conduct of the former miscreant. McLean once more raised the question of Te Kooti and while praising the tribe as a whole for their cool reception of the rebel, reprimanded Rewi for accompanying him to Taupo, and urged them all to leave him to his fate. Rewi, who had followers of Te Kooti living on his land, refused to deny sanctuary to the rebel and McLean had to be content with the assurance that though Te Kooti could find refuge in the King country, if

(30) The more usual custom was for the natives to open a conference.
(32) Te Hura and 10 others had been sentenced to death for the seizure of a schooner in the Whakatane river and the murder of the two men aboard. Their sentence had not been carried out but they were still in prison.
troublesome he would be handed over to the Government.

McLean's final advice was that they should select
a chief among their number to act as an intermediary
between themselves and the Government to keep them
informed of the Government's actions and if possible
prevent future misunderstandings. He did not hurry
them into answering him immediately and the meeting
ended inconclusively but amicably.

On his return to Auckland McLean showed his belief
in Rewi's sincerity by issuing definite commands that Te
Kooti was not to be pursued within the boundaries of the
King country (33). There the jurisdiction of the King
would extend, and Rewi as the King's chief adviser would
be responsible for Te Kooti's good behaviour. McLean
also advised the release of Te Hura and his companions.
This action was received in varying ways by the colonists.
By some it was regarded as an indication of weakness, but
the tendency among the natives was to regard it as an
earnest of the friendly intentions of the Government (34).
That of course was what McLean wanted.

The news of the interview itself was enthusiastically
received (35) and justly described as "the best news that
has reached England from New Zealand during the last ten
years" (36). Though terms had been indefinite, the fact

(34) Wgtn.Ind., 30/11/69.
(35) Wgtn Ind., 18/11/69.
that the King party had allowed a Government Minister

to cross their border and hold a friendly conference with

them was a big step toward a more tranquil state of

affairs. The chiefs with whom McLean conversed were

men of high authority and the example set by them would

not be ignored by other adherents to the King party.

Rewi's final words, "if only a fragment of light was now

visible, like the dawn, it would soon spread," were

prophetic of future amity. In recognition of McLean's

services in thus opening negotiations with the King Party,

the Home Government awarded him the Companionship of

the Order of St. Michael and St. George. "The Colony

has great reason to be satisfied," wrote Granville to

Bowen (37), "with the skill with which he has commenced

the task, and Mr. McLean with the confidence which his

character commands from the leaders of the Maoris."

(37) A.J.H.R., 1870, Vol. I, AlA, No. 40. Granville was

Secretary of State for the Colonies at this time.
CHAPTER IV.

1870 - Military events: reappearance of Te Kooti; driven into Urewera country; reorganisation of forces; Urewera expeditions; surrender and treatment of hostile tribes.

Social measures: road policy; agriculture schemes to revive interest; land legislation; liquor problem.

Fortune had favoured McLean by enabling him to conclude his negotiations with the King natives while Te Kooti whose influence would have undermined his arrangements, was far away in the wild country west of Taupo. But while McLean was endeavouring to settle disputes between the Ohinemuri natives and the settlers shortly after (1), the "Midnight Murderer" fleeing before his pursuers Topia and Kepa te Rangihiwinui (2), reappeared near Cambridge. The proximity of military operations to the King territory created considerable excitement, but true to their words to McLean, the Waikatos gave no assistance to the rebel. The situation was complicated by Mr. J. C. Firth's attempt to negotiate personally with Te Kooti in January, 1870. McLean, thinking capture was certain, strongly resented the interference of a private individual in high affairs of state (3) and refused to

(1) The Ohinemuri natives had closed their land to settlement, much to the disgust of the settlers who suspected a goldfield. McLean was unable to affect the decision of the natives but he managed to restrain the settlers, some of whom wanted to "rush" the black. A.J.H.R. 1870, Vol. I, A19, No. 8.

(2) More commonly known as Major Kemp. He was one of the finest soldiers among the native allies.

(3) A.J.H.R. 1871, Vol. II, P5. Mr. Firth, after the close of the Waikato War, had acquired land from Te Waharoa the King Maker by a special concession. He was well known both by the Waikato natives and by Te Kooti.
sanction the terms of peace and pardon which Firth had arranged with Te Kooti. Though Rusden (4) says that if MoLean had foreseen the future he might have agreed to the terms, it seems unlikely that the New Zealand public would have accepted such a concession. Te Kooti was still the nightmare of the settlers.

MoLean's hopes of capturing Te Kooti were doomed to disappointment. The expeditions he had authorised under McDonnell and Mair found pursuit through the rugged country an arduous task. The indecisive engagements of January and February were successful only in driving Te Kooti from the Waikato borders into the territory of his oldest allies, the Ureweras.

From the barren outcome of these expeditions and from the complaints of divided control between natives and Europeans (5), MoLean concluded that a new system of pursuit was necessary. The Armed Constabulary occupied in active service was ordered to confine itself to garrisoning redoubts and maintaining lines of communication according to MoLean's original plan. He decided that bush work could best be carried out by natives alone for they had more knowledge of the nature of the country and experience in moving rapidly through it. There was no need for expensive and cumbersome Transport Corps when Maoris

carried what food they needed on their backs (6). In future, Maori troops were to be led by their own chiefs assisted though not commanded by one or two European officers, and the system of daily pay was to be replaced by payment according to results. For the capture of Te Kooti, MoLean offered a reward of £5,000 (7).

During the autumn of 1870 therefore, Ropata from Poverty Bay, Kepa and Topia from Waimana, explored the forested and rugged territory of the hostile Ureweras. On April 8th, McLean was greeted enthusiastically by his native allies at Opotiki and heard the results of their expeditions (8). Te Kooti had not been captured but several pas had been destroyed, a number of natives killed, Te Kooti's store of ammunition rifled, and Ropata had shown the practicability of leading an expedition through the feared Urewera country. European officers praised native troops for their courage and exemplary behaviour and Ropata especially for his skilful leadership (9). McLean had reason to be satisfied with his new scheme but, as most of the natives were footsore and weary, he prudently decided to let them return to their homes before their enthusiasm had been dispelled by the discomfiture of the winter months.

(6) Ibid. No.56.
(8) Ibid. A813, No.58.
(9) For accounts of this expedition see Lieut. Porter's diary - A.J.H.R. 1870, A8B, Enc.in No.70. Among the natives killed was Hakaraia, implicated in the murder of Volkner in 1865.
Ropata, however, after a short respite was allowed by McLean to undertake another expedition into the Urewera country early in May. A few prisoners were captured but the Hau Haus had scattered, and Ropata finding his natives suffering from the cold and wet abandoned the pursuit until the spring. Beyond a Waikaremoana expedition which succeeded in subjugating the Hau Haus around the lake, no further aggressive measures were taken against Te Kooti and his followers until early in the next year.

The Government at Home had of its own initiative sent out silver swords to be presented to certain chiefs in appreciation of their valuable services. McLean recommended Mokena (10), Kemp and Ropata as worthy of the honour, and in June the presentation was made by the Governor. The ceremony was repeated later when three more deserving chiefs received swords.

During the latter half of 1870, hostile tribes began to surrender steadily to the Government. As an encouragement, McLean made a distinction between those who voluntarily surrendered and those who were forced to do so (11). The latter had to suffer trial under the Disturbed Districts Act 1869; in the case of the former an assurance of good conduct and the handing over of their arms was deemed a sufficient guarantee for the future. Their behaviour was

(10) Mokena Kohere had been of great service against the Hau Haus in 1865-6.
to be answered for by friendly chiefs whom MoLean nominated for that purpose. Thus to Ropata was entrusted the surveillance of the Whakatohe tribe; to six chiefs on the East Coast that of a large section of the Urewera tribe (12). This responsibility of guardianship was one way in which MoLean utilised the institution of chieftainship.

For some sections of the Urewera prisoners MoLean ordered further special measures. They were to be brought forth from their mountain fastnesses and located on land near the Coast where they could occupy themselves more peaceably in cultivation and fishing than in guerrilla warfare.

MoLean's conciliatory policy was amply rewarded. In June, a powerful chief of the Ngatira tribe, Hira Te Popa surrendered voluntarily, informing Ropata that his surrender was largely influenced by the merdiful treatment which the Government had shown to its prisoners (13). Though not actively engaged in hostilities, Hira was one of the keenest supporters of the King Party, and the defection of a chief of such ability and "mana" was of some significance. As a proof of his sincerity and not wishing to be a tax on the Government, he immediately applied to be allowed to put in crops on native reserves in the Bay of Plenty district. MoLean consented and within a year Hira's crops were the envy of neighbouring European settlers (14).

(13) Ibid. Nos.112, 121.
(14) Ibid. No.1 and Enos.
In October a formal peace was made with Erueti Tamaikowha (15), a shrewd and bold chief of the Waimana Valley and implicated in the rebellions of 1867 and 1868. McLean undertook to respect an indefinite peace made earlier by Kemp; Tamaikowha on his side, promised to lay down weapons, to open roads, and to assist in pursuing Te Kooti. Only if his land were taken from him or his children murdered would he again rebel. Neither of these conditions were violated, and Tamaikowha remained ever after a firm friend of the Government. The remaining important surrender of 1870 was that of Te Waru Tamatea and his Wairoa natives. In spite of the fact that many of them were guilty of taking part in murders, McLean was more than usually lenient and merely ordered them to be removed from the Wairoa district to Maketu where they would be in the charge of loyal natives (16).

By the end of the year, there were only one or two Urewera chiefs of any importance who still supported Te Kooti (17). Friendly relations with the Government were more advantageous than assistance to a rebel whose success seemed hopeless. The capture of the rebel himself McLean hoped yet to accomplish.

There were matters other than defence and the surrender of hostile natives to be considered. McLean had to put

into practice his more constructive measures for the employment of natives on public works and in cultivation. Through these occupations he hoped to better the condition, not only of lately hostile, but also of friendly natives.

Towards the end of 1869, therefore, he authorised the construction of roads in Taranaki, Taupo and East Coast districts. He set out in some detail the method he wished to be followed in engaging native labour (18). Employment was to be by contract at a moderate rate and only in such seasons when the natives were not occupied in harvesting or planting. The worst parts of the roads - bad creeks and swamps - were to be first improved and assistance was to be given by the men and officers of the Armed Constabulary. As far as possible in native districts management of road works was to be entrusted to the chiefs who were to be appointed overseers. Thus McLean again made use of the authority of the chief. In no case were roads to be forced through if natives were unwilling and it was to be pointed out to them that the work was for their benefit, that it increased the value of their property and that they were discharging a duty befitting good and loyal citizens.

On these lines, therefore, road work was commenced in 1870. Friendly natives responded readily and it was

hoped that their example would spread to those as yet uneasy and suspicious (19). In the Taranaki province roads radiating from New Plymouth towards Waikato and Taupo, and from Whanganui to Taupo were begun; on the East Coast work was continued on the Napier-Taupo road; in the Bay of Plenty from Tauranga in the direction of Rotorua and Taupo; and in Wellington province from Palmerston to Foxton.

