TREATY RESEARCH SERIES
TREATY OF WAITANGI RESEARCH UNIT

‘A Terrible and Fatal Man’: Sir George Grey and the British Southern Hemisphere

Regna non merito accidunt, sed sorte variantur
States do not come about by merit, but vary according to chance
Cyprian of Carthage

Bernard Cadogan

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Introduction

We are proud to present our first e-book venture in this series. Bernard Cadogan holds degrees in Education and History from the University of Otago and a D. Phil from Oxford University, where he is a member of Keble College. He is also a member of Peterhouse, Cambridge University, and held a post-doctoral fellowship at the Stout Research Centre at Victoria University of Wellington in 2011.

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During his residence in Wellington in 2011 Bernard presented stimulating lectures on Treaty of Waitangi hermeneutics, Samuel Butler and George Grey. His work at the Stout Research Centre focussed on Grey, and this e-book, which has been edited by the author himself, resulted from that period of research. Since finishing this text, Bernard has also written *Realm of Reconciliation – Paul Ricoeur, New Zealand and The Treaty of Waitangi*, which will be published by in the USA by Lexington Books.

Series Editors, September 2014.

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Acknowledgements

I have many acknowledgements to make for the support, financial assistance and for the friendship and collegiality that have made this book possible.

In the first instance I wish to thank Hon Bill English, Deputy Prime Minister and Minister of Finance of New Zealand, and Rt Hon Simon Upton for their unfailing support and interest in the development and writing of this work. Without their goodwill and vision, none of this would ever have been possible. I wish also to thank Sir Michael Cullen and Hon Trevor Mallard for their interest and for their considerable support during the Vth Labour Government, which prevented the project from vanishing altogether.

I wish to thank my generous and patient benefactors for their confidence in the project and for helping me and my family with the fees and living costs. I gratefully acknowledge Mr David Wilson of Wellington, and Su Cullen, Chris Mace, and Ms Judith Hanratty for considerable assistance. I thank Dame Jennifer Gibbs, Dr Leo Buchanan, Mrs Mary Buchanan, Hon John Luxton, Colin James, Dr Eric Chin and Ms Nicola Roberts for their valuable help.

I wish to acknowledge my friends and colleagues, the late Dr John Money, Richard Reeve, Bill Moran, Rodney Tamblyn, Richard Cross, Murray Watt, Adrian Kennedy, Dr Mark Hickford, Dr Hanno Scheuch, Alexander Haydon, Dr Salvador Venegas-Andraca, Dr Olympia Bobou, Kjetil Leon Bordvik, Dr Wing-Chung Fong, Alistair Henry, Hon Hugh Templeton and Sir Douglas Kidd, Associate-Professor Gordon Parsonson, and Nick at the Museum of Science. I wish to acknowledge the friendship of the late Professor W.H. McLeod. I wish to thank Keble College in the persons of Dame Averil Cameron the Warden, Mr Roger Boden the Bursar, and Dr Maria Misra. I especially thank my colleagues at the Victoria University of Wellington, Professor James Belich, Professor Lydia Wevers and Professor Richard Hill, who made me so welcome at the Stout Research Centre.

I thank with deep gratitude my D. Phil thesis supervisor at Oxford, Dr John Darwin of Nuffield College, for his prudence, good judgement and wisdom. Above all I thank my wife Jacqueline for her total support for this project, and my parents Sean and Moira Cadogan for their generosity and help.

Preface

This book is a study of Sir George Grey's goverment and policy in Australia, New Zealand, and South Africa. It is an essay towards a project that keeps eluding us.

In it I argue that Grey was an ethnographer and constitutionalist. Above all the political thought of James Harrington's *The Commonwealth of Oceana* of 1656 inspired a public career of 60 years duration.

Grey genuinely desired civic rights and equality for non-white and indigenous peoples. He was courageous at times in how he stood up for those rights. That future however would occur at the cost of indigenous self-determination and economic self-sufficiency. Non-white and indigenous peoples were to be absorbed into the settler colony. That led to appalling suffering and betrayal of trust, to the abuse of power, and to the dislocation of peoples over generations. It was not good for white settlers either, who were left with the prolonged fantasies of apartheid South Africa, "white Australia" and white dominion New Zealand. Grey himself paid heavily, in his career, in his health, and with the corruption that great power wrought on him.

Like all of us however he came from a generation with limited horizons, as it pondered the future. The tragedy is that he was personally as humane at some stages of his career, and as consciously humanitarian in policy as anyone of that time could be in the great age of British global power. In other respects he could be a monster, entirely consumed by power, determined to make and remake nations. After his retirement from the Colonial Service, his behaviour in New Zealand politics could be pompous and farcical. The mystery is how some kind of moral mission remained with him into old age, growing stronger, as the appetite for power drained from him.

This book has been written during the British riots of August 2011, while the New Zealand National Party Government and the Maori Party have been in an Agreement of Support, when the New Zealand Constitutional Review commenced, while the Australian Government prepares a constitutional referendum on Aboriginal rights, and while the A.N.C. leadership in South Africa engages in an internal debate over the future of South African race relations. There are lessons for us all in the evils of racial hegemony that Grey aspired to, and in his foreclosures of another people's future.

I finally note that I am just one in a long line of historians associated with the New Zealand Parliament who have written on Grey and New Zealand colonial history – whether Members, Officers of Parliament, officials and staff, from Alfred Saunders, William Gisborne, William Rees, William Pember Reeves, to James Collier, A.H. McLintock, and lately Mark Hickford. As a New Zealand historian, influenced by the Benedetto Croce's demand that Liberalism incessantly reinvent itself, I offer this latest work on George Grey.

Abbreviations

A.J.H.R.	Appendices to the Journals of the House of Representatives.
C.M.S.	Church Missionary Society.
G.B.P.D.	Great Britain Parliamentary Debates.
G.B.P.P.	Great Britain Parliamentary Papers.
K.C.B.	Knight Commander of the Bath.
N.Z.G.A. 1846	New Zealand Government Act 1846.
N.Z.C.A. 1852	New Zealand Constitution Act 1852.

Glossary of Maori Terms

Hui	a conference
Kotahitanga	"Unity" Movement, the movement towards Maori unification.
Kingitanga	*"King" Movement, the movement for a Maori king.*
Mana	the prestige, glory, reputation, fame of a person or persons; by extension their "authority" and sovereignty.

Chapter One
The Policy of Sir George Grey

Sir George Grey K.C.B. was the Governor of British Gondwanaland.

To begin with the bald facts, Grey was born in Lisbon in 1812 and died in London in 1898. After co-commanding the Western Australian Exploratory party between 1837-39, he was appointed Governor of South Australia in 1840, served twice as Governor of New Zealand, between 1845-53, and 1861-1868, and served as Governor of the Cape Colony and High Commissioner for Southern Africa between 1854-61. He was premier of New Zealand for two years between 1877-1879, Superintendent of the Auckland Province 1875-76, and a Member of the New Zealand House of Representatives 1875-1890, 1891-95. He was made a Privy Councillor in 1894, was made a Commander of the Order of the Tower and Sword by Dom Pedro V of Portugal in 1860 for services to Mozambique, and even awarded the Order of St Pius, Third Class, by Pope Pius IX, for services to the Catholic missions, even though Grey himself was not a Catholic.

His career brings out the inherent unity to the Southern Hemisphere British settler states of southern Africa, and Australasia. Just as the Jurassic Southern Hemisphere landmass of Gondwanaland broke up from 130 million years ago onwards leaving geology, fauna and flora in common among the southern lands, so did Great Britain 200 years ago bring South Africa, Australia and then New Zealand within its ambit. These nations may have since drifted apart, developing their own identities, but they still share many generic features and problems and opportunities. Grey was the *only* governor to actively *rule* in all three settler colonial systems as a Crown colony governor.

His only rival to this claim, Sir Hercules Robinson, who became the 1st Baron Rosmead, did undoubtedy serve as Governor of New South Wales, New Zealand, and twice as Governor of the Cape Colony as High Commissioner for Southern Africa. He had also been Governor of Ceylon, - the modern Sri Lanka, - Governor of Hong Kong and the first Governor of Fiji. Robinson though did not actually "govern" New South Wales and New Zealand and the Cape Colony. By his time they were self-governing colonies with their own legislatures and ministries. Robinson's distinction lay in imperial policy for the Pacific- with the annexation of Fiji, and as High Commissioner for Southern Africa. He lacks the tragedy and horror of Grey. He did not "rule" settler societies, or aim to found constitutions for them. The perfect bureaucrat- his career lacks both the utopic vision and summary dreadfuless of Grey's career. Relations with the indigenous peoples of settler colonies were not the main theme of his life, as they were for Grey. We shall find moreover that Grey was influential too in the Pacific, and that even Ireland –where both he and Robinson could claim a home- briefly felt the effect of his thought in its politics.

In all its history from the 16th to the 20th centuries, the British Empire systematized just three policies of racial administration- in so far as anything was systematized. It tried to segregate, annd supposedly protect, indigeous peoples, from the settler community and economy. Then it tried to assimilate indigenes into the settler community. Then it resorted to "indirect rule", exploiting indigeous communities as labour pools for plantations and for mines.

Native protection was inspired by the Spaniards- of all people. The Spanish Crown and powerful elements within the Spanish Catholic Church were concerned at the atrocities that the conquistadors were committing in the Americas. The Spanish Government wanted to get control over the conquistadors. The Church wanted conversion not genocide. The Valladolid Debates of 1550-1551 between two Dominican friars, Bartolome de las Casas and Juan Gines de la Sepulveda

were an argument over whether American Indians were natural slaves or a free people with *jus gentium* rights. *Jus Gentium* is that hypothetical zone of Natural Law, that the Roman jurists posited, that is the Law of Nations. Las Casas had had a long record of activism for Indian rights from the first protests by clergy on Hispaniola in 1510.

Both sides claimed victory in the debates. Las Casas' protests had little immediate effect in improving the lot of American Indians. The Spanish Crown however, remained an observer of these developments. From the time of Ferdinand V, it intervened when it thought it politic. In 1573 Philip II issued an Ordinance on Population and Discoveries that was to provide a framework for an ideology of native protection and a frontier doctrine that would last in several empires until the 19th century. The policy of the Spanish Crown was highly influential. On paper at least, it gave some acknowledgement to the *jus gentium* rights of indigenous peoples, regardless of what really happened on the field. Other powers, Protestant powers imitated it. It was a powerful ideology, fusing jurisprudence, philosophy and rhetoric, both obscuring and highlighting the truth, as any ideology does. So successful was it that it was successfully revamped in the Enlightenment, despite the harsh interrogation that Enlightenemnt thinkers gave the concept of Natural Law.

George Grey however belonged to the assimilationist school of thought. From Tudor Ireland to revolutionary America, from the poet Edmund Spenser to President Thomas Jefferson, assimilators proposed imposing the colonial legal system upon an indigenous population, and supposedly integrating them. This too was an ideology that contained its own mixture of truth and lies. On the ground the drive towards social and civic and economic integration meant a time-scale of generations and bondage to the labour contract. Grey belonged to an assimilationist "moment" that can be dated to the Abolition of Slavery Act 1833. Grey and other British (if not American) assimilators were slavery abolitionists. The humanitarians, who argued for abolition from the 1760s until the 1830s, intended former slaves to assimilate. Bishop William Warburton, the Bishop of Gloucester (1698-1779) and the leading emancipationist William Wilberforce (1759-1833) expected free indigenes to assimilate as well. Grey's policy was formed by that emancipationist-assimilationist ideology.

The primary claim that can be made for Grey is that he succeeded Sir William Johnson (1715-1774) and preceded Sir Henry Sumner Maine (1822-1888) and Lord Lugard (1858-1945) as one of the "architects" of racial policy in the colonial empire outside of Britain's South Asian possessions. The Report in 1837 of the Select Committee of the House of Commons on Aboriginal Affairs reaffirmed the segregationist native protection model. The Report referred to the Charles II's Letter of 1670 to the Council of Foreign Plantations as the source of its own policy, as the origin of the British policy tradition towards indigenes. [1] This model had been the policy of Sir William Johnson's Appalachian Protectorate inn America, where the regime was one of native protection by segregation from settlers and exclusion from British law. The Appalachian Proclamation of 1763[2] and the Appalachian Protectorate over Six Nations Indians exemplified this policy. Segregationist native protection remained the model for the Eastern Cape after the British resumed government of the Cape Colony in 1806,[3] and provided the paradigm for the Report of

[1] Report of the Select Committee on Aborigines, G.B.P.P. [425] 26 June 1837, p. 4.

[2] Brodhead, John Romeyn, and O'Callaghan, E.B., (eds.), *Documents Relative to the Colonial History of the State of New-York: Procured in Holland, England, and France*, Weed, Albany New York, 1856.

[3] *British Parliamentary Papers*, "Report from the Select Committee on Aborigines (British Settlements) Together with Minutes of Evidence Appendix" Irish University Press Series of *Great Britain Parliamentary Papers* in volume "Anthropology

the Select Committee on Aboriginal Affairs of 1837. It had admittedly lapsed in the Eastern Cape, it was revived under Lieutenant Governor Andries Stockenstrom.

Native protection by segregation and proclaimed frontiers constituted a "family" of policies and regimes, that all resembled one another. Sir William Martin the Chief Justice of New Zealand argued in 1847 for the Appalachian Proclamation as the model that informed New Zealand's Treaty of Waitangi in his pamphlet *England and New Zealanders*. [4] This policy of native protection by segregation was in fact the policy of *ancien regime* Europe. It began with the Ordinance on Population and Discoveries of Philip II of Spain in 1573. By the 18th century Enlightenment, it had become a way of managing the borderlands of distant overseas empires, and of acknowledging the *jus gentium* –the Law of Peoples- dimension of International Law. *Jus Gentium* was a zone of law and custom that belonged to macro-structure of Natural Law- when the latter was believed in. The Enlightenment put that entirely in doubt. The question then, by Grey's time, was how were indigenous rights, custom and practices- to be protected- so long as they were not inhumane- when in fact Natural Law itself was questionable. At the start of Grey's career, Parliament at least had decided to revert to 18th century practice.

Grey's policy however was one of "legal integration",[5] of "strict application" [6]of British law upon protected indigenes, of the dissolution of frontiers, and of the amalgamation of indigenes into the settler workforce and markets so that they would qualify for civil rights in a colony. Grey's policy apparently answered requirements for the management of the frontiers, as well as accounted for how both land and labour would be procured from indigenes by settler colonies growing out of the bridgeheads[7] and beachheads. It possessed considerable power of explanation for a Great Britain that was expanding globally whether its government wanted to or not.

Her Majesty's Government blew hot and cold on colonial acquisitions. In the age of Lord Palmerston- it did little to encourage settler colonies. Yet there was nothing it could do to prevent their foundation, short of hoping for the demonstrable failure of a colony. That rarely happened. 19th century Britons formed tenacious communities that claimed the protection of their Mother Country. Attempts at restricting the growth of colonies, were contradicted at other times by projects to consolidate a colony. At times, HM Government sought to reduce expenses and military liabilities, at other times it persuaded itself that a more holistic policy for a colonial territory would bring about the definitive establishment of a colony. It was perhaps impossible when British foreign policy was at its most "bullish" under Palmerston, to withstand the desire of settlers to build their own neo-Britains.

Amalgamationist policy was in turn succeeded during the 1870s-90s by the policy of "indirect rule", which offered efficiencies in government for colonial governments in the tropics that needed to secure collaboration from indigenous leaders as well as create labour reserves in tribal districts

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Aborigines 1"; the evidence of Andries Stockenstrom 14 August 1835 pp. 43- 45 paragraphs 519- 528 proves the existence of a "legal boundary" like the Appalachian Model on the Eastern Cape after 1808.

[4] Martin, William, *England and New Zealanders: Part I. Remarks upon a despatch from the right hon. Earl Grey to Governor Grey. Dated December 23 1846*; Bishop's Auckland, College Press 1847, pp. 22-24.

[5] Mamdani, Mahmood, op. cit. p. 63.

[6] Ward, Damen, op. cit., p. 47.

[7] Darwin, John, "Imperialism and the Victorians:- The Dynamics of Territorial Expansion" *English Historical Review*, June 1997 , p. 629.

that could be tapped when plantations and mining industries required. This spread to white settler colonies. Whereas this latter policy is associated with Lord Lugard, it might in fact be appropriate to associate the jurist Sir Henry Sumner Maine with it, on account of his juridical rehabilitation of indigenous custom for the purposes of indirect rule,[8] and also Sir Arthur Gordon out in the field, who applied it in 1870s Fiji. [9]

Yet once this distinction is made, a warning must be made. These alternatives might have seemed clear to Grey as public policy alternatives. It is another question to consider the comprehension and motives of his contemporaries and superiors in supporting him. It would be a mistake to make them "canonical", without qualification. Grey's policy of amalgamation was one of several projects for assimilation. The Aborigines Protection Society envisaged common polities with distinct settler and indigenous citizens. Edward Gibbon Wakefield re-imagined or else misunderstood the changing role of chiefs in Maori society to propose that they should sit in a New Zealand nominated upper chamber, as if they would be peers of the realm for Maori society. Such a proposal may be compared with Spanish co-options of Aztec and Inca royalty within the castes and land tenure and heraldries of Spanish America.[10] Even in Grey's career, we shall see there were degrees of assimilation. In the epoch of stadial sociology, indigenous peoples were assessed for their alleged "capacity" and placed in a scale of proximity to the European benchmarks of civiliation, -a scale that applied to Europeans as well. Only the conflagration of the Second World War, and victory over the racist regimes of the Axis, persuaded European and New World governments of the evils of institionalized racism. Even so the dismantling of racist controls and the protection of the rights of non-whites took decades to accomplish in most countries- by the 1970s at the latest. White South Africa turned itself into a racist redoubt, that only gave up its *apartheid* regime over 1992-94.

What we are considering here are families of racialist and stadializing ideology. Some promoted themselves as benign and paternalist, others declared themselves to be violent. There is a great difference in mindset between Leopold II of Belgium and George Grey. Yet for the victims of Leopold in the Congo Free State- a territory that may have lost 8 million people, and for the third of the Xhosa nation who starved to death in 1857, both Leopold II and Grey were responsible for unspeakable terror. Although Leopold and his regime killed more and unleashed incessant violence on the peoples of central Africa, Grey was the savant, the rational calm considered liberal and anti-slavery advocate, who nonetheless ideologized colonial frontiers, and practised Machiavellian techique, to promote that ideology. Leopold let loose all the demons of Hirenonymous Bosch on the Congo. Grey was a radical yet temporising social engineer in the Eastern Cape, in the Australian outback and on the Waikato.

Grey's policy was the one that came into effect however, and that was because he had obtained the means of power to do so. He was not just an arm-chair intellectual, and he had longer terms of power than any president or parliamentary head of government could have. The language of the Select Committee Report of 1837 was conservative, - in its suggestions, flashbacks to, and extrapolations from, the Appalachian protectorate of 1763. Such conservatism did not exclude however "temporisation" with a view to assimilation. Grey was to be particularly commended by the Aborigines Protection Society for his "temporising". For that was his style- careful

[8] Mamdani, Mahmood, op cit., p. 63.
[9] Chapman, J.K., *The Career of Arthur Hamilton Gordon, First Lord Stanmore 1829-1912*., University of Toronto Press, Toronto, 1964, pp. 155- 233.
[10] Elliott, J.H., *Empires of the Atlantic World: Britain and Spain in America 1492-1830*, Yale University Press, New Haven 2006, p. 359.

temporization, followed though by a sudden crisis, that exploited indigenous stress. American practice as proposed by Thomas Jefferson was assimilationist, whereas "assimilation" had become a fashionable concept in British public debate in the 1830s and 1840s.

As is becoming evident, Grey was one of several horsemen of the assimilationist Apocalypse. Thomas Jefferson was one. Bishop Warburton the Bishop of Gloucester was another in the 1760s. So was Sir Stamford Raffles (1781-1826), as we shall see, the founder of Singapore. Grey however rethought the ideology for Anthropology, for settler constitutionalism, and he applied it in Australia, New Zealand and southern Africa.

The Select Committee Report's reaffirmation of British North American native administration in 1837 was accompanied by dissenting discussions concerning programmes of pro-active policy assimilation in settler colonies. Some proponents such as Grey critiqued the report, directly, though without mentioning it, while others, like Louis Alexis Chamerovzow of the Aborigines Protection Society, held both propositions in mind at the same time, - the Select Committee Report with its reaffirmation of the British policy from 1763, and "assimilation", [11] though for the Aborigines Protection Society, assimilation would occur into a single political society, not through a fusion of races. [12]The bridge between the two was the "temporising" that Grey practised, with "sagacity" and "skill", as the Society noted.[13]

Grey was indeed the proponent of assimilation most like American Democrat leaders, it was he who offered analysis of frontier security and of ethnography, and who planned the radical dissolution of indigenous peoples within settler colonies. By the reference to American Democrat leaders, are included both the assimilation policy of Thomas Jefferson, and the harsh repression and forced migrations that President Andrew Jackson brought upon on the Cherokee. Grey looked for revolutionary moments to reduce indigenes, after a period of temporization. "Native Protection" then was an alliance of interests and ideologies, which Grey managed to capture for a radical programme of social transformation in three sets of colonies, Australia, New Zealand and Southern Africa. The Pacific and Ireland were also zones of colonization that interested him throughout his career. It was in New Zealand that the full trial of assimilation, in strenuous military and political conditions was carried out, with consequences that affect New Zealand's constitution, law, politics and race relations to this day. What then may have struck Grey as a contrast, or even ourselves in retrospect, was in fact rather more oblique and internecine to British contemporaries. Ideology has the habit of concealing itself and of rendering opaque. Grey was a sophisticated ideologue who knew what he was doing and saying- as others did not. That said, Grey the assimilator was the great inverter of the Select Committee Report on Aborigines and of the policy that Sir William Johnnson practised in colonial America, while sharing Johnson's empathy with indigenous peoples and ethnographic interests.

Grey and Frontier Policy

Grey was educated at the Royal Military Academy, Sandhurst. He would have become acquainted with the strategic theory of Antoine-Henri Jomini (1779-1869) who enjoyed a pre-eminent

[11] Chamerovzow, Lous Alexis, *The New Zealand Question and the Rights of Aborigines*, London 1848, pp. 214-216.
[12] Sinclair, Keith "The Aborigines Protection Society and New Zealand – A Study in nineteenth century opinion*",* unpublished thesis, Auckland University Library, Auckland pp. 69-71.
[13] Chamerovzow, op. cit., p. 335.

reputation in military science before Clausewitz's reputation became ascendant after the Franco-Prussian War. It is to be understood however that the British Army as an institution long remained impervious to military theory. Napoleon had after all been defeated without it.

Grey was educated as a soldier just when the British Army was just starting to "think" abour warfare. Innovations came late for his formal training as a cadet, but he would doubtless have been aware of the debates. A British military intelligentsia was becoming interested in wargaming and in Jominian strategy. Modern wargaming began with the games developed for the training of Prussian officers by Georg Leopold von Reisswitz and his son Georg Heinrich von Reisswitz, according to rules first devised in 1812 and then updated in 1824. The *Military and Naval Magazine* first discussed war games system of a Mr Hellwig of Brunswick in 1827. The *United Service Magazine* favourably reviewed the Reisswitz system in 1831. It noted that the Russians and French had but lately adopted that method of training. This is alleged to be the first review of the Reisswitz system in English. [14]

Colonel William Patrick Napier (1785-1860), the brother of Sir Charles Napier, published an Edinburgh Review article in 1821 on Jomini. As a military historian and thinker on half-pay, he wrote on Sir John Moore, Joseph Bonaparte and on wargaming as well, serving as a consultant, activist and agitator in Army and War Office circles. Charles Napier definitely knew Jomini's work, argued Hugh Strachan. [15]Lieutenant J. Gilbert published an abridged account of Jomini's theories in the standard military text book series, no. xxx in 1828. It is surely significant that William Napier published in the leading Whig review, at a time when Lord Liverpool was prime minister and the Tory Duke of Wellington dominated the Army. Would-be Army reformers were seeking allies among the Whigs.

Jomini was to have considerable influence on the colonial frontiers of empires and expansionist states. His work had been translated at West Point by 1817. He was to provide the basic education in strategic theory for the American Civil War generation of commanders. Jomini himself was in the Russian service from 1813 until the Crimean War, before he returned to work for the French. Wargaming was introduced to Russian Service in 1830, according to the *United Service Magazine*. Russia was a power with frontiers in Central Asia and the Balkans to overcome. Although not at all the doctrine in the British Army, Jomini's writings remained a resource that intelligent and thoughtful officers could draw upon. General Sir Patrick MacDougall (1819-1894) resorted to Jomini when he had to make sense of the Crimean War he found himself fighting in. Sir Harry Smith - Grey's predecessor but one at the Cape, knew Jominian doctrine. Smith was the proponent of a "Forward" policy, of securing colonial frontiers by expanding them. Grey was to resume that "Forward" policy.

Grey's job was to manage colonial frontiers. He argued conjointly for the dissolution of frontiers and the amalgamation of the indigenous peoples upon them. His native policy was based on a strategy, and his ethnographysupported that strategy by identifying "culture" and "customs" as the inhibitions upon indigenous development.

[14] *United Service Magazine* Part I 1831 Henry Colburn and Rchard Bentley, London 1831 pp 75-77. They also review the *Military and Naval Magazine* Article referred to.
[15] Strachan, Hew, "Soldiers, Strategy and Sevastopol" in *The Historical Journal*, 21, 2 (1978) pp. 303-325.

No one will find Grey overtly promoting Jominian doctrine in his official papers. Hew Strachan referred to a weight of prejudice in the Army against this mode of thought. [16] We shall see how a gentlemanly intelligentsia was not one that name-dropped or extensively footnoted or used an argument in public policy because some authority had used it. Regency and early Victorian public policy debates occured through individuals taking responsibility for an argument whch they applied to particular circumstances. Nevertheless a military intelligentsia was interested in Jomini. Napier was to become famous as the author of the *History of the War on the Peninsula*. Gilbert for his part offered a vision of war as the physics of pure geometry and motion. As Grey especially distinguished himself in mathematics as well as on ethnography, he too can be considered a military intellectual. It was possible for him to offer an analysis of the colonial frontier from first principles, without name-dropping "authorities", and this is what Grey did in the Port Louis paper, and moreover carried out on indigenous frontiers throughout the Southern Hemisphere.

The radical feature of Jominian theory for colonial policy was the dissolution of frontiers that were not themselves difficult natural obstacles and upon the dispersal of bodies of indigenes. Instead of insisting that frontiers be held on which indigenes could congregate and through which transits were supposedly concentrated and controlled, Grey argued in his Port Louis Memorandum of 1840 for the collapse of frontiers, for the dispersal of indigenes within the settler colony and for their absorption within the settler economy, and then supposedly into the settler polity. This policy of racial amalgamation was in fact the American settler policy[17] espoused by Thomas Jefferson against Crown policy after the Seven Years War and then practised by him during his presidency. [18] His Secretary of the Treasury, Albert Gallatin a Swiss émigré provided the ethnography [19]for this strategy and for this policy with his great review of Indian tribes and languages, the *Synopsis of North American Tribes*.

This American settler tradition of dissent against the Crown agents' policy of native protection within native protectorates, had its antecedents in Tudor and Jacobean Ireland where Edmund Spenser [20]and the Irish Solicitor General Sir John Davies[21] insisted that pacification could only occur if the law and property institutions of the native Irish were replaced by those of the settlers.

Grey's achievement was to forge these disciplines and policy traditions into a programme for Crown agents in the Colonial Service. He had achieved this by 1840 with his Port Louis Memorandum dissent against the *Report* of the Select Committee on Aboriginal Affairs that recommended the revival of the Appalachian Protectorate policy from the Appalachian

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[16] Strachan, Hew, "Soldiers, Strategy and Sevastopol" in *The Historical Journal*, 21, 2 (1978) pp. 303-325.
[17] "Philo-Indicus", *Gentlemen's Magazine*, XXXIV, (1763), pp. 125-7.
[18] Wallace, Anthony F.C., *Jefferson and the Indians:- The Tragic Fate of the First Americans* , Bellknap Press of Harvard University, Cambridge Massachusetts 1999.
[19] Gallatin, Albert , *Synopsis of North American Tribes within the United States East of the Rocky Mountains and in the British and Russian Possessions in North America*, AMS Press, New York 1973, [1836] originally published in "Archaeologia Americana:- Transactions and Collections of the American Antiquarian Society".
[20] Spenser, Edmund, *A View of the State of Ireland, written by way of dialogue between Eudoxus and Ireneus,* Dublin 1763, originally written 1596 published 1630.
[21] Davies, Sir John ; *A discoverie of the true causes why Ireland was never entirely subdued, nor brought under obedience of the crowne of England until the beginning of His Majesties happie raigne, James 1st* , Dublin, printed for Richard Watts and Laurence Flin, 1761.

Proclamation of 1763, and of the Eastern Cape policy after 1808. In other words, Grey had converted the settler dissentient tradition of racial amalgamation into the Crown agents' policy.

Instead of challenging the Crown outright to conduct such a policy of racial amalgamation in the settler interest, Grey captured the "constitution of the empire" and the prerogative for this purpose, in the colonies he ruled. The alleged benefits were to be pacification of the frontier, and a humanitarian policy of racial integration,[22] rather than segregation and demographic decline, perhaps to the physical extinction of a people.[23] Instead of dedicating military resources to holding a line against which indigenes would constantly project themselves whenever disputes broke out, imperial officials should collapse the frontier, render it porous, so that indigenes could be absorbed and dispersed into the settler economy and polity.[24]

A hard-line frontier in Grey's analysis only provoked war. The native protectorate policy in America after the Seven Years War was premised on segregation, the prohibition of settlement across the frontier, and the regulation of trade and missionary work. Borders, Grey demonstrated, produced concentrations of indigenes on the very limits that were supposed to separate settlers and indigenes from one another. Mission stations concentrated them in borderlands. As land-hungry settlers would always be moving into marcher-lands, and as settlers and indigenes would always compete for resources and test each other's mettle, Grey argued for the dissolution of the border, the strict application of British Law and the induction of indigenes into the settler colony and for management of the ethnic melee that would inevitably occur.

Grey's strategic theory and ethnographical researches informed his native policy and his constitutional design for 19th century settler colonies. Policy aside, the intellectual disciplines to which Grey made a significant contribution were ethnography, in which he acquired an international reputation from publications between 1841 and 1883,[25] and colonial constitutionalism. He practised these disciplines as components of his strategy and policy of racial amalgamation.

After Oxford University's conferral of an honorary doctorate of Laws in 1854 to acknowledge his contribution to the New Zealand Constitution Act 1852, Grey particularly identified as a constitutionalist, a role that shone with ambiguous and opaque lustre in mid 19th century politics. Constitutional design was a highly ambiguous achievement, as we shall see. The overreaching activity of George Grey is the ambition which he showed throughout his career to become the

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[22] Grey, George, "Report" (1840) in *Journals of Two Expeditions of Discovery in North-West and Western Australia, During the Years 1837, 1838, and 1839, Under the Authority of Her Majesty's Government. Describing Many Newly Discovered, Important, and Fertile Districts with Observations on the Moral and Physical Condition of the Australian Inhabitants*, T. and W. Boone, London 1841, pp. 375-379 paragraphs 6-14; and p. 382 paragraph 32.

[23] Sheehan, Bernard, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* , University of North Carolina Press, Chapel Hill 1973, p. 2.

[24] Grey, George, "Report" (1840) in *G.B.P.P. Correspondence Respecting the Colonisation of New Zealand 11 May 1841* [311] paragraph 14 on p. 44, paragraphs 30 and 32 on p. 46 and paragraph 34 on p. 47.

[25] Grey, Sir George, *Nga Moteatea: me nga hakirara o nga Maori* , Wellington, printed by R. Stokes, 1853; see also -
Grey, Sir George, *Polynesian Mythology and ancient traditional history of the New Zealand race as furnished by their priests and chiefs*, John Murray London 1855.

military strategist, the ethnographer, the "law-giver" and constitutionalist, all-in-one, for a colony.[26] He wanted to be the "nomethete", that the historian George Grote identified in ancient Greek colonization, and although no Rousseauan, he wanted to be the Legislator of Rousseau. He was a governor who strove to excel at all the tasks that his exercise of the royal prerogative gave him. Grey strategized and ethnologized to constitutionalize, and what he sought to strategize and ethnologize and constitutionalize for, were the redundancy of the indigenous order and the absorption of indigenes into settler markets and polities.

The caveat to this is that Grey was privileged as few colonial governors were, to participate in constitutional conversation with the leading Whig constitutionalists of his generation. He was not an "ordinary" governor, as Colonial Secretary Earl Grey informed him. [27]Constitutionalists proper were not just in-house experts or intellectual associates, but great Whig political magnates who assiduously cultivated constitutional and intellectual reputations in the Foxite tradition,- they were the politicians to whom Grey deferred, such as Lord John Russell and the 3rd Earl Grey, political and social superiors who were also ambitious for an intellectual and literary reputation.[28] Indeed they vied with one another as constitutionalists.[29] Even with respect to intellectual collegiality, Sir George Grey had to persuade and convince deferentially if he was to earn their approval and condescension.

In the age of revolutions, we find Grey the Governor caught between the grand Whig constitutionalists of Britain, in their intellectual and genetic lineages from the Whig Revolution of 1688-89, and the constitutionalists of the American and French Revolutions. Napoleon helpfully remarked that a constitution should be kept short and obscure. As the perpetrator of the *Constitution de l'an VIII* (and XIII), he should have known. But that comment rather highlights the suspicion that constitutions were an activity of "imperium" – something a governor would do, or would manage for a subject people. Whig grandees however considered themselves the constitutional culture for a free nation- self-effacing and collegial in their custodianship of civic values and political principles. One man could design the freedom of subjects- under their appraisal, their supervision.

In so far as Grey was the man of a "moment", he belonged to the process whereby the British Government and Colonial Office considered how to devolve representative government to its settler Crown colonies in the aftermath of the Durham Report on Canada. Grey's chief contribution occurs in the 1840s and early 1850s, when alternatives to both 17th century charter models and to Westminster itself, were being considered in Colonial Office circles. The British constitutional paradigm after the first Reform Act 1833 enabled the induction of those who met the requisite property qualification into the mysteries of Parliamentary sovereignty. Parliament was

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[26] Grote, George, *History of Greece* Ernest Rhys (ed.), J.M. Dent, London, 1907 [1846-1856], v. IV chapter XXII p. 157 and v. V p. 121.

[27] Earl Grey to Grey (private) 26 February 1848, Grey MSS, Auckland Public Library.

[28] Bord, Joe, op. cit., pp. 31- 55 esp. p. 43.
Collini, Stefan, Winch, Donald and Burrow, John, *That Noble Science of Politics* Cambridge University Press 1983 p. 30.

[29] Russell, John, *An Essay on the History of the English Government and Constitution: from the reign of Henry VII to the Present Time*, Longman, Hurst, Rees, Orme and Brown, London 1823.
Grey, Henry George, 3rd Earl, *Parliamentary Government Considered with Reference to a Reform of Parliament*, Richard Bentley London 1858.

approaching the people, to meet popular demand. The colonial constitutions that Grey and the Colonial Office worked on, introduced settlers and ultimately some indigenes into the "monarchical constitution of the empire" already referred to,[30] into the operations and powers rather of a devolving Executive. Out in the Empire, it was the Crown that creating responsible government. In Great Britain, it was Parliament was took the lead in developing more representative government. Colonial secretaries, governors and policy intellectuals could play a significant part in colonial constitutional densign. The historian John Whitson Cell once observed that the Colonial Office was "not well equipped for the formulation of long-term policies". [31] An extremely able colonial governor then could well play a decisive role in "settling" the colonial constitution.

The settler government thereby came to accept full responsibility. The *ancien regime* American model was rejected, from the pre-revolutionatry period, whereby governors met assemblies without settler participation in the colonial executive, the branches of government were separated, and settler representatives put up the money bills. This *ancien regime* separation of powers in the pre-1776 American colony was replaced by the creation of "representative" institutions under the prerogative, already granted by the Canada Constitutional Act 1791, and by the development of the Executive Council as a site for the conveyance and exercise of "responsibility".[32] Thus British settler colonies became parliamentary governments, not imitations of American or Jacobin legislatures.

Paul McHugh discusses how the full development of Crown sovereignty in the 19th century adversely affected indigenes.[33] While that is true, the story is a far subtler one, not only of how the Select Committee Report on Aborigines reaffirmed the prerogative-based native protection policy in the former Appalachia, but also of how settlers assumed that prerogative themselves, after they were drawn in and "inducted" into it.

For despite the loss of the American colonies, the conversion of colonial institutions into monarchical instruments continued apace in British North America. That process conversion of conversion had begun as long previously as the late 17th century, with James II's Dominion of New England, and with James' involvement as the Duke of York, in the Hudson's Bay Company and the colony of New York. The Quebec Act 1774 and the Canada Constitutional Act 1791 devised legislative councils and executive councils as the instruments of a colonial "new monarchy", which was the monarchy of British parliamentary government in the colonial sphere.

This imperial monarchical constitution was the basis for the Appalachian Protectorate in British North America. Agents of that imperial monarchy had to establish legislatures, assist the British

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[30] Hulsebosch, Daniel, *Constituting Empire:- New York and the Transformation of Constitutionalism in the Atlantic World 1664-1830* , University of North Carolina Press, Chapel Hill , 2005 pp. 77- 83.

[31] Cell, John Whitson, British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process, New Haven and London, 1970.
Buckner, Philip, "The Colonial Office and British North America" in *Dictionary of Canadian Biography v. VIII 1851 to 1860*, Francess G. Halfpenny and Jean Hamelin (eds) Toronto University Press, Toronto 1985, p. xxxv.

[32] Buckner, op. cit., ch. 8 "Yielding to the Inevitable" pp. 291- 324.

[33] McHugh, Paul, *Aboriginal Societies and the Common Law:- A History of Sovereignty, Status and Self-Determination*, Oxford University Press 2005 pp. 108-109, p. 119.

Government and Parliament in devising policies and constitutions, enact constitutional statutes and manage the transitions to "responsibility". The only path to autonomy and independence for 19th century British settlers, short of another war of independence, was by being trained up in the ways of monarchy, and then taking over that monarchy in their own colony. In all instances that was lke a journey down a forest trail for the participants. In Britain however it was Parliament that inducted the population into political rights, by means of successive franchise extensions over the 19th century. And the virtual concourse that was Parliament already existed.

Grey was such a monarchical governor. Canadian historian W.L. Morton discussed gubernatorial monarchy in the Canadian context in 1961. [34]Forget pomp and circumstance, argued Morton, think of a horseman in dusters, maybe working out of an A-frame with a soldier out in front. What American legal scholar Daniel Hulsebosch argues about American Crown agents of the 1760s applies just as much to Grey in New Zealand's 1840s-1860s:-

"This vision of gubernatorial power vested in a privileged bureaucracy, rather than the gradually developing idea of the supremacy of Parliament, was the imperial agents' mainstay throughout the colonial period. The prerogative and aristocracy, like parliamentary supremacy for some others, were ways of justifying their policies, but were not intrinsic to them, for their goal was to create an administrative elite in North America, not to empower the crown or Parliament." [35]

Grey can be associated with the 17th century political theorist James Harrington (1611-1677), who wrote *Oceana* (1657). His Liberal Anglican friends and mentors shared that colonizing vision. They even wrote about Grey or his activities as fulfilments of that vision. *Oceana* expounded an agrarian vision of the ideal British state. A cap would exist on how much land one individual could hold. There would be a gentry but no great aristocracy. The ballot machines of the Venetian republic would be used in a British republic. There would be frequent rotation of offices. Just as land would be redistributed, so would power be. Oliver Cromwell was the potential start-up dictator under the name Olphaus Megalator. Metaphors of balance and equilibrium pervade the entire work. Such a state would found colonies for its surplus population.

Astonishing as it may seem to us, the Harringtonians were a school of thought that had adherents until almost the 20th century. The American New Zealand historian John Pocock identified a generation of neo-Harringtons after Harrington between the 1690s and 1720s:- Henry Neville, Andrew Fletcher of Saltoun, William Molyneux, John Trenchard and Thomas Gordon. In the early 19th century, leading liberal Anglicans in the formative political "nursery" about George Grey, used Harringtonian themes- Archbishop Whately for one, Dr Arnold another- both of them Fellows of Oriel, where Grey had a relative in the Senior Common Room. The British constitutionalist and politician George Cornewall Lewis took a dim view of the influence of neo-Harringtonian ideas in the 1840s. Towards the end of his life, James Anthony Froude wove a leaf

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[34] Morton, W.L., *The Canadian Identity*, The University of Wisconsin Press, Madison 1961, pp. 86-87, pp. 99-103, pp. 103-107.
Morton, W.L., "The Meaning of Monarchy in Confederation", in *Transactions of the Royal Society of Canada* (1963) Sections I, II, and III, Series 4 v. I.

[35] Hulsebosch, Daniel J., op. cit. p. 78.
Buckner, Philip, "The Colonial Office and British North America", in *Dictionary of Canadian Biography v. VIII 1851 to 1860* , Frances G. Halfpenny and Jean Hamelin (eds) , University of Toronto Press, Toronto 1985; p. xxiv.

crown out of Harringtonian themes for Grey, with his own book entitled *Oceana, or England and her Colonies* (1886).

Grey's consistent behaviour as a governor and polticians was agrarianist, and in favour of small-holders. He was in favour of a gentry, though opposed to an aristocracy. He was passionately opposed to slavery. His alternative to it though was the Liberal labour contract. He was a harsh critic of British *laissez faire* Industrialism. Grey's policies certainly remain within the broad Harringtonian stream- though as we shall see, he had other other ideological affiliations- the Physiocrats, the republican historian and economic thinker Sismondi, and also Thomas Carlyle. Carlyle wrote to his friend Matthew Allen in 1820 praising Sismondi and Harrington in the same letter- and Carlyle was the "Master" for Charles Buller MP, who served with Lord Durham in Canada, for Grey, and for Froude. [36]

Nor would it have been inconsistent for a Crown agent with Harringtonian ideas to behave as an *imperial* constitutional monarch, wielding the prerogative as if he were Napoleon himself, despite the civic republicanism of this school of thought. Two of Harrington's borrowings from Machiavelli were the need to establish colonies, and the necessity of a start-up dictator. The Harringtonian dictator was a founder, or emergency ruler, who established an impersonal representative regime to replace himself. Grey was the unique colonial governor who participated both in the rule of Crown colonies and then in the politics and government of the colony he chose to settle in, under conditions of responsible government, thereby encompassing the entire early political development of colonial New Zealand. One of the tasks of this book will to cconsider to what extent Harringtonian thought was a metaphor, that Grey and his contemporaries used, that we in turn may use of him, and to what extent such a utopia was in fact ideology.

The methodology of this approach to Grey requires justification. The references to the intellectual influences that have just been outlined have been privately accused of amounting to "allusion and gesture". How do we connect Grey to these ideas?

There are unique difficulties to writing on George Grey, which perhaps explains why less progress has been made on reviewing his life story than comparable figures. He has been written *about*, for history, fiction and essays, in non-journalistic publications, since 1878. Apart from McLintock's turn against the myth of "Good Governor Grey" in 1958, [37]and subsequent critiques, Grey biography has adhered to the same trail. In fact some of the old weeds have grown back over it- revisionist weeds and undergrowth that seek a "more human" Grey that is only "Good Governor Grey" revived, as if Alan Ward had never written, [38]or as if South Africa does not have its own historiography annd memory of the man. It is time to try and cut another track, rather than wield a machete to re-open the old one. An ideological appraisal would seem to be the best new route.
In the first place Grey lived in many countries for long periods of time. He did not consistently live in one place, accumulating a massive archive of private papers, and developing a metropolitan reputation. He has not remained constantly under the spotlight of society anecdote, or corroborating sources created by elite peers who were in face in face viva voce contact with him. Although he has been biographized for as long as William Gladstone, there is a difference to the

[36] Thomas Carlyle to Matthew Allen 7 June 1820.
http://carlyleletters.dukejournals.org/cgi/content/full/1/1/lt-18200607-TC-MAL-01
[37] McLintock, A.H., *Crown Colony Government in New Zealand* R.E. Owen, Government Printer, Wellington 1958.
[38] Ward, Alan *A Show of Justice: Racial "Amalgamation" in Nineteenth Century New Zealand* University of Toronto Press, Toronto 1973.

texture of Grey biographies, compared with Gladstone biographies, from John Morley to Riichard Shannon.

Grey then was a resident of the United Kingdom between sometime after his birth at Lisbon in 1812 and 1837, for the summer of 1854, for the period 1859-60, 1868-70, 1894-98. He was posted to Ireland in the early 1830s. He lived in Australia 1837-40, 1841-45; in New Zealand 1845-53, southern Africa 1854-59, and 1860-61; in New Zealand 1861-68, and again 1871-1894. The rest of the time he was literally "at sea" on long voyages. 19th century statesmen were not that peripetic. Napoleon had a single state archive for his state papers. Grey had most of his burned. The sources are therefore slanted towards public published sources.

Grey left two great libraries- one at Cape Town, the other in Auckland. Donald Kerr has written a fine book about them. The problem with a library is that of ideological determinacy. Just because someone owns a copy of Karl Marx, does not mean that that person is a Marxist, or even a sympathizer. That book-owner might be an opponent. They might simply require a complete collection. Captain Nemo might well have had Marx on board the fictional *Nautilus*. What we lack with Grey is the fusion that scholars find at Hawarden, where Gladstone's library and private papers complement one another. We lack the records of the kind that Napoleon's librarian kept, who presented the emperor with new titles every Friday, when the emperor resided in Paris. Some books ended up flung against the wall, others in the fireplace, but we at least know about Napoleon's voracious reading processes. The incessant public life of a statesman at Napoleon's level has meant that Napoleon's comments on what he read have been recorded. We have little sense however of *Tischspruche* or responses to reading from Grey until the 1880s when William Rees and William Collier were observing and listening to him. The bare whisperings we get indicate just what insulation surrounded Government House – whether at Adelaide, Auckland, Cape Town, and Wellington. Like the wax cylinder recording of Grey's voice from 1891, we can scarcely make out what was being said.

Then we must consider the nature of the job, and the societies he governed. Lincoln, Napoleon, Talleyrand, Metternich, Peel, Palmerston, Gladstone, Bismarck and Napoleon III decided the fate of millions. They ran governments for the millions. Grey ran Lilliputian governments by the standards of the day. No colony he governed had more than six figure sums of white settlers. The total population of southern Africa, indigenous and settler then amounted to the low millions. That these countries have become significant and vibrant nation states with a greater population than the modern United Kingdom does not detract from the reality that the southern hemisphere colonial states of the mid 19th century were small and marginal societies. India was the great Jupiter of the British Empire- the Australasian and southern Afrcan colonies were small moons or captured asteroids. It was not immediately apparent to colonists that what they were doing was of immediate historic note, even though in their oratory, they might adopt the perspective of what futurity might think of their pioneering efforts. Certainly by the 1880s and 1890s, historical review became possible for these societies. It was not until the 1920s that a steady stream of historical research emerged as a current, for politicised indigenes to review and criticize. The quotidian noteworthiness of Grey was not the noteworthiness of a Metternich, a Lincoln or Bismarck. Thus we have identified the problems of scale and space, with Grey.

