

and advancement of the Native race, and although the Act did not come into operation it is worthy of mention. Five trustees—His Excellency the Governor, the Lord Bishop of New Zealand, the Attorney-General, William Spain, Esquire, so long as he held the office of Land Commissioner, and the Chief Protector of Aborigines—were to be appointed, and the Bill gave the trustees power to appoint school-teachers and prescribe the system of instruction to be pursued in the schools. Alienation, except by lease, was forbidden, and mortgages were declared to be void. The Native Trust Ordinance was passed by the Council on the 29th June, 1844, and forwarded to the Colonial Office for the Royal assent. In a covering memorandum the Governor pointed out that until legal authority was given no steps could be taken in respect of the lands reserved, and no fund could be raised for educational purposes or for the care of the sick.⁽¹⁾

The three non-official members of the Council (Clifford, Brown, and Martin) protested against the Bill on the ground that—

“The religion to be taught in the schools established under the trust is to be altogether left to the trustees, who must be expected—perhaps conscience will make it their duty—to carry out, so far as they can, their own religious views, giving at once a sectarian character to the trust, destroying thereby its usefulness, and creating a spirit of intolerance and religious discord among the Natives and various missionary bodies here (symptoms of which are already manifesting themselves).”⁽²⁾

Lord Stanley, in a despatch to Governor Grey notifying Her Majesty's confirmation of the Act, said, —

“I find that this enactment has given occasion to a protest signed by three members of the Legislative Council, who condemn it as of a sectarian character, and as tending to confine the education of the Natives to teachers in communion with the Church of England, to the exclusion of the teachers of any other bodies of Christianity by whom any of the Natives may have been brought into the Christian Church. Now, in the first place, the Bishop of New Zealand is the only one of five trustees who must of necessity be a member of the English Church, so that in point of fact the sectarian principle of which complaint is made is not adopted in this law; and, in the next place, I cannot hesitate to record my conviction that in our attempts to impart the blessings of education to a race of men in so defective a state of civilization we ought not to be deterred by the charge of narrow or sectarian views from keeping as far as possible out of sight those ecclesiastical controversies which so habitually agitate more advanced societies. If any case can be imagined in which minor distinctions should disappear to make way for the advance of the great truths, doctrinal and practical, of our common faith, it is the case of the aborigines of New Zealand.”⁽³⁾

The Act was not brought into operation, no doubt intentionally, in consequence of the terms of the last clause not being complied with—viz., that the confirmation of the Ordinance should be notified in the *Gazette*.

CHAPTER IV.—AWARDS AND SETTLEMENTS.

1. THE FIRST THREE GOVERNORS.

In 1845 affairs in New Zealand were rapidly approaching a crisis, and the Colonial Office, realizing that “the quarter-deck was hardly the best training-ground for the Government of a colony”⁽⁴⁾, decided to recall Captain FitzRoy and appoint in his stead Captain George Grey, the Governor of South Australia. Governor Hobson had died in 1842, worn out by the cares of his office. Soon after his arrival in the colony he had been stricken with paralysis, and, although he partially recovered, his health was never good afterwards. During his brief term of office he had encountered difficulties which few Governors have been called upon to face, and history shows that his record was highly creditable. The Maoris mourned his loss, and in petition to the Queen for another Governor they paid a touching tribute to his memory: “Let not a troubler come among us. Let him be a good man like this Governor who has just died.”

The Colonial Secretary, Lieutenant Willoughby Shortland, acted as Administrator during the interregnum, and in 1843 another Naval officer, Captain Robert FitzRoy, was appointed to succeed Hobson. The new Governor, although a well-meaning man, had few, if any, of the qualities of a statesman, and his extraordinary experiments in administering the affairs of a young colony caused untold harm. The catalogue of FitzRoy's mistakes was, according to one writer, “a melancholy retrospect.”

“He acted most indiscreetly at his introductory levees at Auckland and Wellington in singling out individuals for his criticism in terms of praise and blame. The pardon of Rauparaha and Rangihaeata for the Wairau massacre was given in such a way as to make it appear unnecessarily insulting to colonists. He suddenly waived the Crown's right of pre-emption over Native land, first imposing on the private purchasers of such land a fee to the Crown of 10s. an acre, and then a few months afterwards reducing that fee to 1d. an

(1) Governor FitzRoy to Lord Stanley, 22/10/44: Great Britain—Parliamentary Papers relating to New Zealand 1845.

(2) “England and New Zealand,” by Dr. A. J. Harrop (“The Experiments of Captain FitzRoy”).

(3) Lord Stanley to Governor Grey: Great Britain—Parliamentary Papers relating to New Zealand, 1846.

(4) Quoted by Dr. Marais in his “Colonization of New Zealand.”