Alongside road policy went McLean's attempts to restore the interest of the natives in agriculture in which before the Wars of the 'sixties the Maoris had been actively engaged. Staple commodities of the "pakeha", such as wheat, maize and fruit, had been grown; European technical equipment - the spade and plough - had been widely used; water mills had been erected and worked by natives, and in the Bay of Plenty, Maori owners manned small sailing vessels to carry their produce to the market (20). During the Wars, interest in farming varied in inverse proportion to interest in War. Land and stock were neglected, farm implements fell into disrepair and the whole economic life of the Maori was upset. The apathy shown towards agricultural and pastoral occupations during these years was of

(19) Ibid. Nos.8 and 10. Others than those openly hostile opposed road-making. For instance Te Whiti and his people in Taranaki, though peaceably inclined, refused to join the road works on the grounds that they wished for no further contact with the "pakeha".
psychological significance as revealing the disillusionment and bitterness of the Maoris, and their reaction against pakeha culture and economy. The task of reviving their interest, which McLean had set himself, was therefore more difficult than he probably realised. This helps to explain the lack of uniformity among his results.

One of the first steps he took was to issue a circular to Maori chiefs throughout the Islands urging them to turn their attention once more to the cultivation of the kumara, taro, and flax (21). He may not have realised how tactful was his choice, for these three plants were grown long before the advent of the white man. McLean quoted to the Maoris their own proverb: "The fame of a man brave in war is uncertain; but the fame of a man diligent or brave in tilling the ground will always last." To encourage them, (22) he proposed a competition among the tribes for the growing of flax. In every tribal district the Maori who grew the best acre of flax and the Maori who dressed the best ton of flax were to receive £10 each; the persons who grew and dressed similar quantities over all the districts were to receive £50 each. The decision was to rest in the hands of a small committee consisting of one

(22) It was hoped also that phormium fibre would become one of N.Z.'s staple products. Machine dressed flax was very inferior to that prepared by the Maoris, and revival of native interest in flax production was expected to be of great benefit to the Colony.
European and two Maori chiefs.

Unfortunately the scheme bore little fruit. Commissioners inquiring into the preparation of flax reported in October, 1871, that the natives had invariably failed to fulfil their promises to prepare flax. "All that could be obtained was six or seven cwt. from Waikanae where the natives had contracted to have half a ton ready for delivery by 31st January, 1871" (23).

It is perhaps relevant to mention here other measures which McLean took in the next year or so to encourage agriculture (24). Potatoes, wheat seed and other cereals were distributed freely among the natives; agricultural implements and oxen were often supplied; assistance was given for the repair of mills. In the Whanganui district tobacco planting was begun among the natives and the Government issued a pamphlet on the correct culture of the plant. Hop seed for the cultivation of hops, and mulberry trees for the introduction of sericulture were distributed by the Government among the natives. Ploughing matches were held for which McLean gave special prizes.

In instituting such competitions as ploughing matches and flax-production, McLean gave instance of the penetrative quality of his mind. In early Maori social life, the emulative impulse had played an important part and had been

(23) A.J.H.R., 1871, 64.
distinctly conducive to economic activity (25). Though
the outcome of the flax producing competition was dis-
appointing, the Maoris enthusiastically entered for
ploughing matches, and the Civil Commissioner in the
district was able to report that they even rivalled
European farmers (26).

These inducements to peaceful progress could only be
successful if the natives had a sufficiency of land. No
land, no cultivation. There were few tribes who had not
suffered severely either from the confiscation measures of
the sixties, or from the greed of speculators whose creed
was to obtain fat morsels of land "by fair means or foul".
Maps were necessary to check unfair alienation so to this
end McLean had appointed in October, 1869, Major Charles
Heaphy as Commissioner for the management of native
reserves (27). Though he was to negotiate with the
natives for the acquisition of land for roads and telegraph;
he was also to guard against improvident alienation in
order to prevent the natives from becoming landless.

In the session of 1870, the Legislative Council took
up the question of native reserves and their faulty
administration. McLean was co-opted to a committee of

(27) Native reserves had been made in two ways: 1. By the
N.Z. Co., ii. Under the provisions of the "Native Reserves
Act" 1856. Administration of these reserves had been
confused and very inefficient.
the Legislative Council considering a Native Reserves Bill which was however dropped to be replaced by a Native Land Fraud Prevention Bill. This bill which dealt with native lands generally was sponsored in the Lower House by McLean. It provided for the appointment of Trust Commissioners for the specific purpose of inquiring into the nature of alienation of native land. No sale or lease was to be valid without the consent of these Commissioners and payment in either liquor or arms would be penalised. The Bill passed safely without opposition (28).

The spread of drunkenness among the Maoris had been another of the demoralising effects of the Wars. There were many chiefs who realised the significance of the evil but they complained that they had no law on the subject, no redress and no means of checking it (29). "We can destroy them by the laws of War or thin 'em out by whisky" (30) - McLean being in both respects opposed to this policy made an attempt to cope with the evil by introducing a Bill restricting the sale of spirits to natives. In districts possessing two-thirds native inhabitants, Native Assessors could be appointed whose business it would be to issue licences for these districts. Illegal sale of spirits was to be penalised. There was nothing remarkable or original about the Bill but it gave the native chiefs,

(28) 1870, No. XXV.
occupying the position of Assessors, the power to restrain, or to attempt to restrain the evil themselves. (31).

Beyond these two measures McLean had nothing else to put before the Assembly of 1870. Native Affairs, therefore, did not form the "pièce de résistance" of the session, and the Assembly, satisfied with McLean's successful administration and the progress made toward peace, turned its attention to the consideration of Vogel's amazing public works and immigration schemes. Native affairs had been the all-important topic during the sixties; during the seventies their place was taken by discussion of loans, railways, roads, and finally the abuses of the provincial system.

(31) 1870, No. XXXIX.
CHAPTER V.

1871-2. Todd's murder - McLean's reaction; measures against Te Kooti; capture of Kereopa; last Urewera expeditions. Progress of road making; surrender of Taupo tribes; Horowhenua dispute; West Coast situation. Acts of 1871 and their application; Native Districts Road Boards Act; Native Schools Act Amendment Act. Session of 1872: defeat of Fox; resignation of McLean.

The Government could now justify its peace policy by pointing out that by the end of 1870 Te Kooti was little more than a miserable fugitive, that hostile chiefs in the Bay of Plenty district were steadily surrendering, and that McLean himself had begun a correspondence with certain Waikato chiefs. But an untoward event in December 1870 served to send settlers into a panic once more, and for a short time it was feared that the fire in the fern would again burst into flame. This event was the murder of a surveyor Richard Todd by certain Maoris near the boundary of the confiscated land in the Waikato district.

McLean's reaction to the crime was typical of his character and his policy. He issued a circular to native chiefs condemning the murder, he instituted an inquiry, and demanded the surrender of the criminals from the King in whose district they had taken refuge. The uncompromising refusal he received made him realise that the only way to punish the crime was by resort to force. But pursuit of
the murderers through the King Country, besides being of uncertain success, meant breaking the promise McLean had made in 1869 to respect the "imperium" of the King. McLean believed in "peace at any price" and therefore chose to take no further steps (1).

There was a chance, however, that others would rush in where he feared to tread. The settlers in the surrounding districts were not unnaturally alarmed by this outrage. They demanded armed protection and aggressive action on the part of the Government and there were suggestions that they should organise armed parties among themselves (2). McLean severely condemned any such interference but he did agree to increase the Armed Constabulary garrisoning the district from seventy to two hundred, to act as a protective not as an aggressive force. Even so, in March 1871, 167 Waikato settlers petitioned for the establishment of an "aukati" in opposition to that of the Maori King (3). The petition was ignored.

Almost immediately after the murder, McLean visited the Waikato district to find out for himself whether or not the event had any political significance and to sound the general feeling among the natives. The Waikatos themselves were divided on the matter. There were still among them

(2) P.D., Vol.XII, p.636.
such restless chiefs as Tapihana who considered that "the sword was still unsheathed and might be lifted at any moment". (4). Tawhiao himself, though he expressed disapproval of the crime refused to give up the murderers; Rewi, on the other hand was openly in favour of their surrender (5). This division of opinion and the general disapproval among the natives convinced MoLean that further aggression was unlikely. He merely intimated his displeasure by discontinuing his correspondence with Manuwhiri.

When the House asked for information later in the year, MoLean evaded a direct answer: "the Government would at the proper time adopt such measures as the circumstances of the colony would justify to avenge this murder", but he would not at present indicate the course to be pursued (6). The House, having done its duty by asking for information and probably realising like MoLean that discretion was the better part of valour, withdrew its motion and the Todd incident ended.

The Waikato natives were grateful for the respect with which MoLean had treated them. Manuwhiri of his own accord reopened his correspondence with MoLean and a message was sent asking that MoLean and the Governor would visit the Waikato in 1872 for Tawhiao was anxious to come to an agreement with them. The meeting with Tawhiao, however,

(5) Ibid. F6B, Nos. 29, 30.
(6) P.D.; Vol.XII, p.638.
was not yet to be.

Meanwhile expeditions against Te Kooti had been recommenced early in 1871 and continued throughout the year. In spite of the constant fruitless results of these expeditions, MoLean made no change in his system of entrusting the search to friendly natives. His standby, Ropata, led the Ngatiporon through the Urewera country in January, June and November; Captains Mair and Preece accompanied Arawa contingents through the same country in May, July and September (7). One or two sharp skirmishes were the only encounters either party had with Te Kooti and his warriors. The loyal natives won MoLean's praise for their perseverance and endurance and at least succeeded in deterring Te Kooti from attacking settlements and in showing that the Urewera country was not impenetrable. Te Kooti himself was weary of warfare and in August sent a message asking that he might be left in peace: "This murderous work of yours is like a rat scratching up filth; leave off doing so" (8). MoLean in this case was adamant (9) and refused to agree to the surrender of Te Kooti on terms other than consenting to stand a trial for his crimes. There was no chance of Te Kooti accepting such conditions and the hopeless pursuit continued.

(7) For full accounts of these expeditions, see Cowan, op. cit., Vol.II, pp.414-53.
(8) A.J.H.R., 1871, Vol.II, Fl. Sub.Enc. to Enc.2 in No.53
(9) Ibid. No.54.
Though the determination of natives and Native Minister was never to be rewarded by the taking of Te Kooti, in December 1871 the next best prize was captured. There were great rejoicings in the Colony when Ropata and his Ngatiporon brought in Kereopa, the "Eye-Eater", notorious as the chief murderer of Volkner in 1865, and dreaded almost as much as Te Kooti. McLean had established a precedent that as a general rule no Maori should suffer death after conviction for treason (10), but he was not prepared to extend his leniency to Kereopa whose treason had been accompanied by murder and other atrocities. Accordingly Kereopa received sentence of death and was executed on 5th January, 1872.

It was hoped that the long lapse of time since the tragedy of Opotiki would add to the effect of Kereopa's punishment on the Maori mind by confounding the accusation that the Government never executed its laws (11). Having made an example of Kereopa McLean advised the Governor to remit the remainder of the punishment of about sixty Maoris who were still in confinement at Dunedin. For the capture of Kereopa, Ropata received the reward of £1000 which he distributed generously among his tribe.

The first half of 1872 saw the last expeditions into the Urewere country in search of Te Kooti. In the middle of May, Te Kooti eluded patrols in the Western Urewera.

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(10) A.J.H.R., 1872, Vol.1, Al, No.44 and Enc.2.
(11) N.Z.Mail, 6/1/72, quoted by Bowen. A.J.H.R., 1872, Al, No.44.
country and took refuge in the King district. In consideration of his agreement with Rewi in 1869 McLean would not allow the hue and cry to follow Te Kooti into the King Country. Here in peace and security he dwelt until his pardon eleven years later (12).