Then we must consider the nature of the job. Being a governor was like being a Police Commissioner or a Chief Constable or a Permanent Undersecretary or Secretary of the Treasury. Prime Ministers get biographies. David Cameron will have an historical biography one day. There have already been programmes and political media biographies. The Police Commissioners, the heads of Cabinet Office and of major ministries durng his watch, will not- and yet they may well

be more intelligent and interesting and innovative people, far more representative of modern governance. It's a question of genre. The office warrants the biography or memoir. A British governor was also a lonely eminence. The media that watched and commented on him was local- often just broadsheets, containing fewer pages than a modern give-away. No ambassadors watched and reported his moves and comments, as they did with the statesmen and governments of the countries they were accredited to.

Grey the governor, Grey the premier even, never fully emerges from the anonymity of the civil service, despite fairly histrionic behaviour. Self-effacement at one stage of Grey's career contended with self-promotion at another period. Governor Grey got on with the job between 1840-1868- and when he insisted on his merits and desserts, such special pleading was in private with his superiors at the Colonial Office. Between 1875- 94, Sir George Grey MHR built a political career and a following in New Zealand from making a myth out of his years in the Colonial Service. Colonial history was created and interpreted to support a "Great Man" myth of Carlylean dimensions. The father of Grey biography has been his own autobiographical production through author collaborators. Deep inside the macbinery of goverment and constitutional process, one small man was shouting to get notice. Founder legislators were creator gods for Carlyle, Rousseau and the utopian authors- and Grey seems never to have gotten over his identification with that role. There was indeed a touch of

> "il faudroit des dieux pour donner les lois aux hommes", to Grey. Gods were needed to give law to men. [39] It touched on the divine to create a human society, and give it political form. The prosaic reality was suffering and atrocity. Nineteenth-century Europeans were well able to reflect on state crime in the age before Auschwitz. As the philosopher G.W.F. Hegel wrote, History is –
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> "the slaughter bench on which the happiness of peoples, the wisdom of states and the virtue of individuals is sacrificed". [40]

The result is "an augmentation of the deepest sadness without consolation, which is not balanced by any reconciling conclusion". [41]

What complicates our assessment is that Grey was not just a colonial administrator, but an intellectual, a savant, and an author- an anthropologist with a world reputation. His ethnographic work and research and publication was carried out for a longer period than the careers of most modern academic anthropologists. He shares then in the self-promotion of the man of letters and culture hero, and also in the self-effacement of the scholar and savant. Very few biographies are relatively published on even significant academics. Professors, like police chiefs and company CEOs and senior civil servants usually have entirely private lives. No so men and women of letters, or politicians.

Grey then is amphibious between what we have designated as private and public life. He wrote scholarly texts and attended scholarly conferences (when he could get to them in Europe). He belonged to learned societies. He did not however stay in one spot, like Goethe did in Weimar or Carlyle in Chelsea, and spend much of his time socializing with other literati, so as to get noted

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[39] Rousseau, Jean-Jacques *Oeuvres Completes* v. III Editions Gallimard, Paris 1959-1995 p. 381.

[40] Hegel, Georg Wilhelm Friedrich *Grundlinien der Philosophie des Rechts* 20.

[41] Hegel, ibid 35.

and cited by them. His literary and savant London was pre-"Bloomsbury". Nor did he find a retreat like Oxford, from where like Edward Tylor, he could just write on social evolutionist theory, living on his pension and investments. Instead he made a private Elba out of Kawau Island in the Hauraki Gulf of New Zealand, annd meddled in colonial politics and Pacific geopolitics. Grey's own time demands and competing interests got in the way of specialization. He was a pre-modern intellectual- retro 17th century in many of his more hermetic interests, but then 19th century Britons did look back and regard the Civil War and their constitutional development as definitive.

Moreover the savants of Grey's time were less prolific in their footnoting and attributions that academic writing is now. Even so we shall find an impressive yield of citations. In that lies a potent source for Grey's apparent authority among his superiors and in metropolitan politics. When it came however to official despatches and private letters concerning public business, we find no name-dropping or attributions that give immediate proof of the ideological content of his policy. That was the convention- and such is frequently the case with many modern public papers, and much official advice to Ministers. So should the researcher be agnostic- and simply content him or herself with only what may be definitely known? That would be the risk-free path, yet it would not account for Grey as a racial ideologist. A thrust of modern research is to recover the political thought behind imperialism. As Sankar Muthu writes, the key purpose, surely:-

> "is to investigate what some modern European thinkers sought to analyse, to justify, annd to criticize, as they wrestled with what they saw as the political and intellectual challenges, raised by territorial, oceanic and commercial conquests and their aftermath." [42]

We have then a curious abundance and poverty in Grey. Researchers have starved amidst plenty. It is better then to make the History fit the subject, rather than make the subject conform to some ideal methodology, that depends upon a factual positivism. If we rely only upon what may be absolutely proven, we will be left with chains of cause and effect, and little to explain ideologically why Grey designed and carried out policy the way he did.

Explanation must be distinguished from interpretation. Explanation associates a fact or event with its cause. It was Grey who believed in general laws for his politics and sociology. Do we, really? Do we require a covering law for historical methodology, to study George Grey? For Grey was a causalist and a reductionist, to take Karl Hempel's famous argument on the covering law model. [43]The historiography this text relies on depends on Paul Ricoeur and Dray's responses to Hempel. Along with Donald Davidson, those thinkers can be characterized as causalists, who were non-reductionists. R.G. Collingwood however would be an example of a causal minimalist, or historical indeterminist, who was also a non-reductionist.[44] There was no cause that was not a thought for Collingwood. But there can be no reductionists that are not also causalists.

With Grey, we may make explanations that link his policy and actions to ideology. Ideally it would be best to absolutely associate his *res gestae* and his ideas with documentary proof. We shall not however attain that to the degree we would like as with a major statesman of Europe or America,

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[42] Muthu, Sankar *Empire and Modern Political Thought* Cambridge University Press, Cambridge 2012 p. 3.

[43] Hempel, Karl "The Function of General Laws in History" *The Journal of Philosophy* 39 (1942) pp 35-48.

[44] Collingwood R.G. *The Principles of History- and other Writings on the Philosophy of History* Dray, W.H., van der Dussen, W.J., (eds) Oxford University Press, Oxford 1999 p. lviii, p. lxxi.

thinker or man of letters. We face a choice, to either renounce a history – an inquiry- into Grey's ideology, or to dare one. We may either have a dumbed-down Grey, who does things in "History", but always lies over the interpretative horizon, or we do the history that the subject matter demands. We shall indeed find not just correlations, that make up a substantial body of evidence, but causal trail and habits, that make us aware, that there were alternatives available to Crown agents during Grey's career, and that we do indeed encounter "if not x, then not y" connections, as he advised the Colonial Secretary, or acted his decisionist part out in a colony. We must subject the evidence to both inductive and pragmatic tests, as Paul Ricoeur proposed. [45] We shall soon enough have cause to question what the inductive process was for Grey.

And that choice raises the role of the informed and properly motivated imagination in historical research. As is fast becoming clear, this text is not an historical novel. Imagination is not "make-believe", or an invitation to speculate on possibilities. The procedure of this text is not to propose the following for instance- that when Grey returned to Britain in 1854, 1859 and 1868-70, new and exciting buildings had been built or were being built such as the Crystal Palace, Parliament Buildings and Keble College, Oxford, with the implication that he must have visited them and gone inside them. That would be a rhetorical abuse of the imagination for a history text. No, the procedure is rather to associate Grey's policies and statements as definitely as we may with our knowledge of the ideological formations he was involved with, and to assess his policies and political practices in conformity with them. Finally there is the question of what ideologies and practices are feasibly available to an intelligent and highly literate political agent at any given period. It is improbable that Grey could have conceived of concentration camps in the 1840s-60s, though he would have thought about the American "reservations". The infamous Andersonville camp for Union prisoners in the American Civil War was the result of expediency, inhumanity, neglect and vindictiveness. Grey could not have thought about concentration camps the way Lord Kitchener did for Afrikaner populations, or Hitler. It is less likely that even a Catholic thinker or politician in 2013 would resort to Aquinas' *de Regimine Principum* or Dante's *de Monarchia*, as saources for modern politics, as 20th century interwar Thomists did. Alisdair MacIntyre would be a more realistic recourse. The lesson here is that political agents "think" if they think at all, what is actually "there"- and if they do in fact develop anything new- as Grey himself tried to do- the researcher has to identify that novelty and prove it for what it is, in terms of the political languages available, and account for any rupture with them.

We may then at least assess the conformity of Grey's actions, performances of power, and apparent intentions, with his declared policy, comparing that with the ideological formations he may be definitely associated with. Grey also interpreted what he read- so may we. This is the hermeneutical dimension, to take Paul Ricoeur's account of how interpretation occurs. We may find no privileged stance outside of the flux of things. We who are citizens of the successor states to Grey's regimes all live *in media res*. Grey himself must be regarded as having been *in media res*, and his claims to objectivity discounted. The settler and postcolonial successor state to a settler state are exemplars of the polarity that Ricoeur proposed between Ideology and Utopia.

It is appropriate also to consider the historiography of this project. Where does it fit in as "Metahistory"? [46]Paul Ricoeur (1913-2005) was an historical and linguistic and phenomenological thinker, who made several renunciations of Hegel in the course of a long career. He retained much

[45] Ricoeur, Paul *Time and Narrative* v I University of Chicago Press, Chicago (1984) p. 126.

[46] White, Hayden *Metahistory:- The Historical Imagination in Nineteenth Century Europe* Johns Hopkins Press, Baltimore 1978.

from Hegelian dialectics however, in particular the genetic dialectical set that arises from the "dialectics of genesis and validity" in Hegel. [47] We get then the following series:- the birth of events and institutions gives rise to origins and beginnings, argued Ricoeur. [48]

Origins create myths, beginnings rather are the stuff of history. History's work is what Hegel meant by validation. The origin myths are about genesis. Similarly the history of memory and the historicization of memory are dialectically paired. [49]The history of memory may succumb to partial recall, to selectivity, to insatiable revenge, to political bias and the propaganda that props up and validates a regime. Ideology has myth deeply encoded amidst its more "rational" features. We may not live a social existence without it. Yet Ideology is opaque. [50] It distorts and deforms the truth possible to us, as it goes about its work of legitimizing power and authority. In fact it generates surplus of meaning in public sites and instituions, so that belief might follow where knowledge or doubt might hold back, either questioning or denying. [51] Both History and Utopic thought subvert and destabilize origin myths and Ideology. [52]The danger of History is that it may only convert the lived experience of human memory into mere objects. It needs the insistence of the witnessed experience, or popular memory. [53]Utopia is the fictional forerunner of an impending alterative order, and the fiction is the "as if" game of a constitution or ideology carried to its conclusions, as a thought-experiment. [54]Ideology is the "health" of Utopia by contrast, because no Utopia may in fact be lived in- their very pattern and ordering leads to a condition comparable to "schizophrenia". [55] Plato, it would seem understood this problem, when he has Socrates admit that Kallipolis in the *Republic* was not impossible (though barely possible), while Magnesia in the *Laws* would appear to be a reinforced version of a Cretan-Laconian constitution of Plato's time, intended for real-life application. [56]

Between such poles of Ideology and Utopia hang the history and public policy of South Africa, Australia and New Zealand. And George Grey was "a terrible and fatal man" because he was a conscious avowed ideologue who thought he could realize a stadial racial utopia for agrarian settler colonies. Indigenes responded by resisted by meas of an eschatology and utopics of their own. The Xhosa cattle-killing, the Maori prophets are example of the eschatology. Indigenous nations had their own wars "of the End of the World. The Treaty of Waitangi process and the South African Truth and Reconciliation Commission and "Rainbow Nation" refounding, are examples of the utopics. Settlers and settler descendants too could felt disaffection with the kind of states they lived under, and how white citizens were implicated in imperium over non-whites.

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[47] Wenning, Mario, in Will Dudley (ed) *Hegel and History* SUNY Press, New York 2009 p. 42.
[48] Ricoeur, Paul, *Memory, History and Forgetting* Chicago University Press, Chicago 2004 p. 140.
[49] Ricoeur ibid p. 392.
[50] Ricoeur ibid. p. 82.
[51] Ricoeur *From Text to Action* Continuum London 2008 pp 300-310.
[52] Ricoeur ibid p. 311.
[53] Ricoeur *Memory, History and Forgetting* p. 393.
[54] Ricoeur *Time and Narrative* University of Chicago, Chicago v. I p. 64.
[55] Ricoeur *From Text to Action* p. 313.
[56] Bobonich, Christopher *Plato's Utopia Recast:- His Later Ethics and Politics* Oxford University Press, Oxford 2002.
Bobonich, Christopher *Plato's Laws:- A Critical Guide* Cambridge University Press 2010.

Grey was a compulsive utopian, for whom a utopic Liberal agrarian order was not a heuristic device or a game, but a seriously intended ideological encoding of reality, or at least a poetics of the same. Yet Grey was not one of those Romantic utopians whom Hegel criticized for desiring the unattainable- like Novalis with his image of "the Blue Flower" in the novel *Heinrich von Ofterdingen*. [57]Hegel declared that such Romantics consigned utopia to mere possibility, and not to realizable historical chance. Yes- admitted Hegel- the Ottoman Sultan might convert to Catholicism, but that is not within the realms of political likelihood. The result of not founding utopics on realizable historical chance were revivalist movements- like the medievalism and neo-Gothic of early 19th century Europe. This is what came from not facing up to how a revolutionary moment abrogated the very universal laws and norms it purported to represent and enforce, warned Hegel. A revolutionary moment for the Romantics had to have a pre-history of origins that had also been abrogated - return to which would apparently restore the norms. Grey however did practise in the settler colonies a realizable utopia in the realms of historical chance. He was however revivalist though his revivalism was not "Gothic" but rather agrarian and civic and 17th century. In that paradox lies the basis for an ideological history of George Grey.

Dreams aside, this book is about what Ricoeur called "the regulation of fear" through the settler empire. Grey's "habitus" of the civilizing process required the inculcation of "a sense of shame" amongst indigenes, [58]that consisted in –

> "a regulation of fear in the face of the inner perils that, in a regime of civility, took the place of the external threat of violence". [59]

Horror is the inversion of veneration, the tyrant the inversion of the philosopher, argued the same philosopher at different times. [60]What is the purpose of History, what reconciliation is possible after such state crime? For this Grey biography is a work of History, engaged dialectically with settler ideology, not a Utopic text. It is a contribution towards a history of the Politcal Thought of empires- imperial ideology annd imperial utopics. Imperium gives rise to calls for justice and for reconciliation, that bring civil and human rights into question. To refer to Hegel again-

> "Reconciliation is another name for an insight that the gap between claims and what they claim to be about needs to be overcome historically". [61]

And lawfully too, for there can be no Law without the history of the state crime. History is the contribution of truth about the past to Reconciliation. Historians may either stand aloof from ideology critique, and content themselves with the mechanics of cause and effect, or they may get stuck in, and interpret, thereby responding to the call from the indigenous nations, settler descendents and the modern states- why did this happen, and do we do about it? A history is no history if it denies its vantage in the flux of a present in which it was composed, and refuses to undertake any judgement between the claims of the past and the present.

Yet Grey was the man of a moment long gone. The task of showing him to be an "Other" in his own right may may reveal him to be both utterly alien, involved at the limit of the unsayable and

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[57] Novalis was the pseudonym of Georg Philipp Friedrich Freiherr von Hardenberg (1772-1801).
[58] Ricoeur, *Memory, History and Forgetting* p. 208.
[59] Ricoeur, ibid p. 209.
[60] Ricoeur *The Political Paradox* Esprit 1957.
[61] Wenning op. cit. p. 42.

unspeakable, [62]and yet it may also reveal him to have been a significant precursor of our own Liberalism and State power. We have to take the risk that he will seem both monstrous and also human, in his development. As for the office that gave him such power-

"In history, there are only roles left in escheat and the assigned to new actors"[63], remarked Ricoeur.

The role of the Crown colony governor has definitely escheated. It reverted back to the Crown whence it came. Not even a republic removes the role of the governor- the governor is already long gone from South Africa. In the constiitutional monarchy of New Zealand, the Governor Generalship is not an assignment to a new actor. The Governor General is rather the plug in the vortex that was "mon-archy" in New Zealand. Sir Jerry Matapaere- the current Governor General - is a sign that there is no longer that potentiality. We have no need of Captain Grey or even President Grey in the 21st century. Let us now find out, who he actually was, and what he did.

[62] Ricoeur *Time and Narrative* v III p. 184.
[63] Ricoeur, Paul Time and Narrative v III p.

Chapter Two
The Grey Family Background

George Grey was have been a soldier savant and intellectual in imperial politics, but he had a family and home-life as well. He desired a settled and populated household throughout his life, for all the intermittent fits of *Wanderlust*. Despite myths of him as the proud loner, and as some demonic figure utterly consumed by power, disregarding of human relations, he loved living in a large turbulent packs of people and families, and seems to have fallen into depression living alone. Coming from such convivial homes, he found it easy to relax with Australian aborigines about their campfires and enjoyed life in Maori *kainga*.

Another myth about him was that he was unable to sustain friendships. This is both truth and false. It depends on who we are talking about. The myth is that only toadies and devotees remained his friends, and that anyone with spirit and sense saw through his charm and vanity and manipulations, and broke with him. However quite a few independent and equal people remained in his circle as his peers for decades on end. People broke with him too, not just he with them. He kept up relationships with prominent Britons of his class over his lifetime. We do not hear of him quarrelling with Archbishop Whately or Charles Babbage or James Stephen or Charles Darwin, John Stuart Mill, Elizabeth Barrett Browning, or R.L. Stevenson. His contemporaries gave him credit for exemplary social skills. By their testimony he could manage the most dangerous and fraught drawing room environments. He had a thick skin for social hazards. "Work" disputes though could send him into rage. He was master of his own government.

It is time then that we reconsidered his upbringing and his family background; and how he was educated. He was not just the virtuoso governor, sent out to another country like a new car in plastic wrapping. He had a cotext that he took with him. Ever since the Rees biography of 1892 the same bare facts have been rattled off, but with little interpretation and few additions of information. We have been stuck on the rails of Grey's own gramophone recording of hismelf. The more distant 21st century New Zealand, Australia and South Africa get from Britain, and the more distant we get in time from 19th century gentility, the harder it is to figure out what the facts mean. Regency era people are becoming as challenging to understand as the Tudors, despite the Jane Austen films and TV dramas.

Grey's social origins have been largely misrepresented and misunderstood to date. His original social status was indeed ambivalent but we can make better sense of them than by dismissing him as a "penniless subaltern"[64] or as one of "the genteel poor".[65] Rather, he came from a mobile and ambitious family connection that was reconstructing itself as Sussex county gentry, woven together from various socially obscure origins about an indutable skein of gentility. No one was more "Home Counties" than Grey out in the colonies, yet no one was more from the marcherlands of the great powers of Western Europe. He was in fact scarcely "English".

It is best to say that he came from a family "connection", because bereavements and remarriages in his parents' generation brought together a large and recycled family. His mother Elizabeth Grey, nee Vignoles, was a widow with two live children of her own, while his step-father Rev John

[64] Bell Kenneth N., and Morrell W.P., *Select Documents on Colonial Policy 1830-1860*, Oxford 1928 p. xliv.
[65] Clarke, Charles Manning, *A History of Australia* v III "The Beginning of an Australian Civilization 1824- 1851", Melbourne University Press, Melbourne, 1973 p. 38.

Thomas, the vicar of Bodiam, East Sussex, was a widower with four children by his previous marriage. Grey's mother and step-father were to have 6 more children. They also became Sir John Thomas and Lady Thomas, because the Thomas baronetcy of Wenvoe fell to John Thomas as his inheritance in 1829. The class background of this "connection" depended on the one hand upon its male members' entry to the Church, the Army, the Navy, the Colonial and Indian Services, into Banking circles, and even the Court, for careers and marriages and pensions, at anytime between 1820 and 1920, - among the relatives in the range of Grey's lifetime whom he grew up with or else remembered him. On the other hand it depended on its female members' marriages and on what could be "settled" on them as dowries. Two frequent questions for instance asked in a Jane Austen novel are:-

"Does he have prospects?"
"Is she well settled?'

Jane Austen is relevant because Grey came from the very boudoir of Jane Austen appreciation. Richard Whately wrote the first literary criticism of Austen's entire work, while he was in love with Grey's cousin Elizabeth Pope in 1820. It is a sign of the success of the family's social reconstruction, that his half siblings married into established county gentry. There was a price to pay. Grey himself bore the overcompensatory traits of familial ambition. He had to make hs own way, though wth solid social capital behind him. He was to become an inveterate self-inventer. The result was that he was a nobleman's *parvenu* and a *parvenu's* nobleman. Sandhurst and the Army did teach him how to be a gentleman. As far as the Duke of Wellington was concerned, being a gentleman was what made a good officer. Grey's languor, cool affableness, reserve and bearing, his ability to hack worldy pleasures, to coolly handle deprivation and luxury alike, his habit of command, the streak of chivalry - yes that was the Army in him, yet also the inimitable gentility. One had to be brought up in it, to be convincing. Yet Grey was many other things as well- vindictive, obsessive, mendacious, arrogant and inhuman when it suited him. Gentility was just one of his modes of being, but he learned it well enough to be the bounder, the cad, the bully, as well as the chivalrous and gracious hero, and the considerate and generous intellectual colleague. The tyrant had manners but he also had temper.

George Grey saws the light of day in the realm of one mad monarch and became the subject of another. A subject of George III, then permanently demented, he came nto ths world in the Portugal of Maria I, who suffered from schizophrenia. He was born in Lisbon on 14 April 1812, after his father Lieutenant-Colonel George Grey had been killed at the storming of Badajoz on 6 April. On a balcony with other officers's wives, Mrs Elizabeth Grey went into labour when she over-heard officers below discussing her husband's death. Badajoz was Spain's fortress city on the border of Spain with Portugal. The key to any invasion of Spain from Portugal, the citadel of Badajoz commanded the upper catchment of the Guardiana River, which then flows south of the Tagus onto thhe south coast of Portugal.

Napoleon had overthrown the scandal-wracked and feuding Spanish Royal Family in May 1808, to place his brother Joseph on a Spanish throne of his own making. The emperor had previously invaded Portugal in 1807, so as to dismember it. Portugal was the fly in the ointment of his Continental System and of his blockade of Britain. It had to be destroyed. Its queen- Maria I, her son the Regent Joao, and the entire Court were evacuated to Rio de Janiero in Brazil in an epic four month voyage under the protection of the Royal Navy.

The British Army moved in as Portugal's allies to continue the war on Iberian soil in alliance with the Portuguese Army and irregular forces. The British effectively "occupied" Portugal, whilst it

was "ruled" from Rio. The military situation in early 1812 was that the Duke of Wellington had to capture Badajoz before Marshall Soult arrived with an army to relieve it, if an invasion of Spain was to succeed.

General Picton and his 3rd Division had captured the bastion south west of the city, but time was of the essence on the 6 April. Wellington decided upon breaching the walls with heavy 18 lb and 24 lb howitzers, then on storming it by night under flares. Trenches had been advanced close to the walls, because the capture of the bastion and its resulting covering fire allowed an intricately networked system of trenches to be dug right up to the walls. The 2nd Battalion of the 30th (Cambridgeshire Regiment) which belonged to the 5th Division, attacked with Portuguese forces from the east between the city and the river Guadiana. At 22.00 hrs the main assault began. 3000 British and Portuguese lives were lost in those embrasures, Colonel Grey among them, - while Picton himself was wounded trying to scale a wall. Colonel Grey's regiment and division however managed to simultaneously join-up with Picton's 3rd Division to the south. It was this conjunction that carried the town. The troops though went on an orgy of rape, murder and pillage in revenge when they entered the city. 4000 Spanish civilians perished during their "liberation".

Many Peninsular War veterans were later to settle in the New Zealand that Grey governed. In Wellington, place names such as Salamanca, Talavera, and Miramar, still recall the Iberian Peninsula they fought in.

Colonel Grey had not only left a posthumous son, George, but a toddler daughter as well, Anne Elizabeth who was later to marry Rev. George Vigne of Tillingham, Essex. Another daughter born in 1810 at Gibraltar, had died at Lisbon.[66] Lisbon then was a place of great sadness for Elizabeth Grey, who had lost her husband and a daughter in that city and then gone into what might have been premature labour with her son George. How premature we do not know, if premature at all. It was her second sojourn in that city. The 2/ 30th Foot has disembarked there from Cork on 5 April 1809. They then proceeded to Gibraltar where the daughter was born, and from Gibraltar to Cadiz on 2 June, which was the seat of the anti-Napoleonic Junta allied with the British. They returned from Cadiz back to Lisbon on 4 October 1810. The battalion then was long based in Lisbon. We are not to imagine that Elizabeth and her daughter went with Colonel Grey to Cadiz. They would have stayed in Lisbon or been sent on there from Gibraltar. Cadiz had been placed under a prolonged, if desultory, siege by Marshal Soult.

In so far as George Grey had a childhood British home, that formed him as an "Englishman", it was the City of London, - the very heart of the financial district- which his mother brought him to during her widowhood, and then the rectory at Bodiam in East Sussex, after she remarried. "Anglo-Irish" is too grand a description for the late Colonel Grey, for George's paternal grandfather an army captain[67] and his great-grandfather a Church of Ireland minister.[68] "Anglo-Irish" is a term used to describe the Protestant English nobility and gentry that had made Ireland a colony, over the 16th annd 17th century, who appropriated the land and lived as the governing class. Nor was Grey an "Ulsterman". There was nothing Presbyterian about Grey. "Irish Protestant" is a better description of his ancestry.[69]

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[66] Burke, Sir Arthur, op. cit., p. 585.

[67] Burke, Sir Arthur, ibid p. 584 Captain Owen Wynne Grey of the 6th Dragoons (Carbineers).

[68] ibid p. 584.

[69] If the Greys were not in fact actually "Scots Irish". Grey claimed in *A Genealogical and Heraldic History of the Colonial Gentry* p. 584 that he was descended from Sir

The Grey family owned property at "Greyfield" outside of Jamestown in modern Co. Leitrim. They claimed descent from the Grey family that had ruled Ireland as Lords Deputy in Henry VIII's time. Edward IV's Queen was Elizabeth Wydville, who had been the wife of Sir John Grey of Groby. A son by her marriage to Grey was ennobled as the Marquess of Dorset;- his son in turn, Viscount Graney, was Lord Deputy of Ireland for Henry VIII oly to be attainted for treason, and executed in 1541. Somehow the Greys of Jamestown claimed descent from Viscount Graney. No one knows how. No one ever seems to have known, in Grey's own lifetime. Nor does it matter- the link if proved, would still have not made Grey a genuine nobleman. He came from an obscure family of Church of Ireland squireens. In manner, Grey betrayed no petit bourgeois or social climbing awkwardness. He was rather the aloof, and withdrawn grand seignieur. He had put a lot of work and study into that manner however.

What was the cause of his insecurity? He was a man with a desperate need for status and for power. Without it he was at a loss in life. Nothing in his father's family, apart from recent generations of social improvement, accounts for the position Grey was to occupy in life. No wonder his enemies and detractors nastily suggested that his true name was the plebeian Gray, spelt with an "a". That however was false- the Duke of Wellington's own hand, documents relating to Elizabeth Grey, and Grey's own documents at Sandhurst and his commissions all prove that his family were Greys. Plenty of entries in British Army service records from the Napolenic Wars proves that there were many able seamen and private soldiers who were Greys with an "e". The conjunction of the governor with Earl Grey perhaps encouraged that claim. If any change occurred, it was before Grey's birth. This claim was a lifelong irritation, which he refused to even refute. Many 19th century British governors came from an Anglo-Irish or Irish Protestant background. One has only to mention Sir Robert Gregory, or Sir Hercules Robinson, as examples.

Grey's mother's origins are less obscure. Elizabeth Vignoles was the daughter of Rev John Vignoles, of Cornaher, Westmeath, former Major of a regiment and an Archdeacon of the Church of Ireland.[70] The Vignoles came from the Portarlington colony of Huguenot émigrés. They were a warrior family, in both France, and Ireland, and a clergy family. Elizabeth was allegedly a great-niece of Field Marshal 1st Earl Ligonier, who had kept a harem in Surrey, and cousin to General 1st Earl Ligonier of Clonmell. David Agnew, the 19th century authority on British and Irish Protestant refugees challenged this, arguing that no proof exists that makes an ancestress of Grey's, Anne Marie de Bonneval, a sister of Ligonier. [71]

Nor were they were a short-lived family. Grey lived to be 86. Elizabeth's father John lived 1740-1819, dying at the age of 79. Her brother Commander John Vignoles RN lived 1790-1865. Like his nephew, John Vignoles knew and corresponded with Charles Darwin. Another brother the Very

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John Grey and Elizabeth Wydville of Edward IV's court, and from the Marquess of Dorset and Viscount Graney of Henry VIII's reign. Graney was attainted for treason in 1541, whereafter the family allegedly survived fallen into obscurity.

[70] Burke, Sir Arthur, op. cit., p. 583.

[71] Agnew, Rev David C.A., *Protestant Exiles from France: or the Huguenot Refugees and their Descendants in Great Britain and Ireland*, Reeves and Turner, London 1871 v II p. 258. The argument is that nothing proves that Anne Marie de Bonneval and her brother Rev Anthoine Ligonier de Bonneval were siblings of Lord Ligonier, or that Ligonier or his antecedents were ever Ligoniers de Bonneval.

Rev Charles Vignoles the Dean of Ossory lived 1789- 1877. He was born in July as the French Revolution broke out and died just after his nephew became premier of New Zealand. [72]

How had the Vignoles come to be in Ireland? In 1689 Louis XIV revoked the Edict of Nantes that his grandfather Henri IV had proclaimed, that had guaranteed civil rights to French Protestants after France's hideous Wars of Religion. Grey's Vignoles ancestors were noblemen from the eastern Pyrenees close to Catalonia. From the reign of Francois I (1515-1547) the Vignoles were the Seigneurs de Prades. Prades lies just over the border from the small Pyreneean state of Andorra, near Carcassone. It now lies in the Pyrenees-Orientales *departement* of France. The Vignoles family chateau is now a hotel. Curiously Prades is also where the New Zealand-American monk Thomas Merton (1915-1968) was born, the son of the Christchurch painter Owen Merton.

Though living right by the Spanish border of "the most Catholic Kings", in the Catholic Kingdom of "the most Christian King" France, the Vignoles family belonged to the militant Calvinist minor nobility of the South of France. Jean Calvin (1509-1564) was arguably the greatest religious genius that France has produced, and that is saying something. He was also a great religious revolutionary. His ground-breaking book *The Institutes of the Christian Religion* was published in 1536. In it he argued that Christ died to redeem only the "saints" - the predestined and chosen few and not all of humankind. Grace was so powerful and in intervention in human life that free will could not resist its saving power. Once one realized one was a "saint", it was impossible to back-slide into damnation. Calvin took over the republic of Geneva, which became the centre of Calvinist churches from Navarre to The Netherlands, to France, to Scotland, and briefly the England of Edward VI (1547- 1553). Massachusetts was later founded as a Calvinist colony. By the mid 1550s however, Calvinists became convinced that they had the right to take up arms to resist persecuting princes.

France's Wars of Religion (1562-98) in which Protestants resisted the Spanish-backed Catholic *Ligue* and the Guise family, were France's most terrible conflagration between the Hundred Years War and the French Revolution. It began with a failed Protestant coup - the Amboise conspiracy of 1560. These wars were worse than a civil war, - if it is possible to say that. French Catholics under the leadership of the Guise family went about massacering and even torturing Protestants in public. Protestants went about smashing "idols" in Catholic churches and religious houses if not trying to destroy the buildings themselves. Spain under Philip II backed the Guises. The French monarchy under Catherine de Medicis and her sickly sons, Francois II, Charles IX and Henri III was caught between the warring parties. Catholic though the Valois dynasty was, they did not want the Spanish interest to win. Henri III observed due process of law and left the Crown to his legitimate distant relative Henri de Bourbon, the king of the small Pyreneean kingdom of Navarre in the west of the Pyrenees. Henri IV was the Protestant king of a Protestant state. Although Henri converted to the Catholic Church so as to secure the throne, with the famous one-liner,"Paris is worth a Mass", he cut a generous deal for his Protestant subjects in France and Navarre who had fought for him. The Vignoles were among them.

The Vignoles belonged to a French southern Protestantism with the Pyrenees as their rampart, Navarre in the west, and Prades close to the Mediterranean. The *Midi* has long had a separate identity. The so-called Albigensian or "Cathar" faith had its strongholds in the region. Many of the post-Cathar nobility were descendants of the northern nobles who had crusaded against the

[72] Family websites on line have their hazards. Most that I have consulted give 1789 as Charles Vignoles' birth year, others 1798. Whether he died at 79 or 88, those were impressive ages for the 19th century.

Cathars in the 13th century. The code of courtly love, troubador poetry and the Kabbalah of the Jews all originated from the 12th century Languedoc.

Many of these crusader nobles who had campaigned against the Cathars, in turn converted to Protestantism in the 16th century. Religious warfare went on until the early 18th century, until the infamous *dragonades* of Louis XIV against villagers in the Cevennes, that Grey's young friend Robert Louis Stevenson wrote about. We must not imagine Grey's Vignoles ancestors as a "French" elite. They undoubtedly spoke French, but perhaps also border versions of Catalan and Occitan. Prades lies where the languages almost imperceptibly merge into one another, where the Midi dissolves into all the kingdoms of Spain. Roncesvalles, where Roland defended the pass for Charlemagne- against Moors according to the 11th century Chanson de Roland, though in reality against the Basques- lay west in the kingdom of Navarre. Grey's Vignoles ancestors came from a borderland where chivalry and knightliness were defined, and where fierce religious warfare took place from the 8th to the 18th centuries, of Catholics against Muslims, Cathars, and Protestants, when the two powers of Spain and France were not fighting each other from the 16th century onwards. The Vignoles of Prades then, had controlled one of the portals of France.

When Louis XIV revoked the Edict of Nantes in 1685, a mass movement of French Protestants or "Huguenots" took exiles to whichever countries would receive them. Perhaps 400,000 in all departed. The descendants of Jacques de Vignolles of Prades and of Louise de Baschi, originally from the Protestant stronghold of Nimes joined them. The great 19th century French Protestant Liberal statesman Francois Guizot would come from Nimes. The Netherlands took in many exiles, from where some sailed on to South Africa, and became Afrikaners. Afrikaners with French surnames like du Toit are Huguenot descendants. The German state of Brandenburg which would soon become the Kingdom of Prussia warmly welcomed them. This is why so many distinguished military and civil service Prussian families had French surnames.

Great Britain –and its Kingdom of Ireland- welcomed them as well. They settled in London where they became merchants and bankers and highly skilled artificers in silk and silversmithing. William Hogarth painted in 1738 a famous painting *"The Sunday Afternoon*" depicting on one side of a street, wealthy Huguenots coming out of their church service still all Frenchified and dandified in the London of George II, while on the other side the doughty English working class at a pub are plying their vigorous pleasures, of food and sex. London Huguenot Merchant families such as the Martins whom Grey's Aunt Julia married into, would have been like Hogarth's Huguenots. In the Irish countryside it was another matter, yet there too they kept up their sense of difference, from Irish and British alike.

Rustic d'Artagnan - like squires such as the Vignoles were hardly going to settle down to a life of trade or banking. Arms was their profession. They accepted an offer to settle in Co Laois- then known as Queen's County - in Ireland. The Vignoles were one of 15 families who accepted the invitation of the 1st Baron Arlington to make new lives at Portarlington, a town that had been founded in 1666 for Protestant settlers from out of land confiscations. It was a like a Waikato town, in that the colonial settlements of the Waikato region of New Zealand's North Island were built on land confiscations in the Land Wars. It was also like Akaroa on Banks Peninsula in Canterbury in the 19th century - once a pocket of French-speaking settlers in New Zealand. Portarlington quickly developed a reputation as the All-Ireland seminary of French language education. Anglo-Irish Familes sent their children there to learn good French. French ways were retained as far as possible. Perhaps "Franco-Irish" is the best way to describe the Vignoles of Portarlington and other French Protestants in Ireland. The French language survived long in the family. The historian of British and Irish Protestant refugees, Rev David Agnew, claimed that

Grey's uncle, Rev Charles Vignoles, of Cornahir, was the last Church of Ireland clergyman to conduct the Divine Service in French. The date given for his succession to the French church at Portarlington is 1817. [73]

Between her marriages to Colonel Grey and to Sir John Thomas, Elizabeth produced 9 children, 8 of whom attained adulthood. She was undoubtedly a strong-willed, spirited and remarkable woman. It is a bit much though to propose as Charles Manning Clark did, that Grey only loved his mother, apart from loving his career. She had three families of children to bring up. She could not have doted on just one child. On her remarriage in 1817, she had to help look after John Thomas's four children by his previous Irish French Protestant wife, Frances Ram. Boys were not then brought up to let them get too close or form too exclusive a bond with their mothers. They were sent to board at schools at early ages. Apart from holidays and leave from the Services, the family home was primarily an incubator for the very young.

But to revert to 1812 - Elizabeth had to first of all *get* a home, after the loss of her first husband at the storming of Badajoz. By all accounts, she resorted to her sisters in London for support during her widowhood. Officer's widows were eligible for an 80 pounds pension, children each to 18-25 pounds of child allowance,[74] providing their late spouse had conducted himself creditably. Such entitlements ceased upon remarriage. For just this period of her life it might be fair to say that George grew up to no older than the age of five, as one of the "genteel poor", providing we understand that he and his mother and sister had a home with one of London's significant banking families. Mrs Grey was hardly taking in sewing for a living. But she did have to acquire a home of her own by remarriage. It was bad enough in Regency England for an unmarried daughter who had no adequate fortune of her own – a widow like Elizabeth had children to provide for as well. The remarriage had to be in their interests as well as hers.

Mrs Grey and her son were to have family connections with two London banking houses in all. Her sister, Julia Vignoles, had married James Martin of the ancient bank known as "The Grasshopper" [75] on Lombard Street and Change Alley, where the Royal Bank of Scotland stands now. This James Martin was James Martin III (1778- 1870) the younger brother of John Martin

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[73] Agnew, Rev David C.A., *Protestant Exiles from France: or the Huguenot Refugees and their Descendants in Great Britain and Ireland*, Reeves and Turner, London 1871 v II p. 259.

[74] On the subject of Widows' pensions:- Queen Anne's Bounty was extended by George II in 1737 to include all widows of officers killed, by means of paying two nominal officers per regiment, and this practice was made a charge on the Army Estimates in 1806. A Lieut. Colonel's widow received 80 pounds, compassionate allowances per child per annum 18-25 pounds if killed in action. All pensions ceased upon remarriage. If commission refunded, there was no entitlement to a pension or compassionate allowance. Colonel Grey's commission was worth 4500 pounds.

[75] Rutherford, James, *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government* p. 4.
Bohan, Edmund, *To Be a Hero: A Biography of Sir George Grey*, p. 17.

(1774-1834) who was a partner between 1796-1832. James was only a partner 1806-1823, thereafter ceasing connection with the firm.[76]

Grey often reminisced about his uncle's house on Lombard Street with its ample library. Apart from the ample library, it was a Dickensian set-up in an old house, in the most ancient part of the actual City of London, amongst rickety buildings, between busy thoroughfares and the obscure alleys and courtyards off them. A picture survives of the courtyard in which Grey would have played as a boy. We can imagine him in the boys' fashion of 1817, wearing a military casquette or cap, like a boy in a Nursery Rhyme book. The address was the house known as "The Plough" 67 Lombard Street on the Change Alley passage, across from "The Grasshopper"[77] where John lived. [78] James' residence at "The Plough" ceased after he withdrew from his partnership, as it was a property made available to family members connected with the business. He took up residence at Colwall near Ledbury in Herefordshire.[79] That neighbourhood in Herefordshire introduced the family to the Biddulphs and to Elizabeth Barrett Browning.

Before their residence though at "The Plough" the Greys had lived with other relatives near Hyde Park. Grey's earliest memory was apparently of setting fire to a pew in the freezing winter of 1815 when he was only 3. Rented family pews had braziers in them as pew-warmers. Elizabeth then had access to such a pew for her church-going. Thanks to her family networks, she was able to relaunch herself into a second marriage and acquire a household of her own. Marriage connections between the Vignoles and banking dynasties were to continue across the generations. The most spectacular marriage of all was that of Grey's half-sister Caroline Thomas to Ormus Biddulph of "Cocks, and Biddulph". Grey was a colonial governor, related then to two significant City banking houses.

The marriage of Aunt Julia to James Martin however provided the base for Grey's mother to remarry. When the boy was five, Elizabeth married the Rev. John Thomas (1784-1841), the Vicar of Bodiam and Wartling in the East Sussex Weald. A quiet country vicar sounds like a comedown after the heroic Colonel Grey, but Thomas was a man of surprises. He had been previously married to another Huguenot Irishwoman, Frances Ram, who left a son and three daughters, all of whom were to die unmarried and without issue. He seems to have had some connection with Ireland. There is a rumour that he first met Elizabeth Grey when he lived there. This might have been when he married Frances. They were therefore perhaps not unacquainted. His cousin Sir Godfrey Webster, 6th Baronet Webster of Battle Abbey, was Lord of the Manor of Bodiam and the patron of both of Thomas' advowsons, to the Bodiam and Wartling parishes. Thomas had "expectations" himself since he was the heir to a baronetcy as well, to which he succeeded in 1829 as the 6th Baronet Thomas of Wenvoe.[80] This inheritance involved money, to support the status. The family situation was one of upward mobility after 1829 as Thomas acquired land in the county,[81] bought

[76]Martin, John Biddulph , *"The Grasshopper" in Lombard Street* , Leadenhall Press London 1892 pp. 99 -100 .
[77] Martin, John Biddulph, op. cit. p. 223 and p. 225.
[78] James Martin is the banker then whom Rees (1892) lived in Change Alkley, when in fact his address was on Lombard St.
[79] Martin, ibid p.100.
[80] Bohan, op. cit. p. 16 gave the impression that Elizabeth Grey *married* a baronet. She had to wait 12 years to become Lady Thomas.
[81] *Victoria History of the Counties of England - Sussex* ; University of London, reprinted 1973; v. VI pt 2 p. 161.

the advowsons[82] to both his parishes, [83]and married and dowered his daughters by Elizabeth Grey (though not by Frances Ram) into the county gentry. They also removed themselves to Cheltenham, in time. Cheltenham was where Grey's mother spent her widowhood. It was where Grey's mentor, Richard Whately, first met the boy's cousin, Elizabeth Pope, and began to court her.

The Thomas family had survived a dissipated late 18th century, selling their Welsh castle in Glamorganshire in 1765, [84] and falling in duels.[85] Thomas' first cousin Colonel Charles Nassau Thomas was none other than the Prince Regent's Vice-Chamberlain (sic) before he died in 1820, the year his Master ascended the throne as George IV.[86] The extended Thomas family might have been as much at home in the Brighton Pavilion as in a village rectory. Or else it contained strains of Puritanism and high living in conflict with one another, producing individuals who reacted either against austere Church of Ireland religion, or against dissipation. Grey's life was to show a strange mixture of louchness and religiosity.

The Rev. Thomas had taken up residence in East Sussex because his family had previously married into the Websters of Battle Abbey[87] who in turn presented him to his livings. "Godfrey" was a name the families had in common - shared onomastics is a sign of kindredness and continual contact between the Websters and Thomases.

The marriage "worked". The families involved acquired or recovered status and property. Accession to the county gentry is shown by the marriage of Grey's half-sister Pauline to Herbert Mascall Curteis MP of Herstmonceux Castle,[88] of which she was the chatelaine from 1849-1911.[89] It was quite a ruin at that time though. Repaired in the 20th century it has become the place to see in East Sussex and a tourist destination as the south of England's main intact moated crenalleted Hundred Years War castle. There is another castle of the same kind at Bodiam, the very moated castle that Lord Curzon the Viceroy of India renovated. Grey grew up with such magnificent and storied ruins right on the doorstep of the vicarage. He did not have to find them in books. Although he was not to indulge the Victorian taste for Gothic architecture and design, he did collect Mss from the Hundred Years War and claim genealogical connections from that period. The family developed a taste for fine mansions as their "seats". Grey was to make Mansion House on Kawau Island his "seat". While not quite the noble pile of Herstmonceux, Kawau was a large private island, and Mansion House is a handsome wooden colonial mansion.

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[82] *Victoria County History, Sussex,* v IX p 265 top left column.
[83] *Victoria County History,* ibid p. 141 right column for the Webster advowson at Wartling as well.
[84] *Burke's Peerage and Baronetage and Knightage* 1, Burke's Peerage, London, 105th edition 1970 Part 2 p. 2631 right column.
[85] *Burke's*, ibid. p. 2631.
[86] *Burke's* ibid. p. 2631.
[87] Sir Edmond Thomas 3rd Baronet (1712- 1767) married Abigail Webster daughter of Sir Thomas Webster 1st Baronet of Battle Abbey, and by her had Sir Edmond the 4th baronet d 1789 and Sir John Thomas 5th Baronet who was the father of Sir John Thomas 6th baronet.
[88] For Pauline Curteis nee Thomas refer to *Burke's Peerage Baronetage and Knightage Clan Chiefs Scottish Feudal Barons*, Wilmington, Delaware, 2003, 107th edition v III p. 3883 left column.
[89]*Victoria History of the Counties of England Sussex* v IX p 134 left column.

Such a family "connection" can be described as county clergy with City connections who were transforming into county gentry. They remained reliant upon the government "Services" for employment of sons. John Thomas' brother was Rear Admiral Frederick Jennings Thomas (1786-1855). Grey and his stepbrother Edmond the 7th baronet both entered the Army, Edmond becoming a Major, while Grey, after purchasing commissions,[90] later entered the Colonial Service. As we have seen on hiis mother's side, Grey's uncle was Commander Vignoles RN. The families complemented each other professionally. The Church became the option for sons-in-law, though not for sons in the succeeding generations after the Rev Sir John Thomas.

Court connections did not cease with the death of Charles Thomas in 1820 - Grey was to win the favour of Queen Victoria for life,[91] while his grand-nephew was to become a significant official of the Royal Household. [92] Sir Godfrey Vignoles Thomas the 10th baronet was private secretary to HRH the Prince of Wales, who became Edward VIII, to whom he remained an assistant private secretary, wisely refraining from becoming that king's Private Secretary. Not entirely *arriviste* then, the Thomas family underwent social and financial resuscitation, although members of the ménage were all recent immigrants to Sussex over the previous century from Celtic and Pyrenean marcher lands. Compared with the Martins and the Thomases, the Greys and the Vignoles were "Irish" families –Irish Protestant and Franco-Irish - that had stepped onto a social escalator with the Martin and Thomas marriages.

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[90] As there was a 1100 pounds difference between a captain's commission of 1800 pounds and a lieutenant's commission of 700 pounds in a regiment of the line such as the 83rd, and 250 pounds between a ensignship of 450 pounds and a lieutenancy, Grey was more than able to find the funds to obtain promotion.

Table of Commissions for Regiments of the Line.

Commissions	Prices	Difference in Value
	£	£
Lieutenant-Colonel	4 500	1 300
Major	3 200	1 400
Captain	1 800	1 100
Lieutenant	700	250
Ensign	450	450
	Total	4 500

de Fonblanque, Edward Barrington, *Treatise on the Administration and Organization of the British Army, with Special Reference to Finance and Supply* , Longman, Brown, Green, Longmans, and Roberts, London 1858; , Book II Chapter IV p. 133.

[91] Rutherford op. cit.,; p. 650.
Bohan, *To Be a Hero* p. 241.

