

Maoris would not have militated against the success of the constitution but for the probability that the colonists would eagerly seize the opportunity it afforded to legislate so that they might acquire the native lands, even at the cost of war. The scattered and defenceless British settlements contained only some ten or twelve thousand people—less than a tenth of the Maori population. The Maoris were exceedingly well informed on political questions, were keenly alert to all the rumoured changes, and extremely jealous of their rights. The first certain indication of the violation of the Treaty of Waitangi would have been the signal for the uprising of a courageous people, possessed of great military skill, who would have experienced little difficulty in annihilating the white intruders upon their territories. The European minority, Grey feared, would certainly be tempted to arrange the taxation in such a way as to compel the Maoris to contribute the greater part of the money used in paying soldiers to coerce them—a course which was certain to end in disaster.

Another important consideration was the fact that those "to whom the new powers were to be entrusted would benefit largely from expenditure and would have a direct interest as great as possible" in legislating to increase the Government expenditure. The inhabitants of Wellington especially were largely interested in Government contracts for making roads and military works. Moreover the majority of the few votes cast would support the New Zealand Company in its proceedings, many of them directly opposed to the best policy of the Imperial Government and to the general interests of the colony.

After mature consideration, Grey decided that he could best guard the fair fame of England by strictly adhering to the solemn promises, made on several previous occasions by the Imperial Government to confirm the natives in the possession of all their land rights recognised by the Treaty. The mere rumour of an intention to use the native waste lands without compensation had driven the northern tribes to rebellion; and he remembered the pledges of Lord Stanley that the provisions of the Treaty of Waitangi would be honourably fulfilled. It was their trust in the honesty of these promises that had impelled friendly natives, such as Waka Nene, to offer that assistance which had proved essential to the suppression of the rebellion.

Once the Constitution was in force, it would be extremely difficult to amend it. The Governor himself had no power to alter it beyond moving the boundaries of the municipal districts. It did not commend itself to him as the type of constitution with which the Imperial Parliament should endow a free colony. Such an enthusiastic and far-sighted Imperialist as Grey was not ignorant of the lessons to be learnt from the history of Canada during the period 1791–1840, when its two provinces of Lower Canada (Quebec) and Upper Canada (Ontario) were governed by a Legislative Assembly of Representatives conjointly with an Executive nominated and controlled by the Crown. In both Provinces, but especially in Quebec, where race differences increased the complexity of the political situation, conflicts between the Governor and the Legislature grew in number and intensity until affairs were brought to a head by the rebellions of 1837. In colonies with such a form of government the Assemblies would naturally endeavour to secure control of the patronage, which, in the hands of the New Zealand Company, would prove a most dangerous instrument, liable to be used without due regard to the ultimate interests of the colony. The independence of the executive would of itself tend to create a feeling of irresponsibility on the part of the Assembly, and convert the orderly and healthy rivalry of party statesmen into the clack and clamour and insidious intrigue of irresponsible politicians. "If a dominant country grants to a dependency, popular institutions and professes to allow it self-government, without being prepared to treat it as virtually independent, the dominant country by such conduct mocks its dependency with the semblance of political institutions without the reality. It is no genuine concession to grant a dependency the names and forms and machinery of popular institutions, unless the dominant country will permit these institutions to bear the meaning which they possess in an independent community; nor do such apparent concessions produce any benefit to the dependency, but, on the contrary, they sow the seeds of political dissensions."—Lewis, in *The Government of Dependencies*.

If it were not prepared to grant New Zealand full autonomy, the Imperial Government would have done better in preserving the Crown colony system in its entirety. Instead of placing irresponsible power in the hands of men unlikely, from their circumstances, to take a general view of the situation, apart from their own narrow and immediate interests, it should have allowed the Governor and officers full scope as impartial arbiters between the settlers and the natives, protecting the latter from unscrupulous treatment and encouraging the former in the employment of all fair means for overcoming any obstacles raised by the aborigines to the rapid industrial and commercial development of the colony.

Generally influenced by these considerations, which were no doubt seconded by his autocratic temperament, Grey decided not to give effect to that part of the instructions relating to the Assemblies, and he asked the Secretary of State to modify the constitution. In taking this step he was supported by the opinions of Bishop Selwyn, Chief Justice Martin, and the Wesleyan Mission Committee.

150. In effect it appears to have been the opinion of Captain George Grey in 1846 that the enfranchised portion of the then white population of New Zealand would violate the terms of the Treaty if given the power and opportunity to do so and that the whole of such population was insufficiently strong to withstand the serious consequences that were bound to ensue.