Meanwhile the opening up of the country was proceeding apace. Road making had "caught on" and a year after McLean had put the scheme into operation, over 400 miles of road had been completed or nearly so by native labour (13) and further roads were contemplated. On the West Coast, the road from Whanganui to Taranaki had been finished by the Armed Constabulary and former rebels, and Cobbs' coaches were now running twice weekly (14). Lately surrendered sections of the Urewera tribe had been set to work to open up the tracks leading through their own country. Friendly natives had completed the telegraph line between Auckland and Tauranga and had voluntarily undertaken to convey the mail daily to Tauranga. McLean had not yet been able to overcome the stubborn opposition of Te Hira Te Tuiri of the Ohinemuri district to the progress of roads or telegraph through his land, and so wisely bided his time.

(12) In 1883, Bryce, Native Minister, visited the old rebel, shook hands with him and announced his pardon. Except for one attempt to visit his old home on the East Coast, he behaved very well and died near Auckland in 1893.
(13) A.J.H.R., 1871, Al, Sub.Enc. to Enc. in No. 106.
North of Taupo there was another sullen "bloc" of natives without whose consent roads could not be carried on from Taupo to Rotorua and Cambridge. These were the Ngatiraukawas and Ngatiwharetoas, staunch adherents of the King. But one of their neighbours on the shores of Lake Taupo was Te Poihipi Tukairangi, a keen Government supporter and McLean saw in this satisfactory coincidence a chance to put into practice his schemes for employing friendly chiefs as mediators. Te Poihipi played his part most successfully. He held discussions with his neighbours, pointing to the peaceful employment of natives in road construction as an earnest of the amicable intentions of the Government (15).

By October, 1870, the Ngatiraukawa intimated that they wished to resume friendly relations with the Government. But McLean, the true Fabian, had no intention of hurrying the natives or forcing them into ill-considered commitments. In Locke the Native Officer for the district, he had a skilled exponent of the art of judicious delay in which he himself was so accomplished. Locke's meeting with them in February 1871 was more definite and the Ngatiraukawa declared that they had abandoned the King and were agreeable to road construction. McLean still counselled hesitation till a further tribe the Ngatihaua had given their consent to road making (16). Further negotiations were carried on in

April and May, and in June Locke held a triumphant meeting with the Maoris in the centre of territory formerly strictly prohibited to Europeans. The whole assembly agreed that the "aukati" should be abolished, Todd's murderers dis-countenanced, the Country opened to road-making and the natives themselves employed on public works.

The advantages accruing from the "rapprochement" with these tribes were not to be despised. The road from Napier to Auckland could now be completed; the land bordering the upper reaches of the Waikato could be thrown open; and most important, the limits of the King territory would be noticeably circumscribed. MoLean's caution was justly rewarded and Locke's subsequent reports told a tale of further progress. But as Locke pointed out (17), the surrendered tribes cut off for so many years from the "pakeha" knew just enough of his ways to fear further contact. The delicate task of harmonious adjustment had to be accomplished in the coming years.

While MoLean's agents were carrying forward his conciliation policy, he himself was far from idle. He spent most of his time travelling through native districts, renewing friendships and settling disputes. Thus his visit to the Waikato in January was prolonged through February and March while he visited the Arawas and Tauranga tribes.

A typical case in which he was called in as is the

(17) Ibid. No.7.
doctor to the patient, and one which illustrates well the extent of his influence, is the dispute over the Horowhenua block of land (18). A few years earlier such a quarrel would have ended in war. The title of the block in question was disputed between a section of the Ngatiapa, the Muaupoko, and the Ngatiraukawa. The Native Land Court had failed to settle the matter in 1869 and the natives continued wrangling among themselves throughout 1870. In June 1871 the provocations of the Ngatiapa and Muaupoko tried the patience of the Ngatiraukawa a little too severely. A Ngatiapa chief in conjunction with Major Kemp and members of the Whanganui tribe evicted the tenant of the Horowhenua block, burned his whares and proclaimed their resolution not to let the Ngatiraukawa re-occupy or reclaim the block. They were prepared to enforce their decision by appeal to arms.

War, therefore, seemed imminent but at this critical juncture, both sides showed amazing moderation by appealing to MoLean. "What he (Mr. MoLean) would say was and is the principal topic of conversation among the Ngatiraukawas. It speaks much for the influence of Mr. MoLean that a tribe, who unlike their opponents the Ngatiapa, have not been considered as great allies of the Pakeha, should thus restrain their natural impetuosity" (19). MoLean sent an officer,

(19) Wgtn.Ind., 22/7/71.
Major Edwards to investigate and to bring the disputants to some agreement. Edwards, after preliminary inquiries suggested that "If the Hon. Mr. MoLean were to see the disputing natives and give them his views as to the nature of the case, a final solution of the difficulty would be speedily reached" (20). As the Assembly was in session, MoLean was unable to carry out the suggestion, but he corresponded with and interviewed representatives of both parties and was successful in bringing them to agree to arbitration. The dispute was finally settled in the Native Land Court at the end of 1871.

The epilogue to the incident is found in 1874 when the Ngatiapa chief Kawana Hunia was prosecuted for the burning of the whare. Shortly after the case had begun, MoLean interfered to order its withdrawal. Hunia had acknowledged the law by submitting to trial and the loss of dignity he had suffered was a sufficient punishment (21). The dispute was a past event and as a token that all idea of fighting had been relinquished, the natives presented MoLean with a cartouche box filled with ammunition.

The Horowhenua incident was an open dispute; more subtle and more problematical was the situation on the West Coast. Though settlers were returning to their old homes with increasing confidence there were at least three

(20) A.J.H.R., 1871, F3, No.55.
(21) Wgttn.Ind., 24/1/74.
matters which could cause trouble. There was the unconcealed antipathy of the settlers towards natives, illustrated in their demand that no rebel natives should return to their homes in the Taranaki district. There was the unfinished settlement of the confiscated lands, a complicated and dangerous task. Finally there was Titokowaru who was intimating that he wished to return to his lands on the Waimate Plains, territory itself included in the confiscation block. McLean's "wise and salutary neglect" (22) of Titokowaru gave peace to Taranaki but in the opinion of the settlers (23) it could not be a reliable peace until the Government had come to some agreement with the late rebel. Throughout 1870 and 1871 the Ngatiruanui began to creep back to the borders of their own territory.

In any attempt McLean might have made towards adopting a clear and steadfast attitude to Titokowaru, he was hampered by the unfinished land settlements, by the clamour of loyal natives for the return of the imprisoned Pakakohi tribe (24) and by the uncompromising opposition of the settlers to rebel natives. There were three courses open to him: to drive off Titokowaru and his Ngatiruanui by force, to insist upon their return to defined reserves, or to yield a tacit consent to their reoccupation. The Report of 1880 points

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(23) Ibid. quotes Taranaki Native Board resolutions, 3/5/70; 4/10/70.
(24) See supra p.38.
out that "to attempt at such a time the policy of treating
these men as rebels and driving them once more away, was
to risk all that had been gained during two years of
peace" (25), and no doubt the policy of assigning
specific land to the rebels would have been the wisest
course. But MoLean chose the third and simplest course.

In January 1872 he wrote to Parris that the land
north of the Waingongoro river "though nominally confis-
cated" was "unavailable for settlement until arrangements
should be made with the natives for land sufficient for
their own requirements" and that the native "owners"
were to be compensated for all land they might relinquish
(26). Such sentences implied abandonment of the confis-
cated land north of the Waingongoro. The news spread
rapidly that the land was to be restored and by April
1872 Titokowaru was in possession again (27). McLean's
acquiescence in the reoccupation by the rebels of the
confiscated land was in flagrant contradiction to his
earlier remarks (28) nor did he attempt to explain it in
the House (29). Though it meant peace, it brought many
troubles in its train and the seeds of a future dispute of
some consequence had been sown (30). Other natives began

(27) Ibid., No.17.
(29) P.D., Vol.XII, p.167: "The lands which had been con-
fiscated after due proclamation by the Governor could not
be restored."
(30) i.e. the Parihaka dispute of 1880, see infra p.119-20.
to petition for the restoration of their land. It was unfair that the Government should "restore the lands of those people who were guilty of great offences" when they had taken "the land of the man whose offence was small." (31).

One incident alone soothed the resentment of natives and settlers. While MoLean was in Whanganui in 1872, Wiremu Kingi, with whom had originated the War of 1861, paid him the unexpected compliment of emerging from the seclusion of the Upper Waitara and visiting Whanganui to renew his friendship with MoLean. The protest against the actions of the "pakeha" implied in his seclusion, together with the respect in which he was held by the natives meant that he might at any time be the focussing point of a disturbance. Now, however, without pressure of any kind he emerged from his retreat and greeted both MoLean and the Whanganui inhabitants in the most friendly manner. MoLean himself was overjoyed and wrote of the incident as "the greatest assurance of future peace which has been manifested in the West Coast district." (32). It was another justification of his peace policy and to show his appreciation of Wiremu Kingi's overture he took steps to ensure the restoration of a portion of his ancestral property (33). To the settlers it was a comforting reassurance that little danger of renewed warfare with the natives remained (34).

(32) A.J.H.R., 1872, Al, Enc. in No.55.
(33) P.D., Vol.XII, p.638.
(34) Wgtn.Ind., 21/2/72.
The readiness of the Maoris to co-operate with and trust McLean had encouraged him to propose more ambitious measures for their welfare. Throughout the latter half of 1871 and the beginning of 1872, he was engaged in supervising the practical application of two Acts which he had successfully sponsored in the Assembly.

His intention behind the Native Districts Road Boards Act (35) was to give natives a share in the local government of their own districts (36). The Act was ambitious and McLean considered it advisable that for the time being it should apply only to the district of the Ngapuhi north of Auckland. The Ngapuhi were a fine intelligent tribe who had escaped the demoralising influence of the late war. The Act provided for the appointment or election of a Board of natives, who thereby were empowered to construct and maintain roads, bridges and other public works, and to levy rates for the purposes of the Act.

After a few preliminary complications as to whether or not European land was rateable under the Act, Boards were established in the Hokianga and Bay of Islands districts. Their success in giving employment to the natives and in opening the country was largely due to the careful and energetic supervision of Wiremu Katene, member for the Northern district (37).

McLean had not mentioned education in the outline of

(35) 1871, No.LX.
his policy in 1869 but it is natural that he should turn to it as a means for bettering the social and moral condition of the natives. Up till 1867 the little native education there was had been carried on in large and expensive schools, such as St. Stephen's in Auckland, Te Auti in Southern Hawkes Bay, St. Joseph's Providence in Napier (38). An Act passed in 1867 provided for a more general and useful system, empowering the Government to give financial assistance for educational purposes but owing to the disruptive influence of the Wars, it had remained a 'dead letter.'

McLean's Act (39) was an amendment of this former one, making its terms more elastic and suitable to the conditions of 1871. He considered that native education could be carried on more cheaply and with better results in small village schools managed as far as possible by the natives themselves. A majority of native inhabitants in each district could memorialise the Colonial Secretary for the erection of a school. The natives were to contribute towards the expense in grants of money or land but Government assistance would be generously given. The clause of the 1867 Act stipulating that Maoris should be taught only in the English language was to be retained unaltered for in McLean's opinion "nothing would better tend to bridge the gulf between the two races." (40).