[92]Sir Godfrey Vignoles Thomas 10th Baronet Thomas of Wenvoe (1889-1968) Private Secretary to the HRH Prince of Wales (1919-1935) , Assistant Private Secretary to Edward VIII (1936) , Private Secretary to the Duke of Gloucester (1937-58) .

I am always reminded of Thackeray's great novel *Vanity Fair* when I think of Grey and his family. Much of the novel is set in Sussex and Hampshire, either in the "fashionable" Sussex of Brighton or the rustic seat of country baronets, the Crawleys of the imaginary "King's Crawley". There is a real town of Crawley in Sussex close to the Surrey border. It is no accident that Thackeray made the toponym creep over the Hampshire border. The characters hang about "the Great", - about peers such as the Marquess of Steyne for favour and patronage, just like Grey did Lord Glenelg, Earl Grey, or the 5th Duke of Newcastle. Steyne is a Brighton onomastic and Steyning is a Sussex town. Grey is made a colonial governor like Colonel Crawley, who gets made Governor of "Coventry Island". The colonel turns on the Marquess, for much the same reasons as Grey turned on Admiral Keppel in 1860 – an affair with his wife. Grey turned on the aristocracy later in the 1860s, when he tried to stand against the candidate of the 6th Duke of Newcastle at Newark on Trent.

The novel includes London banker families, such as the hapless Sedleys and the proud but unfortunate Osbournes, just like the bankers who were Grey's relatives. "Class" dominates everything in the 21st century United Kingdom- how much more so 200 years ago. We have George Grey then socially "pinned" as a specimen at last. He comes from a similar mixture of banking and baronetage that David Cameron comes from- though with a pronounced streaks of soldiering and intellectuality and religion, that that Prime Minister lacks.

The family home was at the vicarage at Bodiam in East Sussex. This lies in a remarkable district of England known as *The Weald*. This is pronounced like the verb "wield". It lies between Sussex and Kent. It is remote wooded hill-country that had nonetheless been a major industrial centre uninterruptedly from Roman times - industrial on account of its iron industry. The ores were there, the forests produced wood to fire the furnaces. The Roman fleet had its own dedicated foundries in the Weald. The river system meant that worked metal could be shipped down the Medway and back up the Thames, or out into the North Sea. The River Rye through Bodiam down to Pevensey. Weald iron-working NEVER died out in the Dark Ages. Cities were abandoned, roads were no longer maintained, coinage and literacy vanished, but Wealden iron-working went on. The Saxon newcomers needed it just as much as the Romans. The industry was of just as much interest to the Normans. By the Hundred Years War throughout the 14th and 15th centuries, the Weald became their major armoury. The French once attacked Bodiam up the river Rye after laying waste to Pevensey and firing it. The nearest large towns were Pevensey, a limb of Hastings as a Cinque Port, and the size and castle town of Lewes.

New industrial processes such as bloom furnaces and water wheels intensified production to meet military demand. The Tudor age marked the high point of the industrial Weald. Gunpowder was added to the inventory of what was made there. Admiral Nelson was to insist in the early 19th century on only Wealden gunpowder for his men o'war. Valleys were flooded everywhere to make mill ponds for the foundries. The forest cover was stripped. Furnaces consumed almost everything. The forests had been heavy coppiced so as to produce more wood. Decline set in. The iron finally industry died out in the early and mid 19th century, unable to compete with the Midland and Northern industrial cities.

The Weald nonetheless produced, or rather protected, a remarkable community of people. Consider how a community of iron-masters might welcome people on the run or refugees, so long as they accepted their own customs and provided useful labour. Iron-founding was a "mystery", a trade that required a lot of expertise but iron-working on this scale and to this degree of quality and skill was exceptional in Britian. The area became a redoubt for dissenters, for the persistence of old cultures or a hiding place for new ones. Mary Tudor burned to death 19 Wealden Protestants

at Lewes in Sussex. The Weald had Lollard coombs where the 14th century sect never died out. Yet the last English person to be executed for being a "pagan" came from the district in the 1690s. To this day East Sussex takes prides in its dissent, with the Lewes Bonfire Night on the 5th November. "Wicca" or other varieties of neo-paganism are virtually a public religion in Lewes, and is it an accident that Aleistair Crowley and Malcolm Lowry settled in Hastings and Ripe? Grey was perhaps just another East Sussex Sorcerer.

When Grey grew up there as a boy it was an anxious place. The undercurrent was that Sussex was a county in crisis. At the beginning of the 19th century 22.6% of its population was on either permanent or occasional relief.[93] Real poor relief expenditure rose 23% between 1817 and 1832 in Essex, Kent and Sussex, - the period between when Grey and his mother arrived at Bodiam, and when he went to serve in Ireland's Tithe War.[94] The alliance between Whig gentry and radical dissenters that had characterised the county's politics at the time of the Glorious Revolution had broken down during the long reign of the Pelhams, in the mid 18th century, with their hold on the Prime Ministership, who were themselves from Sussex. By the Regency period, Percy Bysshe Shelley was not the only scion of a Sussex family trying to revive that alliance. Grey was just another young radical from a genteel Sussex household of baronets, although 20 years younger. The younger man's radicalism though was not that of his elder. Time had moved on. Grey was no Saint-Just. The options for young radicals in the 1830s were to be either Utilitarian or Carlylean. Grey as we shall see, managed to combine Whig ideology with Thomas Carlyle's vision of personal power.

For the poor had had enough. When Grey was a boy, the "Captain Swing" agitation broke out in the neighbourhood of Bodiam. Farm labourers burned hay rick and farm out-houses at night, leaving notices that "Captain Swing" had struck. The parliamentary career of the Thomas' relative, Sir Godfrey Webster, supposedly the Tory MP for Lewes, but in fact a Radical, resembles Grey's New Zealand political career 40 years later. The misery of the rural poor was as close to Grey's home at Bodiam as the brilliant circle of Liberal Anglicans were, that he was to join.

The artist Samuel Palmer's golden vision of the Kent Weald created a vision of pastoral fulfillment and harmony that dates from when Grey was a boy growing up not far away in the Sussex Weald. That vision was utopian and agrarian. The industrial wasteland with its poor soils and angry farm labourers were depicted as if "the Saints" were ruling their thousand years, as prophesied in the Book of the Apocalypse. Samuel Palmer, (1805-1881) lived and painted at Shoreham, Kent in the Weald 1825-35 with a group of friends who called themselves the "Ancients". William Blake was their mentor. Palmer was a Romantic High Church Anglican who imagined an agrarian idyll in the Weald, that shares many features of Grey's own agrarianism. We do not have to go to a colony to find the sources of Grey's agrarian dream. It lay on his very doorstep in Bodiam and in the "twitterns" the country lanes of East Sussex. Palmer showed how beautiful the forests had become after recovery from industrial depoliation. The mill-ponds and slag heaps had surrendered to natural ecology of the place. To mention Palmer and Grey together is not to imply that the "Ancient" influenced Grey. It is rather to suggest that agitation in the Weald produced two distinct utopic visions.

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[93] Patriquin, Larry, *Agrarian Capitalism and Poor Relief in England, 1500-1860:- Rethinking the Origins of the Welfare State*, Palgrave Macmillan, Basingstoke 2007 p. 121.

[94] Patriquin, ibid. p. 122.

In the Shoreham paintings that Palmer painted between 1825-35, it is always harvest time it is always golden Autumn. The weather is often so still and calm as to be in a claustrophic hush yet in other paintings like "The Cloud" an afflatus of autumn gale rends the wheat. There are farmers and shepherds under moonlight. Bunyan-like figures read the Bible in these fields or else villagers troop out of divine service in the village church. Long Sussex eave buildings abound.

What must be remembered about this pastoral and agrarian idyll is what Palmer and Grey knew about this prime English cultural site. It was a backwater district riven by violence and dissent. It had regenerated from heavy industrialization, at least of a pre-modern kind. The coppices and mill-ponds are a constant reminder that this is not a purely natural environment. So the redoubt was not uncomplicately a bucolic dream – the vestiges of foundries and gunpowder works still operated there into Grey's boyhood. Grey himself was to collect Blake prints. He was to have his portrait drawn by George Richmond, (1809-1896) one of Palmer's friends, "the Ancients", though Richmond had by then became a society portraitist. The Wealden East Sussex of course only functions as a metaphorical site. Grey does not break into paeans on the subject. His agrarian oratory belongs to his political life, after there decades of Colonial Service. The comparison to emphasize between Palmer and Grey is that an agrarian utopics was their response to the United Kingdom's social problems, land-teure and industrialization. Their horizons were not technologist and futurological, even if they were eschatological. Their solutions were pre-modern.

Whether the Sussex Weald, the middle counties of Ireland or the Midi of France, Grey came from people who were "borderers", on the fringes and marcherlands, yet who nonetheless represented authority and "civility" in those places. It would be unhelpful to say that because Grey was descended from "frontier" people, who nonetheless represented authority of some kind, that this genetically and culturally made him what he turned into. Yet these antecedents can create for us the metaphor of a contrast that was to affect him all his life - he was metropolitan in culture and background, yet was just as much at home among settlers and rural people and angry indigenous populations, as he was in learned societies or aristocratic town-houses. Even in his Vignoles background, we find the civil service *noblesse de robe* of ancient provincial towns like Nimes, with its uninterrupted civic life from Roman towns, marrying *the noblesse d'epee* Vignoles on the Spanish border. Even Grey's Home Counties background in Sussex lay in an outlier region like the Weald. Ireland before the Famine was a settler state, as the result of a conquest imposed in a series of wars over the 17th century. Grey then was a man of high civilization who was nonetheless a "settler", what the French and postcolonial theorists call a "colon". **He had no home**. Grey had no inherited property. The Thomas baronetcy was not his. His genealogies conferred on him no distinction. Did he belong to England, to Ireland, or to that "other" France, the France of Calvin and Henri IV?

Grey had to invent himself, he had to make a career for himself, with no expectations of an inheritance. In doing so however, he was never to lose the transience and rootlessness typical of a settler. Just as American settlers moved farther and farther West, into California over the 19th century, so did Grey keep changing abode. When we appreciate that his "identity" was that of a settler, or "borderer" and that he understood that he came from centuries of such people, when we appreciate that he accepted such a destiny or vocation to live and "rule" in such environments, then we may begin to understand this highly liminal man.

In conclusion, Grey's family, education, contacts and culture well prepared him for either a military or colonial career. He chose the Army first, then a Colonial Service career in his late twenties, finding greater opportunity in the Colonial Service for the fulfilment of the opinions and plans he had developed. It must be stressed however that Grey needed to make a career for himself,

and not rely on family property and assets to support his status as a gentleman. He lacked the means to embark on a parliamentary career. Nor had he acquired a liberal professional education, - that is gone to university, studied medicine or Law. He nevertheless educated himself to be an intellectual and a *savant*. His family connections served to normalise the intellectual and scientific interests of an intelligent boy. His uncle Commander Vignoles forwarded specimens to Charles Darwin. Grey was to become a noted ethnographer. One sister was to marry a Fellow of the Royal Astronomical Society. As a boy, Grey could participate in games and country sports, and in research of his own choosing, without being thought the Regency equivalent of "geek".

In Grey's family, moreover, the Liberal Anglican intelligentsia were not distant, academic, persons. They were friends and relatives, taking part in Regency sociability. They were a household intelligentsia who lived as close to hand as the guest-room or a drive down the road. Oxford University Liberal Anglicans were associated with Richard Whately, a Fellow of Oriel College, who married Grey's distant cousin Elizabeth Pope in 1821.[95] Grey supposedly first met Whately at Eastbourne in 1820, where he had been sent to stay with relatives after he had run away from the Royal Grammar School at Guildford to Eastbourne, to try and find his family and explain why he did not want a "classical" education. Far from being punished, the boy was permitted to go for walks with Whately and learn about pre-Roman Britons, before being sent to live at Cheltenham and Lombard Street for a while. As William Rees, a personal friend and biographer was to state, Grey -

> was educated at Sandhurst, but enjoyed, through the days of his youth, the privilege of the teaching and guidance of Dr. Whately, afterwards Archbishop of Dublin. [96]

Note the omission of the Royal Grammar School, Guildford. The Royal Grammar School, Guildford, who are proud to claim Grey as an Old Boy, featuring him on their website, have been contacted for information. Their archivist has no specific records of Grey's attendance or of any boys in the 1810s and 20s. We have no reason then to believe that Grey's step-father did just not talk to the boy and return him to the school after a break. Where else was Grey schooled between the ages of 8 and 14, when he entered Sandhurst? Surely he did not just stay at his uncles and aunts for 8 years reading Atlases and looking at scientific books? That is the impression Grey gave- that he just "mooched" around. The Thomases would not have been able to afford private tutoring, at least until his step-father came into his expectations perhaps, and then they would have had other priorities, such as buying land and entering the local land-owning class in fact and not just in name. I think we may decode the above statement from Rees to mean, that Grey would not comment on the Royal Grammar School, - it was not to his liking, - he did not get his own way, and that by compensation, he acknowledged Richard Whately as his true teacher, and not the hapless masters at his Guildford school.

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[95] Akenson, Donald Harman, op. cit. p. 35 notes that Whately met Elizabeth Pope at Cheltenham, the daughter of a Middlesex widow in the summer of 1820. Another fellow of Oriel College, and a cousin of Elizabeth's, Sherlock Willis, (see Burke, Sir Arthur (ed), *A Genealogical and Heraldic History of the Colonial Gentry*, Harrison and Sons, London 1891-1895 2 vv, p. 585 had introduced the couple at Cheltenham. He was the husband of Elizabeth Vignoles' sister Margaret (1797- 1828) The Whately-Pope marriage took place in July 1831 (see Akenson op. cit. p. 35).

[96] Rees, William Lee, *Sir Gilbert Leigh*; Sampson, Low; Marston, Searle and Rivington; London 1878, 2 vv; v II Appendix "The Great Pro-Consul" p. 233.

What we may note from Grey's own statement in old age on his flight from Guildford, is that he had strongly identified with scientific studies and with the family's access to "savant" culture, by the age of 8, to the extent that he was able to disparage classical learning. An old man was remembering this, and Grey was an adept reinventor. We can perhaps this as an accurate account precisely because Grey did become a book collector and library builder, avid for the kind of learning and literature that he had rejected when he was 8. Grey was not a "university" man, he was never to pretend on a "classical" education, yet he was to claim the ability to read Latin and Greek, read texts in those languages, and to assemble "Wunderkammer", that is, - chambers of marvels of rare and esoteric books, like a Renaissance prince, like a Rudolf II. Conforming to no curriculum known to the Humanities, he followed his own interests. Those came to include highly speculative Science and hermetic lore. His core interests lay in what could be called the "Natural History" of Humankind- that is to say, in the constitution of human societies, whether "primitive", or "political".

But was Grey actually eight years of age at the time of his flight? A trek from Guildford down to Eastbourne via Brighton Rock and Bodiam should surely have been beyond the capability of two eight year old boys. Collier proposed that Grey was 13, and that Bournemouth was the destination. Most sources give Eastbourne. Collier interestingly set this adventure in a 19th century boy narrative of flight – comparing Grey to the French priest Lammenais and to Herbert Spencer. We must not exclude the possibility that Grey later combined the narrative of how he met Whately at the age of eight, with the flight from school. Grey may have entered the Royal Guildford Grammar close to adolescence, to be prepared for a profession, and decided aganst it. Where then was he educated previously?

At the Royal Military College, Sandhurst, which he entered in 1826 as a scholarship cadet, the teenage Grey flourished. This institution was still in its young days, having been founded only in 1802, the same year not so coincidentally perhaps as Saint-Cyr in France and West Point in the United States, after being moved from High Wycombe in Buckinghamshire, down to Sandhurst in Berkshire where the counties of Berkshire, Surrey and Hampshire converge. Cadets who managed to pass out from the Royal Military College were spared the expence of having to purchase a first commission as an ensign. Grey's entered on a scholarship scheme for the sons of officers killed in battle. He therefore would not have had to purchase a commission until he became a lieutenant.

Charles Dickens gave the following account of Sandhurst's popular reputation in 1848 his novel "Dombey and Son", when Major Bagstock, who would be a fictional contemporary of Grey, declares:-

> None but the tough fellows could live through it, Sir, at Sandhurst. We put each other to the torture there, Sir. We roasted the new fellows at a slow fire, and hung 'em out a three pairs of stairs window, with their heads downwards. Joseph Bagstock, Sir, was held out of window by the heels of his boots, for thirteen minutes by the college clock.[97]

This was not too far from the truth. For the first time in his life Grey enters the light of memory as the peer of other young people who will grow to become distinguished or noteworthy men themselves, so that what they thought of him is recorded. He is described as being aloof, very much keeping to himself, but excelling at games, respected rather than popular, admired rather than liked, and very much the protector of younger boys against bullying and fagging abuses.

[97] Dickens, Charles *Dombey and Son* Andrew Sanders (ed) Penguin Books, London 2002, ch X p. 147.

Sandhurst was a rough place. New cadets underwent among other tortures a process known as "ventilation". Newcomers were suspended by their fellows down a chimney, and left at a fork in the dark like a chimney sweep to remain there until retrieval. Interestingly the Governor in Grey's time, Sir Edward Paget, had lately been a colonial governor. Paget had been appointed Governor of Ceylon in 1822. The cadet had the example set before him that soldier could become a colonial governor. One could become a general or a governor.

Grey excelled at mathematics and all his other studies. He was by all accounts an exceptional student. Public School reform had only just begun at that time under Dr Arnold at Rugby. We are not to imagine Sandhurst a very decorous or edifying institution off the parade ground. Although William Pitt at its foundation did his best to ensure that the cadets resided and studied far away from London enough so as not to be lured by its attractions, they were as unruly and turbulent as any body of male adolescents in 1820s. Public school students frequented taverns and went a-whoring and a-courting and the like. They fought one another brutally. The playing fields of Eton were battlefields. Sandhurst was no different. An inquiry into the prevalence of "the unnatural vice" at Sandhurst in the 1850s revealed that homosexuality had been a problem from the 1820s, - from Grey's own time. Sandhurst's contribution to modern English slang from Grey's time there was the word "tosh"- and the expression- "what a load of tosh". After a day of drilling and military exercises, regulations required the reeking adolescents to at least wash their feet and legs every day. The dirty water in the basin was referred to as "tosh". Washing oneself was refered to as "doing your tosh". Of one amputee master, the boys would cheekily ask one another - "how's that for tosh" as they regarded his peg-leg. In fact the expression "load of tosh" might refer to that officer's disability. [98]

Still, boys' teenage years in the Regency period need not be regarded as the "agon" that they became for mid and late 20th century teenagers. Bullying was the main misery- yet once that was resolved, teenage years could be halcyon in retrospect. In the narratives of young male maturation from that time, boyhood presents crises, young manhood presents crises, but not one's teens as such. Consider a boyz2men narrative such as Charles Dickens' *David Copperfield*. David suffers abuse and social degradation from a stepfather, before entering onto a halcyonic adolescence. Young manhood however was a more troubled season for David, from the usual follies of young manhood such as getting drunk, and falling into bad company, to having to withdraw from legal education for earn a living by journalism, marriage, widowerhood and loss of a child.

As we have seen, Grey ran away from school when he was 8. He was to have trouble at his regiment the 83rd Foot when he was posted as an ensign to Glasgow where he refused to lead a flogging party. He was just 19 years of age. Flogging in the Army was only abolished in 1844.

The in-between period at Sandhurst reveals him to have been in control of himself and his environment, though aloof and concerned with his own pursuits in that turbulent republic of boys. Good at games though he was, and chivalrous towards the young and vulnerable though he showed himself to be, the impression he leaves is perhaps that he was not much interested in his peers. This is a trait we may discern in his later career. He was always respectful and deferential towards scholars and scientists whom he admired. He was a boy who liked the company of eminent elders. He sought "examples" among senior males. He was considerate towards the young. He was able to form friendships with men his own age, but he never belongs to a pack of young men. He sought

[98] Mockler-Ferryman, Augustus Ferryman *Annals of Sandhurst:- A Chroncile of the Royal Military College from it Foundaton to the Present, with a sketch of the History of the Staff College* Heinemans London 1900.

to dominant in relationships. He was also heterosocial. As we shall see later, when his Australian Expedition Journals are discussed, he was able to talk about his pleasure at women and their society, like a gentleman and an officer would. Many of his peers would have been ordinary hearty young men, who lacked his intelligence or self-posssession. Grey learned to turn a cold shoulder towards the other men of his age he had to share life with, at an early age.

Grey passed out from Sandhurst in 1830, and ended up serving with the 83rd Foot in Ireland for 6 years, largely during the Tithe War in that country. The 83rd (County of Dublin) Regiment had been formed in 1793, seeing action in the Napoleonic Wars and in the colonies. This was a rebellion-crushing regiment. It had been stationed in Jamaica, where it first suppressed a revolt by the black descendants of Spanish-era slaves, in tough guerrilla warfare. It had fought the French in Egypt. The 1st battalion took Cape Town back from the Dutch in 1805, and then was stationed in Ceylon, for 11 years, taking possession of another Dutch colony, while the 2nd Battalion fought in the Peninsular War. The second battalion disbanded in 1817, the first battalion returning to southern England from Ceylon in 1829.

The 83rd Foot has been amalgamated with several regiments since Grey was an officer. The Royal Irish Regiment now incorporates it. The motto was *Quis Separabit* – "Who will Separate Us?" Its marching song from the earliest days was the song *Owen Garry*, which was adopted as the song of the U.S. 7th Cavalry by Colonel Custer, if we are to believe the film *"They Died with their Boots On*", and by the 69th Infantry Regiment, New York Militia, the "Fighting 69th" when they were an Irish Regiment in the American Civil War. They have since revived the song as their regimental song during their service in the Iraq War.

Grey's commanding officer was Lieutenant Colonel Hon Henry Dundas MP, the son and heir of the Tory peer Robert Dundas, 2nd Viscount Melville. This family left toponyms in Dunedin, New Zealand, where there is a Dundas Street and a Melville Street. Father and son were also East Sussex MPs. Colonel Dundas had recently ousted the Whig incumbent Lord Howick from the Winchelsea seat. Lord Howick, the son of 2nd Earl Grey who was soon to become Prime Minister, was to become the 3rd Earl Grey, with whom George Grey worked so closely. The 4th Earl was to attend Grey's funeral in 1898. Colonel Dundas' tenure of the seat was not for long. He was replaced shortly after by a Whig who was none other than the uncle of Lieutenant Franklin Lushington, who was Grey's co-leader of the Western Australian exploration party in 1837. Franklin was first cousin to Florence Nightingale.

The Tithe War to which the 83rd Foot was sent, was a resistance movement in Ireland between 1830-1836 amongst Catholic farmers who refused to pay tithes to Church of Ireland parishes. That resistance ranged from civil disobdenence to violence. The Church of Ireland is the "Anglican" Church in Ireland. The Catholic Emancipation Act of 1829 had granted eligible Catholics the vote in Great Britain and Ireland. It is hardly surprising then that Irish Catholic farmers resented paying tithes to a church not their own, and that the argument that parishes performed civil functions as well as religious was lost on them. Catholics were the majority in Ireland, unlike Catholic dissenters in England. Civil disobedience may have been the ideal of this movement, yet it broke out into insurgency and savage violence at times. Informers had the flesh flayed from their bodies with carding combs in one incident.

Grey was exposed for the first time not only to the effects of colonisation, as an imperial agent, but to mass politics. He admired Daniel O'Connell's public speaking, which he heard in Limerick while on crowd control duties. To uphold governments in those days, very young men of barely 20 had to make on the spot decisions about the use of paramilitary force. Napoleon Bonaparte at

20 first experienced the turmoil of the French Revolution when in Burgundy he had to suppress a rebellion by some over-excited monks. Napoleon locked them up and helped himself to the excellent wine. In Grey's case, the Army was working with the overburdened Royal Irish Constabulary, which had been founded in 1822 as a paramilitary force. Grey was to admire the R.I.C. model, which he imported into New Zealand by forming an armed mounted police. [99] Wine stores were not for Grey to pilfer however. He told a favourite anecdote about how he winked off-duty at an illegal whiskey still.

Grey was also exposed to cholera - the world cholera pandemic that claimed the lives of millions and took the lives of the philosopher Hegel and the military thinker Clausewitz to name a few famous people, struck the 83rd Foot when it was stationed at Castlebar in 1832. The regiment arrived at Castlebar on 26 June 1832. The regiment quarantined itself for the summer, out of the town. A brother officer died of it- Lieutenant H.S.G. Bowles. [100]Grey never spoke of this- at least to anyone who recorded it. With Grey it is often what he does not talk about, that really mattered to him.

Grey was promoted Lieutenant in 1833. He re-enetered Sandhurst in 1836, to attend the senior course at the Royal Military Academy. A question rises over his whereabouts between 1834-36. The 83rd Foot was in fact posted to Halifax, Nova Scotia, in 1834. There was no second battalion, for that had been disbanded after the Napoleonic Wars. The regiment had a history of colonial service, having been stationed at Cape Town in 1805, then Ceylon, before returning to the British Isles in 1829 just in time for Grey to join them. Did Grey go with them across the Atlantic in 1834, or did he remain with the depot companies, left behind? Wollongong University scholar Leigh Dale has valuably proven he stayed behind- on the grounds of sickness. [101]At one point Grey did profess that he was once tempted to serve in the Army of the United States, but resolved to serve under the Flag under which his father had died. That allegation may be reinvention, or it may reflect a manipulation of memory about his regiment's destination in 1834.

Grey at least had nothing to be ashamed of in connection with the Canadian Rebellion of 1837:- he was definitely in England for the first half of that year, and on board the "Beagle" bound for his Australian expedition. Yet if Grey had joined the regiment in Halifax, he would have been there in 1835 for the libel trial of the journalist Joseph Howe (1804-1873), who was to become Canada's first popularist democratic leader and a passionate promoter of responsible government. This raises the question- just how radical was the young George Grey, and did Ireland in fact radicalize him?

Leigh Dale has undertaken deconstructive analyses of Grey's accounts of the Irish period of his life. She is sceptical. This work however is an ideological critique- Grey's statements are definitely to be treated with suspicion. Of his ideological bearings during his Colonial Service career, we may be more certain. It is a separate matter what Grey said to justify himself when he was involved in politics, to what he actually thought and did when he was governor. Certainly we must take great care with Grey's re-inventions of himself when he adopted the role of a radical politician in the 1870s-90s. R.P. Davis in *Irish Issues in New Zealand Politics* presents a political context in

[99] Hill, Richard

[100] Bray, Edward William *Memoirs and Services of the Eighty-Third Regiment* Hugh Rees London 1908.

[101] Dale, Leigh "George Grey in Ireland" in David Lambert and Alan Lester (eds) *Colonial Lives Across the British Empire :- Imperial Careering In the Long Nineteenth Century* Cambridge University Press, Cambridge 2000.

the 1870s and 1880s when Grey was incentivized to appeal to the Irish vote. [102]Yet as we shall see, Grey was working with Isaac Butt, the Home Rule leader and angering Lord Granville in 1869 when he was seeking a seat in the House of Commons. He stood as an independent Liberal in the seat of Newark on Trent where Irish issues would have had no appeal.

It is admitted that Grey did in fact write a protest memorandum in 1833 on the manner in which tithes were collected, despite the objections of hiis commanding officer. That would have been the first of his protest memoranda, over the decades. He never knew what became of it. Dale proposes that he did not become disaffected with the Army, because he presented himself for study at the Royal Military Academy. He may though have been unhappy with the 83rd Foot. Officers did change regiment. He may have lacked the money for purchasing a good commission. Collier notes that his captaincy was acquired for his explorations rather than acquired by purchase. [103]He might have sought a military patron. He was certainly acquiring senior civil service patrons, and Whig grandee patrons during these years. Supposition is all we have to go on, apart from what he actually did, but it may be fair to say that he was a young man on the make, and he went where the power was. And that power lay with the Whigs, to whom he had access through Richard Whately. The alternative would have been to join his regiment in Canada.

Grey nonetheless can be reliably located back at the Royal Military Academy in 1836. So distinguished were his studies and results that he gained a first class certificate with a rare special commendation to the General Commanding-in-Chief. Between 1828-1842 this was General Lord Rowland Hill (1774-1842), the 1st Baron Hill and in 1842 the 1st Viscount Hill, [104]- not the Duke of Wellington, who had resigned when he became Prime Minister in 1828, then resumed the office upon Hill's death.

The commendation reads:-

> Lieut. Grey, having not only acquitted himself with the greatest credit in this Examination in the prescribed coure of studies, but having also extended his acquirements far beyond its limits into the highest branches of Mathematical Science, the Board desire, by recording this fact in a special addition to their Certificate, to mark their sense of his superior merits and talents. [105]

Grey was an outstanding young officer. In later years Grey was to remain in contact with his Maths professor at Sandhurst, Narrieu, the author of military mathematical textbooks and of a History of Astronomy in 1833. Narrieu also wrote textbooks on Ecclud and Geometry. He belonged the school of French mathematics founded by Jean-Louis Lagrange (1736-1813). Lagrange was an artillery officer who updated Newtonian mechanics, by generalizing the coordinates of an object in motion. This could be a planet or a cannon-ball. In fact an astronomical – and Lagrangian- theme was to run through Grey's life and family, which is unsurprising with the senior Royal Navy officers in both John Thomas' and Elizabeth's families. One brother-in-law is to become a Fellow

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[102] Davis, Richard P., *Irish Issues in New Zealand Politics 1868-1922*, Otago University Press, Dunedin 1974 .

[103] Collier, James *Sir George Grey Governor, High Commissioner and Premier* Whitcombe and Tombs Christchurch 1909 p. 6.

[104] Apparently no relative of the Rowland Hill the Postmaster General and "inventor" of the postage stamp.

[105] Certificate 11 December 1829 Grey MSS, Auckland Public Library.

of the Royal Astronomical Society. Grey was to become a friend of the Herschel family of astronomers.

Why was mathematics such a distinction for an Army officer? Grey had trained as a military engineer. Artillery officers and military engineers were the two branches of the Army that required mathematical training. Military engineers shape the very physical environment of War. They terraform environments for the projection of power. If they are successful at their work, a minimum of violence might be needed to obtain objectives. Grey as a colonial administrator was to never loose the habits of thought of a military engineer. This fateful decision, was the right one for a young officer with mathematical aptitude. It was the best fusion of the mathematical ability among naval officers in his family, with the Army. Unlike Sandhurst, The Royal Military Academy at Woolwich educated young officers for the Artillery. Colonial Wars however were not going to be fought with a heavy reliance on artillery formations. Napoleon rose to prominence as an artillery expert.

Artillery was not going to make a career on the frontier. Someone who could imagine the transformations of space and whole societies, would deploy the power to control to marcherlands. Grey sought to be that man. The French philosophers Deleuze and Guattari in *Milles Plateaux* remarked that the military engineer is the exemplary exponent of imperial people-catching "nomadic science" on the imperial frontiers.

We are left though with the uncomfortable fact that Grey managed to pull a long sick-leave between 1834-36. He did not want to go to Canada. He was healthy enough however to lead an expedition to Western Australia in 1837.

No young person is without a youth culture. The adage is true that you can know a lot about a person if you known when they were young. Grey was a young man in the 1830s. That was some age, quite unlike the dour 1840s to follow it. The 1830s were the highpoint of the "Age of Reform" in Great Britain. Parliamentary Reform succeeded with the passage of the Reform Bill despite great social tension. Daniel O'Connell in Ireland and the Chartists in England held "monster" gatherings in the 100,000s. The Chartists organized vast rally after vast rally, to intimidate the Brtish Government with its powers of mass mobilization, while the ruling classes feared the worst and sand-bagged government buildings. The revolution ever came however. The Chartist leaders did not know where to take the movement, and seemed afraid of their own strength. The example of Revolutionary France deterred. No one knew how to lead a mass movement for political rights without descending into violence, like the Gordon Riots of 1780, that Dickens wrote about as a object lesson in *Barnaby Rudge*, or the French Terror.

Yet the elites were responding, if slowly, carefully and gradually. The Reform Bill of 1833 proved that mass agitation could influence the Government. Including some of the people some of the time in political deliberation was one answer. Policing all of the people as much of the time as possible was another. The consensus developed that "civil organization", such as the European states had developed under Napoleon, was necessary for Britain as well. From the 1820s to the 2010s with the Europea Union, it has been a frequent experience for Britain that Napoleon lost the battle but won the war. The modern bureaucratic imperium hhas supplanted the ancie regime and threatened British exceptionalism alike.

A modern Police force was introduced with the Metropolitan Police Act 1829. The Poor Law Reform Act was passed in 1834. The Municipal Corporations Act 1835 cut through the "red-tape" closed shop local bodies, dating from the Middle Ages and created by Royal Charter. Basic health

and sanitation and epidemic control were finally possible for the first time. Edward Chadwick (1800-1890) worked with Nassau Senior on the Poor Law Reform to repeal the old Tudor legislation. Chadwick then dedicated himself to sanitation issues and was a founder and commissioner of the Board of Health between 1848-1854. This creation of the Health Act 1848 was unique in the British constitution of that time because it was not reponsible to Parliament. The Board of Health was therefore the first stand-alone independent civil service body until functions were distributed between the Home Office and Privy Council over 1853-54 and the Board finally abolished in 1858. It made enemies because it offended local bodies and local interests and because it was unaccountable to popular representation in Parliament. Therefore at the very time that Brtish settlers were complaining at their lack of political rights under colonial governors, in Canada, South Africa and in Australasia, the British public were having their first taste of what it was like to be under bureaucratic *imperium*. Nevertheless whether at Home or in the colonies, a new governance paradigm had been introduced. A proper bureaucratic state had emerged.

While Chartist workers drilled and protested for political rights, Grey's youth was the last great age of the rake and of the dandy. There is no reason to think that Grey was for the workers. It was also the last age when "gentlemen" actually duelled in Great Britain, though the 1810s was the last age when that practice was prominent. The last known duel was fought on British soil in 1852. Prime Ministers were not much of an example to young men of Grey's time because they themselves had fought them. William Pitt fought one with the Whig leader George Tierney in 1798. Canning who was to become Prime Minister in 1828 fought one with Castlereagh in 1809. The Duke of Wellington fought one with the Earl of Winchelsea in 1829. Daniel O'Connell fought one in 1815, killing his opponent to his great remorse. President Andrew Jackson of the United States fought a duel in 1830.

We do not know whether George Grey fought any duels in his youth. They occurred within his circle however. William Gisborne who had been Grey's clerk in South Australia, fought a duel with pistols in Auckland in 1850 against one Blackmore who had thrown an orange at him at a ball. Gisborne was a Grey-appointee Justice of the Peace who was later to serve in the Grey caretaker cabinet of 1879. He gave Grey a good write-up in his book of New Zealand "rulers" and "statesmen. [106]All Grey's Legislative Council did in response to public indignation at the duel was suspend Gisborne. Meanwhile down in Wellington Dr Featherston and Colonel Wakefield fought a duel with pistols in 1847. The crazed Captain A.H.H. Mercer kept challenging General Cameron to duels into the 1870s. Colonies are often the redoubts of Old World behaviours not longer permitted at home.

The 1830s was also the last age of the "beau". The understated elegant dress of the exemplary dandy "Beau" Brummel (1778-1840) gave way to a last age of sartorial exuberance for young men at least. All colours were possible and not just black, or restrained colours though sober black was "there" and quite dandyish still. Black had not yet become the middle class male uniform that it would become in the 1840s and 50s. The ideal look for a young man in the 1830s configured him with broad shoulders and tight waists. When Grey and a friend were caught in mufti one evening in Dublin, may we imagined them dressed as young "beaux"? The tolerant senior officer let them off. The "narrow" look of the 1820s was out of fashion. Big shoulders were in. Frockcoats or redingotes replaced tailcoats for everyday use. Drawn waists and long skirts to the coats down to the calf were the style. Several waistcoats could be worn in various colours. Corsets were very necessary though "men" did not call them that - they refered to them as "girdles" or "vests". Shirts bore spreading collars that were expected to fall and not stand up stiff about the chin. Cravats were

[106] Gisborne, William *New Zealand Rulers and Statesmen* 1840-1885 (1886).

broad and tied lankly. The stiff raised collar and cravatte of the 1820s went out of fashion. Top hats ceased to be curved, as they were shaped in the 1820s, and began the funnel-like appearance they assumed mid-century. Trousers began to have flies instead of fall-fronts. Male nightware however was extremely frilly. Sideburns had come in during the previous decade. Grey might have started his side burns while a cadet at Sandhurt, at least when he was an ensign. Moustaches were coming in, though Grey was not to grow one until he grew a "Prince Albert" in the 1850s. Grey's youth was also when the side-parting came into fashion. He was to remain faithful to this self-image from his teens and young manhood for a very long time. He parted his hair on the left side. Change only happened by the late 1880s, when he had grown a beard and is photographed at times with a right-side parting.

Some extraordinary facial hair reminiscent of the Roman decadence became prevalent in the 1830s. Perhaps this is the decade when 19th century whiskers and beards and "favoris" take off, to our modern amusement and disgust. A fashion leader was the Frenchman Alfred d'Orsay (1801-1852) who became an intimate of the Earl and Countess of Blessington and their son-on-law, by marriage to the Earl's daughter by a previous marriage. The Comte d'Orsay was reputedly the Countess' lover. The residence of this menage, Gore House in Kensington, was frequented by the lip-stick wearing novelist Edward Bulwer-Lytton, who would become one of Grey's bitterest foes; and also by the politician and political novelist Benjamin Disraeli, who wore canary yellow "costumes" in the House, only to be laughed down and unable to speak on occasions, because of the effect his sartorial extravagance produced on Members. Prince Louis Napoleon was also a habitué of this mansion, a political exile, before he returned to France in 1848 to become the "Prince President" and then Emperor Napoleon III. The politics of this circle would not have appealed to Grey, though Bulwer Lytton was also welcome too at Holland House, which Grey's Whig Liberal Anglican associates frequented.

With a powerful patron like Archbishop Whately, with a Holland House grand dame and royal daughter like Lady Mary Fox working on a book about an expedition to Australia the same year that Grey's own to North Western Australia was underway - the likelihood is that Grey was one of those promising young men who hung about levees, balls and attended salons, attempting to make themselves interesting and agreeable.

Dandyism is one thing- what about radical affectations and allegiances? There can be a dandyism of ideas too. If Grey kept apart from such jeunesse d'oree- to pursue his intellectual interests and develop the project of exploring North-Western Australia- then what was he? Was he a young radical, or a budding placeman? As previously suggested, Grey could have been no Saint-Just. He could either have become a Utilitarian,and become a exponent of Politcal Economy, or adopt other ideological alternatives altogether, critical of Politcal Economy, arising from the Liberal Anglican circle and also Thomas Carlyle. Grey had to develop a career- he therefore become an acolyte of power. He found power gratifying. Carlyle however was provide the role models and narratives, for disruptive, conscientious proponents of revolt and creativity in the high age of Romanticism. And Grey was to resort to postures of revolt.

Chapter Three
Grey's Formations

Grey was an unusually accomplished man- even for the time, even for his class of elite "public men". If we met him on a country house weekend in England in 1854 or 1860 when he was just one guest among others, at the peak of his career, we might have concluded he resembled the singer of Gilbert and Sullivan's song *"I am the very model of a modern Major General"* – the all-round well-informed expert army officer, from the Pirates of Penzance (1879).

> I am the very model of a modern Major-General
> I've information vegetable, animal, and mineral,
> I know the kings of England, and I quote the fights categorical;
> I'm very well acquinated toi, with matters mathematical,
> I understand equations, both the simple and quadratical,
> About the binomial theorem I'm teeming with a lot of news
> With many cheerful facts about the square of the hypotenuse:
> I'm very good at integral and differential calculus;
> I know the scientific names of beings animalculous:
> In short, in matters vegetable, animal and mineral,
> I am the very model of a modern Major-General. [107]

Grey was a soldier who happened to be a *savant*. Grey was like the Major-General 40 years before the operetta was performed. A savant by the 19th century was someone who had a reputation at the Sciences and scientific methodologies. This could include philology and sociology and ethnography. This dinner party intellectual was extremely physically fit, and used to command, if given to langour. Socially we know from contemporaries that he could be "cold and repulsive". That was his professional tone, when as a governor, he could give no indications of his thinking. This was advisable, as a governor was more like a Police Commissioner or Chief Constable than any other modern civil servant "in command". Combine that with agreeableness, and courtesy, and he could be thought deceitful face to face, and not just from how he slew reputations or told lies or exaggerated for purpose on the page. He was socially adept in even the most hazardous drawing room environments. He had high EQ, then. He could traverse the fragile social situations when he wanted to. He was "calm and clear" said Thomas Carlyle.

What is curious is the contrast between the profound silence which he could sustain for a very long time, and the monologues he broke into when he thought he had a captive audience. Nor was this his manner at an occasion- his entire public career was like that- taciturnity for decades on end, conbined with effusions. He was a man who could be very quiet and observant with a monologue pent up in him at any given time. "Voice" then and voicelessness are important aspects of his character. Grey is either "voiced" or "unvoiced". Just as his inaction, in political and military crises, built up its own increasingly insupportable suspense and tension, so could his silence "tell" heavily. Between Hansard, press interviews and what seem to be J.J. Milne's Pitman's Shorthand statements taken down verbatim from Grey, a consistent sense of that voice can be heard over the years. That voice is recoverable for us, in an exceptionally competent and characteristic writing style that had been developed by the time he was 27 or 28, writing up his Expedition Journals from Western Australia. It might well be in New Zealand that the experience of Maori oratory on the marae was a liberating experience for him, when he found that he could speak to effect in public. Certainly as a governor he had infrequent opportunities to shine as an orator before the settlers. He

[107] *Pirates of Penzance* "Major-General Stanley" singing, Act One.

said himself that vying with Gladstone when Cambridge University conferred Honorary Doctorates on both of them in 1869 was a decisive occasion. He had left behind the official silence of the Governor and was on his way towards becoming a politician and developing a radical vision that he parabolically extended in his past.

Being silent was a discipline, a constraint for him. At one Legislative Council meeting in New Zealand, he just grew redder and redder until he went almost purple-coloured with repressed vexation as his officials got it wrong, and as they struggled to understand his wishes. Effective speaking, public writing and public speaking in the Victorian age was a self-empowering discipline. One had to know how to construct sentences, - periodic sentences at length - and deliver them so as not to lose your gist in mid-speech. Grey managed to become a master of periodic prose. Between the silences and the monologues, one liners, simple clear economic sentences stand out. In an office environment or out on the field in the field he was succinct, speaking to the point. We know that he was an extremely good questioner. He was undoubtedly arch. Intelligence-gathering was his forte. His actual speaking voice was not the most powerful instrument in an age without microphones, when public speakers spoke for up to hours to "monster" crowds. James Collier described his voice as a *tremolo*. In a musically educated age this means he lacked the deep and rich tones produced by a vibrato. Instead he spoke with rapidly repeated variations of notes in a rising pitch.

Grey was formed as a Liberal Anglican savant, - while his military education produced an exemplar of the military intelligentsia, a small but persistent trend of individuals in the early 19th century British Army. He was a soldier-savant. Grey's misunderstood family origins as we have seen lay interstitially between dynastic banking houses and provincial yet socially mobile gentry, and included those Liberal Anglicans.

The Liberal Anglicans such as Edward Copleston and Richard Whately at Oxford and William Whewell at Cambridge were primarly interested in Logic, for all their involvements with History and public policy. Thhy were the Romantic Englightenment's succesors of the "schoolmen" and divines of the Middle Ages. Whately was a neo-Aristotlean, who was determined to defend Baconian induction. He was a colleague with Samuel Taylor Coleridge in a project over 1826-1827 to revive Aristotlean logic and rhetoric. [108] For all his respect and affection for his mentor, we shall not find in Grey's mind the impress of Whatelyean logic. There is though the impress of the need for logic. It would be surprising if they were a direct influence. George Grey was never a student at Oxford or Cambridge or at one of the Scottish universities, nor attended Trinity College, Dublin. Yet Grey's modes of reasoning are of great interest for colonial history and public policy in the countries he once governed. James Collier the New Zealand Parliamentary Librarian argued in 1909 that Grey's "commanding faculty of inductive reasoning" was of "lordly proportions". [109] He went so far as to propose that Grey's more elaborate despatches amounted to a syllogistic chain of sorites. A sorites is a "heaping up" of syllogistic chains into a paradox from imperfectly secured premises.

Grey absorbed the importance of logical method and exposition for public policy and argument. This raises important questions about the nature of Grey's education, as previously described. This has implications for the Anthropology and Constitutional reasoning that this book covers. Grey

[108] Whately, Richard *Elements of Logic*, Encyclopaedia Metropolitana 1826.
Whately, Richard *Elements of Rhetoric* Southern Methodist College, Nashville, Tennessee 1861.
[109] Collier, James Life of Sir George Grey p. 215.

deployed a variety of logics throughout his career. Grey came under the influence of Liberal Anglicans, excelled at an Army mathematical education, was fond of scientific pursuits, adopted the stadialized sociology of ths time. He never had occason to be formally taught Logic by Whately or anyone either in a tutorial, or in private teaching such as Whately offered students who were prepared to pay.

The young Grey was in contact with Liberal Anglicans at an interesting time for the development of Logic. He would learned the impirtance of the problem. The question was- how did Francis Bacon's inductive philosophy of science make a fit between mathematical, that is to say conceptual reasoning - and induction proper, which is empirical? How could Science be done wth the new mathematics? How could inductions be made? For the algebra of Jean Louis Lagrange (1736-1813) had so developed mathematics so as to be able to summarize dynamic systems from a generalzed set of coordinates. Military mathematics would have been Grey's royal road into logical reasoning. He excelled at the subject. Lagrange had studied at the Military Academy at Turin. It had become now possible to do calculus that plotted and anticipated what trajectories might be- on very little information- whether of planets or cannonballs. Grey's mathematics teacher at Sandhurt, Professor Narrieu, who had published text-books on Geometry and on Astronomy and Euclid was in fact a promoter of Lagrange in Great Britain. [110]

The crisis in British logic apparently opened up in 1831 with the publication of J.W.F Herschel's *Preliminary Discourse on the Study of Natural Philosophy*. [111]Lagrangean mathematics had replaced Newtonian- it was now possible to do equations without secure quantities or measurements, so how was it possible to make scientific inductions on that basis? The problem though may well be fact as old as Thomas Robert Malthus's projection of increasing population and food supply, in *An Essay on the Principle of Population* of 1798. The lacuna in Herschel's work gaped like a chasm. Out of this plummet of reason over inductive method arose responses as different the fictions of Edgar Allan Poe, -and the showy syllogisms of George Grey. *The Murders in the Rue Morgue* is an investigation into the problem of induction exemplified by the method of M. Dupin, the first great fictional detectvie. [112]Both young men of the 1830s – Poe and Grey- were sensitive to the problem of how correct inductions could be made, and yet were fascinated with the hermetic. Curiously also- Poe had briefly been a military cadet, like Grey, though at West Point.

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[110] Narrieu, *History of Astronomy* London 1833.
Hutchinson, Captain A.H., *Guide to the Army Examinations- being a compendium of practical hints for candidates with reference to schools, allowances, outfts, other expenses* Edward Stanford London 1861:- for persistent reference to "Narrieu's Euclid" on the Sandhurst curriculum, after Grey's cadetship there. There was also a "Narrieu's Geometry".

[111] Allard, James W., *The Logical Foundations of Bradley's Metaphysics:- Judgment, Inference and Truth* Cambridge University Press, Cambridge 2005 p. 30 ff.

[112] Poe, Edgar Allan "Murders in the Rue Morgue" in *Selected Tales* David van Leer (ed) Oxford World Classics 1998 p. 111.

The mathematician George Boole (1815-1864) [113], the philosopher Sir William Hamilton (1788-1856) , Renn Dickson Hampden, [114]John Stuart Mill (1806-73) [115]and William Whewell (1794-1866) [116]all worked on the problem between the 1830s and 1850s. The finalists in this contest were Mill and Whewell, as rivals in a "inductivist school" versus older Aristotleans like Whately and Sir William Hamilton. In 1843 Mill published *A System of Logic* and presented his inverse-deductive method which proceeded by particulars to particulars. This was in fact derived from the French sociologist Auguste Comte, who had purposefully dedicated himself to the problem that Lagrange had posed Social Sciences. Mill's aim was political as well as scientific. This ambition had bearing upon the kind of politician Grey would be as a public intellectual, for one of Mill's purposes was to devise an inductive method that would enable political and policy agents to communcate with one another across ideological differences, with some rigour. As Nadia Urbinati remarks:

> A System of Logic did for ideologies what Representative Government did for politics. It aimed to make dialogue possible among opposite competitive views. [117]

Grey would have recognized and applauded the aim, but as we shall see, he would remain all his life as persistent trimmer and adapter of reasons to his interests and to the prudential requirements of the moment. Mill though, who understood the need for ideological intercommunication from his work at the East India Office, helped build a carriage-way whch George Grey used in his idiosyncratic way.

Whewell for his part published his hypothetico-inductive method in 1837. Whewell's approach was inspired by Immanuel Kant- by German idealism in general. Kant had introduced a new subjectivity to epistemology. Mill was horrified at the admission of a prior knowledge and concepts at the German universities, though respectful of Kant. Whewell argued against Bacon that a generalized induction did not proceed from experience but was invented by the mind, through the "colligation" of observations and particulars, to be imposed on observed facts. Experience and the a priori therefore came into play. The hypothesis was the induction. A hypothesis was true if correct facts could then be deduced from it, just as the trajectory of Lagrange's cannon-balls would land where expected. Seeking to answer the same question, John Stuart Mill argued from particular facts to particular conclusions. They were inverse inductions because they were about the past- not about future probabilities. At war aganst a priori inductions, he argued that if general propositions were proven in arguments, from conclusions about particulars, those arguments would only have begged the question.

We are left considering how Grey reasoned through his Ethnography, his constitutional theory and Political Economy- how he made policy decisions. The practical aswer is that he was a great

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[113] Boole, George, *The Mathematical Analysis of Logic* 1847
An Investigation on the Laws of Thought on which are Founded the Mathematical Theories of Logic and Probabilities 1854.

[114] Hampden, Renn Dickson *Course of Lectures:- Introduction to the Study of Moral Philosophy* B. Fellows London 1835.

[115] Mill, John Stuart *A System of Logic, Rationcinative and Inductive* 1843.

[116] Whewell, William *History of the Inductive Sciences from the Earlest to the Present Time* J.W. Parker London 1837.

[117] Urbinati, Nadia " John Stuart Mill, Romantics' Socrates and the Public Role of the Intellectual" in Kyriakos N. Demetriou and Antis Loizides (eds) *John Stuart Mill:- A British Socrates* Palgrave Macmillan Basingstoke 2013.

generalizer. He worked from and towards general principles. Social developments were dynamic systems that just as well follow generalized sets of coordinates. If there was a lacuna between Mathematics and the Sciences oveer the 1830s and 40s- Grey supplied the deficiency, if he was even aware of it, by applying the logical techniques he was trained in- Lagrangean mathematics. His thinking as will be apparent, was a priori and deterministic, annd generative of norms. To use the Kiwi vernacular- he was a very opinionated man.

This raises the extent to which Grey was the notorious liar, that some historians have insisted he was. Undoubtedly he did lie and exaggerate. Most politicians do, popular opinion is always inclined to think. Considering him a liar discounts the possibility that he might have believed his arguments, or that he was a sophist, like the artist of words and arguments, in Plato's dialogue *The Sophist,* in which it is proposed that a sophist hides in the mirror of language so to speak, that must be sectioned and divided until he is hunted down. [118]Grey is more likely a grand originator of one of the fundamental problems of New Zealand culture and goverment, the extensive reliance upon ideology in public life and governance. Grey was one of New Zealand's supreme all-time ideologues. No wonder his arguments did not always stack up, or went awry, for all ingenuity and elaboration. Would a mere Machiavellian have spent so much time on them? Ideology has its own standard deviation.

Moreover it is the nature of ideology, as the philosopher Paul Ricoeur (1913-2005) argued, to seek opacity and hiddeness.[119] The very function of ideology is to legitimise authority. If Grey then is deficient in logic, for all the logical flights, he resorted to, ths is because he is a primal ideologue of the colonial power system and a primal fabricator of colonizing myth. The task though of history and political philosophy should be to disclose ideology- something many white New Zealanders in the Establishment are loath to do even now, regardless of their political leanings.

Grey was not alone in this. Liberal Anglicans were also political thinkers as well as logicians- that is, they were ideologues, with an agrarian utopian agenda. Whately and Arnold were greatly interested in the political thought of James Harrington (1611-1677). Grey was to persist with a repertoire of Harringtonian and of agrarian ideology, whether from the French Physiocrat school and Sismondi, or Thomas Jefferson. The Harringtonian colony was a zone for "over-balance" in the Harringtonian equilibrium scheme. Indigenes would be overwhelmed. Amalgamation and legal integration were the Jeffersonian consequences of the overwhelming of indigenous peoples. Grey's military education taught him how a colonial policy of racial amalgamation might be operationalized to dissolve frontiers. Utilitarian writing on India at that time corroborated Jefferson's amalgamationist policy. [120]From Thomas Carlyle he acquired images and self-justifying morality about the "personality" of power as possessed by heroic and successful, if misunderstood, leaders.

Before proceeding further and departing from the question of Grey's logical idiom- for Sandhurst and its mathematical training ensured that he was not merely an autodidact – the problem of Grey's hyperactive imagination, his fascination wth the "twilight zone", the hermetic, with magics and the occult, relate surely to his reasoning capabilities. There was no psychology then to explain him to himself or others, and we have no means now to analyse him. We may well pose his powerful

[118] Plato, *The Sophist* 266 D- 267 E.
[119] Ricoeur, Paul *Memory, History and Forgetting* p. 82.
[120] Stokes, Eric, *The English Utilitarians and India,* Oxford University Press, Delhi 1957.

intellect back to back with his imagination, as the other side of it- and not as some polar opposite or dichotomy.

Of course the Colonial Office had as little interest in Grey's private ideologies as "M" has in James Bond's private life. While in the Colonial Service between 1840 and 1868, Grey was circumspect about the political views that informed his native policy. His record of disagreements with the Colonial Office and the British Government nonetheless grew over the 1850s and 1860s. Such breakdowns may be more usefully understood as arising from discrepancies between Grey's ideology of colonization and the requirements of British imperial policy, rather than simply as expressions of a difficult and irascible temperament.

Is it just coincidence that Grey was at his most influential and was most supported and trusted by the British Government during his first New Zealand term 1845-53, while the Whig administration of Lord John Russell governed between 1846-1852? Grey was compatible with the Whigs of that time. His social and intellectual formations provided him with the skills and fluencies and ideologies to work constructively with Whig constitutionalists such as the 3rd Earl Grey and Lord John Russell, even though he was personally unknown to them. Liberal Anglican formations and associations could open doors, provide fluencies and understanding between individuals amidst such clubbable, almost "closed-shop" elites. As the promoter of amalgamation and of legal integration, Grey was the man of an ideological moment in which he could most make himself understood.

That moment passed. Unlike the grand Whigs proper, Grey was not on a journey from "Foxism" to "constitutional moralism" [121]but towards an even more radical and transformative civicism. Charles James Fox (1749-1806) was the radical Whig statesman, who supported the Americans in their War of Independence and who supported the French Revolution. He was to support the abolition of the Slave Trade. He was the son of the 1st Baron Holland and uncle of the 3rd. Holland House in Kensington was not just a salon of radical Whigs, but something of a think-tank that became common ground to many of the people who supported the launch of Grey's career in the colonies whether as an explorer, an ethnographer or as a governor. The conversion of British subjects into citizens was nonetheless fundamental to both Lord John Russell's parliamentary reform and to Grey's amalgamation of indigenes, and gradual induction of settler leaders into his policy.

The task to hand is to figure out and assemble the colonial ideology of Sir George Grey, so as to account for the origins and content of his native policy. James Harrington's "The Commonwealth of Oceana" [122] provided a civic humanist explanation of the colony, and argued the *Realpolitik* necessary to establish it. From the Liberal Anglicans he drew a Christian Anthropology and an anti-classical Political Economy. It was the Harringtonian thinking that persisted in his lifetime as an "apologia". James Anthony Froude entitled his political travel book of the Southern Hemisphere colonies "Oceana",[123] after Harrington's work, and it culminated with a sojourn on Kawau Island as Grey's guest.

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[121] Brent, Richard , *Liberal Anglican Politics: Religion, Whiggery and Reform 1830-1841*, Oxford University Press 1987 p. 19 , and p. 53.

[122] Harrington, James, *The Commonwealth of Oceana*, Cambridge University Press 1992 [1656].

[123] Froude, James Anthony, *Oceana, or, England and her Colonies* Longmans, Green, London 1888.

From Jefferson,[124] he drew the policy of the American Democrats, who opposed classical Political Economy to promote a republic of smallholder citizen farmers and militiamen. Above all he derived from Jefferson the settler dissentient tradition of native administration, which proposed amalgamation of indigenes as the remedy. It opposed their segregation and protection from settlers and their colonial constitutions,[125] and rejected indigenous self-development lest indigenes become unassimilable.

Whereas Washington's Secretary of War Henry Knox[126] proposed recognition of Indian rights to their land, and a policy of "civilization" so as to attach them to the American interest, Jefferson emphasized rather the amalgamation of Indians, their legal integration and their induction into American citizenship. The ultimate British origins of "legal integration" lay in the policy proposals of officials and settlers such as Edmund Spenser and Sir John Davies in plantation-era Ireland. Assimilation was a settler ideology. Colonial Ireland remained a powerful imaginative site for Grey. His service in the Tithe War introduced him to his unknown father's homeland. Richard Whately was extensively involved in Irish Poor Law reform in the 1830s. Grey was to be a life-long enthusiast for Spenser's *The Faerie Queene*, which was for him an epic of colonization[127] exemplifying the Irish settler experience.[128] William Rees in fact compared Grey to the knightly hero Artegall the Knight of Justice in Book V of the *Faery Queene*. Spenser modelled Artegall on the Lord Deputy of Ireland, Lord Grey de Wilton, a namesake but no ancestor. In Book IV, Britomart, the allegory of true Britannic sovereignty, subdues Artegall. He falls in love with her, and in Book V he fights Radigand, an allegory of false sovereignty. When Artegall first appears in the epic, he enters a tourmament dressed as a woodman, as a "selvaggio" or "savage" bearing on his arms the insignia *"salvagesse sans finesse*". [129]Subjection to Britomart educates the Knight of Justice in more temperate ways of applying it. Herman Merivale, who became Permanent Undersecretary of the Colonial Office, regarded Grey as an expert on "the savage mind". On several levels then we can appreciate how Grey's more literate devotees regarded him, maybe how he understood himself. Grey's dedication to the person of Queen Victoria resembles for example Artegalls's devotion to Britomart; [130]his quarrels with Colonial Secretaries over the 1850s and 1860s rather like bouts with the imperious and deceitful Radigund. [131] This is admittedly literary

[124] Pocock, John Greville Agard , *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* , Princeton, 1975 p. 547.

[125] Wallace, Anthony F.C., , *Jefferson and the Indians:- The Tragic Fate of the First Americans*, pp. 35-36 and p. 223.

[126] Wallace, ibid, p. 167.

[127] Grey, George, "On the Social Life of the Ancient Inhabitants of New Zealand, and on the National Character it was likely to form" in *Journal of the Ethnological Society of London* v I 1869 p. 362 for one instance of what was a perennial theme for Grey.

[128] Cormack, Bredin , *A Power to Do Justice:- Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625*, University of Chicago Press 2007 pp. 133-176; for chapter three "Inconveniencing the Irish: Custom, Allegory, and the Common Law in Spenser's Ireland".

[129] Spenser, Edmund *The Faerie Queene* IV. iv. 39.

[130] Ibid, IV. vi . 22.

[131] Ibid V. v. 2 ff. Radigund is a figure like Dido from the Aeneid, wears purple over her armour. Artegall wields the sword Chrysoar, which Apollo wields at Iliad V. 509, though usually Zeus' weapon;- fitting for an intellectual like Grey, knowledgeable in the arts of power.

acting out and dressing up, but Spenser offers a very persuasive narrative of Grey's relations with sovereign aurthority.

From Thomas Carlyle, Grey derived a psychology and purported morality of power in liminal roles for liminal places, an historical perspective for his individual labours, an insistence on the social dimension of humankind over the individual. Carlyle fully endorsed colonization for the purposes of emigration. As we have read already, the Harringtonian vision impressed him. The eminent South African historian Jeff Peires[132] accounts for Grey through a mixture of Carlylean attitudes and of Utilitarianism. It is hard to see how this would have worked. As the broken personal relations of Carlyle and John Stuart Mill attested, it was impossible to reconcile such conflicting mindsets.

The Liberal Anglicans were in the first instance a theological movement, concerned to discern Christian Evidences in the findings of the new sciences, and to reconcile the latter with Christian theology. Bishop Joseph Butler's *Analogy of Religion*[133] was the main text of this enterprise. That theology was Arminian, latitudinarian, probabilist and barely Trinitarian, even verging on Socinianism by all accounts, from the testimony of John Davison on the Oriel Senior Common Room,[134] and of Sir Leslie Stephen's *History of English Thought in the Eighteenth Century* .[135] Hugh Trevor Roper [136] proposed the descent of Erasmian, Arminian and Grotian thought to 17th and 18th century High and Latitudinarian churchmen. Pocock concurred with this definition:-

"The distinction between high-church and latitudinarian Anglicanism, therefore, does not itself impede the argument that the origins of Enlightenment in England lie in the maintenance by the church of its Erasmian, Arminian and Grotian traditions."[137]

The Liberal Anglicans are an established formation in British historiography, discussed by Duncan Forbes[138] and Richard Brent,[139] and first revealed to New Zealand historiography by Mark Hickford.[140] Brent identified that the thought of Joseph Butler constituted the core of their thought.

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[132] Peires, J.B. , *The Dead will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7* p. 46 and p. 49.
[133] Butler, Joseph , *The Analogy of Religion Natural and Revealed, or the Constitution and Course of Nature,* John Boyle, Aberdeen 1775.
[134] Davison, John , *An Inquiry into the Origin and Intent of Primitive Sacrifice and the Scripture Evidence Respecting it; with Observations on the Opinions of Spencer, Bishop Warburton, Archbishop Magee and other writers on the same subject; and Some Reflexions on the Unitarian Controversy*, John Murray, London 1825, pp. 181-182.
[135] Stephen, Sir Leslie , *History of English Thought in the Eighteenth Century*, 1876 v. I pp. 2-8, 72, 79, 83-105, 149, 155, 151, 183-4, 270-71, 420-21, 426-7, 452-64.
[136] Trevor-Roper, Hugh , *The Crisis of the Seventeenth Century: Religion, Reformation and Social Change,* Harper and Row New York 1968.
[137] Pocock, J.G.A.P., *Barbarism and Religion: The Enlightenments of Edward Gibbon*, v I Cambridge 1999 p. 25.
[138] Forbes, Duncan , *The Liberal Anglican Idea of History* , Cambridge University Press, Cambridge 1952.
[139] Brent, Richard, " The Emergence of Liberal Anglican Politics: The Whigs and the Church 1830-1841" Thesis (D.Phil) Oxford University 1984.
[140] Hickford, Mark, "Making Territorial Rights of the Natives:- Britain and New Zealand, 1830- 1847", p. 69.

[141] Joseph Butler the Bishop of Durham (1692-1752) was the author of *The Analogy of Religion.* [142]These 19th century liberal Anglicans did not just "influence" imperial policy, - some of them became imperial policy-makers. Canadian governor Sir Edmund Head, Colonial Office and India Office Permanent Under Secretary Herman Merivale, the jurist Sir Travers Twiss along with Sir George Grey, belonged to the younger generation of Liberal Anglican associates. Senior members of the Oriel generation of Liberal Anglicans, such as Dr Arnold[143] and Archbishop Whately[144] wrote on colonization issues. These intellectuals breakfasted, clubbed and walked out together homosocially across ideological divides.[145] When not actually meeting one another, they corresponded. Their circles provide one origin of "the epistolary constitution",[146] which as we shall see, Grey's contributions to the New Zealand Constitution were. Liberal Anglicans were a "corresponding society" of constitutional "projectors" and Christian apologists. Grey had not choice but to compose constitutional despatches to communicate with the Colonial Office from New Zealand. That he was invited to do so, annd was able to do so, surely owes much to this formation among gentlemanly savants on the one hand, and Liberal Anglicans on the other.

Differences were obvious however between all members of the Liberal Anglican grouping. "Manly" individualized gentlemanly intellects were never identical. Whately and Arnold for example disagreed over the civil emancipation of Jews,[147] while Twiss and Senior competed for the Drummond Chair. Liberal Anglicans were never a sect, were never a politcal party. They were never "groupies", or card-carrying ideological conformists.

Yet as Whately's protégé,[148] Grey shared many of the differences between Whately and the rest of the group. Although Grey spoke and read German well, as Whately never did,[149] no evidence exists that Grey learned as much from the German historiography of Barthold Niebuhr, and the Chevalier Bunsen, as others in the network had. Such studies were the speciality of the Cambridge University Liberal Anglicans under their leader William Whewell (1794-1866). Grey was influenced by Giambattista Vico in his ethnography, where he insisted that indigenous cultural productions expressed the mental capacities they had acquired at their stages of development.[150]

To some extent, Grey did subscribe to the "Germanism" or rather the Anglo-Saxonism of the Liberal Anglican circle. He even concluded his first governorship of New Zealand by

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[141] Brent, Richard, op. cit., p. 168.
[142] Butler, Joseph *The Analogy of Religion, Natural and Revealed, and the Constitution and Course of Nature* 1736.
[143] Arnold, Thomas, *The Effects of distant Colonization on the Parent State:- A Prize Essay Recited in the Theatre at Oxford June 7, 1815,* Oxford 1815.
[144] Whately, Richard , *Remarks on Transportation and on a recent defence of the system:- In a second letter to Earl Grey* , B. Fellowes, London 1834.
[145]Akenson, Donald Harman , *A Protestant in Purgatory: Richard Whately, Archbishop of Dublin* , The Conference on British Studies and Indiana University at South Bend, Archon Books, Hamden, Connecticut, 1981 p. 65.
[146] Hulsebosch, Daniel, *Constituting Empire:- the Transformation of Constitutionalism in the Atlantic World 1664-1830.* p. 77.
[147] Brent, Richard, *Liberal Anglican Politics* p. 147.
[148] Akenson , op. cit., pp. 17-20 .
Newman, John Henry , *Apologia pro Vita Sua* , London reprint ed., 1912 [1864] p. 36.
[149] Forbes, Duncan, op.. cit. p. 2.
[150] Grey, George, op. cit., (1869) p. 362.

disingenuously comparing himself to Alfred the Great. [151]Anglo-Saxons had come back in fashion, as John Burrow related, between the 1st Reform Bill and the aftermath of the Year of Revolution in 1848.[152] Before the Reform Bill agitation, Anglo-Saxons were regarded as a "savage" people, who hhad decimated and tortured their enemies, like Iroquois. Somehow that had to be reconciled with the peaceful law-abiing custom-abiding Anglo-Saxons who were responsible for the pre-Norman institutions and Common Law and practices of England, the people whose local government model and desire for freedom could inspire Thomas Jefferson's Virginia and Granville Sharpe's Sierra Leone project alike, in the 1770s and 1780s. The Reform Bill agitation in the early 1830s prompted a reinvention of how ordinary middle class English people fitted into English History. One answer was that they were the descendants of the Anglo-Saxons, and revivalists of the "ancient constitution" of England by demanding their right to vote. The Anglo-Saxon story became one of innate virtue, communitarianism, time out of mind custom, of unique make or break instituions and laws that gave the British the edge over other peoples. "Hobbits" were born in the Anglo-Saxon revival of the 1830s and 40s, even if took J.R.R. Tolkien another century to invent them.

The measure of Liberal Anglican success is that they soon acquired powerful political patrons. By a division of labour, Copleston and Whewell were associated with Peel,[153] Whately for his part led a grouping that found patrons amongst the grand Whigs.[154]

As Grey's mentor, Richard Whately (1787-1863) had opened doors for him at the heart of the Holland House set. [155] Whately was an Oxford University logician and Fellow of Oriel College, whom the Whig Government of the 2nd Earl Grey made Archbishop of Dublin in 1831. That office was not just a religious position but a colonial administrative position in an Ireland wracked by innumerable problems of public policy. We have learned already how Whately married Grey's cousin.

Whately identified with Grey as much as Grey loyally identified with him all his life. When in 1837 George Grey set sail for the North West of Australia on board the "Beagle", Whately published an anonymous "Account of an Expedition to the Interior of New Holland" [156]which was allegedly edited by Lady Mary Fox. Lady Mary Fox (1796- 1864) was in fact the natural daughter of King William IV, who had married to General Charles Richard Fox, (1796-1873), the illegitimate son of the 3rd Baron Holland, a soldier and noted collector of Greek coins. Mary Fitzclarence as she was known before marriage, was one of William IV's children by Mrs Jordon. She was raised to the rank of a marchioness in 1831. She was therefore known as Lady Fox, in acknowledgment of her husband's surname, and by virtue of her rank as a peeress in her own right. [157]

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[151] *New Zealand Spectator and Cook's Strait Guardian,* Wellington, 24 September 1853.

[152] Burrow, John Wyon , *A Liberal Descent:- Victorian Historians and the English Past* , Cambridge University Press, Cambridge, 1981 pp. 116 -125.

[153] Brent, Richard, op. cit., p. 147.

[154] Brent, Richard, ibid p. 139.

[155] Prest, John, *Lord John Russell*, Macmillan, London and Basingstoke, 1972, p. 10, p. 33, p. 77.

[156] Whately, Archbishop Richard, *Account of an Expedition to the Interior of New Holland :-edited by Lady Mary Fox* , Richard Bentley, London 1837.

[157] There was a convention to this that women could resort to. Lady Mary Barker, the author of New Zealand South Island sheep station reminiscences remained Lady

Whately's book related the discovery of a Harringtonian utopian 17th century Germano-British community deep in the Australian interior. That community was descended from castaway families that had been ship-wrecked on the West Australian coast, and upon discovering a well-watered interior, with inland seas, had gone forth and multiplied abundantly, unknown in the deep interior. This was "The Teutonic Family Robinson" with the Australian interior to proliferate in. 1820s and 30s speculatiors proposed that on the analogy of other continents, and because the substantial Murray River system rose inland behind even the very low Australian Alps, such rivers might indeed must, arise behind the Kimberleys in the North Western Australia, or from the Great Dividing Range in Queensland, to flow into the interior, like the Oxus flows into the Aral Sea or the Volga into the Caspian. Many of the canonical Australian explorers tried to find such a sea. They arrived too late geologically, and in the history of climate change, to discover permanent bodies of fresh water. In fact Lake Eyre, discovered by the explorer Edward John Eyre in 1840, does indeed fill up in La Nina years, several times a century, with floods up up to 5 m in depth, for short periods of time, before the saline water evaporates.

Archbishop Whately and George Grey had no idea of this in 1837. The novel however is a *roman a clef* of the political and colonizing values of Grey's formative culture. It is a *Swiss Family Robinson* for a entire society, to refer to the Johann David Wyss classic about a family, ship-wrecked en route from Java to Port Jackson/Sydney, that been published in 1812. [158] One of its fictions is that as the end result of racial amalgamation, the lower house of a new state in the colony consisted of mixed race citizens, the upper house of pure whites only. [159] That was indeed a fiction, because it was only in very recent times, that the Liberal Party of Tony Abbott introduced the first aboriginal Member of Parliament to the Australian Federal Parliament.

We may read in Whately's novel how a "liberalism of capacity" was thought to work in assimilatory racial regimes. The French liberal Protestant politician and political thinker Francois Guizot (1787- 1874) developed the concept of "capacitarian liberalism". [160]Just as the Reform Act of 1833 extended the franchise to more of the middle class, the first of three British franchise extensions in the 19th century, so would indigenous peoples be admitted to civil life by stages. The book's over-all scenario is suggestive of Samuel Butler's "Erewhon". Both men were responding to Joseph Butler. The imagined community in a remote and unexpected place, ignorant of the outside world, and previously unknown to it, and its social description, was a device common to such utopian authors, whether they were Swiftian satirists, or in earnest. Jane Campion's television series *Top of the Lake* is a 21st century dystopic contribution to rthe genre.

Fiction aside, the fact of Grey's publicly funded expedition, under the patronage of Lord Glenelg, who was then Colonial Secretary, proves that leading Whigs were making an investment in Grey, on Whately's recommendation. This book project took place in the context of Grey's expedition, though without overt reference to the party on board the "Beagle" sailing out to Western Australia. Whately was the author, while Lady Fox edited it for publication. How interesting the young Grey's proximity is, to the illegitimate Royal Family, so to speak. His step-father's first cousin

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Barker, as she had been in her previous marriage, even though she was married to Frederick Broome, until he too became knighted, and then she consented to be known as Lady Broome thereafter.

[158] Wyss, Johann David, *Die Schweizerische Robinson, oder der schiffbruchiger Schweizer-Prediger und seine Familie* Johann Rudolf Wyss (ed), Orell Fussli, Zurich 1975.

[159] Whately, Richard , op. cit. p. 122-124.

[160] Rosavallon, Pierre *Le Moment Guizot* Gallimard, Paris 1985.

Charles Nassau Thomas had been the Prince Regent's "Vice Chamberlain". Grey was to become a favourite governor of Queen Victoria and Prince Albert and to be remembered fondly by their son, Prince Alfred the Duke of Edinburgh and Duke of Saxe-Coburg-Gotha. And his grand-nephew was to become the future Edward VIII's Private Secretary, when he was the Prince of Wales.

So we find Whately and his protégée involved with irregular royal daughters of the Holland family. It is interesting enough that Archbishop Whately and Lady Fox should have collaborated. But the writing project was with reference to a current expedition that the Whig Government and Holland House circle had sponsored on Goevrnment Money, Time and with Public money.

What was Holland House? Holland House had become the circle of a Whig "religion" of Great Britain and of the Glorious Revolution of 1688. Lord John Russell was its propagandist and ideologue- Lord Macaulay its historian. The mansion was a Jacobean mansion of palatial proportions that was destroyed by Luftwaffe incendiaries in 1940. The ruin can be visited at Holland Park where the local authority has let out the habitable portions are used for a youth hostel. Not only was Holland House a town house for balls, levees and a salon, - it was a radical talking shop. It is possible that it was in such enviroments that Grey learned his courtly manners, which scarcely failed him as a governor, yet were useless in the bear-baiting pit of the New Zealand House of Representatives in later life. It is important to keep in mind though, that it was Whately who belonged to this circle, as an intimate not the young George Grey. Patronage of likely young people though was part of Holland House's business in government. The emphasis must be placed though on Whately as the patron, not George Grey, as the protégé. Grey's was Whately's protégé, not Holland House's.

This station Grey had in society, from his introductions, was one he was to keep all his life despite the fact that he spent only 7 of the next 61 years from 1837 in Great Britain. He never improved on that station, nor did he lose it. *THAT was his place in society*. Money and honours and distinctions made no difference. The Queen as we shall see, always remembered, and admired him. Queen Victoria was more than partial to the Whigs, disliking the Tories and Sir Robert Peel. That "court" memory of Grey was intergenerational- her son the Duke of Saxe-Coburg-Gotha was his guest 1859-60 and sent an official representative to his funeral in 1898. The 4th Earl Grey attended that funeral, the nephew of the 3rd Earl who was so closely associated with Grey's New Zealand success, and son of General Sir Charles Grey who was Prince Albert's, and then Queen Victoria's, Prince Secretary. Thus Governor Sir George Grey's backstairs connections made themselves apparent even at his obsequies, like a code to be read.

Perhaps we have also entered into a way elite Britons imagined settler colonies. One had one's place in the Home country, which might never change, - this was your "English" character- while elsewhere you had another role that was almost immaterial to your resumed British life? Grey had a "place" then. Of course such a man would be knighted, and accomplish the things he would do. Of Holland House we may quote T.S. Eliot for Grey, and say "in my beginning is my end". [161] We have all been too vague or disregarding of who Grey was in his homeland.

Royal persons and social contexts are all very well, but what matters with Grey and what makes him unique among colonial governors was the political context of his Holland House background. The decisive figure in late 18th century early 19th century radicalism was Charles James Fox (1749-1806) the second son of the 1st Baron Holland. He has "appeared" in three films in recent years, "

[161] Eliot, Thomas Stearnes, *The Four Quartets:- East Coker*.

The Madness of King George" played by Jim Carter, and in *"Amazing Grace"*, played by Michael Gambon, and by Simon McBurney in *"The Duchess",* about Georgiana the Duchess of Devonshire. They were acting a large louche hirsute man, a great gambler and a rake, who was one of the great all-time personalities and minds of British politics. In an age when Greek and Latin learning were not just basic literacy, but a necessary *political* accomplishment, he was also an expert on the obscure Hellenistic verse. An opponent of George III and of his policy in North America, a supporter of the United States, a courageous slave trade abolitionist, a supporter of civic rights for Protestant dissenters and Catholics, sympathizer of the French Revolution and a seeker after *"detente"* with Napoleon Bonaparte, Fox held office only as a Secretary of State for Foreign Affairs for a few months on each of three occasions, in 1782, in 1783 and 1806. From the currency he has in modern British historical film, - the film industry does not develop obscure personages of merely historical interest- we get a sense of how modern Britons can feel impressed enough about Fox's personality to try and make an important part out of his character. Yet Fox is no one taught at schools. The average viewer would not know who Fox is meant to be. His personality though seems original and dramatic enough to survive in modern film.

If we were to consider George Grey as a Russian doll, and open him up we would find that a political Titan such as Charles James Fox filled up much of his Whig formation. He arguably resorted to a Foxite mode of politics in the New Zealand 1870s, as he reinvented himself. It has been said that the Whigs such as Lord John Russell had "moved on" from Fox by the 1820s:

> "Thus in the years 1819-1834, Russell changed from a Foxite constitutionalist to liberal moralist; and in so doing with the aid of his younger fellow Whigs, he altered the concerns of Whiggery from an interest in the mechanics of the constitution to a consideration of its moral foundations." [162]

What this quote is saying from one of Britain's most acute historians of politics and political ideas, - Richard Brent, - is that the actual machinery of a constitution was thought in Fox's time to be effective in changing people's behaviour and the whole of civil society. We find the same thought in Rousseau's *Constitution of Poland* (1771) that a constitution can so interlock in its parts, that it "holds" a nation in a certain condition.

What Lord John Russell "moved onto" then was the moral basis for constitutional power. He was also concerned with the historical culture of political institutions, and the historical parabola from the "Glorious Revolution" of 1688. It was not enough to mechanistic- or, as we might say, "behaviouralist". Russell's shift was part of the general Victorian move towards public and private "morality". The basis of political virtue became personal morality. Even Noblemen were getting middle class in tone. Big men gaming away vast sums, dallying with expensive courtesans and socialites and getting ill from gout and intimate contagions, rich diet and heavy alcohol consumption, were not Russell's style – a small upright austere and dry man, who was "ideas"-driven in the true Holland House way.

Russell was not into gaming or mistresses, or country sports. He was to become the philosopher-mathematician Bertrand Russell's grandfather. Russell was always fascinated however by what he hoped constitutions might achieve. As seminaries for moral character, they were virtually the explanation for political reality for him. His maiden speech in the Commons was on the Norwegian Constitution of 1814. In his Foxite youth he visited Napoleon on Elba. Napoleon asked him "who are you", and as the young man rabbited on about his Russell ancestors and "1688", Boney opened

[162] Brent, Richard, "The Emergence of Liberal Anglican Politics", p. 46.

his fly and urinnated into a pot-plant. In succeeding years such ardour as Russell could fan into flame, was dedicated to his books on Russell family and Whig history. To be a Whig was a religion, for Lord John Russell- the priests and priestesses of which were a few families of peers.

Grey remained Foxite at heart. Elite males with civic virtue and intelligence could be public men. Their personalities would be telling. Carlyle taught him that as well- that character mattered in power. The mechanistic part of Fox's thought applied to the people and indigenes. Such virtuous striving public men had to devise institutions that would inculcate virtue in the people, instruct them in politics and civicism and through office-holding, and teach them in turn to be consistently "virtuous". Constitutions could make people consistently and reliably virtuous. For a soldier accustomed to the drill square, mechanized virtue found its analogue in the discipline of regular troops or the militia. Bad, weak and frightened men, novices to warfare, could endure the horrors of battle, so long as they adhered to drill formations and remained responsive to commands. Mobs could be turned into juries, and subject masses into citizens.

Despite these Whig associations, Grey was able to work well with Tories in the government of Robert Peel 1841-46. He was governor under Lord Stanley who became the 14th Earl of Derby and under the young William Gladstone. He never had good relations with any of the three short Derby governments, of 1852, 1859 or 1866-68. In fact the last two "recalled" him. He definitely "got on" best with the Whigs. Appointed to South Australia by Lord John Russell in 1840, his most influential years in the Colonial Service were when he was Governor of New Zealand 1845- 1853. It was the Peel administration, in the person of Lord Stanley, that sent him to New Zealand as its trouble-shooter. It was the coalition of Tories and Whigs under Lord Aberdeen that posted him to South Africa in 1854.

It is not to be argued that Grey was so radical, for that for all his careerism, he retained an independence of mind that brought him into brinkmanship with the British governments he served. We must not just attribute his political risk-taking to an imperious temperament or appetite for power. These are Music Hall or Pantomime explanations for Grey. The tyrant-Grey and personality disorder-Grey are products of mid 20th century historical revisionism. Ideology provides another set of explanations thann just temperament. He did have a conscientious objection to certain polices. In him, though, the potential crisis that lay in any "Russellian" governor, consitutionalising and devolving power to settlers, came to the surface. It seems reasonable to propose a type or class of governor as the "Russellian" governor between the 1840s and 1860s. It begins with Lord Durham's Governor Generalship of Canada in the late 1830s, after the 1837 Rebellon. Lord John Russell's response to Lord Durham's Report on the settler rebellion in Canada was to recommend the colonial governors "educate" the settler leaderships into the paths of responsible government.

Certain governors, like Grey, or Sir Edmund Head, were invited to take part in constitutional discussions and design with the British Government. Head was invited when he was posted to New Brunswick, Grey while in New Zealand. Their careers phutted out in the 1860s, Head's with much rancour annoyance and peevishness, Grey's with lasting chagrin. By contrast the Governors General of the Canadian provinces between the 1830s and 50s were appointed to serve as colleagues of British government in Canada:- Lord Durham, Lord Sydenham, Sir Charles Bagot, Lord Metcalfe, and Lord Elgin. Bagot died in 1843 at Kingston Ontario, before his ennoblement, but his father was a peer and his uncle the Duke of Wellington. He had previously served as a diplomat in postings as sensitive and demanding as Washington, where he served as minister plenipotentiary, and St Petersburg where he was Ambassdor. Charles Poulett Thomson, the 1st Baron Sydenham had had a distinguished Parliamentary career. Durham and Elgin were great

magnates and peers of the realm. Metcalfe had distinguished himself in the East India Company service and as Governor of Agra, rising to acting Governor General in 1836, then seving as Lieutenant Governor of the North-Western Provinces. Grey and Head could just not match this. They were just servants, not colleagues of British Government. These two scholarly men from the households of vicar baronets, who had worked their way up as Colonial Service governors, found that the inner circle excluded them. Men who had not already inherited or acqured their power and their wealth before entering Colonial Service encountered a barrier, hardly ever broken. Before Hercules Robinson's success, previously discussed, later in the century, John Lawrence (1811-1879), known as Sir John Lawrence Bt, and then as the 1st Baron Lawrence was the one who broke through. It took East India Company service and exemplary services during the the Indian Rebellion in 1857, and the Viceroyalty between 1863-69, to achieve that level of collegiality with the British Goverment.

Edward Head at least ended up having Grey's career trajectory- or at least of fulfilling Grey's ambition. Grey had hoped while in New Zealand in the early 1850s to be posted to Canada. Lady Grey was hopeful of it in 1852. Instead it was Head who was promoted to become Governor General of Canada. Grey was sent to South Africa. Head and Lady Head were nonetheless extremely unhappy in Canada. His departure from office in 1860 was rumoured to be the result of a matrimonial quarrel. He was made a Knight Commander of the Bath however- just like Grey, annd only like Grey for his services. And that was it. He was already a knight, the 8th baronet Head of The Hermitage, an author and book collector like Grey. He had the Oxford education that Grey lacked. He was apparently extremely unpleasant when the Prince of Wales visited Canada, along with the Duke of Newcastle, behaving snappishly, treating them with the same rudeness and ill-temper he treated Canadians. This was attributed to a knock-on effect from his bad marital relations. Grey however was to remain agreeable towards the Royal Family even when his marriage fell apart.

Durham, Grey and Head were governor-constitutionalists. The whole point of a constitution was to minimalize the personal factor, that these moody and often ill and worn-out governors characterized. Durham was dying of Tb, when he quitted Canada, Sydenham died on the job, Bagot died exhausted, Metcalfe stuck to his post as a tumour ate away at his face, only to die not long after he returned to England. Grey was physically unwell, worn out and given to emotional indulgence and incontinent resentments. It was a stressful job.

What was the dictator for then, if "his" rule was so personalised and erratic? The dictator as the Voldemort of constitutionists, the Nazi jurist Carl Schmitt identified, founded constituions. The dictator existed to set up a new constitutional order. He was not some kind of disorder or anomaly or emergency. Although this insight comes from Hitler's "Kronjurist", an unrepentant fascist, it makes sense of these "Russellian", of course Peel administration, governors, who were supposed to help devise constitutions for the colonies and lead settlers towards responsible government. Grey as we have seen was keen on the teachings of the 17th century thinker James Harrington. Influences from Harrington and Fox implied interest in the norm-making mechanics of a constitutional order.[163] Grey remained interested in the "mechanics of constitutionalism" because he was convinced from his education that constitutions were structured and operated according to correct and even "moral" principles in the first place that had the power to transform colonial subjects. The purpose of power was to transform people. The constitutional order that Harrington envisaged required at least a start-up dictator. Harrington had imagined a Venetian mechanism of rotation changing officials and committee members around. It occurred to the neo-Harringtonians

[163] Pocock, op. cit. pp. 416-419.

of the late 17th and early 18th centuries that Parliament and General Elections in themselves, introduced enough alternation of office, without literally introducing Harrington's proposed ballot machine. One could then envisage Russellian governors, introducing the Westminster apparatus, in countries ranging from boreal climates to the tropics.

Liberal Anglicans colonized many of the new disciplines under the motto of *Phusei politikon anthropos*.[164] Man is a political animal, said Aristotle. The reclamation of Political Economy from the "Infidels" – from Utilitarian freethinkers- was the priority. Jeremy Bentham was the enemy. It is one of the peculiarities of the Drummond Chair of Political Economy at Oxford University in the 1830s, which was founded as Liberal Anglican project,[165] that Whately and Herman Merivale both lectured on topics that related to Grey's interests in colonization, while they held it. Herman Merivale (1806-74) was to succeed Sir James Stephen as Grey's Civil Service superior at the Colonial Office and then become the first Permanent Under Secretary of the India Office in 1859.

Whately gave lectures about human development and the "savage state", while evaluating the capacity of human societies to sustain economic activity and civilized institutions. Merivale reviewed colonization as a natural enterprise of Political Economy. What Merivale was arguing against was the Utilitarian "classical" economics line that colonies were a waste of time and money. The criticism of colonies had begun with Adam Smith in 1776 and was still going on with James Mill, who wrote an article on "Colonisation" for the Metropolitan Encyclopaedia in 1817.

A Free Trade generation of would-be colonisers was anxious to show that colonisation was an economically rational activity such long as it was not carried out under mercantilist or protectionist policies. Whately, Merivale, Nassau William Senior (1790-1864), Edward Gibbon Wakefield (1796-1862) and Colonel Robert Torrens (1780-1864) were promoters of free colonisation in Free Trade conditions who wanted to rethink colonisation for a post-mercantilist era, and get beyond the destructive Utilitarian critique of settler colonies. What we see emerging then is a Political Economy of Colonisation, which, from the perspective of the "classical' school, had been almost a contradiction in terms. For colonies had been as Gothic as castles and cathedrals, to Adam Smith and James Mill and David Ricardo.

Mercantilism was the economic doctrine that governments should ensure that the state monopolises foreign trade by preventing ships of other nations and flags from carrying out various aspects of trade with that state and its possessions. It requires a favourable balance of trade for the mother country, bannning the export of specie, of gold and silver and coinage outside of the state's colonial system. It is a control of a state's money supply. Each state sought to retain as much bullion as it could. Great Britain avoided inflation until the Revolutionary and Napoleonic Wars by exporting specie into Asian markets, which kept prices down. Britain's story was quite the opposite of 16th century Spain's with its inflation of prices as it imported American gold and silver into Europe. Export subsidies, promotions of manufactures and industrial subsidies and wage limitation were a repertoire of practices, along with maximalising the use of domestic resources and restricting domestic consumption with non-tariff barriers.

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[164] Whately, Richard , *Introductory Lectures on Political Economy* B. Fellowes. London 1832 , Lecture IV p. 99 . "Man is political by nature".

[165] The Drummond Chair was held by Liberal Anglican associates Nassau Senior (1825-30) Richard Whately (1830-31) William Forster Lloyd (1832-37) Herman Merivale (1837-1842) then by Travers Twiss.

Colonization and native policy then, were subjects of intense interest to Liberal Anglicans, even before George Grey contributed his memorandum as a dissent against the Select Committee Report on Aborigines in 1837. Utilitarians had long disapproved of settler colonization. Their authorities had considered it an inherently mercantilist and protectionist activity of no benefit to metropolitan nations, an economic and strategic liability. However a profuse discussion broke out from the 1820s onwards, as theoretical justifications were sought for the activity. Liberal Anglican and their Whig patrons found themselves across the board obliged to develop a coherent theory for British undertakings in response to the Durham Report and to the Buxton Report. By 1853 Lord Grey was able to publish a retrospective two volume work that reviewed a settled Whig policy on colonization from the perspective of the Russell administration.[166]

Eschatology loomed over the Liberal Anglicans. God walked in History. The British Empire for Liberal Anglicans corresponded to a divine plan, and represented a dispensation for global progress and for global Christianization. As Dr Arnold speculated to Oxford students when he became Professor of Modern History:-

"modern history appears to be not only a step in advance of ancient history, but the last step; it appears to bear marks of the fullness of time, as if there could be no future history beyond it.....The changes which have been wrought have arisen out of the reception of these elements by new races; races endowed with such force of character that what was old in itself, when exhibited in them, seemed to become something new. But races so gifted are and have been from the beginning of the world few in number: the mass of mankind have no such power; they either receive the impression of foreign elements so completely that their own individual character is absorbed, and they take their whole being from without; or being incapable of taking in higher elements, they dwindle away when brought into the presence of a more powerful life, and become at last extinct altogether.....So if our existing nations are the last reserve of the world, its fate may be said to be in their hands, God's work on earth will be left undone if they do not do it. " [167]

Whately for his part devised an Anthropology for this historical vision, arguing that the savage state could not have been the origin of human civilization, that humanity did not entirely make its own history, and that God had intervened among the generations after the Fall, and that only thereafter did human history operate as an ordinary Providence. It was inconceivable to Whately that intellectually and morally disabled humanity could ever autonomously emerge from conditions of "savagery" without the intervention of previously civilized peoples, who were themselves originally civilized in the series of civilizing projects by the intervention of Divine Providence. From his Drummond Chair Lecture V in 1831 on "the savage state" to his Y.M.C.A. lecture of 1854 *On the Origins of Civilization*, Whately remained a consistent degenerationist:-

"it has been very commonly taken for granted, not only by writers among the ancient heathen, but by modern authors, that the savage state was the original one, and that mankind or some portion of mankind, gradually raised themselves from it by the unaided exercise of their own faculties … but as for savages properly so styled - there is no one instance recorded of any of them rising into

[166] Grey, Henry George 3rd Earl, *The Colonial Administration of Lord John Russell's Administration* Richard Bentley, London 1853.
[167] Arnold, Thomas , *Introductory Lectures on Modern History delivered in Lent Term, MDCCCXLII with The Inaugural Lecture delivered in December MDCCCXLI*, 6th edition Longmans, Green and Co., London 1874 [1842] p. 28 ff..

a civilised community, or, indeed, rising at all, without instruction and assistance from people already civilised."[168]

Grey learned this post-lapsarian anthropology from Whately. Von Humboldt and Niebuhr's speculations on the apparent incapacity of "savage" humanity, and on fallen American civilizations were discussed in Whately's Drummond Chair lectures in Political Economy of 1831:

> "The famous historian Niebuhr also is recorded …. to have strongly expressed his full conviction that all savages are the degenerated remnants of more civilised races, which had been overpowered by enemies, and driven to take refuge in woods…. and there to wander, seeking a precarious existence, till they had forgotten most of the arts of settled life, and sunk into a wild state."[169]

Self-civilization was an impossibility. The historian Duncan Forbes has concluded

"Whately and Arnold arrived at a different deduction. They agreed with Vico that all civilized people were originally savage, but the fact that there are no recorded instances of savage peoples having civilized themselves is for them an argument for the intervention of Providence."[170]

So insuperable was the step between savagery and the stadial scheme proper for Whately that he considered it a disproof of Lamarckian evolution. Albert Gallatin, who was Thomas Jefferson's Secretary of the Treasury, and the ethnographic expert on North American Indians, noted what seemd to him to be the extreme difficulty of the transition for American Indians from a hunter-gatherer state of existence to an agricultural.[171] Gallatin's work was a text-book of Jeffersonian racial amalgamation.