(39) 1871, No. 11.
A further clause had provided for the appointment of an Inspector to visit the schools, report on their progress and provide for the establishment of new schools. To this position McLean appointed Colonel A. H. Russell, and gave him additional instructions (41) as to the system to be established. Staffing of the schools was an important matter and the character and adaptability of teachers were to be carefully considered; the English games of cricket and football were to be introduced. McLean allowed Russell a certain licence in interpreting those terms of the Act relating to the contribution of the natives for in many districts they were very poor and could afford little, however generously inclined they might be (42).

From this system of education McLean expected great results. "The progress of the village school is of the first importance, as on that the whole educational advancement of the natives depends" (43). The system certainly was better adapted to Maori life than that of the boarding schools. The native children instead of leaving their parents and tribe for long periods on end to live in the alien atmosphere of the white man's town, could be educated in their own districts in schools which members of their own tribes helped to direct. But even so, having learnt wisdom from the researches of anthropologists and the ex-

(41) A.J.H.R., 1872, F5, No.1.
(42) Ibid. Nos. 10, 23.
(43) Ibid. No. 4.
perience of men like Lugard in Central Africa, we can still criticise the system on the grounds that by giving the native education through the medium of the English language and English games, it implied an attempt to turn him into a white man. At the scheme must be judged in the light of 1870. McLean's aim then was to end the "splendid isolation" of the natives and make them live as good citizens alongside their European neighbours. In a small and rapidly developing country as New Zealand was in 1870, the only possible course seemed to be to civilise, and so to Europeanise the natives.

The immediate response of the Maoris was an enthusiastic demand for schools, and offers of buildings and land for sites were speedily made (44). By 1872 there were at least thirty village schools in existence besides the more expensive but less suitable boarding schools in Napier and Auckland.

It was a diplomatic move on McLean's part to introduce the topic of native affairs into the debate of no-confidence in Fox's Government early in the session of 1872. Stafford's motion had criticised the Cabinet on the grounds that administration of public works and immigration had been unsatisfactory and that the habitual absence of Ministers from the seat of Government prevented unity of action. From the second charge Stafford specially excepted McLean, remarking that the nature of his portfolio made his absence

"proper and fitting" (45).

In a long speech on August 23rd, 1872, McLean gave a review of the change in native affairs since 1869 (46). He pointed to the cessation of all military operations against the natives, to the overtures of peace made with the Waikato tribes, to the visit of Wiremu Kingi to Whanganui, and to the peaceful behaviour of the surrendered "hapus" of the Urewera tribe. He pointed out the returning interest of the natives in agriculture and industry, mentioning especially the town of Opotiki in the Bay of Plenty, a town which former Governments had contemplated abandoning (47). He gave the statistics for native education: whereas in 1869, there were 20 schools and 176 scholars, by 1872 there were 30 schools and an average of 348 scholars (48). He finished with the just remark that he had "struggled most earnestly to secure the settlement of the Country on a peaceful and firm basis" (49).

Stafford and his supporters felt that the introduction of native affairs into a debate on public works was both unfair and unfortunate (50). The choice between the devil

(45) P.D., Vol.XII, p.567.
(47) A.J.H.R., 1871, F6A, No.3.
(48) This increase may seem small but it was achieved throughout the year 1871-2 rather than over the whole period, 1869-72.
(49) P.D., Vol.XII, p.641.
(50) P.D., Vol.XII, p.679: "The native question jumps up like a jack-in-the-box and puts aside the real question upon which the resolutions are founded."
or the deep blue sea was forced upon the House for "If we adopt these resolutions we may be hurried into a disastrous and bloody civil war or if we reject them we should be continuing a system of reckless and lavish expenditure of the revenue of the country" (51). Similar remarks by other members show the esteem in which McLean was held and the opinion in the House was that even if his policy could be criticised as "a flour and sugar policy", it was preferable to the "gun-powder policy" for which Stafford was notorious (52). In spite of Stafford's bait excepting McLean from his vote of censure and in spite of persuasion from the members, McLean flatly refused to desert Fox and it seemed likely that the no-confidence motion would fail (53).

But the Assembly returned again to the real point at issue and Fox's Ministry was defeated by a narrow margin. One side of the House abused McLean as unpatriotic to desert the Native Department, and the other as "the blackest traitor that our chequered political history has yet produced" (54) if he did. McLean preferred the opprobrium of the former and resigned with his colleagues, with the distinction of retaining the title of "Honourable". For lack of any other experienced member, Stafford himself was forced

(51) P.D., Vol.XII, p.641.
(52) Wgtn.Ind., 1/7/72; P.D., Vol.XII, p.675.
(53) Wgtn.Ind., 7/2/72: "on his word (McLean's) apparently depends the standing and falling of a Ministry."
(54) Wgtn.Ind., 6/7/72.
to take over the administration of native affairs, and McLean was afforded a respite which proved no more than a very brief interval, for after three weeks Stafford in his turn was defeated and a new Ministry under Waterhouse with McLean and Vogel in their old places of Native and Finance Ministers respectively, took office.
CHAPTER VI.

1872-3. General condition of native affairs; need for revision of native land laws; increased representation to natives.
Departure of Bowen; MocLean's visit to Kawhia; murder of Sullivan.
Land legislation of 1873: Maori system of tenure; existing legislation; Native Land Act; additional acts; consequences of 1873 legislation.

It was in the year 1872 that MocLean first sent out a circular to officers in each native district, asking for information as to the state of native feeling generally, the moral and physical condition of the natives, their attention to agricultural pursuits, and the progress of public works among them (1). Thus began the custom of an annual general report on the above lines from each district. These reports enabled the Native Minister to form a clear conception of the social conditions of the Maoris, the progress of his legislation, and lines along which further improvements could be made.

Though the reports furnished in 1872 bear out on the whole MocLean's optimistic remarks in the House, there were a few qualifying points which he had judiciously omitted. Sickness was reported in many districts and officers gave their opinion that the native population was rapidly declining. Nearly all tribes were very poor and some of them as yet showed very little interest in agriculture (2).

In spite of the Restriction of the Sale of Liquor Act of 1870, drunkenness still seemed common and was of course a severe set back to any form of progress. Though some tribes seemed again disposed to sell or lease their land to European neighbours, there was much general dissatisfaction with the machinery for so doing provided in the existing Native Land Act (3). It was recognised that such measures as the Native Land Fraud Prevention Act only touched the edge of the problem of native land administration and that a thorough overhaul of the whole system was necessary.

For some time MoLean had promised a Native Land Bill but the House, occupied throughout its session mainly with no-confidence motions and resignations of Ministries, was not prepared at this eleventh hour to consider the complex problem of native land. MoLean only had time before the session ended, to hurry through a Rangitikei-Manawatu Crown Grants Bill, an attempt to settle finally the Rangitikei-Manawatu block giving the natives a clear and legal title to their reserves, and the Province a similarly clear title to an extra 240,000 acres which MoLean had bought from the natives. The very facts that disputes over this block had continued unceasingly since MoLean had begun negotiations for it in 1858, and that a special Bill was needed to end the dispute and settle the title to the land, proved only too well the need for some definite recognised

(3) Ibid. F3A, No.5.
and uniform system according to which land transactions
between natives and pakehas could be carried through (4).
Not only in Manawatu were there complications; in Hawkes
Bay the clamour of natives complaining of fraudulent land
alienation had the successful result of the appointment of
a Commission to inquire into and report on the situation
in Hawkes Bay (5).

The native land problem, therefore, was one very
difficult problem with which McLean would have to deal now
that he had succeeded in his initial task of ending the
War. There was the question of Maori health which was
fast becoming a serious matter. There was the growing
demand among tribes for increased representation in the
House. This last was a very pleasing sign of developing
interest in the government of their country, and it was
a demand which McLean could easily satisfy. His
suggestion that Maori members should be admitted to
Legislative Council and Cabinet was accepted and the
Governor in Council summoned two prominent Maori chiefs
to each body. From these chiefs useful advice and inform-
ation could be obtained and they would form a ready means
of communication with native tribes as a whole (6).

(4) The problem of native land alienation is more fully
dealt with below p.86, when considering the Land Act of
1873.
(5) Its two white members were J.C.Richmond, one time
Native Minister, and Judge Maning, the "Old New Zealander".
(6) McLean brought forward a bill providing for native
Councils in native districts, but owing to the lateness of
the session he agreed to withdraw it. The Bill was not
revived again in the next session, its place being taken
by the Native Reserves Act, 1873.
The summons of these chiefs to assist in the government of New Zealand was one of the last executive acts of Governor G. F. Bowen before his departure from New Zealand. He had been a staunch friend to MoLean, and had showed interest in the natives and tact in his dealings with them. He was unable before he left New Zealand to carry out McLean's suggestion that an amnesty should be proclaimed for all past offences of a political nature of the Maoris. MoLean accompanied Bowen on farewell visits to many of the tribes and their last act together was the unveiling of a monument to Tamati Waka Nene in the Bay of Islands.

When McLean was returning from farewelling Bowen in April, 1873, chance brought about an event which promised to be a big step towards renewing friendly relations with King Tawhiao. Bad weather drove the Government vessel "Lune" with McLean, Vogel, Chief Justice Arney (Acting-Governor) and Wi Tako, Maori member of the Legislative Council, on board, into the harbour of Kawhia, midway between Manukau and Whanganui. For about twelve years this harbour had been closed to European shipping, and of late the village of Kawhia had become the home of Tawhiao and his relatives. It might be supposed, therefore, that the unexpected appearance of the vessel would have roused the resident natives to hostilities. It was not so. The ship was received in a very friendly manner, allowed to anchor until the storm subsided and was visited by many
natives including Tapihana "a notoriously turbulent chief" (7) and a protagonist in the Taranaki War. As he conversed with McLean and Wi Tako, his defiant manner altered to one of friendliness and he finally asked the Native Minister to visit his side of the harbour.

Here McLean landed and was welcomed by the nineteen-year old son of the King, Tu-tawhiao. The meeting affords an illustration of McLean's tact in managing natives and his care not to wound their susceptibilities. By alluding frequently to his friendship with Tutawhiao's grandfather Potatau and ignoring the unfriendliness of Tutawhiao's father, he won the young man's confidence to the extent of trusting himself on board the "Luna" and dining with McLean and his companions.

Such an action was of considerable significance when the King and all his relatives had been separated from Europeans for such a length of time. "The utmost care was taken that no act should be done or no expression uttered which could awaken suspicion or wound their smallest susceptibility". (8). The emotion of the young man showed how deeply he felt the importance of the occasion. He was anxious that McLean should wait to interview his father, but pressure of business forced McLean to refuse, though he promised to return again to meet Tawhiao. It was hoped that the accidental visit

would lead to the opening of the harbour, for Tāpihana promised that first McLean would be allowed to come, then Government vessels, then all vessels. Arney attributed its complete success to "the personal influence of the Native Minister and the judicious manner in which that influence was applied." (9).

But as in 1871 the brighter outlook had been clouded by the murder of Todd, so the event was repeated and the murder of Timothy Sullivan neutralised the happy effects of the Kawhia visit. Surveyors working on a block of land near Cambridge had frequently been molested at their work but without serious consequences until on April 24th, one of their number, Sullivan was brutally murdered and his companions were pursued for some distance. As in 1871, the Thames settlers were much alarmed and held meetings to discuss the crime, fearing that in this case the murderers would certainly raise the natives of the district against the Europeans. Immediate action was demanded. "The day has gone by for condonation and no Ministry would retain the confidence of the country which did not, in this special instance, enforce the law as far as possible." (10).