The Araucanians of Chile were the only instance that Gallatin gave of a hunting people in the Americas who had converted to agriculture. Their resistance against the Spaniards had been "long and successful", - ominous praise for settlers determined to "amalgamate", rather than eradicate.[172]The implications for Maori and Malagassies and Cherokee, fast-"civilizing" peoples, were obvious. The stadial schemes inherited from the classical world proposed that after great global catastrophes, humanity had revived from pastoral remnants, to agriculture and then to urban life and commerce. Hunter-gatherers however appeared to exist at the extremes of the Earth, far from the tempered mediocrity of the Mediterranean, according to ancient thinkers. A missing step developed in the stadial scheme once "the savage" was placed at the very bottom of the scale, in the sociological speculations of the 18th century Scottish philosophers. The view persisted that no independent progress could occur from the savage state to even the pastoral. While Adam Smith denied the possibility,[173] Lord John Russell despite his Edinburgh education, adhered to the model

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[168] Whately, Richard , *On the Origin of Civilization:- A Lecture by His Grace The Archbishop of Dublin to the Young Men's Christian Association*, December 1854 pp. 9-10. In "Whately's Tracts" BOD 270 e. 1877 (9).
[169] Whately, Richard, op. cit. p. 22.
[170] Forbes, Duncan, op. cit. p. 71 .
[171] Gallatin, Albert , *Synopsis of North American Tribes within the United States East of the Rocky Mountains and in the British and Russian Possessions in North America*, p. 156 .
[172] Gallatin, ibid pp. 151-152.
[173] Pocock, John Greville Agard . *Barbarism and Religion* v. IV Cambridge University Press, Cambridge 2005 p. 171.

of civic humanist human development, from the ancient world, that managed to "extrude" the so-called savage.[174] A savage was not a stage but an anomaly at the margins and climatic extremes of the world. Whately denied outright that such progress could be made unaided, in arguments that echo throughout Grey's Port Louis paper of 1840:-

"According to the present course of things, the first introducer of civilisation among savages is, and must be, Man in a more improved state; in the beginning therefore, of the human race, this, since there was no man to effect it, must have been the work of another Being. There must have been, in short, something of a REVELATION made, to the first, or to some subsequent generation, of our species. And this miracle (for such it clearly is, being out of the present course of nature) is attested independently of Scripture, and consequently in confirmation of the Scripture accounts, by the fact that civilised Man exists at the present day. Each one of us Europeans, whether Christian, Deist, or Atheist, is actually a portion of a standing monument of a former communication to mankind from some supernatural Being. That Man could not have made himself, is often appealed to as a proof of the agency of a divine Creator; and that mankind could not in the first instance, have civilised themselves, is a proof of the same kind, and of precisely equal strength, of the agency of a divine Instructor."[175]

The "sentinel" monoliths in *2001 A Space Odyssey* is the closest we now have to this way of imagining the past, even if it is from the atheist camp. Sci Fi is so often "Theological Fiction". Note particularly the reference to a "monument". What Arthur C. Clark did was make the "gods" naturally occurring phenomena in the process of evolution. The gods belong in the natural world, and are a result of it, they are not outside of it. Clark's gods stood at the top of the evolutionary chain.

From such views of the "savage state" and of "fallen man", Grey drew the Anthropology, for which he found the ethnography in Albert Gallatin's "Synopsis" of 1836.[176]

Gallatin was "exemplary' on several levels. He was a Swiss Protestant. Continental Protestantism greatly appealed to Grey with his Huguenot background. The fact that his mother's family came from "Another France" was enough to fire his imagination. The long hike to the Chateau at Bearn in Navarre where Henri IV was born, is proof of that, the birthplace of the Protestant founder of the Bourbon dynasty, who had become Catholic because "Paris was worth a Mass". Henri had nonetheless cut a deal for Protestants with the Edict of Nantes of 1589, which granted them civic rights in France, such as existed in the ancient regime. They had the right to carry arms, hold commissions, be in the King's service, exist in a kind of commune or what the Ottomans would have called a "millet" within France. Henri of Navarre was a deeply ambiguous figure, the very Protestant exemplar of a Machiavellian "politique" and warrior, for it was he who brought peace to France after the Wars of Religion. It is unsurprising that the young George Grey should hike to what is now the departement of the Pyrenees-Atlantiques, right on the Spanish border, just to make contact with him.

Henri stands at the Father of that other, lost, France, the France of Jean Calvin, which rebuilt itself in francophone Switzerland, in the republic of Geneva. Gallatin who was originally a Genevan, emigrated to America to become a Jeffersonian and a banker. He is to date the longest serving Secretary of the Treasury of the United States, holding the office for 12 years. He was then to

[174] Brent, Richard, " The Emergence of Liberal Anglican Politics" p. 10.
[175] Whately, Richard, op. cit. pp. 18-19.
[176] Gallatin, Albert , op. cit..

Grey's mind a standing pharos of an alternate Politcal Economy to that of the classical school, as well as an ethnographer. Grey as we shall see was deeply indebted to Physiocratic and Sismodean economics. Gallatin's economics were a riposte to Alexander Hamilton's "classical" economics. The emphasis was agrarian and on naturally occuring wealth. The whole Jeffersonian programme was premised on land and security of tenure for smallholders. This United States of the small-holders and homesteaders that got blown away in the Dust Bowl of the 1934 Oklahoma and with the repossessions of mortgaged farms. The Jeffersonian Democrats were also opposed to "credit" and to the financial markets. They emphasized rather the rrole that hard currency and bullion played in the economy of a colonising country like the United States. The sheer availability of hard currency was a big issue on the American frontier in the Afrikaner and coloured republics of southern Africa and in colonial New Zealand, where Grey realized that ready cash in hand in bullion trains was the way to acquire Maori land.

What is more, the Jeffersonians too had an anthropology, a pre-history of their own. Thomas Jefferson from the 1760s onwards was involved in the debate with Cornelius de Pauw and the Abbe Raynal as to whether the Americas were an inferior continent with smaller productions. For de Pauw and Raynal the argument went that whatever species the New World had in common with the Old, or whatever analogues the New World had, were smaller and weaker and inferior. The reason was that America was a worse continent than Europe, either too high up in plateaux or too covered with dark forests that prevented drainage and made environments unhealthy for humans and animals alike. Much of the "giganticism" of American civilization subsequently is a reaction against this. But as far as Raynal and de Pauw are concerned, they were applying ideas that they had learned from Charles de Secondat, the baron de Montesquieu, who had argued for climatic and environmental determinsm while demonstating how human societies and institutions developed by stages out of dominant economies, whether hunting and gathering or pastoral or agrarian or commercial. Montesquieu was writing while Giambattitsta Vico was working on his *Nuova Scienza* in Naples, a great and productive though irregular work, quite until the lucid, even elliptical style of Montesquieu, to argue that particular cultural productions were the results of particular social phases. Thus out of the antiquarianism of the 17th century, a pre-History was being formed for Humanity. In Whately this pre-History had not yet emancipated itself from Theology;- such was surely the case for the younger Grey of the 1830s. By 1869-70 however, we find that Grey conceived human development as an independent evolutionary and historical process with laws of its own.

Jefferson took part in arguing that the bison was better than the European bison for example, which still existed in East Prussian and Lithuanian forests, when the likes of Prince Radziwill weren't shooting them as they were catapulted in the air in the gigantic version of a clay pigeon shoot. Jefferson sent over bison pelts to Europe to prove his point.. There was the whole domain of the pre-History of the Americas. A *philosophe* like Jefferson knew that the world was not created 6000 years ago as literal reading of the Bible seemed to indicate. Buffon's best guess on the eve of James Cook's departure to the Pacific was that the Sun was 900,000 years old. The French statesman Mirabeau on his death bed hailed his "cousin germane, the Sun".

Humanity therefore had been speculatively older than 6000 years for a few generations before Grey's birth, thanks to the Enlightenment. People then might not have had the deep prehistoric time depths that we have, knowing the Earth's age is 5 billion years, that life has existed on Earth for 3.8 billion years, and that humankind originated over 3 million years ago. It is just that whether we attribute it to divine intruction of early humankind, or to the innate capabilities of humans, there was little to prevent 19th century people from imagining deep vistas of previous civilized time, peoples founding cities, and leading forms of civilized life before our current History.

Jefferson and the Mormon prophet Joseph Smith were alike, despite their different educations, and backgrounds, in imagining or speculating on deep perspectives of American time to rival the Old World. Jefferson had been greatly interested in the pyramid like mounds found in the Mississippi valley.

A work like Tolkien's *Lord of the Rings* is a work of "theological fiction" in that it is filled with all the refuted theories and hypotheses and accommodations of religion and science that Grey's generation could believe in before *The Origin of Species*. Nor do we need to think that just "religious" people or theologians thought like this. An emancipated mind such as that of Alexander von Humboldt responded to the civilizations of pre-Columba America by imagining Atlantis-type civilizations and a deep American time. It was from Humboldt that Richard Whately found his American example of a culture bringer. Mancu Tupac. Grey made his own sonar into human time. In his *Polynesian Mythology* of 1855 he was to argue in the preface that Maori were the remnants of a pan-Pacific civilization, that was on a par with the pre-Columban American cutlures or the horrors of human sacrifice, and presumably contemporary with them.

What Grey got from Gallatin and the Jeffersonian circle was a ready-made policy, a view of the world that connected with various fields of policy. Apart from the question of slavery (and we all know that Jefferson was a slave-owner) this circle had developed a programme that could account for how colonization was to occur, for the benefit of whom, in what economic and political conditions, and with what scientific attitudes, right down to the ethnography and racial policy for the indigenous peoples encountered on the frontier. It was a veritable example of what systematic colonization might be. Wakefield may have claimed to come up with a theory of "systematic colonization". Despite Grey's agreement with much of it, the Wakefield system did not answer many of the questions that Grey needed answering.

Whately's teachings were also compatible with the role of the legislator and constitutional dictator that Harrington had borrowed from Machiavelli.[177] In the Whatelyan scheme, once the "special providence" of divine and angelic presences had been withdrawn from the direct education of fallen humanity, "higher races" undertook the reclamation and civilization of savage peoples once human history had become autonomous, operating under "the ordinary providence" of God.[178] Such was the space for culture heroes and dictators. Whately for his part emphasised in general the accumulated effect of ordinary people's lives in historical developments, in the tradition of late 18th century British statistical historians, and of the *Waverley* novels, which he had reviewed.[179] Unique individuals however according to Whately could play an exceptional role on the reclamation of "savage" and "barbaric" peoples, and in that sense his "ordinary providence" provided scope for the intervention of the "law-giver", or necessary dictator in such constitutive circumstances. "The Great Man" extruded, like the savage, from the history of civilized nations could nonetheless operate on the frontiers in such a person as Governor Grey. For Grey however, the mission of such a lawgiver and "ruler" nonetheless was to admit indigenous peoples to the normal political and economic life of settler peoples, to submit them to sufficient quantities of immigrants who would be able to constitute a colonial society in which indigenes would be obliged to find their new community. It was a role for which his readings of Carlyle psychologically prepared him.

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[177] Whately, Richard, *Introductory Lectures on Political Economy*, Lecture V p. 133-134 .

[178] Whately, Richard, ibid pp. 110-113, see p 111.

[179] Forbes, Duncan, op. cit. p. 137.

The political thought of James Harrington purposefully pervaded and unified this colonizing enterprise, invested it with imaginative and revolutionary content, as it had done for Jefferson,[180] and yet also for Dr Thomas Arnold.[181] Deist and Liberal Anglican divine could both participate. Harrington especially explained the colony in Machiavellian terms. The civic republican purpose that James Harrington and Henry Neville's[182] writings explained for Grey, was how settlers combined and constituted colonial polities, that then became their own nations. Settler colonization developing justifications against Utilitarian objections expressed in James Mill's article "On Colonies". [183] Thomas Arnold's Commencement Day address at Oxford of 1815 marks an early justification. It was liberating for proponents of a settler *Realpolitik* to be assured from Harrington that:-

> "Natural Government is an effect of natural Force, or Vigor. Provincial Government is an effect of unnatural force, or Violence." [184]

and to be assured that:

> "Provinciall ballance ….is….the overballance of a native Territory to a forraign; for as one Country balanceth it self by the distribution of propriety according to the proportion of the same, so one Country overbalanceth another, by advantage of divers kinds". [185]

The ideology of colonization had previous 17th century sources. Liberal Anglicans were deploying Harrington to defend colonization a generation before Grey's Port Louis paper. Arnold's Commencement Day address [186]significantly resorted to colonial America because he referred in its notes to "a beautiful pamphlet" entitled " The New Life of Virginia" printed in 1612 " by an author who signs himself R.I." [187] A more benign version of the legal integration and assimilation that Spenser and Davies would impose on the Irish, was suggested for American Indians. For this was the text by Robert Johnson dedicated to Thomas Smith, that proposed the eventual equality of civilized Indians if the settlers:-

> "winne the elder sorte by wisedom and discretion, make them equal with your English in case of protection wealth and habitation", and:-

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[180] Pocock, *The Machiavellian Moment* p. 547.
[181] Arnold, Thomas , *The Effects of distant Colonization on the Parent State* (1815) p. 25.
[182] Neville, Henry , *Plato Redivivus* , London 1674.
[183] Mill, James, *Essays on I. Government, II. Jurisprudence, III Liberty of the Press, IV Prisons and prison discipline, V. Colonies VI. Law of Nations, VII, Education* 1824 The Bodleian Library electronic resource.
[184] Harrington, James, *A System of Politics*, (written 1661) John Toland (ed.) *Collected Works* London, 1700 p. 496.
[185] Harrington, James , *The Commonwealth of Oceana*. p. 20 .
[186] Arnold, Thomas, *The Effects of distant Colonization on the Parent State:- A Prize Essay Recited in the Theatre at Oxford June 7, 1815,* Oxford 1815.
[187] Arnold, Thomas, *Introductory Lectures on Modern History delivered in Lent Term, MDCCCXLII with The Inaugural Lecture delivered in December MDCCCXLI*, London 1874 [1842] p. 36 note to p. 26.

> "Take the children and traine them up with gentlenesse, teach them our English tongue, and the principles of religion". [188]

This is what Grey proposed for Australian aborigines. Oxford Liberal Anglicans then as a reading circle had identified the original text that translated features of the assimilationist policy in Ireland to North America.

A significant influence on Grey though, as William Pember Reeves proposed, was that of Thomas Jefferson.[189] As a neo-Harringtonian reception, Jeffersonianism would appear to have been unique to Grey among the Liberal Anglican Whigs. The articulator and then practitioner of the policy of native amalgamation into settler colonies was in fact Thomas Jefferson, analogously in the context of opposition to a policy of segregation. Jefferson sought to transform Indians into Americans, just as Grey wrote against the Buxton Report. Jefferson had joined vociferous settler opposition[190] before the War of Independence against the Appalachian Protectorate policy,[191] keen though he was to acquire land obtained by Johnson under the 1st Treaty of Fort Stanwix in 1768 and the Treaty of Fort Pitt in 1775. Albert Gallatin had been his Secretary of the Treasury and had compiled an ethnographic opus in which both the native policy of the Jefferson administration and the military intelligence requirements of the War Department are evident. Grey's achievement was to adopt and apply this policy of amalgamation for the purposes of colonial government by Crown agents in British settler colonies, in place of the "official" policy of protection and segregation, reaffirmed by the "Buxton" Select Committee Report in 1837. In other words the royal prerogative would be used to "Americanise" Britain's southern hemisphere frontiers.

Grey's Political Economy was French, like Jefferson's had been, not Scottish. Just as William Rees collaborated with Grey on the Grey biography of 1892, so does Rees' *From Poverty to Plenty; Or, the Labour Question Solved*, of 1888, commence with a dedication to Grey:-

> "This work is inscribed to one whose wise counsels have so often aided me to attain results at which I have arrived, and who will recognize in its pages many tokens of the familiar interchange of thought between us during the past fiteen years; to whose sympathy and encouragement I owe more than I can express." [192]

This work may be taken then as an authorized account of Grey's Political Economy. Chapter Four undertakes a defence of anti-classical economic thinkers, from Richard Whately [193]to Francois Quesnay's Physiocrat school, [194]and then Sismondi. Florence Nightingale, who was a friend of Grey's, had been a disciple and member of Sismondi's circle in Genoa. Franklin Lushington with

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[188] Johnson, Robert, *The New Life of Virginea: Declaring the Former Successe and Present Estate of that Plantation, Being the Second Part of Nova Britannia*, printed for William Welby 1612, p. 20.
[189] Stephen, Sir Leslie., and Lee, Sir Sidney (eds); *Dictionary of National Biography: From the Earliest Times until 1900*; Vol. XXII Supplement, p. 786 bottom of left column for the initials "W.P.R.".

[190] Hulsenbosch, Daniel J. ,op. cit. pp. 100-101 and pp. 111-112.
[191] Wallace, op. cit. pp. 17-18.
[192] Rees, William, *From Poverty to Plenty; Or, the Labour Question Resolved*, Wyman & Sons, London 1888, p. 1.
[193] Ress, ibid. pp. 127-128.
[194] Rees, ibid. pp. 50- 53.

whom he co-led the Western Australian Expedition was her first cousin. Rees's claim for Sismondi was that:

> "As Quesnay and Smith are the real founders of political economy, Sismondi may be called the first reformer." [195]

There can be no doubt that Rees argued a neo-Physiocrat position:

> "This foundation principle of the physiocrats is, as we have seen, contradicted by Adam Smith, and his statement that labour is the source of wealth has been generally adopted by modern writers. The question is, however, beyond dispute. No weight of authority, no amount of assertion, no arguments of casuistry, can for a moment shake the immovable foundation laid by Quesnay, - that nature is the sole source of wealth."[196]

"Nature" in Quensay's definition, amounted for Grey and Rees and it did for Jefferson to the primary resources of a colony, mines, forests, lands for settlement. Francois Quesnay and the Physiocrats provided the base for Grey's agrarianism as it did for Thomas Jefferson, [197]but both men respected Adam Smith's Wealth of Nations, and admired Jean-Baptiste Say. Whereas Destutt de Tracy influenced the later Jefferson, [198]Grey rather admired Sismondi. The fundamental issue for Grey and Rees was that Smith, and later Marx, were wrong to found wealth upon labour. The definitive statement for Grey's policy of close settlement in Rees runs:

> But put a man way in the bush is Australia or New Zealand, in the backwoods of Canada, or the prairies of the Western United States, and give him a small capital in money and stock, and a comparatively small area of freehold land, from the fruit of which alone he must support himself and family, and he will if not starve, at any rate merely eke out an existence. Place, however, ten thousand such men and their families, with aggregated proportionate capital, upon two or three hundred thousands of land, and, under ordinary conditions of good management, and an organised system labour and productivity, you will have a prosperous, even wealthy, community. [199]

As a colonial governor, Grey was unable to lecture or discuss his economic theories through the medium of official communications. He remained however the proponent of close settlement, the enemy of what he regarded as monopoly possession of mining claims and of large land-holdings. During these decades when he could not give the speeches he later gave explaining his policy, Grey is to be judged by what he did.

W. J. Gardner wrote of Grey's economics:-

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[195] Rees, ibid, p. 141.
[196] Rees, W.L., ibid. p. 154- 155.
[197] Davis, Richard Beale, *Intellectual Life in Jefferson's Virginia 1770-1830*, University of Tennesssee Press, Knoxville 1972, p. 424.
[198] Padover, Saul K., *The Complete Jefferson – Containing his Major Works Published and Unpublished, Except His Letters*, Duell, Sloan & Pearce, New York 1943, pp. 330-333, pp. 369-373.
[199] Rees, W.L., ibid., p. 168.

> "Grey did not like or understand pastoralism – especially in the hands of political opponents. He professed to be founding an economy of "small landed proprietors" but markets in New Zealand could not sustain an expanding yeomanry". [200]

What we will see that is that this ideological dislike of pastoralism extended to indigenous peoples who were pastoralists. Grey sided with Abel against Cain, to take the Book of Genesis legend. In southern Africa He also sided with Afrikaner pastoralists against black pastoralists, as they were presumably "higher" up the social scale, and with Eastern Cape settlers against the Xhosa. In the Eastern Cape, Grey's animus compounded a deadly situation with the Xhosa, and exacerbated the famine after the cattle-killing in 1857.

The phrase "small landed proprietors" is Grey's own expression to Lord Grey. [201]Thus he could perfectly express himself without resorting to quoting texts of agrarian economics. Gardner's treatment of Grey's policy is typical of how Grey's statements have been treated in New Zealand historiography, factually, often analysed rightly as Gardner has done, for New Zealand could not sustain small farmers in the 1840s and 1850s as it was later to. Gardner however wrote without reference to any political ideas that Grey might have drawn upon to explain his prejudice in favour of small-holders.

Furthermore the capacitarian liberalism of Francois Guizot,[202] the French Protestant statesman and political theorist, had become so ambient in Whig circles, that it is impossible to prove a particular influence from Guizot on Grey, more than on Lord John Russell[203] or the 3rd Earl Grey. Guizot was just everywhere, rather like the fall-out in Whig circles from the career of Napoleon himelf. France greatly mattered in the early 19th century- it was the civilized "other", the great rival power still, for Great Britain.

For George Grey spoke French. The Portarlington Huguenot colony in Ireland from which his mother came, had been Ireland's seminary for French language education. French and German were compulsory subjects on the Sandhurst curriculum. [204]He hiked in Normandy in the summers of his young manhood. His uncle and aunt Martin were allegedly the "founders" of the English wintering colony at Pau. Nonetheless he was particularly enthusiastic about German, at Schiller's verse and drama.

Attractive as his family heritage of French Calvinism might have been for him, Grey is distinctive among Liberal Anglican associates for his interest in francophone Protestants. These Swiss émigrés did not reject historical analysis for the governing disciplines of the Age of Political Economy. Jomini mined military history to demonstrate his principles of warfare. The brother-in-law of the Scottish thinker Sir James Mackintosh, Sismondi enjoyed an international reputation as

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[200] Gardner, W.J., " A Colonial Economy" in The Oxford History of New Zealand, W.H. Oliver and B.R. Williams eds) Oxford University Press, Oxford 1981, p. 63.
[201] Grey to Earl Grey 15 March 1849, *G.B.P.P*. [1136] p. 56.
[202] Kahan, Alan S., *Liberalism in Nineteenth Century Europe:- the Political Culture of Limited Suffrage* pp. 5-9 .
[203] Kahan Alan S. , ibid p. 84.
[204] Smyth, Sir John, *Sandhurst, The History of the Royal Military Academy, Woolwich, the Royal Military College, Sandhurst, and the Royal Military Academy, Sandhurst 1741-1961*. Weidenfeld and Nicolson, 1961. p. 58.

a Political Economist and as the historian of the Italian Renaissance city states,[205] as an authority on Renaissance civic republicanism. He was also a constitutional analyst[206] and a commentator who compared the benefits of ancient and modern colonies.[207] Rees defended Sismondian Political Economy, making the following claim:-

It is remarkable that Sismondi and those who followed him took a far more just and correct view of the operation, not only of the current political economy generally, but of the operation also of its component parts, than the leaders of the Manchester School. [208]

To carry out his assimilationist racial policy, Grey applied Jominian strategy to Jeffersonian policy. Antoine-Henri Jomini (1779-1869) was a Francophone Swiss who had bee an officer in the French and Russian services. He had served Marshal Ney until 1813, Tzars Alexander I and Nicholas I until after the Crimean War, and then resumed service with the French, under Napoleon III, helping plan the Italian campaign of 1859. The essence of his military thought was the paramountcy of interior lines. When in doubt- Attack! - and attack along well-planned and well-developed interior lines, that drove right between bodies of the opponent's forces. Exterior lines of attack were inferior to interior lines, as they delivered assaults upon the enemy's main front. The art of war consisted of developing interior lines into an opponent, even when an exterior assault was necessary. We will find in this sufficient explanations for Grey's frontier policy, racial policy, and management of war-fighting, and other military operatios and dispositions.

Among Royal Military College cadets and Army officers, the military doctrine of Jomini had become the fashionable military doctrine. Grey's military education relied upon Jomini's analyses of battles and campaigns of the recent Napoleonic Wars and of the classic battles of the 18th century. Clausewitz died in 1831 with a Prussian, though not yet a universal reputation. *On the Nature of War* was not published until 1832. Only after the Franco-Prussian War, and Jomini's death, did Clausewitzean thought subsume and obliterate Jomini's reputation.[209] Clausewitz' text lacked the deconstructive analysis of frontiers that the Jominian literature offered. In Grey's youth then, Jominian strategy was being promoted in Great Britain by both William Napier and J. Gilbert. It must not be regarded though as the ascendant doctrine at the Royal Military College, despite its influence at West Point.[210] "Jominians" were a small sect of military intellectuals.

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[205] de Sismondi, Jean-Charles-Leonard , *Histoire de la liberté en Italie, de sa progrès, de sa décadence, et de sa chute* , Treuttel et Wurtz, Paris 1832 2 vv..

[206] de Sismondi, Jean-Charles-Leonard, *Examen de la Constitution Françoise* Treuttel et Wurtz, Paris, 1815.

[207] de Sismondi, Jean-Charles-Leonard, *Les colonies des anciens compares à celles des modernes sous le rapport de leur influence sur le bonheur du genre humain*, Geneva, Lador et Ramdoz, 1837.

[208] Rees, W.L., ibid., p. 143.

[209] Langendorf, Jean-Jacques, *Faire la Guerre:- Antoine-Henri Jomini*, Goerg, Paris 2002, v 1 " Chronique, Situation, Caractere" p. 205 in which Langendorf discusses an *Allgemeine Militar-Zeitung* of Darmstadt article of 20 March 1833, that asserted the superiority of Clausewitz over Jomini, and states " *C'est la le début d'une longue évolution qui verra le triomphe intellectuel du Prussien*." Grey had completed his military education by this time.

[210] Rapin, Ami-Jacques , *Jomini et la Stratégie:- une approche historique de l'œuvre*, Editions Payot Lausanne, Lausanne 2002. pp. 241-242 for the dominance of Jominian strategic thinking on American Civil War generals.

Yet both the United States and Russia found in Jominian strategy the military theory for their expansions into their respective colonial frontiers on the American West and with Mexico on the one hand, and into Siberia and Central Asia on the other. The kind of war that seemed applicable to colonial hinterlands, was the variety which Jomini called "defensive-offensive war"[211]. Long marches into enemy territory to strike at their base, if they had one, were hazardous and left long and exposed lines of operation[212] and vulnerable rear-guards for a foe to fall upon.

"When a frontier is found in open country, it is necessary to give up the idea of making a complete and formal line of defense by multiplying too many positions which require whole armies to man to the ramparts and actually do nothing to prevent anyone from invading the country. It would be wiser to establish a few well chosen positions, not to prevent the enemy from entering but to increase the obstacles along his march, and to protect and assist on the contrary active armies ordered to repel them".[213]

British officers who had been trained to hold the line on colonial frontiers instead learned:

> "In all instances one must not exaggerate such a tactical advantage [of defended positions] since one will fall into [error of] "the system of positions" (starke Positionen) which has been the ruin of so many armies." [214]

The chief influence of Jomini lay in his opposition to hard and fast frontier lines that had to be held. British military policy in the Eastern Cape had foundered on "holding the line". Grey's Port

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[211] Jomini, Antoine-Henri , *Précis de L'Art de Guerre , ou Nouveau Tableau analytique des principales combinaisons de la stratégie, de la grande tactique, et de la politique militaire*, Anselin, Paris, 1837. p. 143 :- *Ce genre de guerre, que j'ai nomme autrefois la defensive-offensive, peut être avantageux en stratégie comme en tactique. En agissant ainsi on se donne les avantages des deux systèmes, car on a celui de l'initiative, et l'on est plus maître de saisir l'instant ou il convient de frapper" (*note *"D'autres l'ont nomme défense active, ce qui n'est pas aussi juste, puisque la défense pourrait être très active sans être offensive).*

[212] Jomini, op. cit. p. 140:- "Sous *le rapport militaire, l'offensive a son bon et son mauvais cote; en stratégie, si elle est poussée jusqu'a l'invasion, elles donne des lignes d'opérations étendues en profondeur, qui sont toujours dangereuses en pays ennemi*. »

[213] Jomini, Antoine-Henri, op. cit. pp. 293-94:- Lorsqu'une *frontière se trouve en pays ouvert, il faut bien renoncer a l'idée de vouloir en faire une ligne formelle et complète de défense en y multipliant des places trop nombreuses, qui exigent des armées pour en garnir les remparts, et en définitive s'empêchent jamais d'entrer dans le pays. Il sera plus sage de se contenter d'y établir quelques bonnes places habilement choisies, non plus pour empêcher l'ennemi de pénétrer, mais pour augmenter les entraves de sa marche, pour en protégeant et favorisant au contraire les mouvements des armées actives chargées de le repousser*.

[214] Jomini op. cit. p. 183 :- *Toutefois il ne faut pas s'exagérer cet avantage tactique, puisqu'on tomberait dans le système de positions (starke Positionen), qui a cause la ruine en tante d'armées*.

Louis paper proposed the dissolution of hard and fast frontiers, and the prevention of concentrations of indigenes upon them, so as to facilitate their absorption into the settler colony. Grey's policy was bound to the Jominian doctrine of "interior lines". By dissolving concentrations of indigenous peoples on frontiers, and collapsing the frontiers themselves, so that indigenous peoples were all the time being drawn into the settler colony, Grey was obliging indigenous peoples to present virtual "interior lines", not in one march, but as a constant motion into the colony.

A Jomini book analysed military behaviour from the past in terms of various departments and operations "lines of operation", "offensive battles" "crossing rivers" "retreats" "logistics".

There exists a small number of fundamental principles in war, which one cannot deviate from without danger, the application of which has been almost always cronwed with success.

The maxims by which these these principles are applied are also few in number, and if they are sometimes modified by circumstances, they can neverthrless serve in general as the compass for the leader of an army. [215]

Grey's amalgamationist policy was composed of such immutable principles. Jominian principles and Grey's policy intersected at the frontiers. Indigenes were first and foremost a military problem. As a war-planner Jomini himself advised on wars for the emperors of Russia along colonial frontiers in the Balkans and Central Asia.

The power culture of Grey's governments is also explicable in Jominian terms. Whether in Crown colony or Executive Council governments for the period of this book, Grey governments were characterized by the extreme control Grey kept over collaborators and associates in power. Former premier Henry Sewell was not exaggerating when he compared a ministry to a general staff under Grey.[216] As the policy of amalgamation would presumably take a few generations to complete, Grey required the reproduction of this power culture and of the policy for which it existed. Jomini provided a comprehensive definition of relation between a commander and his general staff that applies to any Grey administration between his arrival in Adelaide in May 1841 and the outbreak of the Waikato War in 1863:-

"A good general staff is, above all, necessary to make a good army; it should be considered as the nursery, from which the commander-in-chief should select the instruments by which he works; as a collection of officers whose intelligence should second his own. Where there is no harmony between the genius which commands and the talents that are to apply his conceptions, success becomes doubtful, for the most skilful operations are destroyed by faults in their execution. A good staff has also the advantage of being more durable than the genius of a single man; it may remedy

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[215]Jomini, op.cit., p. 21. For a summary of Jomini's principles, consult his *Traite des Grandes Opérations Militaires, contenant l'histoire des campagnes de Frederic II*, Magimel Libraire pour L'Art Militaire, Paris, , 1811. ,t. iv, ch 35. "Il existe un petit nombre de principes fondamentaux de guerre, dont on ne saurait s'écarter sans danger, et dont l'application au contraire a été presque en tous temps couronnée par le succès.
« Les maximes d'application dérivent de ces principes sont aussi en petit nombre, et, si elles se trouvent quelquefois modifiées selon les circonstances, elles peuvent néanmoins servir en général de boussole à un chef d'armée."

[216] Sinclair, Keith, *The Origins of the Maori Wars* p. 239.

many evils, and we may dare affirm, that it is the safeguard of an army. Paltry party-interests, narrow views, and a misplaced self-love, may rise against this assertion; it will, nonetheless, remain an incontrovertible truth to every thinking soldier and every enlightened statesman." [217]

In New Zealand, Colonels Pitt and Wynyard thus understood that their role in relation to the Governor-in-Chief, was to second Grey's policy for the colony. Members of the New Zealand Executive Council between 1861-63 found themselves drafted to become the Governor's departmental secretaries, while being made to accept responsibility for native affairs. Civilians like the Native Protector George Clarke and Lieut.-Governor Edward John Eyre fell foul of Grey's governing culture. At all times Grey was imperious, consulting with his subordinates and collaborators on a "need to know" basis, and intolerant of dissent from his plan. Grey used the constitutional systems as he found them to secure "instruments" for his own policy, while he worked and advised on the development of constitutions to further his native policy.

Lieutenant J.A. Gilbert, Royal Artillery, had published an English text of Jominian theory in 1825 entitled *An Exposition of the First Principles of Grand Military Combinations and Movements compiled from The Treatise upon Great Military Operations by Baron Jomini*. [218]For those who desired more than a promotional précis, Jomini's tome, the *Precis de L'Art de Guerre* and other works amounted to a one-man on-going industry reviewing the Napoleonic Wars. Grey was recognized as an exceptional student, learning from his regular military studies a system of thought that identified and assessed principles for structuring and operationalizing violence. [219] Such a science of principles differed little from texts of Political Economy in modes of demonstration and reasoning, yet differed from modes of historical and sociological representation in the absence of discursive and illustrative text, and in the reduction of all behaviour to the operation of such principles regardless of circumstances or culture. The Port Louis paper consisted of a set of dispositions from ethnographic premises for frontier management and native administration.[220]

Technical military education aside, officers who were savants, linguists and political economists were a persistent feature of the Army at that time. Political Economy and the skills requisite for governance and war-fighting in the multi-ethnic "second" British Empire created a military intelligentsia.[221] If not common, they were at least not chimaeras. Grey belonged to a seam that

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[217] Jomini, Antoine-Henri , *History of the Revolutionary War* , v I p. 210 as translated by J.A. Gilbert in *An Exposition of the First Principles of Grand Military Combinations and Movements, compiled from The Treatise upon Great Military Operations by The Baron de Jomini* T. Egerton, Military Library, Whitehall, London 1825 p. 145.

[218] Gilbert, J. A., op. cit.

[219] Grey obtained an exceptional first-class certificate with a rare special recommendation to the General Commanding in Chief:- Certificate 5 November 1836 Grey MSS, Grey Collection, Auckland Public Library, Auckland.

[220] Grey, George, *Journals* (1841) v. II pp. 372- 388.

[221] Deleuze and Guattari , *Thousand Plateaux: Capitalism and Schizophrenia* ; The Athlone Press, London 1988 translated Brian Massumi, p. 362 "State science retains of nomadic science only what it can appropriate; it turns the rest into a set of strictly limited formulas without any real scientific status, or else it simply represses and bans it. It is as if the "savants" are caught in a rock and a hard place, between the war machine that nourishes and inspires them and the State that imposes upon them an order of reasons. The figure of the engineer (in particular the military engineer), with all its ambivalence, is illustrative of this situation". Grey was a military engineer.

included among others John Austin (1790-1859), Robert Torrens (1780-1864), Charles Sturt (1795- 1869), Sir Richard Francis Burton (1820- 90). By Grey's own account, service in Glasgow and in the Tithe War in Ireland with the 83rd Foot radicalised him, converting him to dissent against British policy in Ireland. His regiment was a dedicated rebellion-crushing unit. Before Grey had set sail on the *Beagle* to explore North-Western Australia, his brother officers and men had been shipped out to Canada. By 1837-38, when Grey was trying to find his way through the Kimberleys of North Western Australian, his borther officers and men were trying to suppress the great rebellion that had broken out in Canada.

Grey: an "Albertine" Governor.

How interesting it is that Queen Victoria really liked Grey. She was instrumental in his eventual rehabitations in the 1890s. Yet Grey was not a "Victorian" governor. He rather rather "Regency" in his manner, with infusions of early 19th century intellectuality, rather like her husband. Prince Albert, the Prince Consort, greatly respected Grey. The Queen's attitudes to intellectuals and writers ranged from dislike and contempt to bare indifference. She was at best tepid. However, tall rangy, clever independent men of louche to bohemian temperament fascinated her so long as they could put her at her ease. Lord Tennyson is a conspicuous example. Her first Prime Minister, Lord Melbourne another. She liked the devotion that these otherwise egotisical men could feel for her, and the particular relationships she could resume with them. Her own husband Prince Albert, who was far from louche, was a highly intelligent, - and of all new-fangled things, - a properly university-educated "Royal", something only possible in the higher German nobility in those days. He had not just attended university like many British peers did. He had actually studied hard. He had been educated at the University of Bonn. Admittedly second-rate philosophers from Immanuel Hermann Fichte [222]and August Schlegel [223]to the first-rate Brussels-based statistician and astronomer Adolphe Quetelet (1796-1874) had been his teachers. He was also impeccably "manly", devoted and hard-working. This is all worth mentioning, because Grey learned good German, and was interested in the philosophy of Johann Gottlieb Fichte (1762-1814), of Arthur Schopenhauer (1788-1860), and Karl Marx (1818-1883), and in the poetry of the great German poet and dramatist Friedrich Schlegel (1759-1805). As we shall later see, Grey was interested in Johann Friedrich Goethe's (1749-1832) great tragedy "Faust" to the extent of plagiarising it in his later political career in New Zealand.

Lord Melbourne, the Queen's first prime minister won her trust and affection. With his sexual track record it was no surprise that society tittle-tattled that they were lovers, despite the age gap of 40 years between them, before she married Prince Albert. She adored Disraeli, as we all know, but dismissed his father, his antecedent, as "just a man of letters". Alfred Tennyson however was a man she could trust and admire and confide in, about her loss of Prince Albert. His poetry meant a lot to her, gave her great solace, and expressed what she felt, so she found she could speak with him and communicate with him, right to the level of what is understood but often not said between two people.

Grey fits into this group of independent worldy-wise and world-tested, hard-working men, whom she could regard as being in her personal service. With his German and scientific interests, it might be possible to suggest that he was not so much a Victorian governor in the British Empire, as an

[222] Immanuel Hermann Fichte (1796- 1879) the son of the Johann Gottlieb Fichte (1762-1814), one of the great Idealist German philosophers.

[223] August Schlegel (1762- 1845) older brother of the more famous philosopher, Karl Wilhelm Friedrich Schlegel (1772-1829).

"Albertine" one. There is a long tradition in the British Empire of governors imitating and impersonarting the monarch of the day. Sir George Berkeley of Virginia copied Charles I right down to the van Dyck hand-on–the- hip pose and turned body. Lord Botetourt of Virginian imitated George III's voice. Lord Cornbury of New York allegedly went so far as to cross-dress as his cousin Queen Anne on Sunday afternoons on the ramparts of New York castle. Obviously a 19th century colonial governor could not imitate Queen Victoria, but what about the Prince Consort? Grey seems to have done so.

Monarch-impersonating governors were all people who had been at court and "knew" the monarch. Most early 19th century governors were just Army and Navy officers or private gentlemen, who had no such access. Despite the grand flourishes of their letters patent, they were not even presented to the monarch. No one imitated the high living and rakish lifestyle of George IV out in a settler colony. Plenty of governors were affable and hearty chaps like William IV, but then he had been a Navy man. With Grey more than a coincidence develops of a governor with the Prince Consort. Fashion of the times accounts for Grey growing the whiskers and moustache that the Prince Consort wore. But he most certainly does not have the moustache in the George Richmond portrait of 1854. He wears it when he meets the Cape Colony Legislature in 1855. As for the knowledge of German and the scientific and Political Economy interests, we are not to imagine that Grey as a boy and teenager was imitating a German prince he had never heard of. It is just that both young men were brought up to be modern "rulers" by their educational establishments to be like that, and had similar tastes and ambitions. It was rather Albert who was getting Grey's education, than Grey getting Albert's.

Nor was it obvious that Albert was going to be a significant statesman on the world scene, anymore than Grey was destined to become an imperial governor. Albert was the second son of the duke of a small duchy, Saxe-Coburg and Saalfeld, which became Saxe-Coburg and Gotha. His ambitious uncle Leopold I, who had become the first king of Belgium in 1830, kept his eyes open for Albert in the dynastic marriage market. Leopold had had considerable experience of Great Britain as George IV's son-in-law. [224]He watched out for his other Saxe-Coburg nephew who became Ferdinand II of Portugal, another ruler of pronounced intellectual tastes with distinctive aesthetic interests. [225] Another Saxe-Coburg Prince became the ruler of Bulgaria in 1887, to be known to History as "Foxy" Ferdinand. The Saxe-Coburg "brand" was intelligence and education conscientiousness and application to duty. Other young princes and noblemen might be randy and dissipated and immature, but a Saxe-Coburg monarch or consort was presented as reliable, well-educated and "modern". He enjoyed gymnastics, then a new rage among young Germans, and was keen on riding and fencing. Both Prince Albert and Grey experienced the same combination of martial exercises with philosophy and mathematics.

The result was that Grey was entrusted with the royal couple's second son out in South Africa in 1860, Prince Alfred the Duke of Edinburgh, who later became a crowned prince in his own right as Duke of Saxe-Coburg and Gotha (1893-1900). According to Grey the royal midshipman's visit to South Africa was his own idea, proposed to his parents. [226]In South Africa, Grey and the 16 year old prince became fast friends. Grey was his host again on Kawau Island in 1868. This prince took more after his father than the Prince of Wales the future Edward VII. He made a career in the Royal Navy, and commanded the Channel Fleet and the Mediterranean Fleet in the 1880s. He was

[224] Leopold's first marriage was to the Princess Charlotte,(1796-1817) who died in childbirth.
[225] Ferdinand II married Maria II of Portugal who reigned 1826-28, 1834-1853.
[226] Rees, William and Lilian, *The Life and Times of Sir George Grey K.C.B*. p. 251.

nearly assassinated in Sydney in 1868. He married Grand Duchess Maria Alexandrovna, the daughter of Tzar Alexander II. He made firm friendships with "intellectual" men, such as John Ruskin and George Grey. He sent a personal representative to Grey's funeral in 1898. Moreover Queen Victoria gave Grey all six-feet of Prince Albert's watch-chain. What closer identification with a husband could a widow give another man? It became a family heirloom, to vanish like the Ring of Power in *The Lord of the Rings* in the Napier Earthquake of 1931.

Between the banking sector, the Liberal Anglicans, Holland House and the Royal Family, Grey was to become a governor with formidable social capital.

Chapter Four
Grey the Explorer

Grey went to Australia an explorer and left it an ethnographer. Though his Western Australian explorations appear on any map of the Australian canonical "great explorers", his geographical achievement then and now is slim compared with other expeditions. The cultural achievement was far greater. Not only did Grey became an ethnographer of world note in Western Australia, he was the European who discovered the "Lascaux of Australia', the Wandjina Cave Paintings of the Kimberley Mountains.

The aim of Grey's first expedition was simple. We must judge the outcomes of this expedition by the objective.

"the opinions of the celebrated navigators, Captains Dampier and King, ...led to the inference, or at least the hope, that a great river, or water inlet, might be found to open out at some point on its western or north-western side; which had then been only partially surveyed from seaward". (v. I. p. 1).

In their proposal to Lord Glenelg, the palindromatic Colonial Secretary [227]they proposed to "conduct an exploration from the Swan River northward, having regard to the direction of the coast, so as to intersect any considerable body of water, connecting it with the interior; and in the event of such being discovered, to extend our examination of it, so far as circumstances might admit".

Grey's expedition was a Royal Geographical Society and Colonial Office enterprise carried out under the patronage of Lord Glenelg the Colonial Secretary. Grey and expeditionary party sailed from Plymouth on board the "Beagle" on 5 July 1837, just a fortnight after Queen Victoria ascended the throne. With him were Lieutenant Lushington, from a noted Clapham Evangelical family, Dr Walker, who served as the expedition's naturalist and physician, Corporals Coles, and Auger and Private Mustard, At Cape Town, Grey chartered the 140 ton schooner "Lynher" as well as recruited 5 more men – Cox, Williams, Inglesby, Edwards and Ruston. Of these men only Ruston had experience of the Australian coast. They brought livestock on board the "Lynher" – 31 sheep, 19 goats and 6 dogs.

His instructions told him to land in the vicinity of Prince Regent's River and to take a course behind Dampier's land, or the Kimbeleys. Having arrived at such a position:-

"You will use the utmost exertions to penetrate from thence to the Swan River; as by adopting this course, you will proceed in a direction parallel to the unknown coast, and must necessarily cross every large river".

They were to - "gain information as to the real state of North-Western Australia, its resources, and the course and direction of its rivers and mountain ranges; to familiarize the natives with the British name and character; to search for and record all information regarding the natural productions of the country, and all the details that might bear upon its capabilities for colonization or the reverse". [228]

[227] As Ged Martin notes in his DNB entry on Lord Glenelg, the name he assumed as a peer is a palindrome.
[228] Grey, George Journals v. I p. 4.

The schooner reached Hanover Bay on 2 December. The first day ashore was almost a disaster. The men were inexperienced with such terrain, they were unfit from shipborad confinement, they found no fresh water and were mercilessly beaten by the intense sunlight on the sandstone rocks. Grey almost got himself drowned, swimming an estuary while wearing his casquette and chin-strap and attempting to keep a pistol above water. It is to his credit that he reported this, but he was a confident and powerful swimmer. Aborigines almost killed him.

After this debacle, Grey sent Lushington to Timor to procure horses. Lushington returned to their camp from Timor, while the "Lynher" having sailed off acording to plan- with 26 extremely vicious and fractious ponies. On 29 January they departed for the interior. Cold heavy rains delayed their passage. The ponies constantly played up. The valleys through which they were travelling in a rugged and eroded landscape, flooded. They had to travel higher up. On the 10th February they arrived on higher grassy plains. Calamity struck on the 11th when Grey was attacked by aborigines with two other men while on a reconnoitre. Three spears wounded him, the most serious wound in the upper right thigh. That injury was never to really heal for the next 60 years. After wrenching the spear from his wound he covered it with his haversack, and emerged from the protective cover of the rock behind which he and the other men were hiding. Advancing up onto the rock from which the attack had been made, he shot his assailant dead however, in the back, while in flight. Grey's rallying had apparently frightened the aborigine, who had yelled and brandished his club before fleeing. For killing the man, he professed remorse in his journals as he had never killed a man before.

Grey lay seriously ill for the next fortnight. The temperature in the shade reached 136 degrees at times. Grey could hear at night the laments of the aborigines for the man he had killed, or so he had construed it. An abcess had formed on the thigh wound. Dr Walker dosed him with laudanum. The laudanum doses continued after Grey declared himself well enough to eontinue the expedition on 27 February. Then the surreal aspect of the expedition begins.

The party tracked the course of the river that they named the Glenelg after their patron. On 26 March Grey was the first European to discover the cave paintings of the Wandjina creator spirit that are now world-famous. How he came upon them, and how he reacted makes for one of the great encounters with prehistoric rock art. This is how Grey relates how he made his find, entirely alone:-

Finding it would be useless to lose more time in searching for a route through this country I proceeded to join the party once more, but whilst returning to them, my attention to drawn to the numerous remains of native fires and ecncampments which we met with, till at last, on looking over some bushes at the sandstone bushes above us, I suddenly saw from one of them the most extraordinary large figure peering down upon me. [229]

After describing the cave as 35 feet wide at the mouth, 16 feet deep, the height declining from 8 feet to 5 feet from the mouth to the back, and the sandstone roof as 9 feet thick, Grey continued:-

On this sloping roof the principal figure [Number 1] which I have just alluded to was drawn; in order to produce a greater effect the rock about it was painted black and the figure itself covered with the most vivid red and white. It thus appeared to stand out from the rock; and I was certainly

[229] Grey, George Jounals of Two Expeditions v I p. 112.

rather surprised at that moment that I first saw this gigantic head and uipper part of a body bending over and staring grimly at me. [230]

Grey drew and painted the cave paintings for his expedition journals the paintings. He did not consider that aborigines had made them, but rather another unknown civilization involved with Australia. This was a period when much speculation was taking place about the origins of civilization in India and the Indian Ocean. Grey of course knew nothing about the Wandjina Spirit. That though is a modern aboriginal interpretation. Dating of the paintings that Grey found in 1838, and that Joseph Bradshaw discovered in 1891 up the Prince Regent River, the *Gwion Gwion* paintings that are now known as the *Bradshaws* has been inconclusive. So ancient do they seem to be that the paint, unlike even at Lascaux or Chauvet-Pont-D'Arc, discovered in 1994, has become part of the rock. Some of these paintings are least 17,000 years old judging from the dating of a fossilized wasp nest with older paintings beneath. Others in the Kimbeleys are only a few hundred years old. Rock painting was an activity in that region forr an incalculable length of time. Between tourist ventures and modern aboriginal art works in the Wandjina style, the rock art has become the basis of an industry.