McLean did not hesitate to take all steps necessary for the protection of the settlers. He reinforced the Armed Constabulary in the district and ordered them to guard

(9) Ibid. No.11.
(10) Wgtn.Ind., 26/4/73.
all roads, bridges and fords. All survey parties were withdrawn. But his opinions had not changed from those he had held in 1871, and he was still the exponent of conciliation rather than of war. His next step was the politic one of appealing to Tawhiao himself to surrender the murderers, or failing that to obtain from the leading chiefs of the Waikato district an assurance that the murderers of Sullivan had not their support. This delicate task MoLean entrusted to James MaoKay, an experienced Native Commissioner and one well known among the Waikato natives (11).

The mission certainly proved more delicate than MoLean had expected for it nearly ended in the murder of MaoKay himself. Early one morning while he was at Te Kuiti he was suddenly attacked and only managed to protect himself with great difficulty and at the cost of several wounds. But the attack brought to his side Rewi Maniapoto who offered him friendship and protection throughout the remainder of his visit. In spite of his unpleasant experience he did his best to carry out his task. Tawhiao and Tamati Ngapora Manuwhiri refused to see him but MaoKay, using Rewi as an intermediary, left the Waikato natives with three questions for their consideration: whether the King had instigated Sullivan's murder; whether the murderers

would be given up to be tried; if not, whether the chiefs would stand aside and allow the Government to arrest the murderers (12).

In light of the attack on MacKay, it seemed that Sullivan's murder could hardly be regarded as other than of a political nature and that the matter could not be ignored as the Todd incident had been. Tawhiao refused to give up the criminals or to confess how far he was implicated. It was evident that force alone would bring about the arrest of the murderers but the step was one which McLean hesitated to take especially when it was discovered that the interest of the murderers in the disputed block had been ignored by the Native Land Court and therefore, to a certain extent, the crime was not unjustified. McLean, imperturbable as before, refused to be coerced by the Thames settlers who passed resolutions denouncing the maladministration of native affairs during the last three or four years and proposing a league to secure the abolition of the Native Department (13). He held to his own explanation of the events as the challenge of a few disloyal natives which it would be safe to disregard. He took a few further precautionary measures: women and children were brought in from outlying farms and an earthen redoubt was constructed on the border of the Waikato district. Finally he promised to take the

(12) A.J.H.R., 1873, 53.
(13) H.B.M., 15/5/73.
first available opportunity for apprehending the murders (14).

It is a case in which history repeated itself. The "available opportunity", in McLean's view never offered itself and the end of the Sullivan incident was similar to that of the Todd incident. The warrants for the arrest of the murderers remained in existence, the King natives stubbornly refused to give up the murderers, and McLean did nothing. Gradually the fear and indignation of the settlers subsided and another critical period was safely tided over.

The session of 1873 was fast approaching and as in the previous year, officers in native districts sent in their reports to be presented to the House. The general opinion among the officers that distrust of the Europeans was noticeably decreasing vindicates McLean's treatment of the Sullivan murder as an event of no far-reaching significance. As a result of his visit to Kawhia, the Raglan natives demanded the opening of the harbours of Kawhia and Aotea. Colonel Russell was able to report fairly favourably on the progress of native schools, remarking on the cleanliness of the native children and their orderly and respectful conduct but deploring the irregular attendance at most of the village schools (15). But among the

(15) A.J.H.R., 1873, G4 and G4A.
reports there were the same complaints of drunkenness, decreasing numbers, and land disputes.

McLean realised that the problem of land alienation must be faced and he embodied his suggestions in the measures of 1873. The Native Council Bill, brought in at the end of the previous session was revived; but its life was short for McLean considered its place was taken by his Native Land Bill. Supplementary to the Native Land Bill were the Native Grantees Bill, the Native Land Duties Bill, the Native Land Fraud Prevention Bill and the Native Reserves Bill.

Before elaborating McLean's proposals, it is necessary to give a brief description of Maori tenure of land. The common view of Maori tenure as communal is a superficial view. Although each tribe claimed ownership over a certain portion of land, within this tribal territory various "hapus", family groups or even individuals could hold land in exclusive possession (16). The influence of the tribe as a whole was, however, paramount, and no action could be taken affecting the land unless in accordance with tribal opinion. The position is summed up by Firth: "An individual right of occupation but only a communal right of alienation" (17). Land was the basis of Maori economic life and loss of the land endangered his future welfare.

(17) Ibid. p. 368.
But possession of the land meant more to the Maori than merely means of livelihood. He had for it a real affection, far beyond sentimentality. It was bound up with his "mana" and with his emotional and spiritual life. It is in the light of these remarks that the native land measures and their consequences must be considered.

The system of native land alienation existing in 1873 was based on the Native Land Act of 1865 which had provided for the establishment of the Native Land Court. The function of this Court was to investigate and settle the titles of native land to be leased or sold to Europeans. At first only ten individuals were entitled to recognition in the certificate of a Crown grant issued by the Court. The intention was that these ten should act as trustees for the remainder of the tribe, but more often than not, the trustees played the part of absolute owners, took the profits from sale or lease and completely disregarded the other grantees. An amendment of 1867 tried to remove this injustice by providing that the names of all interested should be registered in Court if not inscribed on the certificate. Even so, confusion remained and one of the chief grievances of the Maori was the extinguishing of the communal title to land in favour of a few individuals.

Another source of grievance was the absence of definition of the interests of the several grantees when the Crown grant had been issued. The alienation of one individual's interest meant a constant pressure on the others until
they too usually sacrificed theirs. The Native Lands Fraud Prevention Act of 1870 had been an attempt to check exploitation of the Maori by landsharks, but its workings were not entirely satisfactory and a thorough revision of land regulations was essential.

The Hawkes Bay Native Lands Alienation Commission threw much light on the faulty system and supplied McLean with ample material from which to draw up a new system. This Commission carefully examined over three hundred cases and its chairman Richmond forwarded with his report a plan based on his interpretation of the evidence (18). Another scheme in the form of a draft bill was forwarded by Sir William Martin (19).

To a limited extent McLean used these suggestions but he had his own ideas. He realised that a sufficient quantity of land was a "sine qua non" for the Maoris. To ensure that sufficiency of land, tribal estates must be more accurately defined and the results carefully recorded. The natives would be ensured a permanent home, "An ancestral patrimony accessible for occupation to the different 'hapus' of the tribes... places which they could not dispose of and upon which they could settle down and live peaceably side by side with the Europeans" (20).

This ideal was an excellent one and McLean's Native

(18) A.J.H.R., 1873, G7.
Land Bill was an attempt to translate it into practicable terms. The more accurate definition of estates was to be obtained by a division of tribal estates into "hapu" or family holdings. Then a memorial of ownership was to be issued by the Native Land Court containing the individual names of every member of the "hapu" or tribe interested. For each man, woman and child in the "hapu" fifty acres were to be set aside. This reserve was then to be held in accordance with native custom and was to be strictly alienable by sale, lease, or mortgage except with the consent of the Governor in Council.

In the case of land over and above the reserve, the amount of the proportionate share of each owner was to be declared in the memorial of ownership if the majority of owners so wished. The land comprised in such memorial could be partitioned and the share of sole or collective owners could be sold if the Native Land Court was satisfied of the justice of such transaction and "of the assent of all the owners to such sale" (21). No transfer of land was valid unless executed by every person named in the memorial according to the strict formalities of the Act. McLean did not intend that individual interests, except where held in severalty, should be the subject of transfer. Whereas disposal of tribal title would be clumsy and involved, he was convinced that hapus or family would deal with their

(21) 1873, No. LVI, Sect. 59.
lands freely. "His idea was to compel division of tribal estates into hapu or family holdings, and then push on to individual titles." (22).

Precautions against miscarriage of the scheme were plentiful. Thorough investigation into the native land title was to be made by District Officers who were to submit to the Government a map distinguishing tribal boundaries, and supply authentic and accurate information as to the tribal lands and the genealogies of the owners. The result of this inquiry was to be entered into a local reference book, a species of Domesday Book. McLean intended that the New Zealand natives estates were to be listed while yet the old chiefs remained who could testify to their ancestral rights (23). Carried out according to the written word the scheme would have left no title unascertained.

On this ambitious project, the House made no illuminating comments. Members objected only to the change in the system of apportioning the salaries of the judges of the Native Land Court. Viewed in the light of future developments, McLean's own closing words are rather ironic: (24) "It might be urged that this measure would encourage communism but as far as he had been able to learn it would

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(22) A.J.H.R., 1891, Gl. Report of Commission on Native Land Laws. Mr. Curnin who drafted the 1875 Bill for McLean, gives valuable information before this Commission as to McLean's intentions.
(23) Ibid.
not do so to any extent which might be injurious. . . .
He thought it necessary to make one of the leading
principles of the bill an assurance to those people who
were the aboriginal inhabitants of the soil that they would
not be deprived by any changes of administration or by any
changes in the law of lands secured to them under such a
title."

The other land laws introduced during the same session
are less important than this Act (25). The amendment to
the Native Land Fraud Prevention Act aimed at extending
further protection to natives by providing that no judgment
affecting alienation of land should be registered unless
certified to by a Commissioner. A Native Land Duties Act
fixed duties payable to the Government on alienation of
native land. A Native Reserves Act provided for the
better administration of existing reserves. In each
district natives were to elect three of their members to
form a board to assist the Commissioner of the district
in the administration of the reserves. McLean intended
where possible to give the natives training and experience
in managing their own affairs (26),

No land legislation could have had more disastrous
results than did these measures of 1873, more particularly
the Native Land Act. McLean was over careful in thinking
out safeguards for the Maori land and the Act was rendered

(25) For these Acts see 1873, Nos.XLIV,LI,LVII,LX respec-
tively.
unworkable by the multitude of conditions relative to the investigation and determination of title and the alienation and disposition of land. The precautionary instruction that individual names should be included in the memorial of ownership was the weak point in the Act. It established the principle of individual title, and the tendency to act accordingly proved overwhelmingly strong. None of the measures which should have counteracted that tendency was ever effected. "No District Officers were appointed; no reports were made; no Domesday Book, founded upon evidence fast dying out, was prepared; no reserves were set aside; no division of tribes into hapus before dealing was attended to: the desire to purchase native estates overruled all other considerations." (27).

For the Act commenced its career at an unfortunate period. Thanks to the Immigration and Public Works policy, the Colony was making great strides in development. The opening up of the country and the steady flow of immigrants meant a constant demand for land and a constant pressure on the native to sell. When memorials of ownership contained in some cases the names of several hundred persons scattered from the East Cape to the Wairarapa (28), it was almost impossible that the consent of all those interested would be obtained. Therefore, Parliament, Government, and

more especially the Native Land Court, followed the path of least resistance, ignored the checks laid down in the Act and helped to establish and perpetuate the system of individual dealing in tribal lands.