The expedition gew more like a tale from Edgar Allan Poe, from *The Narrative of Arthur Gordon Pym* for example, when Grey and Corporal Auger left the main camp on a reconnaissance, that same day. Grey apparently discovered a bas relief intaglio on a sandstone rock face. Such an artefact has never been rediscovered. In fact Grey's picture of the "find" reproduces the impression of a head by Sir Joshua Reynolds in the Australian outback. Auger was present when Grey made this find. Grey's account runs:-

I was moving on when we observed the profile of a human face and head cut in a sandstone rock which fronted the cave; this rock was so hard that to have removed such a large portion of it with no better tool than a knife or hatchet made of stone, such as the Australian natives generally possess, would have been a work of very great labour. The head was two feet in length, and sixteen inches in breadth in the broadest part; the depth of the profile increased gradually from the edges where it was nothing to the centre where it was an inch and a half; the ear was rather badly placed, but otherwise the whole work was rather good, and far superior to what a savage race could be supposed of executing. The proof of the antiquity that it bore about it was that all the edges of the cutting were rounded and perfectly smooth, much more so than they could have been from any other cause than long exposure to atmospheric influences. [231]

The problem is that the relief does not exist, nor anything like it. Expeditions from 1947 onwards retracing the route of Grey's expedition to the cave paintings, have tried to find it. In 1988, Peter Knight found a weathered feature on the very sandstone wall that Grey discovered. The charitable conclusion was that "Grey was suffering greatly from his spear wound when it saw it". [232]

There was a bit more than a spear wound at work. Like doubting Thomas, Grey touched it and measured it. The feature betrayed aspects of its true nature, the bad ear, forr example, the eroded edges. He got the dimensions right. Most likely the laudanum was having its effect as well as the wound. This experience was not one of those faces of Christ perceived in a snow-field, or other such accidental perceptions. Grey experienced the phenomena of a recongizable "head".

[230] Ibid p. 113.
[231] Ibid p. 114.
[232] McGlashan, Dr Hamish, President of the Kimberleys Society 5 September 2007.

In the first place, we can now be assured that Grey made an error in good faith. The intaglio was not one of the lies or exaggerations that are part of the Grey legend. Peter Knight found the feature where Grey described it. Grey had drawn what he saw and reproduced it and mapped it for others to find. As far as he was concerned, it was a real as the cave paintings. Corporal Auger might either have been embarrassed or gone along with Grey. Perhaps Grey was taciturn- Auger however was one of his "favourites".

Auger's acquiescence was crucial. Grey did not then suspect it was an hallucination. He did not suspect it was an hallucination when he consigned the test of his expedition to his publishers before he embarked for South Australia in December 1840. He did not associate a single hallucination with opium-derived delusions? He had just experienced the marvel of the cave-paintings. A punctual one-off hallucination was especially insidious trick of the mind, flashing back at him like a mirror. The cunning of it was that the "head" lay camouflaged among real marvels, the cave paintings. Auger obviously went along with it. Grey had no reason to suspect- though one wonders if he eventually did, as he grew more experienced in the drug in later years. He reports no other hallucination. His versions of the cave paintings interpret patterns on the figures' bodies as possible inscriptions. We thus get an insight into how the 25 year old Grey thought and imagined, when he was not aware that he was deluded, - surely one of the most intimate insight into another person possible.

The other intriguing aspect of this hallucination is that the prophecies of the Xhosa prophetess Nonqawuse against Grey in his later life in South Africa have been compared to the apparitions that Bernadette Soubirous experienced at Lourdes at the same time. Grey was not a teenage girl of no education, yet it was he, a highly intelligent army officer, the best of his class, whose mind had been triggered in hallucination by a rockwall among cave sites.

Despite the trick his mind had played, Grey remains the first human being in literate history to record the feeling of encountering such ancient cave art for the first time. Grey reports that he suddenly became aware that he was being watched. He looked up and beheld the Wandjina figure. That is precisely what Werner Hertzog reports is the feeling that the Chauvet-Pont-d'Arc paintings instill, that are 32,000-40,000 years old and were only discovered in 1994. One constantly feels watched.

A debate rages in Australia over the paintings that Grey discovered as well as the *Gwion Gwion* paintings that Joseph Bradshaw discovered in 1891. First of all Australian debate how old they are. At the time of writing a fossilized wasp nest in one set of cave paintings yields a date of 17,000 years, as old as Lascaux, the first cave paintings discovered in France. The Kimberley paintings are difficult to carbon-date because the paint has become part of the rock. Naturally the (white) Australians want to beat the French. Speculations range from 50,000 to even 70,000 years. Other people than aborigines are proposed as the painters, just as Grey did. Another debate goes on about how aborigines interpret the paintings and just what knowledge or use they had of them until recent times. The age of these paintings is bound up with indigenous rights and land claims and rights to cultural property and the proofs that oral history may afford. It is fairly typical of Australians that they should be in a race to beat the French for the age of "their" cave paintings, when in fact the non-white people of their country painted them long ago, and when white Australians would most likely be descended from the Lascaux and Chauvet-Pont-d'Arc peoples.

Something else was insidious too than just Grey's mind - Death. Grey might have been close to dying. Reading his Journals and his halcyonic accounts of the seas of high grasses in the valleys they were traversing, the bliss he felt, the beauty he found in everything- one wonders if his mind

soul and body were getting ready for crossing over. After almost a spiritual experience, of a *locus amoenus*, such as Quintilian describes is where we may imagine the home or seat of the soul to lie in our imaginations, in groves and pleasants riverside meadows. Grey waxed grandiose however as they rejoined the Glenelg, imagining steamers on the river and inland settlement, like in the United States interior. He had encountered the flora in a prairie condition, not withered and dry. It is considered that he encountered the Kimberleys after an exceptional wet season, and consequently overestimated the region's fertility. Another point to note is that the grasses are untraversable unless they have in recent years been burned in a bush fire.

The end of their journey into the interior was an anticlimax. Grey resolved to go on ahead for 4 days with volunteeers. Dr Walker wisely countermanded him. It would be the death of him he advised. Grey asked that this opinion be put in writing for the record, with which Dr Walker complied. They all returned at Hanover Bay on 4 April 1838, back to the waiting "Beagle" and "Lynher" at Hanover Bay after an 11 day march. Taken back to Mauritius on the 17th, the men convalesced there and decided what to do with themselves. Grey became the guest of his "first" governor, Sir William Nicolay, as his wound received attention from surgeons.

The way Grey's mind seems to have been working in Western Australia was that God had been there. God had been just ahead of him, the very designer of the aboriginal institutions and customs that made up their societies. This could be called the "footprint in the sand" experience of God in the Australian outback[233]- as if God could be found , his existence suspected by a footprint, like Robinson Crusoe learned of Man Friday's existence. In doing so Grey was contributing an imagined "Sacred History" of Western Australia that predates European settlement. Willem de Vlamingh explored the Swan River in 1697, 9 years after William Dampier's exploration on the "Cygnet", and considered the river close to the probable site of Eden, because even the swans were black there. Grey considered the Genesis world very close among the aboriginal peoples he saw. The Catholic missionary Rosendo Salvado, who arrived in 1843, armed with an Italian translation of Grey's aboriginal vocabulary, died in Rome in 1900 doubting whether the aborigines had needed conversion. A dawn-time and "ground zero" feel pervades the first European imaginings of Western Australia. It was a correct intuition, for the most ancient fossils and most primitive lifeforms have in fact been discovered there in recent times.

On Mauritius, Grey found in the governor Sir William Nicolay (1771-1842) an exemplary and inspiring host. He was Grey's first experience of an active colonial governor on the job. From a family at court, he served in the Peninsular War. He was Governor of Mauritius 1833-1840. The Abolition of Slavery Act had resulted in a revolt of the black population. As Nicolay had served in India, he resorted to the introduction of Indian "coolies' to revive the island's economy. The result of this policy is that the Mauritian population is 68% Indo-Mauritian to this day. It waas the first of the insular neo-Indias, - Trinidad and Tobago, Guyana and Fiji also developing Indian settler communities from the emigration of "coolies" to work a plantation economy.

Grey then sailed for the Swan River Colony, intending to complete his instructions, and explore the western coast of Western Australia, from as far north, and as close to where he left off as possible. The first expedition over 1837-38 spluttered out near the head waters of the Glenelg, while the second expedition in early 1839 went unremittingly wrong from the start, and it was all Grey's fault. Habits of reasoning and misjudgments of probabilities became apparent that showed that he made bad decisions under pressure. He never ceased to show such traits; and in his later

[233] I thank my friend Richard Cross of the New Zealand Ministry of Foreign Affairs and Trade for this insight.

career, we may have cause to wonder whether he needed a long period of indecision and anxiety to convince himself of any coure of action. On the spot, he could be quite hopeless, as we shall see.

On 18 September 1838 Grey arrived in Perth for the first time, also known as the Swan River Colony, after the black swans prevalent there. The colony founder, Governor Sir James Stirling (1791-1865) was still in charge of the colony as governor until January 1839, when his successor John Hutt arrived to replace him. Both governors generously gave Grey all the assistance he needed. The colony had been founded in 1829. The settler leadership were educated and enterprising gentryfolk, the kind of people Grey could relate to. The colony had fallen foul of the Wakefieldians back in England, where it had been pilloried as a test-book example of the worst example of colonization that could be attempted. The colony was in fact finding it hard to recruit working class immigrants, as the gentry and more prosperous settlers had taken up the land. They were also in the throes of wondering what to do with the aborigines- fight them, and get rid of them, or make them part of the colony and its economy. Stirling had not been adverse to leading an armed pose. Hutt was a conciliatory man, who wanted to apply the humanitarian policy of the Report of the Select Committee on Aboriginal Affairs. Swan River had been promoted as a utopian experiment for gentlefolk, rather like 20th century Kenya was to be, or the Canterbury settlement in New Zealand of the 1850s and 60s. Dr Arnold as Headmaster of Rugby considered emigrating out to it. Populated with just 3000 colonists, it could do with a recruit like Grey, who might expand the colony's opportunities and resources with his expedition. He had come commanding Colonial Office and Royal Geographical Society expedition.

Grey sailed north from Fremantle on board the Amertican whaler the "Russell" on 17 February 1839 with Dr Walker, Corporals Auger and Coles, and Thomas Ruston, along with six new men from the Swan River colony:- H. Wood, C. Wood, Clotworthy, Stiles, and Hackney and an aborigine guide Kaiber. They were also joined by 17 year old Frederick Smith the cousin of Florence Nightingale, the son of an MP and grandson of William Smith one of the leading Clapham abolitionists. The intention was follow Grey's original instructions as far as possible, exploring from the mouth of the Gascoygne River down to Perth, over a thousand kilometres as far as the crow flies.

They were landed at Bernier Island off Shark Bay, a great gulf with three long peninsulars and two huge inlets, further inletted, on the West Australian coast at about 26 degrees S and 114 degrees E. It is almost a sea, all by itself. On a general map of Australia, or a world map, it looks insignificant- on a map of itself or once you are there, the scale is immense. The Bay covers 10,000 km 2 and has 1500 km 2 of coast. A chain of islands proves the gulf with a barrier to the Indian Ocean in the West - Dirk Hartog Island, Dorre Island and Bernier Island going south to north. Limestone cliffs are prominent about the shores. Dirk Hartog sailed into it in 1619- to allude again to Archbishop Whately's utopian fiction about 17th century Anglo-Dutch ships, the French had explored it by sea in expeditions between 1772 and 1818. They had even claimed possession of all of Australia for France in the name of Louis XV in 1772, leaving a plaque on Dirk Hartog Island. [234]At Hamelin Pool are found the stromatolites, the most ancient living creatures on earth. Grey

[234] This was the expedition of Louis Francois Marie Aleno de St Alouarn and of Yves de Kerguelen from Mauritius, in search of a undiscovered southern continent, on which Kerguelen Island was discovered. Kerguelen's ship was separated from St Alouarn's, while the latter sailed on to Cape Leuwin and Western Australia. St Alouarn died of scurvy in Portuguese Timor.

then had actually arrived at a real "Eden", though he was not to know this. The elements and their circumstances contrived to shut them out.

The party landed with no information as to its suitability for a camp. The island apparently turned out to be waterless. The island now supports a population of rare wallaby and used to be a hospital site in the early 20th century. It is not devoid of fresh water then, though the French expedition of "La Geographe" in 1801 reported it waterless.

Grey had either not done his homework, - while improvising an expedition from Perth; or else he had contradictory information, and failed to make precautions; or he had honestly no reason to believe the island would lack water. Dampier had collected plants from the island- perhaps those plants had convinced Grey that it was habitable. The upshot was that he disembarked onto what was effectively a waterless island. Grey and his men simply could not find the water. This is where their lack of experience of Australia told. Just as their first expedition in the Kimberleys might have encountered an untypical season of heavy rain, so might Bernier Island have been under a drought in 1838. Grey's were the only seabourne expeditions in Australian history of the "classic" explorations, and his misfortunes exemplified the dangers of not getting acclimatized and getting used to the new country first. It might not have mattered who led expeditions from the sea. European penetration of the continent was only possible from settled permanent shore bases.

The men buried the stores on the island above where they took the high tide mark to be, and rowed across the vast gulf in heavy seas. They were all nearly killed on Dorre Island by a hurricane. They reached the mouth of the Gascoyne River on 5 March, which Grey gave a great write-up as a region for British colonization. The surveying officer of "Beagle" was later to describe Grey's charts and findings with contempt. Under the stress of this expedition, doubtless the charts were faulty and inadequate. But then the expeditions into the Kimberleys in 1983 and 1988 found that Grey's sextant readings were out. His report though of a fertile verdant habitable region cannot be so easily dismissed. IIt was not another "intaglio found in a rock". The Western Australian outback has years of dessication alternating with years of verdure and wild flowers. The modern state of Western Australia is home to 9437 species of vascular plants. It is a land of wild flowers. These spring up when water allows it. The Gascoyne region does indeed support population as well as farming- 10,000 live there mostly about the town of Carnarvon.

None of that has anything to do with the awful present that Grey and his men had to endure. They rowed back across the treacherous seas to Bernier Island to find their provisions spoiled by a high tide in the recent storms. Grey, no nautical man, had not really given thought to what a really high tide might do to their buried provisions. He might have wrongly estimated the high tie mark altogether. The men salvaged just one cask of salt provisions and half a cask of flour out of 5 months provisions. Grey ordered the expedition into the long-boats. They were all to row back to Freemantle over 500 miles away. The men soon became badly sunburnt, their buttocks raw from rowing. At Gantheaume Bay in heavy seas, they were dashed onto the razor-sharp sandstone rocks. For what it is worth, Grey's best sea writing arose from describing how how his whaleboat was raised by a wave and dashed down on the rocks in boiling surf.

The men thereafter had no choice but to walk to Perth. With Auger, Coles, H. Woods and Hackney, Grey went on ahead, leaving Frederick Smith and the other men under the command of Walker. He doubtless had lost much prestige and respect as expedition commander from his errors on Bernier Island. The expedition was falling apart. Some of them men had lost confidence in Grey and were mutinous. Grey's inability to enforce discipline and inspire confidence cost the expedition. Stiles wasted two days time getting lost then having to be found again. On 13 April

1839 they managed to walk 31 miles without water. They were reduced to utter want by 17 April after three further days without either food and water. A pool of liquid mud revived them. On 20 April they fell in with aborigines who fed them. Grey then went on alone ahead to Perth on 21 April. He staggered up to a farmhouse as a woman was hanging out clothes. This is one of the famous moments of Grey's life. He was barely recongizable from his privations. She made him a cup of tea. Rescue parties were organized. Grey's own party reached Perth the next day. It took until 16 May to recover all of the men under Walker, as several of them had decided to look out for themselves. The teenager Smith however had crawled into the bush and died.

The impact on Grey was great. The only other human being depicted in the Rees' "official" biography of Grey in 1892 is the portrait of Frederick Smith. Grey's published expedition journals uses Smith's thrilling picture of an aborigines' attack on the exploration party, along the coast. We might well suppose that he carried the grief and the guilt for the remaining 60 years of his life from the enigmatic choice of pictures in the Rees' biography.

This was all an unrelieved disaster. Yet he did actually physically achieve the traverse he was ordered to do as best he could, over two expeditions, even though he missed out the territory down from the Kimberleys to the Gascoygne River. To place Grey's expeditions in perspective, over 1860-1861 Burke and Wills discovered "nothing" apart from the great interior and the swamps of the Gulf of Carpentaria though they did at least achieve a significant traverse across the continent before they died. Friedrich Wilhelm Ludwig Leichardt achieved a significant traverse in his Moreton Bay to Essington expedition of 1842 across the top of Australia from Brisbane to 300 km beyond Darwin; for which he was awarded the patron's medal of the Royal Geographical Society. Grey was awarded neither the silver nor the gold medal of the RGS. Leichhardt for example was awarded the Patron's Medal of the RGS and the medal of the *Societe de Geographie* in Paris for his 1842 expedition. As for his third expedition on which he perished, in which he intended to cross Australian east to west in 1848 over several years, evidence came to light in 2006 that he seems to have got 2/3rds of the way across. Edward John Eyre, who was later to unhappily serve under Grey in New Zealand, was awarded the Gold Medal for his expeditions into the South Ausralian interior in 1839 and for his great expedition from the South Australian Bight to Albany 1840-41.

Of all the great expeditions, Grey's was the only one landed from sea by men unused to Australia, straight off a ship. Eyre had been acclimatized to the Australian environment as a sheep farmer. Grey was also one of the youngest expedition commanders. Leichhardt the next youngest was 31 on his first. Grey was just 25. Leichhardt had come to Australia to explore, but he had made sure that he had acclimatized himself thoroughly and got used to the terrain and flora and fauna. He arrived in February 1842 and only started off on his Moreton Bay to Port Essington expedition in October 1844. Eyre though was the same age as Grey when sold up his flock of sheep and traversed the Great Australian Bight from Adelaide to Albany. He and a companion called Baxter made the expedition with aborigines who knew how to live off the land. But Eyre had been a sheep farmer in Australia before his 18th birthday. Two white men do not amount to a cumbersome expedition to command. Official methods made Grey the less successful explorer, while the lack of them, as we shall see made Eyre an unsuccessful governor.

Grey lost control of both his expeditions. He lost control of the first one from being wounded. Expeditions involve bad luck. Luck aside, Grey was making mistakes all along, and drawing the wrong inferences about an alien environment. Long hikes in the country lanes of England and about the south of France and counter-insurgency military operations in Ireland had not prepared him for the Australian climate and outback.

If he had not been wounded, his intentions would have been to rendezvous with the *Beagle* and *Lynher* and embark most of the men and push on to Swan River or Perth with 4 volunteers. With supplies he should have been able to do, that but his thigh badly required medical attention. Accomplished, that would have been a significant traverse. Grey was wounded because he judged that he had no choice but to emerge from the cover of the rock, risking spear wounds, to confront the aborigines who would have surrounded him and his two companions and cut them off. He underwent surgery in Port Louis, on Mauritius. He turned into a man who knew and lived with pain, at times maddened, at others, enervated by it. Rationally Grey could have balanced the loss of Smith's life on the second expedition against the near loss of 3 lives on the first. People are hardly consoled by that though.

The great difference between Leichardt and Eyre and Grey is that Grey and his companion Lushington had lobbied for Government and Royal Geographical Society funds and resources. The Colonial Office gave the orders for the expedition. HMS Beagle dropped the party off and retrieved it afterwards. Eyre and Leichhardt just got on with it. They had used their own money or just went and did it in the absence of official support. We shall see in the course of this book that Grey was a resourceful man who had the equally resourceful habit of getting himself resources anytime between 1837 and thirty years later when he was recalled from his second New Zealand Governorship. Even in his political career there was a big difference between what he could do with the resources of the Auckland Superintendency and the premiership behind him and what he could do as a lone Member from June 1880 onwards. Perhaps what these expeditions tell us about Grey at a very young age, 24-26 years of age, is that he was a cogent and convincing planner and propounder of schemes; and not so good at times at calculating probabilities. Nothing in his governorships is as disastrous or ill-fated as these expeditions, for Grey at least, until he lost freedom of manoeuvre in the New Zealand Wars of the 1860s, lacked a power base to do anything effectual, and lost the confidence of the Colonial Office, if not of the settlers. He obviously learned, and took some lessons to heart.

Grey of course did not consider his expeditions in any other light than as a success and a great adventure. He published his expedition Journals in 1841. They are remarkable for the clear and vivid energy of the prose. He was an extremely good writer, whether relating sudden accidents or attacks that befell them or the monotony of just finding their way through difficult terrain. The *Sandhurst Review,* proud of him as an alumnus, compared his style to Defoe's. Grey's prose is too filled with too many periodic sentences- admittedly well-composed- with multiple clauses to be compared to Defoe's. But there is a simplicity and naturalness, despite the powerful intelligence operating behind that prose, that make it rewarding reading, for all the catastrophes. It is a very young man's book, with the energy and vivacity and enthusiasm of a young man. He rued Smith's death, and would have had to call on the family, to follow up on the letter notifying them that he would have written. If Smith had not died, if Stokes had not wasted time, then these might not have been expeditions that Grey would have had a conscience about. As it was, between his wound and Smith's death, he was injured for life.

The most important thing in Grey's young life happened to him also in Western Australia, after he had survived his expedition. After receiving instructions from the Colonial Secretary Lord Normanby to disband the expedition, Grey decided to remain in Western Australia. Several times in his life, Grey resolved to be just a settler. Westeran Australia and New Zealand were the colonies that had had the greatest "pull" for him. John Hutt the new governor appointed him Resident Magistrate of Albany, on the colony's south coast. At Albany in November 1839 Grey married the 16 year old Eliza Spencer. The marriage was to break up in 1860. Edmund Bohan wrote about the

relationship in his Grey biography of 1998 with the care and sensitivity it requires. The Greys' marriage had become something of a Rocky Horror Picture Show for historians and middle-brow television alike. Much myth and legend obscures Grey like smoke on account of this marriage. The image of the sexually tormented Grey is a particular creation of the New Zealand 1970s, of the television series "The Governor" and of Keith Aberdeen's popular biography from it. Corin Redgrave played Grey. In the sexual hothouse of the Television New Zealand headquarters at that time, "Avalon", the significance of the series was that it ponderously showed the first frontal nude on New Zealand television, and presented us with the first rape scene on New Zealand television. Such were the sexually progessive paper hoops people supposedly ooheed and aahed at in 1977. The frontal nude occurred after long boring monologues and dialogue when Sir George was having an argument with Lady Grey. He was reaching for a sideboard when whosh- her crinoline fell down and she was revealed naked. It was rather like the "Whicker's World" episode that showed the first kiss on a Bollywood film. The rape scene though was not as unnecessary or clumsy. It depicted troopers raping a Maori woman in a whare. It was necessary for New Zealanders to be shown how brutal and criminal their national history was.

The Australian historian Charles Manning Clark though back in 1960 was aware even before the sexual emancipation of the Hippy generation of the difficulty with the Greys' marriage, when he remarked that Grey was a man who had crushed his wife's soul, and that hell for him was wherever his wife's voice was.

The facts are these:- Eliza Spencer was a daughter of Sir Richard Spencer RN. Spencer had been a captain in the Royal Navy who had obtained the friendship and patronage of William IV, when as the Duke of Clarence he had served and commanded in the Royal Navy. Upon ascending the throne, he rewarded old friends, by bestowing honours in his gift, without needing the advice of his ministers. Spencer was made a Knight of the Royal Guelph Hanoverian Order. William IV was the last of his House to be both King of England and the ruler of the German state of Hanover. Whereas George I, George II and George III had been Electors of Hanover in the old Holy Roman Empire, Napoleon's remake of Germany meant that George III and George IV and William had become kings of Hanover, with the abdication of the last Holy Roman Emperor, Franz II in 1806. William IV then had his own diplomatic service and honours service to use away from the advice of his ministers.

Sir Richard had been a post-captain in the Royal Navy. His origins are very obscure. His father was a Deptford chandler. His wife's origins are even more obscure. Despite the king's fondness for him, Captain Sir Richard Spencer was very poor. His pension was insufficient for his large family. He emigrated to Albany on the south coast of Western Australia, in King George Sound, where they tried to live a Swiss Family Robinson life in a community of beachcombers and convicts, for the settlement had been founded in 1827 with penal labour, as an outpost of New South Wales, so as to forestall the French reviving their claims to portions of Australia. In 1831 the settlement was handed over to the Swan River Colony for Sir James Stirling to govern. The first overland traverse from King George Sound to Perth took place in that year. Albany was isolated, basically a sub-colony all to itself. Stirling appointed Spencer as his Resident Magistrate in Albany, a responsible position in the circumstances, requiring a lot of energy tact and initiative. Briefly the family knew prosperity, status and some happiness. Then Sir Richard died, of natural causes. Worse still, his widow and a child perished not long after in a boating accident on King George's Sound. When Grey arrived to take over as Magistrate, he found a family of teenagers trying to look after their younger siblings and manage a farm. He befriended them, kept more than an eye on them, marrying 16 year old Eliza, who was born in 1823. She was tall, dark-haired and yet lame in one foot from birth. She became a proud cold woman. They were then in love, and

they suited one another. George found her "most fascinating". He brought her home to England to meet his parents, arriving in September 1840.

No one has said this before, but Eliza might not have been the match Lady Thomas and his step-father would have wanted for him. Grey was a young man who did have to make his own fortune. On the plus side she was from a naval family and that she was a knight's daughter. The late Sir Richard Spencer would have been known to Sir John Thomas's brother, the Admiral, and perhaps to Commander Vignoles. She brought no dowry however and no connections or prospects, for a young man who had to make his way in life. Although Grey came from the very family circle in which the love of Jane Austen's novels was propagated, Grey himself did not make an ideal Austenesque alliance, squaring the circles of love property and prospects, which only goes to show that he was a very independent young man and that he did have other considerations in his life than just his career or social prospects. We have no evidence though of family tension about the marriage. The curious thing is how both George and Elizabeth had connections with the late monarch, at one remove. Sir Richard Spencer had been William IV's friend when he was the Duke of Clarence. Whately's novel about West Australian exploration, that was published in 1837 when Grey had begun his expedition, was endorsed, as we have seen, by the king's natural daughter.

Grey was appointed Governor of South Australia during his brief sojourn in England, September to December 1840. The ethnographic reputation he developed and a policy paper on racial administration, that he sent to the Colonial Secretary, Lord John Russell, from Mauritius in June 1840, got him the post. Grey and his pregnant wife were bound for South Australia on 5 January 1841. She gave birth to a son, George, on 16 February, conceived and born at sea, during the two separate voyages. The baby died 5 months of age in the Adelaide winter of 1841 at Government House. He was to be their only child. He was most likely conceived under the Southern Cross at Mauritius while his father was writing the Port Louis paper and sending it off to Lord John Russell. He was buried in the Adelaide Cemetery, which Grey visited in 1891, 50 years later on a tour of Australia. Eliza unsurprisingly developed an aversion to Adelaide.

In his Grey biography of 1861, James Rutherford considered that Grey held her responsible for the boy's death. When couples are angry or stressed they do reproach one another with all kinds of grievances. It is not unlikely that Grey did do or say something of the kind. Bohan discounts this yet notes that the couple closed in on themselves. I think that Bohan strikes a balance in this. Young couples can get angry. It would be a mistake though to regard Grey at 29 as he would be at 48. We must allow for the fact that there was love between them. They were not a marriage of convenience, or a "society" marriage. Their relationship had a bit of bounce to it. My own interpretation is that the Greys were long a close and even conniving couple. The fury that Grey showed when they separated in 1860 only shows how much they had shared and had been complicit with one another, had even loved. Eliza was long the Lady Macbeth to his Macbeth. She was just 18 however when she lost her son. Who knows what miseries or loneliness the couple endured as their son lay ill in Adelaide, or what nursing help they were able to get, in that huge empty Government House, when Grey was so unpopular with his austerity measures, and beleagured all the time by the local press and settler protests and deputations?

Still, to take the two Jane Austen questions – "Is she well settled?" and "does he have prospects?"- Grey could not have been that sure of his future over 1839-40. It was not clear that he had any. His expeditions had not led to remarkable results, and his findings were soon to become controversial. He could just as well have become a farmer or settler in Australia. He did all he could though to get notice, by sending off the Memorandum to Russell, and preparing his expedition journals for

publication. He was like a modern 28 year old doctoral graduate, doing all he could to generate articles from his field research. He was obviously trying everything.

1840 may look like an annus mirabilis in Grey's life, the year he was appointed Goverbor of South Australia – at 28 the youngest governor in in the Colonial Service, - was newly wed, conceived a son, and prepared his expedition findings for publication. It was though an uncertain year of fits and starts, of chagrin and joy. Much of it was spent so far from Britain and at sea. On the voyage back from Mauritius, Grey and Eliza visited Napoleon's grave on St Helena, where the emperor still lay buried after his death in 1821. They were just in time- his remains were removed to the Invalides in Paris in October 1840 in the event known as *Le Retour des Cendres*. By that time though the "swelling act of the imperial theme" as Macbeth describes it, had made Grey a colonial governor. Careful to keep touch with the charismatic –dare one say- magical? - sources of power for his own time, Grey was later in South Africa to acquire a death mask of Napoleon.

Grey though failed to win the Royal Geographical Society medal he so coveted. The youngest expedition leader in Australian history and possibly the poorest expedition-planner, his explorations not only failed as expeditions but had the further misfortune of failing to discover resources and places of immediate interest, or to even achieve a geographically significant traverse.[235] After returning to Britain in 1840, he sought to capitalize on his expeditions. For the second time Grey was considering life as a settler in Western Australia, this time as the leader of his own settlement in a region that he had explored. He promoted a settlement scheme in Western Australia in the neighbourhood of modern Carnarvon in competition with another speculation based at the Leschenault Inlet.[236] Grey needed tangible results from his Australian venture, and was trying everything he could to secure a result- publication of his expeditions, journals, promotion of the Gascoygne River settlement, and the Memorandum to Lord John Russsell from Port Louis, Mauritius. Obviously he and Eliza were not in a hurry to return to Albany and the Spencer farm.

What made Grey's career was the Port Louis memorandum, which was well received at the Colonial Office, for reasons to be investigated in a short while. Lord John Russell warmly approved and ensured that the report was circulated to all Australasian governors. Even Governor Hobson received it in New Zealand. What was music to the Whig Government's ears, were the evidence and argument of a young explorer and official in the West Australian government, who held that the most humane policy towards indigenous peoples would be to assimilate them into the settler economy and society. The 1837 Select Committee Report on Aborigines had reported that the British Government was obliged to segregate indigenous peoples for their safety and provide expensive regimes of native protection all over the world. The British Government was wondering what to do about this uncomfortable advice. Without mentioning John Hutt the Governor of Western Australia, who had been his first Colonial Service superior, Grey was challenging his erstwhile superior's protectionist management of native affairs.[237] Hutt had gone out to be Governor of Western Australia so as to implement the principles of the 1837 Report. Grey had

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[235] Parker, Derek , *Outback : The Discovery of Australia's Interior*, Sutton Publishing Ltd, Thrupp Stroud Gloucestershire 2007 pp. 86-106.

[236] Crowley, F.K., *Australia's Western Third: A History of Western Australia*, Heinemann, Melbourne, 1960 pp. 15-16.
Australian Dictionary of Biography, Melbourne University Press 1966, v. I A.-H., 1788- 1850, Douglas Pike (ed.) p. 477.

[237] McHugh, Paul, *Aboriginal Societies and the Common Law:- A History of Sovereignty, Status and Self-Determination* p. 163.

gone behind his back. But then Grey knew his man. Russell concurred with the racial diagnosis which Lord Durham's Report proposed in Canada, and which Grey's memorandum argued for both Durham and Grey had argued that British settlements should absorb non-British minorities, whether French Canadians in Canada or aborigines in Australia, or anywhere in the world.

Grey the Ethnographer

The Western Australian expeditions resulted in one great success for Grey however, that would alone have made his name. Western Australia was where he became an anthropologist, or rather, as they said back then, an ethnographer. Since this is what makes him a *savant* with a world reputation, and makes him an exceptional governor for the Colonial Office, we do need to consider the history of ideas behind his ethnography. It would be wrong to consider this book as alternating between narrative and "ideas" though. Grey was an intellectual in government. What he thought matters, just as it does for Robespierre and Lenin. Ideas tell their own story, as much as acts of deering-do on the colonial frontier do, and the people who carry them out are responsible for the atrocities done in their cause. In modern Australia, New Zealand and southern Africa, the facts and the evils done on the ground have long gone, but the ongoing damage the ideas did and their legacies persist. We cannot right a specific wrong done at Grahamstown or Adelaide or Porirua in the 19th century, but we can critically take on "the presence of the past"in civic life and public policy. [238]

Ethnology policy and constitutional thought and design were interrelated for Grey. All the professional activities he practiced, his racial policy, his Harringtonian ideal of the settler colony, his constitutionalism and his ethnography were interrelated. He was an intellectually powerful man, not just because he was highly intelligent, but because he had made a personal unity out of his interests, an alternating current of all the policy issues that were involved in settler colonization. He developed his own Political Economy of Colonization. Who and what indigenous peoples were in a colonial settlement and how they could be encouraged, or even made, to support the colony, was his constant study.

He practised ethnography to make the settler polity into which indigenes would be amalgamated. His ethnology and constitutionalism were not intended to preserve the indigenous way of life as the 1837 Select Committee into Aboriginal Affairs intended, or the 1763 Appalachian Protectorate, but to amalgamate indigenous peoples into settler colonies.[239] His memorandum to Lord John Russell the Colonial Secretary from Port Louis of June 1840 was the Durham Report for indigenous peoples. In it he applied [240]the same principles of assimilation into British settler communities that Lord Durham had prescribed for French Canadians to the aborigines of Australia and indigenous peoples all around the world.[241]

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[238] Augustinus, Aurelius (St Augustine of Hippo) The City of God:- *the praesens de praeteribus.*

[239] Rutherford, James, *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government* p. 52 erroneously argued that Grey's "precepts' were the same as the 1837 Report of the Select Committee on Aboriginal Affairs.

[240] Grey, George, *Journals* (1841) v II p. 375 paragraph 6.

[241]Lambton, John George, 1st Earl of Durham, in Sir Charles Prestwood Lucas (ed.) *Lord Durham's Report on the Affairs of British North America*, Clarendon Press, Oxford 1912:- refer to the section on "Lower Canada" and to p. 24 and p. 64 of Durrham's *Report*.

Ethnology and constitutional discussion were then related activities in the hierarchy of political sciences and sociology. In the "Age of Political Economy", analysis of institutions was carried out to define "civilised' society and "savage" or uncivil society from one another and to explain how they came about. Research that turned into the modern disciplines of Political Economy, History and Sociology kept an eye on the development of Jurisprudence over the ages as philosophers worked their way through a natural history of humankind.[242] Montesquieu and Gianbattista Vico in the 1740s had posed the questions of how human development led to the development of Law.

Grey carried out ethnographic investigation for the following purposes, - for the scientific record, for the purposes of military intelligence, and as well as to contribute to discussion on the origins of humankind and of human institutions, above all for managing the racial orders of settler colonies. For every settler constitution was a race relations order in a settler colony with indigenous and non-white populations, regardless of whether it included or excluded non-whites and indigenes, or whether it segregated them for the purposes of supposedly developing them as capacitarian citizens, who increasingly had the education, status, property and stake in society- *citoyens capacitaires*[243] - to possess full civic rights; for such was Grey's project. He was most definitely not a father of permanent segregation or of apartheid.

The ethnography derived from the stadial analysis of John Millar [244]and James Mill proved to be powerful colonizing tools. The stadial schemes of the Scots Enlightenment saw human society in four stages, the savage, the pastoral, the agrarian and the urban. So was the Liberal Anglican counterpart a powerful colonising tool, which Whately and Grey developed. The intent of Grey's regime was not indefinite aborigines protection but assimilation into the settler economy and civil sphere. In his view amalgamation was the sole alternative to extinction.

What do modern anthropologists think of Grey as an ethnographer?[245] George W. Stocking, the American historian of Anthropology, has assessed both Charles Darwin and Grey's appraisals of the Australian Aborigines. Whereas Charles Darwin could speculate:-

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Ajzenstat, Janet, *The Political Thought of Lord Durham*, McGill-Queen's University Press 1988 pp. 3-12.

[242] Hont, Istvan, "The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the Four Stages Theory" , in Anthony Pagden (ed.), *The Languages of Political Theory in Early Modern Europe*, Cambridge University Press 1987.
Meek, R.L., Social Science and the Ignoble Savage. Cambridge University Press 1976
Pocock *Barbarism and Religion* v II "Narratives of Civil Government" Cambridge 2001, p. 314 and p. 322.

[243] Rosanvallon, Pierre, *Le Moment Guizot*, Gallimard Paris 1985 pp. 95 -104.

[244] Millar, John, *Observations Concerning the Distinction of Ranks in Society*, W. and J. Richardson for John Murray, London 1771.

[245] Stocking, George W. Jr. , *Victorian Anthropology* , The Free Press: A Division of Macmillan, Inc. New York 1987 pp. 48 -53.

"I would not have believed how entire the difference between civilized & savage man is. – It is greater than between a wild & domesticated animal, in as much as in man there is greater power of improvement. " [246]

Grey on the other hand insisted that aboriginal Australians:-

> "are as apt and intelligent as any other race of men I am acquainted with:- they are subject to the same affections, feelings, appetites and passions as other men, yet in many points of character they are totally dissimilar to them."[247]

Grey insists on the equality of Australian blacks just as Blumenbach did of Africans. Stocking observes that Darwin's attitudes were in fact less intellectually respectable in the 1830s at the height of Slavery Abolition and of the Aborigines Protection Movement than they would be within fifty years' time after the impact of Darwin's own researches and of Herbert Spencer's schematisations. "Savages", Stocking ruefully noted, rapidly depreciated in value not long after the publication of Grey's ethnographic researches, though of course not as a result of them. [248]

The American anthropological thinker George W. Stocking has shown that Grey came under the influence of James Cowles Prichard (1786- 1848) who promoted the thesis that there were not several species of human beings in his *Researches into the Physical History of Man* of 1813.[249] This work was dedicated to the racial theorist Johann Friedrich Blumenbach (1752-1840) who had argued for the single, Asian, origin of humanity in 1775 on the basis of comparative anatomy.[250] Races were fairly plastic for him, something which he tested by having children by women of as many different races as he could. This reminds one of Grey's maternal great-uncle, Field Marshal Lord Ligonier and his harem in Surrey, or of the rumours about Grey's own sexual interest in women of the races he encountered.

For Blumenbach however, the Caucasian race was the original Edenic race, to which all of humanity would revert once climatic and dietary factors ceased to influence pigmentation and physiology. Blumenbach nonetheless insisted that Africans were not an inferior race, and argued that black people among them produced more natural scientists and acute thinkers than whole regions of Europe could boast.

Prichard was the definer for the British world at least, of the ethnographic project Grey had taken up as the handmaiden of his imperial mission. As mankind had a common origin the task of ethnography was to:-

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[246] Darwin, Charles, in R.D. Keynes (ed.) *"Beagle" Diary*, Cambridge University Press, 1988 p. 122 entry for 18 December 1832.
[247] Grey, George, op. cit., v II p. 374 paragraph 4.
[248] Stocking, *Victorian Anthropology* p. 107.
[249] Prichard, James Cowles, *Researches into the Physical History of Mankind* Houlston and Stoneman, London 5 vv 1836-1851.
[250] Blumenbach, Johann Friedrich, 'On the Natural Variety of Mankind' in T. Bendysshe (trans.) *The Anthropological Treatises of Johann Friedrich Blumenbach* London 1865.

" trace the history of the tribes and races of men from the remote periods which are within reach of investigation, to discover their mutual relations, and to arrive at conclusions either certain or probable as to the affinity or diversity of origin". [251]

Grey's own definition of the purpose of ethnography appears in his discussion of the traditional laws of the Australian Aborigines in the *Journals*:-

"I believe, moreover, that they [the laws] are capable, in some degree, of being studied and reduced to order, although no attempt to do so has hitherto been made; and the institutions of barbarous nations, their probable origin, the effects they have upon the people submitted to them, the evidences of design which they contain, and other similar questions, are those points to which in this enquiry attention should be particularly directed." [252]

Grey was surprisingly the developer of a theory of Australian exceptionalism. The Australian Aborigines had a unique dispensation apart from the rest of humanity. If they had not been taught to live in Australia after the Fall, they would have perished.[253]

Whately and Grey definitely believed in the "Fall" and in the common origin of humankind from such an event. Like Prichard, Grey was opposed to the theory that humankind has multiple origins, known as "polygenism". [254] Grey insisted on the *Genesis* origin of Australian aborigines in his *Journals*. [255]This school of ethnography was therefore "diffusionist". Early humans were "diffused" about the world from the Garden of Eden. Several things followed from this for Grey. Human beings were essentially equal from their common origin. What kept otherwise intelligent people from being "civilized" was their culture, not some physiological or mental difference. Culture was the enemy.

Grey however was concerned with human culture rather than anatomy like Prichard and Blumenbach were. Theology intersected all the time with scientific ethnography in the work of his Australian period between 1837-45. While Liberal Anglicans would prefer the monogenist thesis for its correspondence with scripture, it appealed to Evangelical activists against slavery and for native protection. Grey did not invent the "Sacred History"[256] which is evident in his *Journals of Two Expeditions in North-Western and Western Australia.* [257] He had learned it from Richard Whately. In the scheme of Whately's lectures on Political Economy over 1830, as the Drummond Professor of Political Economy at Oxford University, human culture and civilization were disseminated by culture-bearing peoples from a common source, while "savages" and "barbarians" were those humans who had radically declined from the original dispensation and capacities of

[251] Stocking, George W.. *Victorian Anthropology*, p. 231.
[252] Grey, George; op. cit., v. II p. 224 .
[253] Grey, George; op .cit., v. II p. 221.
[254] Stocking, ibid. pp. 67-68.
[255] Grey, George, *Journals* v II p. 227 for the reference to Abraham's reply to Abimelech (Genesis, xx. 12).
[256] Bacon Francis, *The Two Books of Francis Bacon, of the Proficience and Advancement of Learning, Divine and Human,* London 1808 [1605].
[257] Grey, George , *Journal of Two Expeditions of Discovery in North-West and Western Australia during the years 1837, 1838 and 1839.* T. and W. Boone, London 1841.

humankind after the Fall. Published in 1831 these lectures discussed ethnography while discussing Political Economy.[258]

An advantage of the diffusionist and monogenist theories is that the comparative methods could be used to learn about the origins of human society and the development of "institutions", such as marriage, or property. Philology was both a time-depth and comparative discipline that invested heavily in the comparison of all available examples. Adelung and Vater's *Mithridates* compared grammar, vocabularies and versions of the "Our Father" from all known languages in six volumes between 1807 and 1816. [259] Both Albert Gallatin and Grey provided readers comparative glossaries of this kind.[260] The comparative method was common to both secular thinkers and Christians, enabling observations and analysis from even religious-based ethnography to be processed into useable data. Whately and Grey for their part used monogenism to demonstrate a degenerationist thesis.[261]

Humankind once in revolt ceased to possess full human capacities in the "savage" state, and therefore needed to come under the influence of higher culture-bearing peoples, to be restored. Only contact with a *stirps generosa seu historica* (a noble or historical race) promoted any people in the scale of civilization. Anglo Saxons were such a race. The savage was not on the actual stadial scale for them, but had to be brought onto it. Adam Smith had denied that "savages" could make it by themselves to the pastoral stage. Albert Gallatin thought it extremely difficult for North American Indians to make the transition from hunter gatherers to agriculturalists. Only the Araucanians of Chile he noted had succeeded- an ominous commendation, for the transition had enabled them to resist the Spanish settlers. The last thing Thomas Jefferson, Gallatin or George Grey wanted was indigenous peoples asserting their independence of settlers, and avoiding assimilation.

To explain why they thought "savages" degenerate humanity, Liberal Anglicans inherited from their 17th century origins, in the thought of a scientific revolutionary Francis Bacon (1561-1626) , the law of a great jurist like Hugo Grotius (1583-1645) and the theology of Jacobus Arminius (1560-1609) , the distinction that Grotius had made between a foreign prince such as the Sultan of Johore, who came under international law, as it was then practised, and the "Brasilian" tribes, which he described as *"amentes et insensati*" (insensate and out of their minds). [262] Degenerationism as a concept though relating to those human who kept rbelling and resisting and revolting after the Fall in the Garden of Eden, was not just the property of Christian apologists detecting impact sites from the Fall. In the 19th century peoples were thought to be able to degenerate in quite a secular sense. The Oxford philologist Max Muller[263] and the philosopher of

[258] Whately, Richard , *On the Origin of Civilization: A Lecture by His Grace the Archbishop of Dublin to the Young Men's Christian Association*, Young Men's Christian Association 1854, p. 26. Whately was resolutely anit-Lamarckian.
[259] Adelung, Johann Christoph, and Vater, Johann Severin, *Mithridates, oder Allgemeine Sprachenkunde mit dem Vater Unser als Sprachprobe in bei nahe fünfhundert Sprachen und Mundarten* , Berlin 1806-1817.
[260] Gallatin, Albert, *Synopsis*, pp. 305- 406, pp. 421-42.
[261] Grey, George, *A Vocabulary of the Dialects of South Western Australia*, 2nd ed. T. & W. Boone, London 1840.
[262] Grotius, Hugo , "De Mari Libero" in *De Belli ac Pacis Libri Tres*, Amsterdam caput II 1689 [1625] , pp 2-3.
[263] Muller, F.M. , *Essai de Mythologie Comparee*, A.Durand Paris 1859.

Law Henry Sumner Maine[264] were to insist upon theories of language degeneration, whereby originally distinct utterances degenerated into ritual formulae. Peoples, cultures and languages could lapse into incoherence.

As far as the origins of "Religion" went, Grey was an *animist* and totemist and not a *fetishist*.[265] His ethnography was "American" for the source of its concepts, not "African".[266] Religion grew out of perceiving spiritual presences and powers in the natural environment. Fetishists however located the origin of religious belief in inanimate objects, that in themselves by virtue of transference possessed powers. It is not that the animists denied a festish "stage". They denied that it was the origin. Gallatin based his source material on North American Indians. Grey in 1841 published proof of the existence of totem systems in Australia, and not just among American Indians. Learning from Gallatin's *Synopsis* about totems in American Indian societies and identifying them among Australian aborigines,[267] Grey stood on the other side of the "fetishists" and Africanists such as Sir John Lubbock. [268] Lubbock, who became Lord Avebury, was moreover a polygenist, who thought Africans were a separate species of humanity altogether. The diffusion of totem institutions across continents and races as disparate as North America and Australia, Australian aborigines and American Indians served to reinforce the monogenist argument. Grey helped prove the diffusion of peoples in prehistoric times.

Such was Grey's respect for Whately's anthropology however, that in 1869 he defended Whately's reputation in 1869 against Sir John Lubbock's criticisms, at the British Antrhopological Society Conference in Exeter, as having been "mainly right" in his ethnography.[269] Whately had died in 1863. Grey had after all been his collaborator.