"The peace of the pakeha", said the Maori, "is worse than his war." In the evil effects of the 1873 Native Land Act, he had good grounds for that condemning remark. Under the new system alienation of native land took its worst form. Public and tribal methods of purchase were superseded by individual, secret and often fraudulent dealings. The European could obtain entrance into the tribal title for some trivial bribe. It was then only a matter of time before he ousted the owners and took complete possession. The most thorough summing up of the evils is made by the Commission of 1891. The land was obtained from a helpless people... The right to occupy and cultivate possessed by their fathers became in their hands an estate which could be sold. The strength which lies in union was taken from them. The authority of their natural rulers was destroyed... Eager for money wherewith to buy clothes, food and rum, they welcomed the paid agents, who plied them with cash and often with spirits... Of all the purchase money paid for the millions of acres sold by the Maoris not one sixpence is left. Their remaining lands are rapidly passing away... But it was not only in the alienation of their land that the Maoris suffered. In its occupation
also they found themselves in a galling and anomalous position. . . In the old days the influence of the chiefs and the common customs of the tribe afforded a sufficient guarantee to the thrifty and provident; but when our law forced upon them a new state of things, then the lazy, the careless, and the prodigal not only wasted their own substance, but fed upon the labours of their more industrious kinsmen. . . The disputes arising (from the consequences of Native land legislation) have compelled the attention of the public at large, they have filled the Courts of the Colony with litigation, they have flooded Parliament with petitions, given rise to continual debates of very great bitterness, engrossed the time of Committees, and while entailing very heavy annual expenses upon the Colony, have invariably produced an uneasy public feeling. . . Other mistakes in legislation have produced disasters, but it is difficult to find a parallel to the evil consequences which have resulted in New Zealand as the fruit of a mistaken system." (29).

Such was the tragic failure of McLean's attempt to secure to the Maoris the undisputed possession of their beloved land. The only consolation to be found is that McLean himself never imagined that such consequences would eventuate. But it is not a very satisfactory consolation for the failure to carry out all the conditions of the Act

(29) A.J.H.R., 1891, G1, pp.x-xi.
and the tendency towards individualisation must have become evident during his lifetime. In 1874, for instance, a Committee on Native Affairs called attention "to the importance of the petitions against the Act of 1873 as coming from very large native districts and as bearing upon their faces the clearest proof that they are not the result of any concerted action and that they are genuine expressions of the native mind" (30). The Committee stressed the impossibility of carrying out the stringent conditions in the Act and remarked that the old system was more acceptable to the natives. Yet the only amendment Act McLean introduced, that of 1874 (31), merely provided for partition of lands though not to be sold or leased, and for judges of the Court to be assisted by Native Assessors. Not till 1891 was any real attempt made to cope with the fundamental cause of native grievances - the individualisation of tenure. By that time the evil had been done.

(31) 1874, No. LXXV.
CHAPTER VII.

1874-6.
1874. Education; native census; agriculture; land troubles; McLean's visit to Australia; work of the session; McLean's knighthood.
1875. Opening of Ohinemuri; visit to Tawhiao - its significance; attack on Land Purchase Department; West Coast confiscated lands; native education; working of road boards; general opinion of native feeling.
1876. Meeting with Tawhiao; McLean's illness - retirement - death 1877.

Of the many tribes once supporting the King Movement, by 1874 there remained only two - the Waikatos and the Ngatiamaniapotos. Tawhiao the King was even intimating by fleeting visits to Raglan and Alexandra that he would not be averse to a friendly meeting with the Native Minister. McLean bided his time until overtures were more definite and so the meeting, anxiously expected by both settlers and natives was delayed a little longer. The year 1874 was a very quiet one in the history of native affairs. McLean spent two months at the beginning of the year visiting the Bay of Plenty and the East Coast, settling minor land disputes among the natives and praising them for their industry in roadmaking. Then having brought the Horowhenua dispute to a triumphant conclusion (1) he took a well deserved holiday and accompanied by Ropata Wahawaha left in April for a four months' visit to Sydney.

(1) See above p.66.
While he was away, his subordinates supervised the working of his policy. The interest of the natives in education was still keenly revealed, for by 1874 the total number of schools had reached 66 and the total number of pupils about 1,500 (2). Those tribes who had suffered least in the late wars were most eager to make use of the facilities for education afforded them. Thus north of Auckland alone, there were fifteen village schools, and ten among the loyal Arawas in the Bay of Plenty, whereas in the Waikato only one had been established.

The census of native population taken this year does not bear out the pessimistic suspicions of officers that the Maoris were declining. The figures 45,470 for 1874 show an increase of nearly 8,000 when compared with the figures of the census of 1871. McLean had responded to the complaints of sickness by providing free medical attention in native villages.

The stimulus given to agricultural occupation was bringing the desired result. The Ngatiraukawa whom Locke had tactfully conciliated two years previously, had established a flour mill at Tokanu with the assistance of the Government. From Opotiki, came the report of Native crops of maize, wheat, kumara, potatoes, and the demand for hops; from Tauranga, of wheat grown and sold by natives of the district amounting to 12,000 bushels; from Whanganui, of the

(2) A.J.H.R., 1874, G8. This is out of a Maori population of about 45,500.
successful cultivation of the hop plants and mulberry
trees presented by McLean (3).

Land, always too ready a source of trouble, was at
the root of movements of some slight importance among the
Ureweras, Upper Whanganui and Hawkes Bay natives. In
all cases, leagues had been formed demanding the return
of confiscated lands or repudiating past transactions,
and demanding the cessation of further selling and leasing
to Europeans. That these leagues were not widely
supported was shown by the ever growing tendency to make
use of the Native Land Court and its officials.

McLean returned in time for the opening of the session
in July. To the many complaints against the 1873 Native
Land Act, he gave the rather unsatisfactory answer that
"the Act had not had a fair trial" (4); but he consented
to bring in an amendment providing for Native Assessors
to assist Native Land Court judges. In that the amend-
ment did not radically alter the Act, it did little to
improve it. He also introduced an Amendment to the Out-
lying Districts Sale of Spirits Act of 1870. Native
Assessors were enabled to sit on Licensing Benches with
magistrates and thereby to have a vote in granting of
licenses. This method of patching up previous Acts was

(3) A.J.H.R., 1874, Vol.II, G2. Reports from officers of
Native Districts.
criticised by members who demanded more comprehensive legislation and stricter regulations (5). McLean ignored these complaints. To the long and heated discussions on the provincial system, the question of the day, McLean had nothing to contribute. In very few cases during his Parliamentary career, did he ever offer suggestions on matters other than his own speciality.

Once more the Queen delighted to honour him for his good work and he was raised to the rank of Knight Commander of St. Michael and St. George. There was even a rumour that thanks to his success among the Maoris, he would be promoted to the position of Governor of Britain's latest acquisition Fiji (6). It was no more than a rumour, for the honour went to Sir Arthur Gordon and the New Zealand natives kept their Great White Father.

At the end of the year Te Hira Te Tuiiri, stubborn owner of the Ohinemuri block, weakened at last beneath the persuasive influence of James Mackay, the Civil Commissioner of the Thames district, and consented to the opening of the block. McLean who had striven for this since 1869 (7) now asked, not for the land, but only for the concession of mining rights; for "it is not the wish of the Government that any undue pressure should be put upon you to abandon the place where you live" (8). The opening

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(6) H.B.H., 15/10/74.
(7) See above p. 44, note (1).
(8) N.Z. Times, 30/12/74.
of the Ohinemuri district had a political as well as an economic significance; for, with the location of a larger European population in the Thames district, a native insurrection in the King Country would be more difficult and less probable than previously. In February, 1875, McLean was able to visit the district to conclude the negotiations begun by his reliable subordinate, and on March 3rd the Ohinemuri block was declared a goldfield under the New Zealand Goldfield Act, 1856.

The opening of the Ohinemuri district was a more popular success than an achievement really of far greater importance, the crowning success of McLean's career - his meeting with King Tawhiao early in 1875. Though McLean did not agree to the meeting until Tawhiao had gone to the length of telegraphing to him to come, colonists criticised it as too great a concession and as likely to prove a false step (9). They were wrong and McLean was right. On the 3rd and 4th of February the long expected meeting took place at Waitomo. (10).

As it was the first interview Tawhiao had had with a Government official for twelve years, McLean did not consider it wise to do more than express a desire for friendly relations and to outline certain terms upon which a future agreement could be based. Tawhiao, visibly excited, departed from his usual custom of refusing to speak at a

Maori meeting or to welcome visitors personally by greeting McLean with what was for him a long speech. McLean, treating Tawhiao in the same manner as he had treated his son at Kawhia, played the part of the old family friend by tactful allusions to the visits he had made to Tawhiao's father Potatau, long years ago.

The main discussion was held on the 4th. Tawhiao candidly brought forward the old stumbling block - confiscated lands - and demanded that they should be given back. Once they were restored, the path to peace would be clear. McLean in spite of the Taranaki restitution (which he never openly admitted) maintained that "the lands had passed away from them and could not be restored" (11). With the eyes of New Zealand upon him, he was probably not prepared to make a concession to expediency similar to that made on the West Coast. So Tawhiao's demand was answered by a flat negative, but McLean was able to bring forward alternative concessions. The Government was prepared to recognise Tawhiao's right to exercise authority over his own tribes and adherents and would support him in carrying out the duties of maintaining order and suppressing crime among his people. To assist him in carrying out this task, McLean suggested that he select a number of chiefs to form a species of advisory council. The Government was also prepared to build him a suitable house at Kawhia and reserve him certain

(11) Ibid No.15.
portions of land. In his usual fashion, McLean made it clear that there was no hurry for Tawhiao to reply until he had conferred with his people and had given the proposals due consideration. By the end of the visit Tawhiao’s less reserved manner and his pleasure at the interview were signs that the terms were favourable to him. “Do not suppose that this is to be your last visit up here” he said to McLean. “No, it is not; the oftener you come up here the better” (12).

The terms McLean had offered were certainly very generous. They implied really an "imperium in imperio" and a recognition of the King as representing the Maori people. Though such recognition was a subtle form of flattery it was justified on the grounds of being both gracious and politic. Tawhiao had neither the ability nor the "mana" of his father Potatau, but carefully managed as McLean intended to manage him. He could be a great power for good among the natives.

The significance of the meeting was obvious. It expressed the altered feelings of the Waikato natives since the days of Orakau and the Gate Pa, their desire for open peace and amity and their willingness to emerge at last from their seclusion. It gave a sense of security to the White settlers in surrounding districts. It indicated once and for all that confiscated lands would not be restored. It

(12) Ibid No.15.
ended the conflict of loyalties among natives who knew and liked McLean and yet were drawn by deeper bonds to the side of Tawhiao. The "mana" of McLean and Tawhiao acting together would not be questioned. One chief summed up Maori opinion: "How can we sufficiently praise the mildness of the arrangements to lighten the dark hearts of this island? ... If affairs are continued to be so administered we will yet see the end of it like the breaking forth of the sun in morning" (13).

It must not be forgotten, however, that the meeting actually settled nothing. McLean's suggestions were no more than suggestions and Tawhiao gave no definite answer to them. Moreover among his counsellors were still some who were not in favour of a reconciliation with the pakeha (14). Doubtless a few hasty and thoughtless actions could undo much of the good McLean had done, but as long as he was Native Minister, the policy of "festina lente" would be the order of the day. The initial step, often the most difficult, had been made, and the rest would follow in due course.