The second volume of Grey's *Journals* compares the Australian aborigines he observed with the state of early humanity as "evidenced" in the *Book of Genesis.*[270] Grey's ethnography at this period may be essentially described as a Whatelyan "anthropology" still resorting to Arminian and Grotian conceptions of the "savage state". As Whately taught, "savage" peoples had rejected grace and thereby fallen beneath the human norm. The savage for Whately and Grey was not the parent of civilised humanity, but rather a intractable rebel, while the propagators of human civilization had arisen from those peoples that had never entirely severed contact from providential powers, whether God or angels, nor alienated themselves from the intellectual and moral characteristics of humanity proper.[271] Unless arrested and brought under civilized institutions, human beings

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[264] Maine, Henry Sumner, *Ancient Law, its Connection with the Early History of Society and its Relation to Modern Ideas*, J. Murray London 1905.
[265] Stocking, *Victorian Anthropology* pp. 83, p. 155 .
[266] Stocking, ibid p. 195.
[267] Grey, George , *Journals* v II p. 228-229. for Grey's quotation from Gallatin's *Synopsis*, which Grey referred to as the *Archaeologia Americana.*
[268] Lubbock, John, *The Origin of Civilization and the Primitive Condition of Man* [1870] Peter Riviere (ed) Chicago 1978; and see Stocking op. cit., p. 155.
[269] Stocking, George W., op, cit., p. 87.
Grey, George, *Journal of the Anthropological Society of London* v. VII No. XXVII Asher & Co, London 1869 p. 418, reported comments from 1869 British Association conference.
[270] Grey, George, *Journals* v II p. 227 for the reference to Abraham's reply to Abimelech (Genesis, xx. 12).
[271] Whately, Richard, *On the Origin of Civilization* pp. 9-10.
Whately, Richard, *Introductory Lectures on Political Economy*. p. 134-135.

degenerated, aggravating the original Lapse. For such reasons Grotius had distinguished the "barbaric" peoples of the Orient from New World and African "savages" proper.[272]

Whately and Grey did have differences however in their ethnographical speculations. Whatelyan savages lacked *virtu* and any civil capacity, whereas Grey's savages were disqualified by their indigenous institutions, not by imputed intellectual or moral depravity.[273] They could be capable of considerable *virtu* and social organization. *Virtu* in Machiavelli's thought is the drive to excellence and power that enables a prince or people to develop and maintain their "state", or condition. It requires flexibility to alternate between lawful and evil acts. As Machiavelli lies at the heart of Harringtonian thought, since colonies require dreadful acts to establish them as jurisdictions, Grey found himself well matched as a governor by the intelligent and at times ruthless indigenous leaders that he had to do war and diplomacy with. Such peoples were not as Whately said they were. Whately's savages are dehumanised and degenerate individuals and hordes.[274] Grey's indigenous peoples awaited only liberation from their customs and institutions to attain full humanity.[275]

It is evident from his Y.M.C.A. lecture of 1854,that Whately never accepted Grey's positive assessment of the Australian aborigines, yet he quoted his disciple with approval and as an authority on New Zealand Maori.[276] Whately had got as far perhaps over 20 years or more to think that there had to be a "floor" to human degeneration. The unfortunate aborigines were it. What Grey did for Whately and the Liberal Anglican circle though was contribute an ethnography proper to the Colonial Office's assessment of "savage" peoples.

Grey had learned ethnographic method from Albert Gallatin's researches on North American Indians[277]. Albert Gallatin (1761-1849) had served as the Secretary of the Treasury for 12 years, under Thomas Jefferson and James Madison, the longest holder of the office. He was a Swiss Protestant émigré, and banker, another one of the francophone Protestants that Grey was so interested in. Gallatin had come from Geneva, where Calvin had established his own theocracy. Gallatin's *Synopsis* of 1835 [278]provided an exposition and classification of North American

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[272] Grotius, Hugo, *de Jure Praedae* ch. XII 97 "Furthermore the Indians of the Orient are neither insane nor irrational, but clever and sagacious, so that not even in this respect can a pretext for subjugation be found" - *Neque vero sunt Indi Orientis amentes aut insensate aut ingeniosi et sollertes, ita ut ne hinc quidem praetextatus subjiciendi posit desumi, qui tamen per se satis est manifestae iniquitatis*. As for New World indigenes, Grotius however (as Francisco Vitoria first rhetorically did in his *De Indis* I. i. 9) applied Seneca's reflection on Ajax in the *de Ira* II 36.5 to a "Brasilian" tribe, to demonstrate their "insanity" :- *Gladiis et pugnare parati et incumbere* - " ready either to fight with the sword or to fall upon it". It should be noted that the *de Jure Praedae* was only fully available in 1864 though the portions on savage peoples were available to Whately and Grey's generations of readers. The *de Mari Libero* of 1625 reinforces the same ideas however.

[273] Grey, George, op. cit., v II p. 374 - paragraph 4.
[274] Whately, Richard, op. cit., p. 99.
[275] Grey, George, op. cit. v II pp. 218-19 .
[276] Whately, Richard, *On the Origin of Civilisation*, p. 4, p. 12, p. 15, pp. 25-26.
[277] Stocking, op. cit. p. 83.
[278] Gallatin, Albert , op. cit. pp. 109-113 note p. 111.

indigenous peoples for which the U.S. War Department required intelligence. Gallatin provided the ethnographic justification for the Jacksonian (and Jeffersonian) policy of Indian removal. On both American and British frontiers in the 1830s, the 1763 policy of aborigines protection had fallen out of official approval, no matter how much Chief Justice John Marshall opposed the Cherokee removal, or the 1837 Select Committee Report had insisted on established reservations and segregation from settlers. Grey would have read in Gallatin's book how ethnography could reinforce racial policy.

Back in 1763, when Sir William Johnson was able to persuade British authorities to establish the Appalachian protectorate, the expertise and experience were on his side. Johnson spoke Iroquois, could live among Indians, liked and respected them. Settlers like Jefferson and others in the build-up to the War of Independence who wanted to assimilate the Indians, were deemed to be self-seeking and unscrupulous. Many of them were after all slave owners. Jefferson dedicated a lot of effort over his life to research Indian antiquities, their societies and and practices, to argue back at native protectionists. Back in England, more enlightened and distinterested opinion such as Bishop William Warburton argued for assimilation, just as he argued against slavery and the slave trade. Warburton though had no ethnography to back him. With the wars of the French Revolution and the Napoleonic Wars, there was little time and less funding for the kind of scientically-minded army officer to go and provide such a justification from his ethnographical observations. Grey however provided what the Colonial Service needed, by 1840-41, combining the ideas of Thomas Jefferson and of Albert Gallatin with what he reported as field research from Australia.

What Gallatin's *Synopsis* offered, was a definitive description of the North American totem systems[279] and of the matrilineal moieties that identified with them. He was also the first to compile comparative glossaries of aboriginal languages. Grey was able to follow his example by demonstrating the existence of language families in Australia, in this instance the grouping later known as the Pama-Nyungan family of languages.[280] Even in modern linguistics his conclusions can still be of consequence in modern Australia. [281] Grey owed to Rev. Lancelot Edward Threlkeld (1788-1859) who was based in New South Wales, the first grammatical description of an

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[279] Grey, George, op. cit. v II p. 227 quotes from Albert Gallatin *Synopsis* p. 109.

[280] Hercus, Louise, Simpson, Jane , "The Tragedy of Nauo"; in Jane Simpson, David Nash, David, Mary Laughren, Peter Austin, Barry Alpher (eds.) *Forty Years On : Ken Hale and Australian Languages*, Australian National University, Canberra, 2001,pp. 273- 274:- *" The idea that the Nauo spoke an ' in between language' fits with what Grey proposed in 1845, in part on the basis of information from Clamor Schurmann and Edward Eyre. He provides a map of the dialects of southern Australia (Map 3), in which, going from west to east, he posits his first dialect (Nyungar languages), then a second dialect linking the Coffin Bay people (i.e. Nauo) with the people to the west (i.e. Wirangu and Mirniny), and a third dialect linking the people of the west coast of Spencer Gulf (i.e. Barngala) with the east (i.e. Thura-Yura languages)."*

Grey, George , "On the languages of Australia, being an extract of a despatch from Captain G. Grey, governor of South Australia to Lord Stanley" , *Journal of the Royal Geographical Society* 5: 365-7.

[281] Hercus, Louise, Simpson, Jane , "The Tragedy of Nauo"; in Jane Simpson, David Nash, David, Mary Laughren, Peter Austin, Barry Alpher (eds.) *Forty Years On : Ken Hale and Australian Languages*, Australian National University, Canberra, 2001, p. 273, which reproduces Grey's map of 1845.

aboriginal language, published 1834. [282]The significance of Grey's researches to the development of the discipline of Anthropology lies not in his religious speculations about the aborigines but in the social models he was able to apply to them from his reading about North American Indians. Grey's brain-wave came when he realized that the totem systems in Albert Gallatin's *Synopsis* formed the social systems of the aboriginal peoples of Western Australia. What this meant was that totems could be a universal phenomenon at a particular stage of human development, if North American Indians and Australian aborigines organized themselves much the same way. Yet such social institutions were not just evidence of a lapse, of the "Fall of Man", for Grey, but of a partial recovery, in Australia at least. He thought the origin of Australian aboriginal totems to be divine.[283] This was why the Australian aborigines had not degenerated themselves into extinction in such a harsh environment, where they had been isolated for so long. For Richard Whately, "savages" were the "Mad Max" bikie gangs of humanity, rebelling rebelling and rebelling, disfiguring their humanity, until they became beast-like again, rather like Swift's "Yahoos". The aborigines however by divine intervention had been arrested in their Fall, and prevented from dying out.

It was Grey's good fortune to have come across an indigenous people that appeared to live with institutions analogous to the American. The peoples of Southern Africa and New Zealand where he subsequently served would have given him no such opportunity. His findings attracted attention because he had been able to demonstrate a global distribution of similar social structures among very different racial groups across the world. As it was evident that an American Indian did not resemble an Australian aborigine, how then did they have similar social institutions?

One answer came from the "genetic" or "historic" approach. Humankind had gone through a variety of developmental stages. American Indians and Australian aborigines were evidence then of ancient human society dispersed all over the earth. The other answer came from the comparative approach. The comparative approach compared different contemporary "savage" societies. It concentrated on cultural practices and the states of mind that were thought to be responsible for these practices. Whichever way you took it, this was an anthropology, if you like, that owed a lot to the thinking of the great Neapolitan thinker Giambattista Vico (1668-1744).

What Vico taught was that certain cultural productions were to be expected at certain stages of human development. Grey himself very much inclined towards this. He attributed the similarity of folklore all around the world to the development of the mind at that apparent mental level. What Grey could not understand was what we now know from modern research from great 20th century anthropologists like Claude Levi-Strauss (1908-2009); that there is no difference between the structures of the mind of an Amazon tribesman and our own.

For his contemporaries though, Grey was an inter-cultural shape-shifter. His former superior Hermann Merivale insisted in 1861 that Grey:-

"was one of those rare men who can represent themselves and make themselves intelligible to the savage mind".

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[282] Threlkeld, L.E. , *An Australian Grammar, comprehending The Principles and Natural Rules of the Language, as Spoken by the Aborigines, in the Vicinity of Hunter's River, Lake Macquarie, & New South Wales*, Sydney, printed by Stephens and Stokes, 1834.

[283] Grey, George, *Journals* v. II p. 224 , p. 227.

That was from the former Permanent Undersecretary of the Colonial Office. Merivale, who was also one of the Liberal Anglican grouping, a former Drummond Professor of Politcal Economy at Oxford, served as Permanent Undersecretary of the Colonial Office 1848-1859, when he took over the India Office which he ran until his death in 1874. As we can tell from Merivale's statement, it never entered their minds that indigenous peoples might have the same cognitive structures as ourselves.

What Merivale says about Grey is just as extraordinary. Obviously personal acquaintance with Grey, and talk with him about his "work" might have given that impression. Grey might have had a particular way of relating anecdotes from incidents "on duty" so to speak. Merivale is saying that Grey can do something extremely unusual that other "civilized" men cannot do. Grey knows the "savage mind" and can represent himself to "it" and persuade "it". Dr Arnold spoke like this thought about the boys at Rugby. Boys are the barbarian phase of a man's life, Arnold said. The headmaster did his best to civilize the 6th formers, and then devolved authority to those 6th formers through the prefect system amongst the rest of the school body. He made the older boys his colleagues in power. But Merivale is also saying that Grey could make "sense" to "savage" reasoning. He therefore regards the number 2 governor in the Colonial Service (only Canada outranked Southern Africa) as a transversal and transgressive man, able to infringe and cross boundaries, yet return. Victorians were fascinated with this theme as we know from Robert Louis Stevenson's "hit" of 1886 *The Strange Case of Dr Jekyll and Mr Hide*. This also takes us in the spiritualist fringe of the medium.

The point is that Grey can somehow make himself "other" to his own self, alienate himself from his civilized self. We might think that this was a very shaman-like characteristic. As we shall see Grey had a great fascination for Maori tohunga yet stamped on "witch doctors" in South Africa with especial horror. He was quite relaxed with Australian aboriginal magic, however, as this following exchange shows, between him and an boy whom he had imprisoned for theft when he was magistrate at Albany in Western Australia:-

January 25 [1840]. - This morning information was given me that little Dal-be-an had made an attempt to break out of jail. I therefore went up to the jail with another magistrate, and found that the little fellow had yesterday, during the absence of the turnkey, taken a loose stone upon the floor, and battered a hole in the door with it. It envinced altogether more strength and determination than one could have supposed a boy to have been endowed with. When I taxed him with it, he stoutly denied it, asserting that whilst he was asleep, sorcerers from the north, who had a spite against him, had entered the cell through some air holes in the wall, and had done this; and in spite of all our cross-questioning, and charging him with falsehood, he still persisted in the same tale, and really appeared to think he could persuade us of the truth of the assertion. I told him, that it was his duty to have taken care that these sorcerers had not injured the door, and that in future if he did not give the alarm when they came, he should well be whipt for neglect, and that in the meantime I had a great mind to have him whipt for telling a story; I however satisfied myself by giving him a severe lecture upon the crime of lying. He defended himself upon this head, by ingenious arguments, altogether overlooking the abstract question of whether lying was a virtue or a vice, and defending himself solely upon the plea of its general usefulness and prevalence in the world. I got rather worsted in the argument, and therefore, confining myself to admonitions and a few commonplace maxims, I departed.

At 27 years of age, Grey was able to represent himself getting the worst of an argument with an aboriginal boy. The self-depreciation is a strategy calculated to demonstate the intelligence and normality of the boy. There is no "coon" humour in the narrative. The boy at least outwits the

frustrated magistrate verbally. Humour and wonder are prevalent emotions in his Journals. We do in fact seeing him representing himself to the "savage mind" in a setting that contemporary British readers would have anticipated as comic and entertaining. "Small boys" and their capacity for mischief were rather the comic opportunity. There is matter for thought here. Grey is anxious to demonstate the intelligence of an aboriginal child. These are not the scarcely human Fuegians or aborigines that Darwin wrote about in his "Beagle" *Journals*.

What we can also tell from the exhange with Dal-be-an is that Grey does not represent himself and the boy as having different kinds of mind, that cannot understand one another. They understand each other perfectly. The youngster's pert wit translates well. Acculturated he might have been into belief in "sorcery", the boy can nonetheless make an ingenious lie out of such practices. There is nothing deficient about his reason. What Grey was trying to demonstrate here is that boyhood is a universal condition with universal resources and habits, but "culture" is what advances or retards individuals.

Claude Levi-Strauss resolved a question that was very important to Grey- the origins of marriage and family life. According to the British anthropological tradition from Grey to Radcliffe-Brown, kinship was based on *descent*. In Grey's analysis of aboriginal peoples, Gallatin's work on North American totems helped him interpret aboriginal society in terms of descent through matrilineal moieties identified by "kobongs" or totems. Levi-Strauss however a century later insisted in The *Elementary Structures of Kinship* [284] that kinship was based on the alliance of two families, when women from one group married men from another. In other words kinship came from exogamous relationships. It was not about one lineage about about two lineages. Levi-Strauss was at pains to insist upon the logic of relationships, not upon their content.

Living into the 21st century, Levi-Strauss is one of those people who made the age we live in. Levi-Strauss' most effective argument was written in his *La Pensee Sauvage* of 1962 (or "The Savage Mind", but the title also means "Wild Pansies"). It is easy for the media to make us marvel at scientists who "invent" things or "make discoveries" that are apparently of practical utility. It is harder when "words" and concepts get in the way of understanding the nature of the achievement and when that achievement lacks demonstrable product. In Grey's case we have a policy programme that his anthropology assisted with and informed. Levi-Strauss' thought has had results in our day to day lives, that is, the whole ordering of thought has been affected by his thinking, even though we do not realize it on a day to day basis. The anthropological basis for non-racism and for civic respect between races comes from people like Levi-Strauss. The great intellectuals are the engineers of ideas. Grey in his own way was one of them too, for his time.

Grey described the "kobong" or totem based institutions of native Australian societies in the terms of an ingenious trap :-

" for there are these remarkable features about them, that some are of such a nature as to compel those who remain to them in a state of barbarism, whilst others are adapted to the wants and necessities of savage *races*, as well as to prevent too close intermarriages of a people, who preserve no written or symbolical records of any kind".[285]

[284] Levi-Strauss, Claude *Les Structures elementaires de la parente* 1949.
[285] Grey, George, op. cit., v II p. 222.

Totems were therefore proof of "design", like William Paley's watch in the wilderness. [286]William Paley had argued in 1802 that if we walked into a wilderness and saw a watch, never having seen one before, we would conclude that it was designed, and not the result of self-organization. Applied to the complexity of living organisms, this was a prevalent argument for a Creator. Since Australian aborigines lived in remarkable totem-based social institutions, yet were intellectually constrained by their culture, and those institutions though not by their general attributes and "anthropology" as humans,[287] - they would have been as incapable of devising social structures of such intricacy and inextricability after the Fall as any other "fallen" humans. God himelf had therefore designed their institutions and introduced them, argued Grey.[288]

And this is where we come upon the "footprint in the sand", just as Robinson Crusoe had, when he realized he was no longer alone on the island. In Grey's case it was aboriginal society itself that was the intricate watchwork. Archbishop Whately had stated that God had remained in touch with fallen peoples after the Fall, either himself or the angels. This idea pervaded Victorian imaginations of human pre-history. Kemble the Anglo-Saxonist was to imagine doughty Anglo-Saxons as no savage or barbaric people, as 18th century writers had, but living in a twilight or crepuscular world on the borders of true faith and natural religion. Arthur C. Clark's monolith in the desert or on the moon or orbiting Jupiter is a modern "take" on Paley's Watch. So much Science Fiction is in fact theological fiction.

As far as memberships and affiliations went, Grey was an Ethnographical Society anthropologist, just as he had been a member of the Aborigines Protection Society. The Ethnographical Society was founded in 1843. It separated itself from the Aborigines Protection Society. By the time of the great debates of the 1860s, which founded social evolutionary anthropology, the Ethnographical Society was distinguishable from its break-away group the Anthropological Society, which Richard Burton and Dr James Hunt founded in 1863 by its adherence to Darwinism and monogenism and its liberal and racially humanitarian politics. The Anthropological Society however was obsessed by the "Negro" question, was polygenist, sympathized with the Confederacy in the American Civil War, and were more sceptical of Charles Darwin's theory of Natural Selection. The two societies however shook hands and merged into the Royal Anthropological Institute in 1871. The 1860s however was a period when anthropological thought was most on the boil, and when the most exciting (and appalling) ideas on human races and societies were fermenting.

Grey was the first observer and researcher to obtain a governorship by providing the Colonial Service with both ethnographic analysis and modelling based on those observations for colonial policy. Grey though had to meet the Evangelical challenge in the 1837 Report if he was to convince readers of his argument for the amalgamation of indigenes.

Grey, it is to be repeated was no card-carrying, or doctrinaire Evangelical. He never declared his belief in the Atonement, nor did he avow that his "Redeemer liveth". He never evinced dread of damnation to Hell. What ever political and sociologcal "cant" he uttered, he never bored people with religious "cant". "Cant" was very much a genteel in-group word used in the early and mid 19th century, to condemn sanctimonious religious speech. There are though the provocatively

[286] Paley, William, *Natural Theology; or Evidences of the Existence of the Deity Collected from the Appearances of Nature*, Frederick Le Gros Clark (ed.); Elibron Classics, Chestnut Hill, Massachusetts 2005, p. 9.
[287] Grey, George, ibid p. 367 , p. 374 .
[288] Grey, George , ibid p. 223-224, p. 224.

religious comments in his *Journals*, in which he criticizes deists, and states that he read the Bible for support when troubled. Yet the same young man rather knowingly celebrates the beauty of the human female form in the same text, like an officer and a gentlema, with a touch of the rake about him. He may well have retained cultural characteristics from an evangelical Anglican boyhood and youth. James Anthony Froude noted these later in Grey's life. [289] Other contemporaries such as James Collier dismissed attribution of that kind of religiosity to Grey. [290] Yet both agree that Grey believed in "Providence". Time was on Britain's side. Liberal Anglicans were especially insistent upon an eschatology that saw God working in History, and social development, through socal and economic laws.

For Liberal Anglicans it was apparently God's will that indigenous peoples were to be brought into the mainstream of humanity, not to be reserved and kept apart.[291] On this subject the Evangelicals had definitely decided against the Utilitarians, even though the Utilitarians had been their allies against Slavery. Evangelical Christians on the whole found it easier than Liberal Anglicans and the Presbyterian Moderates of Scotland to accept the conclusions of "infidel" Science of Political Economy.[292] Grey represented a critique of many aspects of that science. Evangelicals wanted to preserve and protect indigenous peopes and proselytise them, whether in the Appalachians of the 1760s or through the Church Missionary Society. With respect to ethnography and racial policy, Grey was the Liberal Anglican able to collaborate with Political Economy and with infidel Science, when the Evangelicals had foresworn the opportunity to do so. Grey himself expressed how he thought the providential order overlapped with human development in these terms-

" We may I think, fairly adduce this as a proof, that the progress of civilization over the earth has been directed, set bounds to, and regulated by certain laws, framed by Infinite wisdom; and although such views may be deemed visionary, I feel some confidence that these laws are as certain and definite as those which control the heavenly bodies".[293]

Stadialism organized human development into predictable stages. Philosophers of the European Enlightenment found social structures in a classical trope. The four-fold scheme of hunter-gathering, pastoralism, agriculture and urban civilization was in fact derived from a three stage model devised in classical antiquity which omitted the hunter gatherers, or rather absorbed them into the pastoral stage.[294] The Liberal Anglicans were more conservative in their stadialism. Australian aborigines were deemed to represent a stage that never appeared in, or else pre-existed the three classical stages as a non-stage. Plato's *Timaeus* [295]and *Laws*[296] present the spectacle of humanity repeatedly emerging out of global catastrophes, by precisely these same stages. Herdsmen not hunter-gatherers are the basis of humanity. The Greeks did observe and discuss hunter-gatherer peoples[297] but placed them in a scheme of geographical dispersion not in a stadial

[289] Froude, *Oceana* p. 277.
[290] Collier p. 202.
[291] Arnold , Thomas, *Introductory Lectures* p. 28 ff..
[292] Hilton, Boyd, *The Age of Atonement: The Influence of Evangelicalism on Economic and Social Thought, 1795-1865*, Clarendon Press Oxford 1988, pp. 24-25.
[293] Grey, George , op. cit., pp. 223- 224.
[294] Homer, *Odyssey* IX, Theocritus *Idyll* XI,
Publius Vergilius Maro, *Aeneid* VIII ll. 315-319.
[295] Plato, *Timaeus* 22 E.
[296] Plato , *Laws* III 677 B.
[297] Herodotus , *Histories* III. 99.

scheme within the temporal dynamics of self-improvement. Situated as far as the Greeks were concerned, at the extremities of the world like other marvels, and lacking the temperate mixture which the population of the middle lands possessed, hunter-gatherer peoples were undoubtedly freaks rather than a normal human condition.

Montesquieu,[298] Gianbattista Vico, [299] the Scots philosophers proposed versions of stadial schemes in which the productions of peoples were typified by the stage of development at which they existed and by the institutions they lived under.[300] Enlightenment philosophers preserved the classical confidence in human self-amelioration, for that was how the ancients accounted for humankind's recovery from catastrophes. Most of these schemes reported that some humans had gone through all four stages while others reported that peoples remained at various inferior stages unless higher civilizations colonized or instructed them. Human development nonetheless occurred autonomously without reference to God, secondary causes, or "higher" peoples. Several schemes however jibbed at the transition from hunter-gatherers to pastoralists, Adam Smith's for example. [301] Gallatin was to insist that it was only with extreme difficulty that American Indians could leap an entire stage to settled agricultural life even with the support of well-disposed settler authorities. [302] Araucanians of course were the exception. European ethnography manifested extreme resistance to acknowledging the lowest stage of savagery within Europe. Savages proper apparently occupied the peripheries of the Earth.

Military intelligence was a valuable output of Grey's ethnographic researches. We must never forget the military engineer that he was. Grey expertly assessed the organizational and military capabilities of indigenous peoples.[303] Gallatin's information had been largely derived from the War Department of the United States.[304] As we have seen Grey had served in the Tithe War in Ireland in the 83rd Foot, commissioned as lieutenant. [305] Indigenes and non-British nationalities presented military threats that needed to be assessed. Whereas in Western Australia Governor Stirling had led punitive posses against aborigines, Governor Hutt had prohibited them. Grey himself was to attempt in South Australia a mixture of reconciliatory and punitive measures as he insisted that the aborigines come under the Law. [306] Such was Grey's interest in frontier lands that he considered service in the United States after the Texan declaration of independence in February

[298] Montesquieu, baron de, Charles de Secondat, *de L'Esprit des Lois* [1748] in *Oeuvres Completes de Montesquieu*, Andre Masson (ed.) Edition Nagel, Paris 1950 v I..

[299] Vico, Gianbattista, *Principj di Scienza Nuova d'intorno alla comune natura delle nazioni*: Concordanze e indici di frequenza dell'edizione Napoli di 1744, L.S. Olschki, Florence/Firenze 1997 .

[300] Millar, John , *Observations Concerning the Distinction of Ranks in Society.* Ferguson, Adam , *An Essay on the History of Civil Society* Printed for A. Millar, T. Cadell, A. Kincaid, J. Bell, Edinburgh 1768.

[301] Smith, Adam, *Lectures on Jurisprudence* in R.L. Meek, D.D. Raphael, P.G. Stein (eds) *Liberty Classics*, Indianapolis, 1985; pp. 20-22, 27, 39, 107, 202-205, 208-210 228-229, 404- 408, 460.

[302] Gallatin, Albert, op. cit. p. 156.

[303] Grey to Earl Grey, 9 July 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand, [1280] 1850* pp. 190- 197.

[304] Gallatin, Albert, op. cit., Prefatory Letter New York 29th January 1836 p. 1 p. 2.

[305] Rutherford, James, op. cit. p. 5.

[306] Rutherford, op. cit. p. 57 and p. 59.

1836, at the time the Whig government contemplated bringing Texas into the British sphere of influence. [307] Gallatin's *Synopsis* might have been preparatory reading for that venture.

In Grey's adoption of Gallatin's ethnography consistent life-orientations are evident. The argument of this book is that Grey was "Jeffersonian" in his personal political values. Grey was anti-utilitarian, anti-classical in Political Economy, a radical Whig who identified with American Democrats, and a Huguenot descent Englishman who was interested in Swiss Protestant francophone thinkers, such as Antoine-Henri Jomini on warfare, Jean-Charles-Leonard de Sismondi on political economy and Albert Gallatin on ethnography. Thomas Jefferson's debt to Harrington is a feature of Jefferson scholarship.[308] James Harrington's republicanism and Machiavellian thought entailed sociology and historiography of its own. J.W. Burrow warns, and Richard Brent concurs, that Liberal Anglicans could adhere to a more Machiavellian and Harringtonian stadialism from out of the English 17th century, than to stadial theory of Scots authorities such as James Millar. This applied to even those who had Scottish educations such as Lord John Russell. As Burrow notes :-

"This older, Machiavellian and Harringtonian political sociology was cyclical and more pessimistic; it was obviously the fruit of long meditation on the fate of Rome, history's greatest cautionary lesson, and the extension of a diagnosis into a law of the decay of states and the loss of liberty, as a result of the corruption of public virtue by opulence and luxury."[309]

The Liberal Anglicans were descended from the latitudinarian current of a peculiarly English early Enlightenment that emanated from the Great Tew Circle which Hugh Trevor-Roper identified about the household of Lucius Carey, 2nd Viscount Falkland.[310] The insane and irrational savages of Hugo Grotius were now to be imagined living their degraded lives within the correspondence of Natural History with scriptural revelation for the purposes of a Natural Theology, that discovered in hunter-gatherer peoples the most lapsed and intractable of all post-lapsarian humans. Grey's Port Louis paper was written in the shade of that 17th century, and of the English Enlightenment of Butler's *Analogy of Religion*. The Harringtonian model taught that the metropolitan civilizations at the top of the scale declined, corrupted by empire and opulence, unless liberty and self-sufficiency were preserved. Colonial enterprises were projects for the recovery of *virtu*. A fallen civilization contributed to the stadial succession all over again, if not from the very bottom of the scale where "savages" were to be found.

Whately and Grey found in stadialism a scale by which the extent of a people's "lapse" from civilisation and the providential order could be assessed, as well as the degree of progress which the influence of more advanced races brought about. They modified the Enlightenment schemes to hand to propose a pre-history that described some peoples as in continual free-fall, and others as raised by the efforts of superiors. British peoples themselves had required colonisation and proselytization. They were far from alone at seeking to revising the template. Doubt at Enlightenment stadialism was prevalent by the early 19th century. Alexander von Humboldt contrasted the demoralization he found among American Indians with the achievements of Peruvian and Mexican civilizations, which had been achieved without metallurgy, and with pack animals only in Peru. Spanish colonization was responsible for this decline, as it had either

[307] Clark, Charles Manning, *A History of Australia* v III p. 38.
[308] Pocock, John, *The Machiavellian Moment*, p. 515, p. 525 p. 532-533 p. 535.
[309] Burrow, J.W., *A Liberal Descent* pp. 29-30.
[310] Trevor-Roper, Hugh , *Catholics, Anglicans and Puritans:- Seventeenth Century Essays* University of Chicago Press 1987.

corrupted or preserved Indian peoples in a static condition. [311] It was from Humboldt's entirely secular speculations that the Liberal Anglicans learned there had in all instances to be culture-bearing higher civilizations.[312] In fact much of Grey's amalgamationist programme responds to the kind of criticisms Humboldt made of the Spanish government administration of Indians:-

Indeed the indolence of the government, the policy of the missionaries, which prevents Spaniards and Indians from living together, the mild application of the laws, which entitle Indians to a state within a state, all contribute towards the situation, leaving the latter in their original condition, that is so permanent that the American Indian like the Chinese and Hindus adheres unshakeably to his traditions." .[313]

Through American apertures Liberal Anglican theological speculations entered and proliferated, imagining imagined divine intervention and exceptional dispensations along with natural disasters on the Atlantean scale. So limited were "savage" peoples deemed that Joseph Butler had declared the minds of primitive humanity unfit to infer the existence of God unless it had been revealed to them.[314] Grey then was a Humboldtian colonial administrator, rather than the "Nietzschean Man" that Collier proposed. [315]Grey argued that it seemed " to have been willed" that Australian aborigines were subject to institutions that were effective at ensuring their survival as a people on the Australian continent, yet were so devised and so strictly observed as to prevent them being "abrogated" or even altered. [316] God in Australia was a law-making *deus absconditus*[317] who had left a Crusoean "footprint in the sand"[318] for only providential Europeans to discern.

Yet so separable was Grey's work from its theological content that it was being interpreted in full social evolutionist mode by the mid century. "God" could be disconnected from it and the analysis would be just as good. John McLennan, the opponent of Lubbock and Maine, yet the heir to Scots stadialism, processed Grey's account into the full social evolutionist scheme. In McLennan's *Primitive Marriage* [319]Grey's *Journals of Two Expeditions* provided the exemplary accounts of marriage by capture amongst Australian aborigines. Grey's *Polynesian Mythology* further provided McLennan with proofs of the practice of children fleeing to their mother's kindred, and of traces of polyandry amongst Maori. When totem systems were superseded by higher stages of

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[311] von Humboldt, Alexander, *Reise auf dem Rio Magdalena, durch die Anden und Mexico*, Akademie-Verlag, Berlin 1986 Teil I p. 230 , p. 271, p. 278, p. 332 p. 271.
[312] Whately, Richard, op. cit. p. 244.
[313] von Humboldt, Alexander, op. cit., p. 153 "*Ja die Indolenz der Regierung. Die Politik der Missionäre, welche das Zusammenwohnen der Spanier und Indianer verhindern, die Milde der Gesetze, welche der Indianer einem statum in statu zugesteht, alles trägt dazu bei, die letzteren in ihrem ursprünglichen Zustande zu lassen, ein Zustand, welcher so permanenter ist, als der amerikanischer Indianer wie die Schinese und Hindus an seinem Herkommen unerschütterlich haftet*."
[314] Butler, Joseph, *The Analogy of Religion* ch VI p. 110.
[315] Collier, James, *Sir George Grey, Governor, High Commissioner and Premier:- An Historical Biography*., pp. 224-225.
[316] Grey, George, op .cit., II p. 223.
[317] *Deus absconditus*, a hidden or departed God.
[318] Defoe, Daniel, *Robinson Crusoe* , Thomas Keymer (ed) Oxford 2007 [1719] p. 130.
[319] McLennan. John F., *Primitive Marriage:- An Inquiry into the Origin of the Form of Capture in Marriage Ceremonies* p. 32 ;- quotes from Grey's *Journals* v II p. 24.

social organization, an explanation of cannibalism could be attempted in social evolutionary terms from Grey's researches:-

" In New Zealand and in the Feejee and other islands of the Pacific, the capture of wives appears to have been conjoined with cannibalism – the object of intertribal war being at once to procure women for wives and men for food." [320]

The content of the observations, the use of the comparative method and the dedication to institutional ethnography ensured that Grey's work was cited until the First World War[321] , by Emile Durkheim, Sir James Fraser and Sigmund Freud for example.

The debate between the segregationalists and assimilationists over Colonial policy mirrored considerably [322] the debate in the East India Company government that began between the Orientalists in Warren Hastings' service and the Evangelicals and Utilitarians under Lord Cornwallis' administration. [323] Hastings had been Governor General 1773-1785, Cornwallis between 1786-1793, and in 1805. George Grey's native policy for the settler colonies corresponded to Charles Grant's evangelical condemnation of Indian institutions, [324] as well as to James Mill's.[325] Charles Grant (1746-1823) , tellingly, had not only been Chairman of the Board of Directors of the East India Company, but was the father of the patron for Grey's expedition in 1837, the Colonial Secretary Charles Grant, 1st Baron Glenelg (1778-1866) . James Mill, the father of John Stuart Mill, served as an official of the Company 1819-1836. The debate within the Colonial Service was conducted with reference to the 1837 Select Committee *Report* on Aboriginal Affairs. The Buxton Report adherents may be regarded as analogous to those Indian officials Thomas Munro, John Malcolm, Charles Metcalfe and Mountstuart Elphinstone, who wanted to work with Indian customs, languages, religions and instiurions? [326]Should indigenous institutions be utterly repealed, even when not "repugnant to the laws of humanity"?

The supporters then of the 1837 Select Committee *Report* on Aboriginal Affairs were the counterparts for the Colonial Office of the Orientalists in the East India Company. Both Grey and James Mill however emphasised the utter incapacity of the classes of indigenous subjects they were commenting on, and insisted upon the direct intervention of a higher foreign race and substitution of indigenous practice with "civilized" British institutions and law. Indigenous

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[320] McLennan, John F., ibid p. 34.

[321] Kerenyi, Karl and Jung, Carl Gustav, *Prometheus ; The Science of Mythology* Routledge, London 2002, p. 57 which quotes from Grey's *Polynesian Mythology* p. 18.

[322] This happened to a considerable, though not to a total extent. Settler colonies by definition had to either protect indigenes from their settlers, or reconcile them to the settler interest, if they did not in fact die out. The debate over allegedly imperfectly civilized or static civilized peoples did not proceed on exactly the same terms and to exactly the same conclusions as debates about indigenes. Debates over tribal peoples in India however would offer a better analogy.

[323] Stokes, Eric, *The English Utilitarians and India*, Oxford University Press Delhi 1957 pp. 1-80 p. 311 ff..

[324] Grant, Charles , *Observations on the State of Society among the Asiatic Subjects of Great Britain, particularly with respect to Morals; and on the Means of Improving it*. Privately printed, London 1797.

[325] Mill, James, op .cit., pp. 107- 164.

[326] Stokes, op. cit., p. 9-15 .

institutions were disqualified for the purposes of amelioration even by a civilising foreign power. In most instances they made a people worse, and in so far as they were static, prevented a people from progressing. Australian aborigines according to Grey[327] and French Canadians according to Lord Durham were peoples trapped in a static condition[328] from which British administration and society should extricate them. Indigenous institutions constituted the chief impediment to civilization and were the perennial cause of conflict on frontiers. The atheist James Mill in fact was a secular counterpart of Archbishop Whately by insisting upon how irregenerate failed cultures and civilizations were unless brought under a civilizing power. The same idea, the same policy could be promoted irrespective of religious beliefs or "free thought". Grey was part of a global debate then, covering the world from India to North America to southern Africa and Australasia, on whether "savages", "barbarians" or the peoples of apparent retrograde or static civilizations and cultures, should be ruled through their own customs and values, or else assimilated to British standards.

Grey had derived an ethnography from both Whately and Gallatin that he had taken out into field observations between the 1830s and 1850s. The 1860s would be such a period of intense ethnographic debate in various nations, that every observer and commentator and not just Grey, had been compelled to re-evaluate their ideas as social evolutionist ideas triumphed. Grey for his part had insisted over 1840 and 1841 that "savages" were deadlocked in pernicious institutions from which they had to be released to participate in any more advanced economy. By 1869 he had begun to speak the language of the new social evolutionist Anthropology to the Ethnological Society, quoting from William Hartpole Lecky's *History of Morals.* [329] The reason why the folklore of so many disparate peoples shared so many common elements, Grey argued by then , was because the intellectual capacities of peoples at primitive stages of existence could only produce a limited repertoire of story-lines and concepts.[330]

Grey's ethnographic writing over 1840-41 was subordinated to the tasks of colonization and of sustaining imperial policy. Would-be ethnographers were a rare type in the Colonial Service at that time. Yet if Grey stood out as a governor-ethnographer, [331]he was heir to an established school of administration and research in British India. Sir Stamford Raffles' *History of Java* in 1817 practised the orientalist antiquities of East India Company officials as well as the techniques of ethnographic description.[332] While much of Raffles' work was concerned with establishing an historical record for Java, ethnographic and linguistic observations abounded. Stamford Raffles (1781-1826) was not an "Orientalist" in his policy, for all his dedication to antiquities and anthropology, - rather the Free Trade proponent of the Bengali zamindari revenue system for Java, which the British briefly ruled it, and no proponent of "native protection" or of "indirect rule".[333]

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[327] Grey, George, op. cit. v II p. 223.

[328] Lambton, John George, 1st Earl of Durham, in Sir Charles Prestwood Lucas (ed.) *Lord Durham's Report on the Affairs of British North America*., v II p. 31 .

[329] Lecky, William Edward Hartpole (1838-1903) , *History of European Morals from Augustus to Charlemagne*, Longmans, Green and Co, London 1910, 2 vv..

[330] Grey, George, *Journal of the Anthropological Society of London.* (1869) p. 362 .

[331] Cell, John Whiston, *British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process,* Yale University Press, New Haven and London 1970, p. 50.

[332] Raffles, Sir Thomas Stamford, *The History of Java* , Oxford University Press Kuala Lumpur, New York 1965 [1817] 2 vv..

[333] Bastin, John, *The Native Policies of Sir Stamford Raffles in Java and Sumatra: An Economic Interpretation* Clarendon Press, Oxford 1957, p. xvii pp. 46 – 47.

Grey's ethnographic activities were also an expression of his youth culture. Young people in the 1830s did other self-defining things than play at dandies or go duelling, or become Romantic poets. George Borrow (1803-1881) publicized his experiences and researches among Romany peoples,[334] . Borrow did pioneering work on the Romany languages and identified their Indo-Iranian origin. The polymath Richard Francis Burton (1821-1890) would soon join a cadre of experts in languages and cultures in the East India Company army. He was to be fluent in at least 29 languages. The "damned" and vagrant of the earth, and not just ancient civilizations and their languages had become subjects for investigation. [335] That included the maritime experience and the tribe of sailors, as young Americans signed up to sail before the mast, like the patrician Richard Henry Dana (1815-1882). The post-Waterloo generation of young adventurers were as interested in nomadic and "savage" peoples as the previous generations of Anquetil du Perron[336] and Sir William Jones and the first Egyptologists had been in ancient literate civilizations and their languages. *The modern* thing to do for the post-Waterloo generation was to acquire insights into human pre-history from collecting and analysing languages. It was not in a fallen city such as "Babel" that human languages developed and came apart. The separation of languages lay in pre-history itself. That meant that "live" and actual nomads, "barbarians" and "savages" might hold important linguistic clues in their languages. It might be possible to reconstruct original languages. The customs of such peoples also contained evidence of ancient practices and mental states. These too could be brought back together and compared. Nor was this activity confined to men. Lady Hester Stanhope[337] during her residence amongst the Arabs of Syria demonstrated that life among nomadic and indigenous peoples was the ultimate radical lifestyle for elite emancipated Britons.

Perhaps 20th century Phenomenology has something to contribute on this quest for origins, and to make origins for this radical generaton of youg people in the age of Edgar Allan Poe. The Russian-French phlosoopher Alexandre Kojeve (1902-68) argued in 1934 that the concepts of "arche" and "telos" were radically bound together. "Arche" is the Greek word for "beginning". [338]St John's Gospel and the Septuagint Genesis begin wth it. "Telos" is the "end" or "purpose" of something or someone. Teleology is derived from that word. "Arche" also means "rule" or "government". Although they belong to a philosophical language that Grey's generation would not have understood, they express how Grey regarded human origins and teleology as interrelated, even if stadially. Origins – whether of prehistoric human society or of modern civil society – were to be Grey's compelling lifelong interest. On a related theme, Paul Ricoeur (1913-2005) proposed of the births of persons, societies and things, that they consist of ether beginnings or origins. Beginnings have history whereas origins have myth, or rather muthos. [339] Myth in turn feeds into ideology- and into the sophisticated (and sophistical) political ideologist that Grey became.

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[334] Borrow, George, *The Zincali; or, an account of the Gypsies of Spain,* John Murray London 1846 [1841].
[335] Borrow, George, ibid, p. 256.
[336] Anquetil-Du Perron, Abraham Hyacinthe; *Zend-Avesta, ouvrage de Zoroastre. Traduit avec des remarques & plusieurs traits par m. Anquetil du Perron*; Paris 1771 2 vv. .
[337] Stanhope, Lady Hester Lucy and Meryon, Charles Lewis, *Travels of Lady Hester Stanhope,* Henry Colburn, London 1846 3 vv..
[338] Kojeve, Alexandre *Introdution a la lecture de Hegel* Gallimard, Paris 1947.
[339] Ricoeur, Paul *Memory, History and Forgetting* Chicago University Press, Chicago 2004 pp. 139-140.

It was the official mndset that Grey was anticipating and gratifying with the Port Louis paper. For the young George Grey had been something of a grooming project. And Grey needed a career outside of the Army. James Stephen's mentoring of Grey had commenced at least as early as the summer of 1833, just after the ensign's return from service in the Tithe Wars in Ireland, at the age of 21.[340] Colonial Office clerk Gordon Gairdner was thought to work in Grey's interest. [341] Grey named a mountain range after him in Western Australia, along with making toponyms out of the Royal Family and his patrons. Gairdner was originally an American, that is, he was born in South Carolina, and may well have been a source of information about the United States for Grey, who was a lifelone enthusiast for the Republic, and an ardent devotee of the Union cause in the Civil War. Archbishop Whately was responsible for recommending Grey to Lord Glenelg when the latter was Secretary of State for the Colonies, and for the promotion of Grey's scheme to explore North Western Australia. It had Whately not Grey who had the run of Holland House in Kensington, and was part of the inner circle, as a kind of "policy don" or liberal bishop.

Far from being "unsolicited", [342] and deserving of reprobation on that account, the Port Louis paper was a contribution to policy discussion at the Colonial Office from a well-connected "aspirant" who was far from unknown. [343]It cracked open a career at last for Grey who had lost interest in the Army. He resigned his commission as captain in the 83rd Foot. Grey's memorandum provided the Colonial Office with the ethnography it had been looking for. Having provided the ethnography of imperial retrenchment, he was sent to South Australia to retrench the first of the Wakefield colonies. The Colonial Office approved of none of Edward Gibbon Wakefield's projects, neither his Political Economy nor his schemes for settler self-government. As George Cornewall Lewis made clear in his *Essay on the Government of the Dependencies* [344] Wakefieldian and Durhamite constitutionalism were not to be immediately applied to dependencies, as responsible government was a contradiction in terms with the status of British dependency, which settler colonies in frequent war with indigenes in fact were. Furthermore settler autonomy contradicted the policy of native protection for which the Colonial Office was responsible.

The British historian John Whiston Cell proposed the following parameters for how the Colonial Office operated during Grey's service. On the one hand he noted:-

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[340] Rees, William and Rees, Lily, *The Life and Times of Sir George Grey K.C.B*. p 470 . Grey related how James Stephen showed him one evening as they walked together the arbour in Hyde Park where Nassau Senior was working on the Poor Law Bill which would date the anecdote to the summer of 1833.

[341] McLintock, A.H., Crown Colony Government in New Zealand, Wellington 1958, p. 407. Gordon Gairdner (1803?- 1877) was from a loyalist American family of South Carolina. An employee of the Colonial Office 1824-1870, he was awarded the C.M.G..
Cell, John Whiston, op .cit., pp. 22-23 for Gaidner.

[342] McHugh, Paul, ibid , p 165.

[343] Buckner, Philip, "The Colonial Office and British North America", in *Dictionary of Canadian Biography v. VIII 1851 to 1860* , Francess G. Halfpenny and Jean Hamelin (eds) , University of Toronto Press, Toronto 1985; p. xxxiii.

[344] Lewis, George Cornewall, in C.P. Lucas (ed) ; *An Essay on the Government of Dependencies* ,Clarendon Press, Oxford 1891 [1841] , pp. 295- 301.

The upper echelons of the permanent staff were fully capable of providing the knowledge and intellectual capacity for the formation of a purposeful and faily consistent colonial policy, directed from this office, that was the focus of imperial decision making. [345]

On the other hand he insisted that:-

Yet the fact is that the Colonial Office did not control the flow of events. It drifted with them. No one "ran" the British empire. [346]

Within these limits, an informed policy culture was possible between governors, officials and British politicians, despite misunderstandings and differences:-

The governors and their staffs were essential to the formation and execution of a successful colonial policy. [347]

To such a policy culture, - [348]Grey attempted to contribute, and with success, by sending his Port Louis paper.

[345] Cell, John Whiston, op. cit., p. 24.
[346] Cell, ibid., p. 24.
[347] Cell, op. cit., p. 47.
[348] Snelling, R.C., and Barron, T.J., "The Colonial Office: Its Permament Officials 1801- 1914", in Gillian Sutherland (ed) *Studies in the Growth of Nineteenth Century Government*, Routledge and Kegan Paul, London 1972, p. 141,, p. 151. p. 152-153.

Chapter Five
The Port Louis Paper

On his return voyage to Britain from Australia, Grey despatched from Port Louis Mauritius in June 1840 a *Report upon the Best Means of Promoting the Civilization of the Aboriginal Inhabitants of Australia*, [349]which he addressed to Lord John Russell, who was then the Secretary of State for War and the Colonies.