(13) Ibid No.18. One is reminded of the ancient watchcry of the Maori sentry.
"The night is dark and long,
The young sleep and dream their dreams,
In the minds of the old, is doubt, trouble and fear,
Long and dark is the night but its hour draws to a close
Behold it is dawn, it is dawn, it is day."
The news of the conference was spread among the natives by Rewi who visited tribes in the Bay of Plenty shortly after. The trip and the fact that Rewi freely entered the towns and houses of Europeans were considered to be further guarantees of the sincere and earnest desire among most of the Waikato for peace.

The Colony, having enjoyed the benefits of peace now for three years, did not doubt that McLean was a past master, in the art of conciliating perverse natives, but it was beginning to wonder whether he were as able in the sphere of finance and whether the administration of the Land Purchase Department was all that it should be. In 1872 native land purchases, previously conducted under the authority of the Public Works Department, had been handed over to McLean in name as well as in fact. Under the Public Works and Immigration Acts of 1870 and 1872, he was entrusted with the total sum of £700,000 with which to purchase land from the natives for the purpose of a public estate. On his shoulders rested the responsibility for all native land purchases and for the conduct of the land purchase agents. Since 1862 when the Crown had abrogated its pre-emptive right to native land, the Government had had to compete with private purchasers. This was of little importance till the public works policy made a landed estate a necessity. The Government was brought into direct competition with the experienced agents of
private capitalists and, as McLean confessed, "it was found expedient to make terms with the most active and successful of these agents and to offer them inducements to enter Government service" (15).

Such a concession to political expediency was one of the many points about which the House was eager for information. In the session of 1874 there had been complaints of the wide authority exercised by McLean through the Land Purchase Department and during the recess the rumour was current that the Government would be attacked through that department (16). Shortly after the session of 1875 opened, McLean attempted to forestall his assailants by making a statement relative to land purchases and showing that the Government had negotiated for over six million acres for the total sum of £286,029. 0. 0d., (17) that is less than half the amount voted.

McLean's speech failed to satisfy those who felt that the machinery and system of land purchase was "involved in mystery and Parliament had placed a very dangerous power in the hands of the Government." (18). Returns were demanded giving the names of all those from whom land had been purchased or compensation paid out of the £700,000, and

(16) N.Z. Times, 20/5/75.
(17) P.D., Vol.XVII, p.224. This total acreage of land consisted of purchases and leases, both completed and incomplete.
(18) Ibid, p.571. Sir George Grey was one of his bitterest antagonists.
instances were pointed out from these returns in which the Government had stretched its powers to the furthest limits and even acted illegally. The specific charges were numerous. Members of the Legislature were accused of being interested in agreements or transactions with the Executive Government, thus infringing the Disqualification Act 1870. Government agents whose duty it was to acquire land for the public estate were charged with purchasing or leasing land for their own interest or advantage or for those of others. Complaints were preferred that unfulfilled promises in connection with land purchases existed in the South Island, and that in Hawkes Bay the acquisition of native lands had been accompanied by "scandals and dishonest dealings of certain Europeans" (19).

To none of these charges did McLean return a really satisfactory answer. He took his stand on equity rather than legality. "I do not care", he said, "whether it (the land) has been legally secured or not but it was secured in the dictates of common sense and in conformity with sound policy and equity." (20). He moved for the appointment of a select committee to inquire into the Piako Swamp purchase, an instance of the first charge implicating members of the Legislature. Another select

(20) P.D., Vol.XVIII, p.56.
committee was appointed to inquire into further alleged breaches of the Disqualification Act (21). The actions of Government agents McLean attempted to justify by declaring that "they were bound to act as they had done or else to sacrifice the North Island to speculating capitalists who would oust the small farmer." (22). While not denying that officers employed in Government service had negotiated on behalf of private persons, he condemned such conduct and promised that in future similar indiscretions would not be allowed. He had to confess that unfulfilled promises did still exist in the South Island, and though he refuted the charge against Hawkes Bay land purchasers by quoting Judge Richmond's remarks (23) to the effect that the natives had been fairly treated, he was unable to dissipate the feeling of dissatisfaction and irritation among members with regard to these purchases.

The House had been previously divided on the score of Provincialism or Centralism, and the Opposition, that is the Provincialists, led by Sir George Grey were not strong enough to make maladministration of land purchases the

(21) A.J.H.R., 1875, I4, I6. Both Committees found that breaches of the Disqualification Act had occurred.
(22) P.D., Vol.XVII, p.573.
(23) P.D., Vol.XIX, p.222: "I agree with my colleague, Judge Manning, that the natives appear to have been, on the whole, treated fairly by the settlers and dealers of Hawkes Bay." Quoted from Report of H.B. Commission, 1873.
subject of a no-confidence motion. McLean's evasive answers were accepted and no measures were passed providing for reform of the Land Purchase Department (24).

On the West Coast in the district in which the confiscation of 1865 had been tacitly abandoned, circumstances were developing which were to lead to the famous Parihaka dispute of 1880. As previously mentioned (25), the Ngatiruanui had quietly come back to their old home on the Waimate Plains. The words of McLean, bidding them return to their land "Not as strangers but as children of the soil" (26) naturally convinced the Ngatiruanui that the Government really sanctioned their return and they proceeded to sell sections of their land as if confiscation had never taken place.

The practice of taking formal deeds of cession for the land was not criticised till 1875 when it was pointed out that natives whose land had been confiscated could not legally give a title. Perhaps McLean foresaw troublesome complications. Anyway he deemed it necessary to make a change and issued verbal instructions to the officer in the district that confiscated lands were no longer to be purchased nor deeds of cession taken for them. (27).

But acquisition of land continued unabated and money was paid as before. The difference was that money was paid as compensation for former rights previous to the land becoming Crown land through confiscation. It is not difficult to see that the change of method from deeds of cession to payment of a gratuity, "takoha", really made no change whatsoever according to native opinion though in the eyes of the Government it implied recognition that confiscation had taken place.

Part of the money was publicly given to the natives interested and part secretly to the chiefs by the Commissioner of the district in whose hands rested almost arbitrary power. He could choose the recipients of his bounty and divide it at will. "We can find no trace of any principle laid down to guide him, of any safeguard against transactions being repudiated by the tribe, of the commonest precaution that at least the Government should know what was being done." (28). Besides often being wasteful (as it was on the Waimate Plains), the system had the very evil effect of demoralising the natives. Continued by McLean's successors, it contributed directly towards the complications on the West Coast in the eighties.

Not a very happy year, therefore, was 1875. McLean's prestige throughout the Colony had suffered severely from the attacks made on him in the House; and on the West

(28) Ibid. p.xii.
Coast, by following the course of least resistance he had sown dragon's teeth. Even reports from native officers were rather discouraging. The enthusiasm for education was too good to last and the majority of officers reported irregular attendance due partly to sickness, partly to the fact that parents did not encourage their children to attend regularly. The 66 schools of 1874 had fallen to 59 by 1875 and while the number of native children entered on school registers totalled 1541, the average attendance for the year 1874-5 was only 1130 (29).

Though native road boards had done useful work employing Maoris on public works there was a growing opposition to their activities, based on the imposition of road rates on lands held by natives under Crown grants (30). Legislation was recommended exempting lands so granted for the small amount the natives contributed to the rates was of far less importance than the difficulties they caused through refusing entry on to their lands and thereby stopping road construction and public works as they were doing in the Thames and Kaipara districts.

Officials were, however, able to report very favourably of the effects of Tawhiao's conference with McLean. King natives showed their appreciation of the incident by more frequent visits to European settlements and by a generally less distrustful and reserved attitude toward pakehas.

(30) Ibid. G.10.
Hau Hauism no longer of political importance was fast dying out even as a religion. Towards the end of the year Tawhiao issued a proclamation calling upon his people to discontinue evil and to support "religion, love and kindness." For the first time since the Waikato rebellion a Government officer crossed the "aukati" and unmolested visited the Waikato settlements. Acting on McLean's instructions, officers did their best to encourage friendly relations without compromising the position of the Government or the interests of the settlers.

It is not surprising, therefore, that Tawhiao before long requested another meeting of a quiet and informal nature with McLean in order that they might continue their previous discussion. At the end of May, 1876, McLean met Tawhiao again at Kaipihia and together they talked over once more the topics of the previous interview. No further settlement was concluded but Tawhiao's invitation to McLean to spend a night at his "pa" was accounted a mark of high respect. Tawhiao's manner throughout this meeting was marked by absence of the shyness and reserve which had hampered him on the former occasion.

This meeting was the last important action of McLean as Native Minister. The rheumatic fever with which for many years he had been intermittently troubled, had been aggravated by the unpleasantness of the session of 1875 and now it began steadily to assert itself. He was able
to attend the opening months of the session and to make a statement on the land purchase operations of the year which this time satisfied the House. But before long illness made him an absentee and the news of his intended retirement was soon bruited abroad. Thanks largely to his own judicious policy, his retirement was not the serious matter it would have been a few years previously but the general opinion was at least one of regret that he should have to hand over the duties which he had carried out for seven years in the course of seven ministries.

His retirement took effect at the close of the session in November and he was able to return to his home in Napier. In a long letter published in the main papers of the Colony (31) he took his farewell of the natives, thanking them for the assistance and the co-operation they had given him throughout his ministerial career and promising to watch with interest their future progress and welfare. It was a promise which Time did not permit him to fulfil for on January 5th, 1977, he died quietly at his home in Napier, and as late Grand Master of the Masonic Lodge in New Zealand, was buried with Masonic honours a few days later.

As at the death of a great chief, the natives of Hawkes Bay honoured him by holding a "tangi" to lament for the passing of their protector, their "great rata tree". In commemoration, his son Douglas McLean established eight

(31) R.B.H., 13/12/76.
scholarships at Te Aute College so that even after his death, his name could still be associated with the cause for which he had worked - the welfare and progress of the natives.
CHAPTER VIII.

Conclusion. Difficulty of estimating influence of individual.


The Carlylean interpretation of history as the pageant of great men has been laughed to scorn by those who claim that the only hero is the people and that the individual is but the victim of mighty uncontrollable forces. The more compromising historian would seek the "via media" between these two extremes and while recognising with Professor Bury that the course of history has been constantly shaped and modified by the wills of individuals, would admit that there are as well as other factors of causation. It is the well-known but unavoidable problem that confronts him. The workshop of the historian is not the laboratory of scientist and as long as the historian is cut off on account of the nature of his material from the methods of proof characteristic of true science, he must confess that his conclusions as to the influence of an individual in relation to other forces, can be no more than a provisional hypothesis. It is bearing these limitations in mind that an attempt is made to form an estimate of Donald McLean. What is his influence on the history of the Maoris? What
is his place in New Zealand history?

The answer to the second question is found in the answer to the first. It has been pointed out previously that McLean confined his activities to a comparatively narrow field. The history of native affairs is not by any means the whole history of New Zealand and after the troubles of the sixties, its place is usurped by the great political and economic developments among the colonists during the later decades of the century. But for seven years McLean was in a position to affect the social and cultural, political and economic life of the Maori people. His place in New Zealand history depends on the fruits of those seven years in office, on the contribution he made to the welfare of the Maori people, and on the reaction of his policy on the fortunes of the people of New Zealand as a whole. One of the striking facts in the history of the Maori race is its re-emergence at the end of the century, a recovery unparalleled among the history of native races. It will be profitable therefore, to point to any connection between that recovery and McLean's tenure of office.

A superficial glance would seem to show that McLean could have had little influence. The story of the decade succeeding his death is the story, not of war certainly, but of unceasing friction between natives and colonists, of land disputes and loss of land, of petitions and law-
suits, of Land Acts "ad infinitum", of the Parihaka affair and John Bryce's foolish reading of the Riot Act to an assemblage of harmless and bewildered Maoris. Moreover the regeneration of the Maoris, when it did begin, was the work not of pakeha administrators but of the Maoris themselves, and chiefly of young men who could have been no more than mere children when McLean was Native Minister. But a closer and more careful view reveals certain connections and enables a juster and more balanced estimate of McLean to be formed.

The fact which obtrudes itself most obviously is that it was while McLean was in office that war was ended and peace was made secure. Not by any policy of extermination or complete subjugation did he establish peace, but by narrowing down military operations until they were confined to one object - the capture of Te Kooti. McLean failed to capture the arch-rebel but by recognising the territorial integrity of the Waikato and by making them "ipso facto" directly responsible for Te Kooti's good behaviour when he had taken final refuge there. McLean had a sufficient guarantee that Te Kooti would not again be allowed to molest New Zealand settlers. It was a questionable step in those years to rely on the good faith of the Maori, but it was one entirely justified by its success.

McLean not only ended the war but he made peace secure. "Great is the policy of conciliation and McLean
is its prophet parodied one Colonial newspaper (1), and
one cannot deny that he was an adept in the art of winning
over those who had little reason to love the pakeha. Not
only in his salutary neglect of Titokawaru on the West
Coast, in his respect for the "aukati" of the Waikatos,
in his leniency to surrendered tribes, or in his steadfast
refusal to be forced into war after the Todd and Sullivan
murders, but in thousands of small ways besides did his
healing touch reveal itself. The tact with which he
opened his interviews with Tawhiao and his son by recalling
former friendship with Potatau is one instance. Another
is the principle to which he strictly adhered of never
forcing an agreement until positive overtures had come
from the Maoris themselves. He gave them encouragement
to write to him personally about their troubles (2), took
care to show his appreciation of their services (3), and
to give them information as to his plans. "You are the
first Native Minister who has enlightened us with news",
wrote one chief to McLean, "so that we, the people of this
district of our island may know what is going on." (4).
These may seem small matters, but they were all real con-
tributions towards restoring the self-confidence of the
Maoris and making them feel there was still a place for
them in New Zealand.

(1) N.Z.Times. 5/7/75.
Providing specific occupations for the natives was another step along the same path. By reviving their interest in agriculture, and by employing them on road-making, McLean attempted to direct the energy expended in warfare into more useful channels. In the matter of road making, it is interesting to point out the debt he owed, a debt which he himself acknowledged (5) to General Wade and his policy in the Highlands after the rebellion of 1745. The Maoris are by nature an industrious people and the stimulus McLean gave helped them until they began once more to find their own feet.

McLean's educational measures, though criticised as implying Europeanisation of the Maori, had some lasting value, for the Education Department which took over from the Native Department control of Maori education in 1879, continued the system which he had inaugurated. "The splendid system that is being administered by the Education Department today was created out of the more spasmodic but excellent pioneering work of the -- -- schools by the Native Schools Acts of 1867 and 1871" (6). Moreover the Young Maori Party (7) from whom the first effective impulse toward the revival of the race came in the nineties was the creation of a few young Maoris who had had an advanced

(5) A.J.H.R., 1874, Cl.
(7) The Young Maori Party grew out of the Te Aute College Students' Association. Apirana Ngata who was its moving spirit had graduated M.A. and LL.B. at Canterbury University College, N.Z.
European education and it was among the more educated Maoris that they found support.

Against these positive and beneficial contributions to Maori progress must be set the disastrous results of McLean's land legislation. There can be little doubt that this must have negatived much of the good McLean had done during his lifetime. Perhaps it was partly because he relied too much on the personal influence which rarely failed him that he did not attempt to remedy the evil consequences of the 1873 session, and there is ground for believing that he was unconscious of these results. For the "confusion, loss, demoralisation and litigation without precedent" (8) of the succeeding years, McLean must be held largely responsible. By weakening the communal and tribal system the policy of land individualisation made so much more difficult the task of reviving the energy of the native people.

The West Coast complications of 1880-1 can also be attributed partly to McLean though as Mr. Mulgan has pointed out (9), they probably would not have eventuated had McLean lived. His method would probably have been to ignore Te Whiti and not to force upon him the contact with the white man from which he was so averse. The

attempt to force through the survey of Parihaka in spite of the protests of the Maoris, the tactless treatment of the mystical but pacific Te Whiti, the despatch of the Armed Constabulary and the reading of the Riot Act can all be charged against John Bryce, Native Minister from 1879 to 1884, in his omission to set aside native reserves promised on the West Coast and his failure to make clear whether or not the confiscation of the West Coast land was still valid.

McLean's attempts to cope with the Maori problem must have been complicated by two factors: the small size of the country and the rapid increase in its population from the seventies onward, both of which made close contact and friction between European and Maori inevitable. The actions of the numerous settlers, often hasty and thoughtless, greedy for land, scornful and ignorant of Maori customs and culture, must have gone far to neutralise the actions of one man occupying a prominent position for a comparatively short period.

A fair estimate of McLean's place in New Zealand history would seem to be that by his policy of "enlightened expediency" he secured to the Maori the necessary peace and the means whereby he could regain his self respect and face again with new heart contact with the pakeha. By giving the Maori a "raison d'être" McLean helped to dispel that "inferiority complex" which was the psychological cause of the wars of the sixties. McLean's whole career was a steady plea for the recognition by the pakeha of the
worth of the Maori character and his place as an integral part in New Zealand life. "The natives were looked down upon by the generality of Europeans, who said", as a chief once remarked to McLean, "our skins and thoughts were both dark and not clear like theirs... It was you who first recognised our position and made it your duty to assist us to the utmost of your power." (10).

Such is his place in New Zealand history. What is his place in the wider field of the history of the administration of native races? Today, after a process of trial and error for over a hundred years, Britain has at last found a method of ruling her native peoples which leads not to the extermination but to the fuller development of the race. It is to the standard of Indirect Rule worked out in Central Africa during the twentieth century that one would compare McLean. The system can be summarised as the adaptation of existing institutions to new needs. "Native institutions while being preserved are not allowed to stagnate but are encouraged to evolve and become more and more serviceable to their people" (11). The most significant institution among tribal peoples is that of chieftainship and it is on this that Indirect Rule is based. "The native chiefs are constituted as an integral part in the machinery of government. There are not two

sets of rulers British and native ruling separately or in co-operation but one in which the natives have well defined duties and an acknowledged status." (12). Native chiefs enforce tribal law in native courts; they appoint district headmen to whom falls the duty of collecting taxation. So the chiefs are responsible native civil servants and as far as possible the whole business of government is carried on by the natives themselves. The duty of supervision is reserved to the British administration who, while keeping in the background, gives advice and assistance where it is needed.

Judged by this standard, the faults in Grey's system are revealed. His ideal was an amalgamation of European and native through the medium of English institutions. His wonderful personal influence gave him a temporary success but the extreme paternalism which his government implied did nothing to educate the Maori to adjust himself to European civilisation. Nor is that problem satisfactorily solved by the Location system of Theophilus Shepstone in South Africa. Segregation of the two races is a begging of the question - a partial solution possible only until contact becomes unavoidable.

McLean's policy comes midway between that of Grey and Indirect Rule. As pointed out previously (13), McLean

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(13) See above p.31.
did recognise the potentialities of the tribal chiefs and deplored their neglect by previous native Ministers. But McLean in his turn failed to give the Maori chiefs "the well defined duties and an acknowledged status" which are the "sine qua non" of Indirect Rule. Certainly he relied on native chiefs as military leaders, Ropata and Kemp being conspicuous examples. He relied on native chiefs to act as intermediaries between the Government and hostile tribes. He entrusted native chiefs with responsibility for the good behaviour of surrendered tribes and prisoners. He approved and endeavoured to encourage the attempts of native chiefs to restrict the liquor trade among their peoples. But these instances form part of no clearly thought out system. He gave the chiefs no well defined duties and privileges which would last when his own personal reliance on their ability was gone. Road boards, school committees, native assessorships, none of them received the encouragement, assistance and recognition necessary to co-ordinate them into a permanent and firmly established system of native administration. They were but parenthetical; for McLean's ideal, like Grey's, was Europeanisation, an ideal the logical implications of which meant not adaptation, but destruction of tribal institutions.

There does seem an opportunity during those years after peace had been established in 1872, for a thorough exploration of the potentialities of tribal institutions. The
success of McLean's reliance on the co-operation and capabilities of Maori chiefs, the interest in political activities revealed in such ways as requests for Parliamentary representation, formation of leagues and associations among the tribes, support such a hypothesis. The old chiefs, revered for their "mana", and shrewd in their understanding of Maori society, had not yet all passed away, and offered good material for the application of some tactful system of indirect rule. The ability of the Maoris for political activities could have been utilised in a permanent system of native councils.

But McLean had not learnt from the faults of Grey. Both were vain of their personal influence among the Maoris, jealous of anyone who threatened that influence and both were victims to the theory, so tenacious of its existence, that the native could be Europeanised. Personal influence is a palliative but never a cure. Neither realised this and neither tried to work that influence into a surer and more solid system of native government. Though McLean was hampered by the thoughtlessness of the land-grabbing Colonist, it would seem that he lacked the imagination and insight, the breadth and penetration of mind, which alone would have enabled him to perceive and seize the opportunity which Time had afforded him of forestalling the great administrators of twentieth-century Central Africa.
But though he made no positive contribution to the science of native administration, one can only wish that there had been more men of his standard to govern the Maoris of New Zealand. Grey and McLean— who else is there whom New Zealand can count among her great Native Ministers? Half the Maori-pakeha troubles of the century may be attributed to ignorance of Maori customs, haste, and a flair for misunderstanding. They were not faults of which McLean was conspicuously guilty. With the tribute of one of his oldest and sincerest friends, Ropata Te Wahawaha, one would leave him: "Some small chested ones might vainly imagine that he could stem the foaming crests of ocean's waves; but no—it required a strong and broad-chested man to breast the ocean's waves and such was our father" (14).

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For the sociological background, the following are all useful:-


## Appendix.

### Ministries, 1869-77.

<table>
<thead>
<tr>
<th>Name</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox</td>
<td>28th June, 1869</td>
<td>10th September, 1872.</td>
</tr>
<tr>
<td>Stafford</td>
<td>10th September, 1872</td>
<td>11th October, 1872.</td>
</tr>
<tr>
<td>Waterhouse</td>
<td>11th October, 1872</td>
<td>3rd March, 1873.</td>
</tr>
<tr>
<td>Fox</td>
<td>3rd March, 1873</td>
<td>8th April, 1873.</td>
</tr>
<tr>
<td>Vogel</td>
<td>8th April, 1873</td>
<td>6th July, 1875.</td>
</tr>
<tr>
<td>Pollen</td>
<td>6th July, 1875</td>
<td>15th February, 1876.</td>
</tr>
<tr>
<td>Vogel</td>
<td>15th February, 1876</td>
<td>1st September, 1876.</td>
</tr>
<tr>
<td>Atkinson</td>
<td>1st September, 1876</td>
<td>13th September, 1876.</td>
</tr>
<tr>
<td>Atkinson</td>
<td>13th September, 1876</td>
<td>13th October, 1877.</td>
</tr>
</tbody>
</table>

(reconstituted)