This "Port Louis Memorandum" was a bold, even insolent, yet at all events welcome, piece of policy advice. It outlined the general policy towards indigenous people that Grey was to pursue throughout his Colonial Service career and beyond. It was one of the first of a series of documents that contradicted the Buxton Report such as the Bagot Report from Canada in 1844. Grey's document has been entirely misunderstood in all of its reviews to date even though it has been constantly referred to in discussions of Grey's career. Recent Australian writing in the history of ideas has even claimed that Grey desired aborigines to remain under their own laws, when the reverse was the case. [350] Such an accident is less extraordinary when we consider that it is only in recent times that the modern spread of indigenous rights discourse and of indigenous law throughout the countries that were once British white settler colonies.

The Port Louis Memorandum was no rewrite of the recommendations in the *Report* of the Select Committee on Aboriginal Affairs in 1837. [351]Grey's memorandum was in fact a point-by-point refutation of the Select Committee's *Report*.

In short, Grey was applying the recommendations of the Durham Report relating to the French Canadians in Lower Canada, in the first instance, to the aboriginal population of Australia, but by extension also to the non-white indigenous peoples of Britain's Southern Hemisphere colonies. If Aborigines Protection as envisaged by the Select Committee was not on Grey's agenda, nor was mere "Assimilation" in the sense of making indigenes "like" settlers. Grey was to argue lifelong for integration and absorption of indigenes into white settler communities. The Port Louis paper as been frequently commented on and just as frequently misunderstood, not only by John Rutherford, but Alan Ward, [352] Charles Manning Clark,[353] Peter Adams [354]and Paul McHugh. [355]

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[349] Grey to Lord John Russell, 4 June 1840, CO 201/304 fos. 245 – 246a, enclosing "*Report upon the best means of promoting the civilisation of the aboriginal inhabitants of Australia"* fos . 247 – 263a.
Grey, George , *Journals* v. II pp. 372- 388.

[350] Gascoigne, John, *The Enlightenment and the Origins of European Australia*, Cambridge University Press, Cambridge 2002, p. 162. The footnote no. 89 for Gascoigne's assertion does not refer to the Port Louis paper, or any document by Grey.

[351] Rutherford, James, *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government*, p. 52.

[352] Ward, Alan, *A Show of Justice : Racial Amalgamtion in Nineteenth Century New Zealand*, University of Toronto Press, Toronto, 1973, p. 36.

[353] Clark, Charles Manning, *A History of Australia Volume III The Beginning of an Australian Civilization 1824- 1851*, Melbourne University Press 1973, pp. 39 -40.

[354] Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland University Press, Oxford University Press, 1977, p. 212.

[355] McHugh, Paul, *Aboriginal Societies and the Common Law: A History of Sovereignty, Status and Self-Determination*, Oxford University Press, 2004; p. 162.

The first step in rendering Grey's career intelligible involves understanding the first policy paper of his career. In Albany Western Australia, Port Louis Mauritius and in East Sussex, and as a shipboard occupation, Grey wrote up and began to distribute and publish his reports of his Australian experiences over 1839-41. These writings consisted of the journals of both his expeditions in Western Australia, of his ethnographic and linguistic research, along with memoranda on law enforcement and on the administration of Australian Aborigines. Grey had just turned 28 and he was seeking to impress a prospective patron, to replace Lord Glenelg. Not only had Grey's explorations yielded no significant results, such as the inland rivers, and inland seas analogous to those of Central Asia, but these missions had been leadership disasters.

James Rutherford who wrote the only substantial biography of Grey to date in the 1950s offered the two following comments on this report. He first of all observed that:-

> "idealism and wishful thinking wiped out the recollection of his practical experiences and he penned a report to Lord John Russell showing how the complete and speedy amalgamation of the two races might be effected……
>
> "Russell, whose "Olympian logic' was on the same exalted level as Grey's abstract generalisations, was well pleased and commended Grey's ideas to the Governors of Australia and New Zealand." [356]

One can only regret without rehabilitating Grey's advice in the slightest that these comments are caricatures in what is still however the best-researched most comprehensive and most factually reliable study on Grey to date. Far from forgetting the less than favourable results of his practical experiences, Grey wrote up a fair sample of his failures for public consumption. [357] Grey was young enough, or whimsical and confident enough, to show himself becoming a laughing stock and having the tables turned on him by indigenous peoples whose intelligence he was at pains to insist was equal to any European's. Grey's style of gentility was also on display. The Port Louis Paper in fact concludes and seals Grey's *Journals of Two Expeditions* which abundantly included such anecdotes. In the writings of Richard Burton, George Borrow, Hermann Melville and in Edgar Allan Poe's *The Narrative of Arthur Gordon Pym*, the adventurer is a centre of attention in the reading just as the expedition itself is, so that readers engaged with an autobiography of self-exploration, and not just a travelogue or official report. Grey was determined to entertain as well as to instruct and edify.

Rutherford continued:-

> "Grey's basic precepts were substantially those of the Aborigines Committee report of 1837. On the strength of a brief experience amongst the Western Australian aborigines, he had produced a new programme of native civilization all ready for execution." [358]

Comparison of Grey's Port Louis paper with the Select Committee Report reveals that Grey was rejecting the conclusions of the latter point by point and substituting his own alternatives. The respective native policies are entirely distinct. The rest of Rutherford's criticisms were reasonable.

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[356] Rutherford, James, op. cit., p. 19.
[357] Grey, George , op. cit., v II p. 9 ,p. 43 p. 358 .
[358] Rutherford, op. cit., p. 52.

Rutherford was an exponent of mid-20th century narrative history. Russell and Grey did "generalise", but then so did everyone literate in contemporary governance language. The very language of Political Economy worked arguments up to a high level of generalisation from empirical data. The revolution that has occurred in historical writing since Rutherford's time has been a change of focus from "what happened" in a story-line, and "why it happened" in a cause and effect sense, to an investigation of the thought-systems and languages for power and ideology. It was not just a young man's idealism and wishful thinking that produced such recommendations, nor was it the "Olympianism" of an aristocrat in mid–life that made Russell susceptible to such reports. British government at this time was fast becoming the Empire of Political Economy. Ambitious "new men" seeking to collaborate in government would deploy these new fluencies. Utilitarian writing would have struck mid 20th century readers as equally programmatic, just as idealist, just as filled with wishful thinking, definitely "abstract" and "leading" and as absolutely "Olympian".

The Port Louis Paper made the expected impression when James Stephen arranged for it to appear on Lord John Russell's desk at No. 14 Downing Street. If the Port Louis Paper in fact contained nothing new as Rutherford argued, and was simply an enunciation of official policy from the 1837 Select Committee, then Russell's enthusiasm should surely have been confined to discovering a likely new recruit for the Colonial Service, who wrote all the right things and toed the official line. Grey's access to Glenelg has been attributed to his friendship with that peer's brother William Grant (d. 1848). Both Grants were bachelors. [359]

One other criticism that can be made of Rutherford before this analysis closes in and compares the Port Louis Paper with the 1837 Select Committee Report, is that both reports were equally idealistic and generalist in their treatment of the problems aboriginal people presented colonial administrators over the entire empire. For what could be said of the Port Louis Paper could be said of the Buxton Report with compounded interest.

Grey had after all acknowledged that the Port Louis Paper consisted of "general principles" intended for wider application. [360]His express ambition in writing such a memorandum was to devise policy and identify operating principles for indigenous government for not just Australian Aborigines, but indigenous peoples anywhere who came into contact with British settlers commerce and law. By circulating Grey's memorandum to the Australasian governors, Russell was indicating that Grey had succeeded in fashioning a publishable review of problems the Buxton Report had discussed.

Rutherford's analysis of the Port Louis Paper has wrong-footed historians and legal scholars ever since. Since the publication of Rutherford's comments in 1961, commentary has been negative. The latest condemnation is from Paul McHugh who falls upon Grey after informing readers that he was a Royal Navy officer, and belabouring him for writing an "unsolicited" report to the Colonial Office. [361] McHugh entirely mistook the nature of "gentlemanly" relations.

Grey was a "gentleman", he held a commission in the army, his mother Lady Thomas was a baronet's widow, his family and in-laws were East Sussex gentry. He was in fact well- connected and highly literate and as has been seen, far from a "penniless subaltern". He was not unknown to

[359] Rees, William, and Rees, Lily, ibid., p. 16 .
[360] Grey, George, op. cit., v II p. 373 .
[361] McHugh, Paul , *Aboriginal Societies and the Common Law:- A History of Sovereignty, Status and Self-Determination.,* p. 165.

Holland House circles. He had the right to venture a memorandum, and may in fact have been encouraged o nthe side to do so, through his contact in the Colonial Office, Gairdner, after whom he had named a mountain range in Western Australia.

To commence with a point by point comparison, the Select Committee recommended:-

> "Whatever may be the legislative system of any colony, we therefore advise that as far as possible, the Aborigines be withdrawn from its control." [362]

These are all indigenous peoples in every colony. This is a global recommendation. Grey gave precisely the opposite advice:-

> "I would submit, therefore, that it is necessary from the moment the aborigines of this country are declared British subjects, they should as far as possible, be taught that the British laws are to supersede their own". [363]

The Port Louis Paper related to the governance of Australian aborigines, but Grey too was pronouncing wider principles that he was to apply to any indigenous peoples that were to come under his rule throughout his subsequent career. The Port Louis Paper criticizes the Select Committee recommendations by implication. The thrust of Grey's expedition *Journals* to be published the following year insists on the full humanity of Australian aborigines, their intelligence and their suitability for induction into the workforce of a 19th century settler economy. [364]

The outcome that the Select Committee had sought in 1837, was the protection of indigenous peoples from molestation, corruption and slaughter by frontier settlers. [365]The flag was to precede and pre-empt trade and settlement. [366]It was very much on this basis that Lord Normanby as Secretary of State for the Colonies had issued his instructions to Captain Hobson in 1839. In planning for New Zealand over 1839, the "Buxton Report" was the one to which the Colonial Office adhered, and for more reasons than those which the Committee had under its ambit. [367] French ambitions had to be pre-empted, and there were the Church Missionary Society, the Aborigines Protection Society and the New Zealand Company, each of them with their noble and notable patrons and investors.

Grey's objective on the other hand was the "civilization" of indigenous peoples, whom he variously categorized as either "barbaric", a mere statement of fact under Grey's pen, or as "savage" a term that alternated between an apparent statement of fact or could be designedly pejorative in relation to the term "barbarian". [368]Bad barbarians became "savages" for him. Grey was challenging the very purpose of the Select Committee Report, by arguing that it was impossible to bring peace to the frontiers and render aboriginal peoples "tractable", for even to

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[362] *G.B.P.P. Report from the Select Committee on Aborigines (British Settlements) 26 June 1837* [425] p. 77.
[363] Grey, George, op. cit., v II p. 375 paragraph 6.
[364] Grey, George, op. cit., v II p. 374 and pp. 381-382, and p. 383.
[365] *Report* of the Select Committee on Aboriginal Affairs, op.cit., p. 5.
[366] Knaplund, Paul, *James Stephen and the British Colonial System 1813-1847,* University of Wisconsin Press, Madison 1953, pp. 83-84.
McLintock, A.H., *Crown Colony Government in New Zealand*, p. 50.
[367] Orange, Claudia, *The Treaty of Waitangi* p. 31.
[368] Grey, George , op. cit., v. II p. 218, p. 220.

confine them within a reservation for their own benefit presumably required a measure of tractability, in the first place, particularly if they were nomadic, or pastoralist, if these peoples were to be proactively "civilized". [369]

If a frontier persisted, in his view, between settlers and indigenous peoples, it would in itself become the perennial source of settler-aboriginal conflict:-

In considering the kinds of labour in which it would be most advisable to engage natives, it should be bourne in mind that, in remote districts where the European population is small, it would be imprudent to induce many natives to congregate at any one point, and all the kinds of labour in which they should be engaged ought to be of such a nature as to have a tendency to scatter them over the country, and to distribute them amongst the separate establishments. [370]

Indigenous peoples were to be dissolved as "hordes" or tribal associations, denied the opportunity to engage in nation-building and state-formation as far as was practicable, and reconstituted over generations as citizens of the new colonial polities under a liberalism of capacity, that placed greater tests upon them than upon the settlers, and made of them second-class citizens where they were even citizens at all. This policy entirely coheres to the Jominian analysis of frontiers, previously discussed. [371]In other words Grey intended a euthanasia, an extermination of human cultures, though not of the greater part of the individuals who belonged to such societies. "Peoples" were to survive yet be changed. Grey expressed the Jominian strategy to the situation thus:-

"Whilst in the well-peopled districts, where a force sufficient both to protect and control the aborigines exists, they should be induced to assemble in large numbers, for they work much more readily when employed in masses, and thus by assembling them on one point, their numbers are diminished in those portions of the colony which have a small European population." [372]

In this we may find Grey targeting Andries Stockenstrom, the Swedish-Afrikaner who was the leading border official in the Eastern Cape of southern Africa, the leading informant of the Select Committee on Aboriginal Affairs, when it took evidence. Grey's great rival of his South African years, Theophilus Shepstone, in the Natal colony, was to be the heir of both Stockenstrom's policy and of the 1837 Select Committee Report. [373] The Rees' Grey biography of 1892 spared no pains on Grey's behalf to vilify Shepstone. [374]

The Select Committee recognized frontiers as a basic governance tool, whereby their recommendations might preserve indigenous peoples from infectious disease, pernicious commerce, violence and irregular transfers of land or outright squatting "beyond the pale":-

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[369] Grey, George; ibid p. 373.
[370] Grey, George; ibid p. 385 paragraphs 31.
[371] Jomini, Antoine-Henri, *Precis de L'Art de Guerre*, pp. 293-294.
[372] Grey, George, ibid v II pp. 385-385 paragraph 32.
[373] Rutherford, op. cit., pp. 344-345.
Brookes, Edgar H., *The History of Native Policy in South Africa from 1830 to the Present Day* , J.L. van Schaik, Pretoria 1927 p. 98.
Sullivan, J.R., *The Native Policy of Sir Theophilus Shepstone*, Walker and Snashall, Johannesburg 1928.
[374] Rees, William, and Rees, Lilian *Life and Times of Sir George Grey K.C.B*. p. 172, p. 175, p. 377 , p. 392, p. 402.

> "Again in the cases of offences committed beyond the borders, British subjects are amenable to colonial courts, the Aborigines are not… It would therefore on every account be desirable to induce the tribes in our vicinity to concur in devising some simple and effectual method of bringing to justice such as of our own people as might be guilty of offences against the Queen's subjects. For that purpose, treaties might be made with the chiefs of independent tribes, defining with all practicable simplicity, what acts should be considered as penal, by what penalties they should be visited, and in what form of procedure those penalties should be enforced." [375]

A paragraph as astonishing as this is sufficient proof that any of Rutherford's criticisms of Russell and Grey equally apply to the "Buxton" Committee. Surely if Grey had "ideally" abstracted that Report, the Report is "abstract" and "idealistic' itself.

Grey might have been an amateur ethnographer but the *Journals* are largely written with modesty, and good humour, revealing care at trying to comprehend the institutions, the laws and customs and marriage customs of Australian Aborigines. Grey's simple liking of aboriginals in 1841 was a contrast to other observers' contempt. [376]Grey was a good listener about camp-fires as he fraternized, and a sharp if manipulative, interrogator. [377]His contributions to ethnography included the first identification of interrelated Australian Aboriginal languages, of the group that is now known as the Pama-Nyangan language family and the first identification of the totem systems that governed their society. [378]

Frontiers such as the Select Committee insisted upon in 1837 between settlers and indigenous peoples were of various kinds. They could be boundaries of sovereignty and suzerainty as in South Africa, they could be implicit borders within a British possession such the Australian colonies at that time, or it could just mean the penumbra of a settler colony, or even of a ranch. Orders in Council and proclamations could shift them by degrees, minutes and seconds. Grey did not just propose the dissolution of indigenous nations. To accomplish that, he proposed the dissolution of the frontiers themselves. The Select Committee had resorted to the segregationist native protection model. That at least was the classic English model. The policy was declared by Charles II in his Letter to the Council of Foreign Plantations, yet found its most ambitious and influential expression as a form of government in the Appalachian Protectorate proclaimed in 1763 at the conclusion of the Seven Years War with the Treaty of Paris. The British Crown had then excluded white settlement and the sale of land in the territories west of the Appalachians ceded by France, and it had placed the Indians that had previously been allies of the French under a protectorate. It was debated after the Treaty of Paris in 1763 whether the various Indian nations brought into the British Empire were thereby constituted British subjects. Thomas Pownall had objected in 1764 to the British pretension of "dominion" over "the several Nations or Tribes of Indians with whom we are connected". [379]

The Select Committee was affirming in 1837 the policy devised for the "conceptual model" of Natural Law that had developed in the European 16th and 17th centuries in the wake of the discovery and exploitation of the Americas. Developed by Spaniards, it was challenged by

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[375] *Report* of the Select Committee on Aboriginal Affairs, op .cit. p. 80.
[376] Grey, George, op. cit., v. II p. 317.
[377] Grey, George; ibid v. II p. 232.
[378] Grey, George, ibid v. II p.p. 225-229.
[379] Pownall, Thomas, *The Administration of the Colonies*, London 1768 p. 262, p. 263, p. 265, p. 274.

Grotius, so that *jus gentium* was transformed to refer to the relations of nation states in International Law. [380] The defenders of indigenes were obliged to stress their political capacity. Among the philosophers of the Scots Enlightenment, Adam Ferguson, who thought independently from Adam Smith, James Millar, and David Hume, [381] asserted the civic capacity of so-called "barbaric" and tribal peoples in the Americas. [382] Humanitarian defence of indigenous peoples first arose among Spanish churchmen, as early as 1510, horrified at the cruelty of the New World conquistadors. The "savage" for these Spanish priests was no degeneration from current humanity or even our brother, but in fact our fallen father. Just as European civilization had risen from among barbaric and even savage peoples, along the marches of more advanced states, so should Indians be "reduced" (i.e. "led back") to civilization and the fullness of humanity and not exterminated or enslaved. Before 1763 the British had had little experience of governing a multi-racial empire with a multitude of laws and languages. Spain offered remedies;- moreover the Civil Law tradition behind International Law and sovereignty concepts were a zone apart from British Common Law that kept the United Kingdom in legal conversation with its continental counterparts in the community of nations. Such law and policies could be deployed in the marcher-lands and on frontiers against subjects.

The myth of the Appalachian Proclamation of 1763 is that it created a hard and fast protectorate. True, there was a territory, into which settlers, missionaries, and unlicensed traders were forbidden to traverse, but it is wrong to believe that the protectorate was to be inviolable. What was agreed upon was that there ought to be a native protectorate, not a territory in perpetuity. *The protectorate was primarily over peoples*, for the territory had come under the British sphere of influence and could be alienated. It would be wrong to imagine by the term protectorate the concept as it had become by the time of the Berlin Congress, meaning a country like Bhutan, or Tonga or Swaziland had been. Sir William Johnson the Native Protector himself negotiated a vast cession of territory from Indian leaders with the 1st Treaty of Stanwix in 1768. [383]Thus began the American system of indigenous management and the beginnings of an American indigenous rights regime, which acknowledged the sovereignty of Indians nations as "domestic dependent nations", [384]but sought the alienation of the territories attributed to them by Treaty.

Grey might render frontiers invisible and porous as much as he liked, but he was obliged to place a gloss upon uncomfortable facts to justify the absorption of Australian Aborigines into the main population settlers for the period of their education and trades training. Town life with their own fellows was supposed to provide company and support, as well as to avowedly relieve the frontier of their presence, where European settlement was sparser and more exposed to attack. [385]From his association with his aboriginal friends "Warrup" and "Miago" in Perth, of whom he had made constant companions, Grey was aware that no indigene by him or herself could be a "Man Friday" by himself in the settler environment. They needed their fellows and required sociable labour:-

In order that the work on which natives are employed in the vicinity of towns, should be of the most advantageous nature, it is necessary that it should be productive of benefot both to themselves

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[380] Gierke, Otto, *Natural Law and the Theory of Society 1500 to 1800*, trans. Ernest Barker, Cambridge University Press 1958, pp. 38-39.
[381] Pocock, op. cit., p. 330.
[382] Ferguson, Adam, *An Essay on the History of Civil Society*. pp. 97-98.
[383]O'Toole, Fintan, *White Savage:- William Johnson and the Invention of America*, p. 273.
[384] Chief Justice John Marshall in *Worcester v. Georgia* 31 U.S. (6 Pet.) 515 (1832) .
[385] Grey, George, op. cit., v II p. 387 paragraph 14.

and the Government which employs them, so that it cannot be complained of as a useless expense, whilst at the same time it should be of such a kind as to accord with that love of excitement and change which is so peculiar to this people. [386]

Without any irony the 1920s South African liberal historian Edgar Brookes pronounced that " one of the beauties of the Grey system" was that " the communal spirit was still to a large extent unimpaired" while the indigenous polity was broken up. [387]The entire indigenous society was to change and take its people with it. In that we have the heart of what made Grey a distinctive colonial governor. Furthermore, Grey would permit no legal "pidgin" on the frontiers such as the Select Committee proposed. Finding "simple" ways to bring settlers to justice before indigenes, and devising "with all practical simplicity" the best code of offences and penalties denied the complexity of indigenous institutions in any part of the world. [388]

Codifications of written foreign law were projects the British embarked upon in various possessions after 1763, commencing with Sir William Jones' research into Sanskrit and into the law of Hindu scriptures. Major compilations continued during Grey's own career, such as the codification of the laws of Malta by the jurist John Austin and the political economist George Cornwall Lewis over 1837-38, [389]or the one-man effort by des Voeux a governor of the generation after Grey, who single-handedly codified the laws and *coutume* of St Lucia.[390] The Buxton Committee considered it possible to do the same with unwritten indigenous laws. In so far as it recommended the compilation and application of indigenous codes from oral sources, the 1837 Select Committee radically underestimated the amount of time and effort that would have gone into even constructing a "basic" if not "simple" legal regime of the kind they proposed, that was neither indigenous practice nor British Law. Grey, anyway, who had dedicated much effort to understanding aboriginal institutions, was radically committed to their abolition, and replacement by British legal practice. Every means was a Trojan horse for him to bring about this result. Every indigenous culture was a city destined to fall, that he laid siege to.

Grey also expressly rejected the economic recommendations of the Select Committee Report. Settlers were also to receive inducements for "civilising" and apprenticing aborigines. The Committee members had recommended that no aboriginal person be permitted to contract for service for a period longer than twelve months. [391]Their concerns were directed at covert forms of slavery persisting in British possessions in the aftermath of the *Abolition of Slavery Act* in 1833, and also at the abuses arising from indentured labour, supposed or otherwise. Instead of the seasonal short-term work the Report recommendations allowed aboriginal peoples to take up as jackaroos and farm hands, Grey the military engineer proposed that Australian aborigines be encouraged to labour on road-works as an itinerant occupation, suited to their nomadic nature. [392]

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[386] Grey, ibid, p. 386, paragraph 34.
[387] Brookes, op. cit., p. 97.
[388] Grey, George, op. cit., v II p. 376 paragraph 8.
[389] Austin, John and Lewis, George Cornewall, *Copies or Extracts of Reports of the Commissioners Appointed to Inquire into the Affairs of the Island of Malta and of Correspondence thereupon, G.B.P.P*. no 141, 1838-1839.
[390] des Voeux, Sir George William, *My Colonial Service in British Guiana, St Lucia, Trinidad, Fiji, Australia, Newfoundland, and Hongkong, with interludes*, London, 1903.
[391] *Report* of the Select Committee on Aboriginal Affairs, p. 78.
[392] Grey, George, op. cit., v. II p. 386 paragraph 35.

Roads were to become Grey's nostrum for civilizing any indigenous people. He was to report that Maori had an amazing aptitude for road-building, very little different from the work habits of their extensive horticulture and flax-cutting, [393]and was to impose relief in the Xhosa famine zone for able-bodied young men able and willing to labour on his public works schemes. [394] Grey was a little more light-hearted though in 1840 than he would be in 1857-58. Australian Aborigines,Grey proposed, could be allowed to take their "kangaroo dogs" (ie dingoes) to road works, so that they could take breaks, wander off and hunt as they reasonably pleased, so long as the road was completed. [395]On a severer and more convincing note, he proposed that aboriginal youth undergo initiation and induction into British settler society though apprenticeships, rather than by means of their customary practices. Employment as stockmen or jackaroos such as the Select Committee encouraged, was too seasonal and inconsistent for the purposes of civilization.[396]

Grey's alternative policy relied upon one simple principle:-

> "The aborigines of Australia having hitherto resisted all efforts which have been made for their civilization, it would appear that if they are capable of being civilized, it can be shown that all the systems upon which these efforts have been founded, contained some common error, or that each of them involved some erroneous principle; the former supposition appears to be the true one, for they all contained one element, they all started with one recognized principle, the presence of which in the scheme must necessarily have entailed its failure.
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> "The principle was, that although the natives should, as far as European property and European subjects were concerned, be made amenable to British laws, yet so long as they exercised their own customs upon themselves, and not too immediately in the presence of Europeans, they should be allowed to do so with impunity."[397]

Grey's solution then was to pre-emptively close the frontier, then carry out policy as a *fait accompli*. At the Cape where beyond any black nation lived another, indefinitely, Grey did have to imagine a multi-frontier system. In Australia and New Zealand however, the Australian outback could be pre-empted, and regarded as "open", while in New Zealand over time, the nature of the North Island's geography under settler pressure would allow Maori tribes less and less freedom of manoeuvre.

So as to contribute to this policy debate against the Buxton Report, Grey insisted upon his own credentials. He had lived among Aborigines and made observations of their mode of life and made inquiries of them. They in turn had wounded him for life, with the spear wound in his thigh, which was never to fully heal. They had also assisted his exploration party and himself during his disastrous and fatal expedition in Western Australia, in which he overlanded from Shark Bay to Perth. Grey was also upfront with his Christian credentials. "Closet", "Deistical" writers were particularly condemned for their incomprehension of the intricate system of laws the Australian Aborigines lived under. [398] These, presumably Scottish, deists, were wrong to attribute rudimentary organization to "savages", thereby denying the proof of the intervention of a deity in

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[393] Grey to Earl Grey, 9 July 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 1850* [1136] pp. 190-197.
[394] Grey to Labouchere 25 March 1857 CO 48/ 381.
[395] Grey, George, op , cit. v II p. 386 paragraph 35.
[396] Grey, George; ibid v II p. 381 paragraph 20.
[397] Grey, George, ibid v II p. 373-374 paragraphs 1 and 2.
[398] Grey, George, op. cit., v. II p. 220.

Humanity's Natural History. In his cover letter to Lord John Russell on the Port Louis paper, he insisted that his own "report is founded upon a careful study of the language, prejudices and traditional customs" of the Aborigines." [399] – a claim which he was to make good with the following publication of his *Journals*. The Buxton Report had envisaged aboriginal protection officers of the calibre of William Johnson or Andries Stockenstrom. Such officers would learn the languages and customs of any given people in their care and report back on the employment and training opportunities for these people. Grey had taken the Committee at its word by furnishing such reports and implicitly offered his own version in the place of Stockenstrom's. The officers who were supposed to protect and separate indigenous peoples would rather have a care to ensure their assmiliation.

Grey attributed the dissimilarity and the resistance of the Australian Aborigines not to any of the usual "shapers" of national character such as climate or landscape let alone to "race", but to their laws and institutions. Change their laws and customs and society and one would supposedly civilize the people. [400]

"Again it would be unfair to consider the laws of the natives of Australia as any indication of the real character of this people:- for many races who were at one period subject to the most barbarous laws, have, since new institutions have been introduced amongst them, taken their rank amongst the civilized nations of the earth".

The Port Louis Memorandum was therefore a total dissent from the Buxton Report. It earthed ambient contemporary amalgamationist thought, and proposed a Jeffersonian policy of native administration for the purposes of Jominian strategic management. The question now is to consider how Grey practised this policy and undertook temporisations so as to advance his plans.

[399] Grey, George, op. cit., v. II p. 372.
[400] Grey, George, op. cit., v II p. 377 paragraph 11.

Chapter Six - South Australia
"Measure for Measure":- Grey's Governorship of South Australia 1841-45

There is the "black legend" of Grey, that he was a power-mad tyrant. It depends who is saying this. In the mid 20th century white historians in Australia and New Zealand were saying this. Their emphasis was on how white settler societies developed into successful self-govening dominions. Grey stood in the way of that story.

Then by the 1960 and 1970s, white New Zealand historians starting arguing that in fact Maori and indigenous peoples, not settler elites, bore the brunt of a very real tyranny from Grey. In more recent times again, indigenous historians, political leaders and advocates in South Africa, Australia and New Zealand, along with white historians, have condemned the Grey tyranny towards Xhosa and other black nations of southern Africa, Australian aborigines and Maori.

Yet there are degrees to how angry people are. While in South Africa Grey rates as responsible for genocide, in New Zealand, a current search for the "more human" Grey endeavours to smooth the white pillow of guilt, as Pakeha New Zealanders diminish to becoming the largest minority in New Zealand perhaps by the 2050s. I do not share that desire to find a "more human" Grey- nor do I want to emphasize his inhumanity and denial at the expense of his more "natural" character traits. My attitude is that we can understand him better, by understanding his ideological manoeuverings. Whether restoring him as a public policy intellectual emphasizes his humanity or inhumanity more, it is not my task to say. I am confident though that restoring his "mind" to his policies and decisions, relieves the literal "de-mentia" we have been in, of not knowing why he did what he did. Dementia literally means "loss of mind". So much has been put down to his enigma, his caprice, his moods, his appetite for power, that what we have lost sight of was his rational capacity for power. Still, I can remember going to Auckland in the winter of 1991 and admiring the posters that Maori rights advocates had made of Grey. They had taken one of his busts, blindfolded him for a firing squad, and stated their charges against him. It reminded me of the execution of the Emperor Maximilian in Mexico in 1867, and of Manet's great painting of the event. I rather liked what they had done. It showed the seriousness of the situation that New Zealand lives with from that time.

The rub of the matter is this however. It was Benito Juarez who had Maximilian put to death, by the due forms of Mexican law. Juarez was the first non-white head of state of any nation in the 19th century "family" of nation states of European and European origin. He was a Zapotec Indian, who only learned Spanish at 12. Yet Juarez's racial policy in Mexico of the 1850s-70s towards fellow Indians, was just the same as Grey's, towards the non-white peoples of the British southern hemisphere.

Grey first acquired aspects of his "black legend" when he was Governor of South Australia. Settler propaganda was the source. South Australia was a significant colony. It was intended to be an experiment in the Political Economy of colonization. The two economists closely associated with it were Edward Gibbon Wakefield (1796-1862) and Colonel Robert Torrens (1780-1864). Under Edward Gibbon Wakefield's scheme of colonization, land sales were supposed to pay for the costs of emigration to the colony. Torrens had heroically defended the Baltic island of Anholt in the Napoleonic Wars and commanded a Spanish regiment in the Duke of Wellington's Peninsular campaign against Napoleon and the client regime of Joseph Bonaparte. Torrens was an inventor of the concept of an optimal tariff and he independently discovered the concept of comparative advantage in trade, in 1815, two years before Ricardo gave classic definition to it. A founder member of the Political Economy club, a Fellow of the Royal Society from 1818, an MP 1826-27,

1831-35, he was Chairman of the South Australia Colonization Commissioners, of whom there were nine, two appointed by the Colonial Office, and one to be Resident Commissioner in South Australia.

George Grote the banker and future historian of ancient Greece had also been on the South Australian Association that was founded in 1833. Charles Buller, who was to be Lord Durham's secretary in Canada, was also a member as well as the critic of classical Economics and famous geologist George Julius Poulett Scrope (1797-1876). Grote was to write a History of Greece in multiple volumes that show-cased Greek colonization as the model for Britain- Free Trade, with quick severing of the political connections with the mother state other than those of sentiment. Grote was anxious to show that settler colonization need not be synonymous with mercantalism that so irritated the American colonies before the War of Independence. It is harder to think of any British colony that was more a project of the British intelligentsia, since William Penn founded Pennsylvania; - apart from the abolitionist Granville Sharp's (1735- 1813) settlement of Sierra Leone in 1787, that was meant to be a mixed race haven for freed slaves.

The colony of South Australia consisted of two large gulfs, the larger, Spencer Gulf, to the west, and the smaller, the Gulf of St Vincent, named after Nelson's victory to the east. Kangaroo Island lay at the mouth of St Vincent Gulf, an Australian Isle of Wight though ten times as large. At the 129 km wide mouth of Spencer Gulf lies an archipelago of small islands. That gulf is 332 km long. The York Peninsula divides the two gulfs. A range of ancient mountains runs along the east of the Gulf of St Vincent, from Cape Jervis and up to Burra Burra, where the copper mine began operations in 1843, then also westward back towards the Spencer Gulf, breaking up into several ranges. The southern, eastward ranges near Adelaide are the Mt Lofty ranges, which are only 727 metres high, - the north-western portion are the Flinders Ranges. A third body of water lies to the east down along on the coast, the Lake Victoria lagoon. Adelaide the main settlement lies halfway up the eastern coast of the Gulf of St Vincent on the Torrens River which flows down from the ranges. It is an attractive and impressive country. The marvellously eroded Flinders Ranges not only contain some of the world's most significant fossils. Water management is essential. The climate could be called Californian or "Mediterranean". It was and is a wonderful place to build a utopia, though water supply is a problem. Of all the main Australian cities, Adelaide has the least annual rainfall- just 528 mm p/a, though that is wetter than Los Angeles orr San Francisco, but about the same as Seville in Spain.

Apart from the Mediterranean climate, and the absence of penal colonies, what the colony had to recommend it was its land tenure. Unconditional fee simple without any crown reserves for mining or roads was the revolutionary tenure of the colony. Colonel Torrens' son, Robert Richard Torrens promoted with Dr Ulrich Hubbe the registration of titles rather than of deeds in an 1858 Act of the South Australian legislature which created the Torrens system of land tenure and conveyancing. Robert Torrens also served as premier of the colony and was alected to the British House of Commons after he returned to England.

Adelaide is usually compared with Christchurch in New Zealand as an "English" colony in Australasia. Alas, the old Christchurch is no more, after the earthquakes of 2010-2011. Though both were Wakefield settlements, a subtle difference distinguished them in the mid 19th century. South Australia was a resolutely middle class colony, with a good deal of religious dissent. In fact one of the best books about the history of a settler colony as a "white" settlement, was Douglas

Pike's *Paradise of Dissent: South Australia- 1829-1857.* [401] Christchurch was an Anglican colony that introduced a gentry, even an aristocracy, and even exported a servant, labourers and craftsman class to provide the muscle. It was fast assumed features of life and society later associated with the Kenya planters and ranchers of "Happy Valley".

Rather more bourgeois, South Australia became the ground zero of several utopian projects. Grey brought his own- applying his Port Louis paper to the local aborigines. The settlers had other priorities, such as the land distribution of the colony, and its economy, and the ploughing-back of its land sales funds into paying for infrastructure development and emigration. Wakefield had proposed a South Australian venture originally in 1832. Colonel Torrens had published on it in 1835. The first settlers arrived in December 1836. By 1840 however the colony was bankrupt. It was not just out of curiosity that and Eliza visited it from Albany in 1840. They needed a passage to England, and ships at least called into Adelaide on their way from New South Wales. Albany was a remote and small settlement in the vast King George Sound at which usually only eastward-bound ships stopped after a long traverse of the Indian Ocean, from rounding the Cape of Good Hope. Colonel Sir George Gawler the Governor invited the Greys to be his guests in the vast and unoccupied Government House. Gawler had no suspicion of what serpents he had brought into his home. He was one of those decent Army men of simple aqnd honest faith who are innocent of great guile and suspect no evil from consummate charm or an apparently candid intelligence, particularly when married to a 16 year old girl. Grey reported back to the Colonial Office behind his host's back, that there was public dissatisfaction with Gawler's administration, and inadequacies in his conduct of government.

Sir George Gawler (1795-1869) should have been a man whom Grey revered. Perhaps this shows us what kind of young man Grey really was, along with the great charm, candour and honesty of his expedition *Journals*. He certainly respected Sir William Nicolay on Mauritius. Gawler had came from a very similar Army background as Grey. His family had originally come from Devon, though Gawler himself was born abroad in India, where he had lost his father, an officer there in battle. He was educated at the Royal Military College when it was based at Long Malvern, before it was moved to Sandhurst. So far, his life was like Grey's. At the age of 17, Gawler was nearly killed in the same storming of Badajoz in 1812 at which Grey's father died. Gawler survived to fight in the Peninsular Campaign, and at Waterloo. He became an Evangelical, doing much social and religious work when based in New Brunswick. Before he died, William IV made him a Knight of the Royal Guelph Hanoverian Order, like Elizabeth Grey's father, Sir Richard Spencer, and appointed to the Governorship of South Australia. Thanks to Grey however he was soon to join a particular class of Australasian governor in that period- the class that did not go on to another Colonial Service posting, like Hutt, or Robert FitzRoy in New Zealand or Charles La Trobe in Victoria. [402]

Grey was showing a pattern of turning on governors. First he reported on Gawler after staying with him at Adelaide. He wrote against the Buxton Report policy that John Hutt was trying to carry out in Western Australia. He never turned on Sir William Nicolay his host on Mauritius however. We have no proof or basis yet for supposing that Grey was encouraged by Colonial Office contacts to go to Adelaide and report on Gawler. Gawler was definitely getting into trouble by spending the

[401] Pike, Douglas *Paradise of Dissent: South Australia 1829-1857* Longmans, Green and Co, London 1957. Now available on line.

[402] At least he did not die like Captain Hobson RN in New Zealand in 1842 or Sir Charles Hotham RN in Melbourne in 1855. Australasian Crown Colony governorships could break a man.

South Australian Land Fund to stave off famine- but so did Grey as a governor, and we do not find that Grey was ever materially undermined by a guest, planted in his own household. It is possible though, between his acquaintance-ship with James Stephen the Permanent Undersecretary and his connection with Gairdner, a basis lay for his role as an informer. Definitely the Colonial Office and British Government were getting a torrent of complaints about FitzRoy in New Zealand by 1845, from sources they trusted as well as from the New Zealand Company, the settlers, and settlers' families back in Britain. The simple fact is that Adelaide was a good port to catch a ship from. Ships took advantage of the winds to be blown eastwards along the Australian Bight to South Australia. It was harder to move by sea to Perth. An overland journey to Perth would have been out of the question.

The upshot was that the colony received a 150,000 pound government loan in return for strict economies that reduced expenditure to a fifth. Gawler had no idea of what hit him when Grey and Eliza arrived without warning back in the colony on 10 May 1841. Grey brought the news with him of Gawler's recall, and his own Letters Patent appointing him Governor. He assumed office on 15 May. It was a coup d'etat; and not the last one that Grey attempted.

Leading Australian historians have tried to make sense of the South Australian Grey. The Grey that Grenfell Price wrote about was a heartless, hard and pitiless young man. Douglas Pike's Grey who replaced the benevolent and amiable Sir George Gawler just had to be a contrast. Even Wikipedia's entry is pro-Gawler, and refuses to countenance Grey. Grey's brief though was to make the colony solvent, after its public finances had fallen into disarray.

Yet Gawler had got himself into an incomparable mess. He had spent 174,000 pounds in 1840 when his government's income was just 30,000 pounds. He had been drawing extravagant bills on H.M. Treasury without authorization, and had not presented ways and means bills to his Executive Council. Money was so scarce that Grey rejected an offer of a loan of 10,000 pouns at 12% in promissory notes, and resorted to 3000 pounds from the New South Wales government for immediate needs.

Apart from the expense of official building projects, the costs of poor relief weighed on the bankrupt colony's economy. The South Australian Company Commissioners had arranged for Gawler to employ labourers at reduced wages if they could not find work. By August 1841, 311 men were on relief, some of them running stock and owning property, which, including their dependants came to 1254 people, or of twelfth of the colony's population. This was costying 25,000 pounds a year alone. By October this had doubled. Grey resorted to a workhouse test like those of the British Poor Laws, and compelled able-bodied men to take employment on farms where there was a shortage of labour.

Twice enraged demonstrators invaded the terrace of Government House and threatened the Governor with violence. The danger of a governor beingn turned on by his own settlers lay inherent in 1840s colonial government. Lord Elgin in Kingston, Canada, was to have coach windows smashed and be rougly handled in one incident.

It is time now for two quotes from Shakespeare. The South Australian settlers so resented Grey that the *Southern Star* newspaper protested from *Richard II* on every issue:-

Think upon Grey and let thy soul despair[403]

[403] Southern Star 26 October 1842- 15 February 1843.

That has basically been the patriotic South Australian view ever since. This is one of those railway tracks that Grey biography has been stuck on since the 19th century, like the story of his origins and so forth. There is no contradiction between having a reasonable estimation of George Gawler's leadership and his role in sustaining the morale of the colony, and seeing Grey for his true worth and in his imperial context. The Australians who honoured Grey on his tour of 1891, which culminated in Adelaide, - George Cockburn Henderson, the historian at the University of South Australia historian who was the first academic to write on Grey, had no trouble doing so. Which brings me to my second Shakespeare reference:- Grey's South Australian governorship was a "Measure for Measure" governorship. Grey fast became the "Monster in the Palace" to the population of Adelaide. There is something like Antonio's character in Shakespeare's play *Measure for Measure*. The young Grey did not go so far as the prohibit fornication but he did publish regulations against beating carpets in publics, making nuisance ringings of door-bells, dog nuisances and the like. The stress was tremendous. Stephen from London had to stiffen him to carry out capital punishment. He also called Grey behind his back a tremendous "croaker" (ie complainer) though none was braver.

Grey subjected the utopian colony to dystopian "Animal Farm" measures, to ensure its survival, to sustain the economies that he had to make and bring in the harvest so as to make the colony self-sufficient agriculturally. He found some in the colony still living out of tinned beef from their arrival 5 years before. Grey inflicted a "Year Zero" on it, and transported population in Adelaide to the countryside to work. The unemployed population of the colony was moved out into the fields to bring the harvest in. The colony became a work-house on the out-door relief model. To some it felt like a penal colony.

Grey's relief measures and economies worked. The colony turned a corner. The harvest was brought in, - the colony produced twice as much food as it could consume, and was able to look for expert markets. This was the sort of foundational crisis that Roman history is filled with, in Livy, that Shelley or Byron would have relished having to face if they were in control of human societies. It was the sort of personalised or "decisionist" government that Carlyle was writing about at the same time in his essay on the dictator Dr Francia of Paraguay in 1843. But it does not make for grandiose Australian history. Grey's forced labour policy rubbed it in that in Australia's exemplary free non-penal colony, free men had been forced to labour in the fields to make the colony viable.

The financial crisis took years to resolve, and almost broke Grey, allowing for his histrionics back to the Colonial Office. Despite instructions to the contrary from the Colonial Secretary Lord Stanley, Grey did find himself obliged to draw bills on H.M. Treasury, and present them with further debts. He drew bills in 1841 of 4000 pounds in June, 1500 pounds in August and 5971 in September, and of 5818 pounds for the last quarter. The debts came from the previous administration. Records had been destroyed when the reed huts in which government papers were kept were burned in 1839 and 1841. Of claims for 54,000 pounds, Grey admitted to liability for 38,000 pounds. He satisfied a South Australian Company claim of 13,400 pounds with 12,000 acres of land, paid off another 8,400 pounds in colonial debentures and drew 13,967 pounds in bills to the Treasury. [404]

The darkest moment came in mid 1842 when Stanley informed him that the British Government declined to accept the bills drawn on Treasury. Grey had committed the same offence as Gawler.

[404] Greyt to Stanley (18) 19 February 1842 CO 13/24.

[405]It took a long time for these negotiations to take place. Grey defended himself in January 1841. He asked to be secured against personal liability because he was using his own income to pay for ordinary costs of government. By May 1843, the Colonial Office and Treasury were more forbearing. Only in November 1843 was Grey relieved of anxiety, when the Colonial Office proposed to cover 14,000 pounds in the next estimates. It had been necessary to impose the lesson that governors could not dispose of British Government money as they liked. [406]

Unlike New Zealand, an Australian colony was founded in one spot that became the centre for a polity. New Zealand was a nursery of several colonies that were under one Crown Colony. The Port Jackson settlement which became Sydney, Hobart, the Swan River Colony, all have their versions of this original struggle for subsistence within the Australian environment. This is not the case with the settlement histories of South Africa and New Zealand. Rather, indigenous warfare is the connection between those countries, right down to the British evacuation of Durban in Natal in 1843 and the sacking of Kororerekа in 1845.

For Grey it was lonely and unremitting and friendless work. George and Eliza lost their 5 months old son. It was a household of very young people. It must have occasioned tittle-tattle. Not only was the governor under 30, his wife in her teens, but other youngsters lived there as well. His 17 year old half-brother Godfrey Thomas, the future baronet, joined him in South Australia as his general assistant, and was to remain with him in New Zealand until 1852. 17 year old William Gisborne, dwelt at Government House as a live-in clerk. He was to have a long association with Grey in New Zealand, even serving in his last cabinet in 1879. As head of the household Grey had had to exile one of his troublesone teenage brothers-in-law, strangely enough, to New Zealand in 1843, which he was to be sent himself to govern in 1845. Edward John Eyre born in 1815 was a guest at Government House. This was truly a strange ménage to be running a British colony when men of the calibre of Charles Sturt (1795- 1869) resided in the colony. Sturt had also fought in the Peninsular Wars, and in the War of 1812 in America. He was moreover one of the greatest of the Australian explorers, the discoverer of the Murray River system. He had moreover acted as Commander of the Norfolk Island penal colony. He lacked official favour and backing however, and was too closely associated with the South Australia Company.

Although the colony turned a corner, it is doubtful that Grey and Eliza did after the loss of their son. It can be doubted whether the couple reconciled with the colony in their hearts. It is telling that Grey never wanted to settle there, as he did Western Australia or New Zealand.

South Australia did settle down from 1843 onwards. Grey and the settlers focused all efforts on making the colony viable. Prospecting for minerals went on apace. The Barossa Valley Germans were welcomed after they had abandoned New Zealand. Grey sent the first case of South Australian wine to Her Majesty the Queen in February 1845. Prince Albert gave it a medal. Grey generously supported Charles Sturt's exhibition into the interior, of 1844, to search for pasture lands. Australia had no more experienced explorer, no better expedition leader. Grey had to lead a party of troopers and settlers to Moorunde on the west bank of the Murray River to protect the expedition. Sturt and his men then entered a drought zone, where they found themselves trapped. With the loss of one life, the expedition returned, a costly failure.

Thanks to Sturt's previous explorations of the Murray River, the overlander stock route between South Australia and New South Wales was carrying traffic. Aborigines either attempted resistance

[405] Stanley to Grey (38, 39, 40) 20, 21 June, 1 July 1842 CO 396/2.
[406] CO minute 28 May 1843 CO 13/27.

or slaughtered sheep, when drought or hunger beset them. True to his Port Louis paper, Grey regarded aborigines as British subjects on whom war may not be waged. The settlers were not to take the Law into their own hands. In 1841 Grey forbade the expedition of a private party of drovers under a man named Langhorne on the overlander route. Instead he authorized an official expedition under Major O'Halloran and Moorhouse the Protector of Aborigines and 31 volunteers sworn as special constables. Langhorne's party nonetheless came under attack, with 4 killed, and 2 wounded before O'Halloran and Moorhouse rescured them. Grey refused to issue arms for a vengeance posse. He sent another official expedition of 10 police and 14 volunteers, which was again attacked. Grey proposed to Governor Gipps of New South Wales that armed police accompany all overlander journeys. The cost was prohibitive. Grey then appointed Edward John Eyre as Protector of Aborigines in the Murray River region to be based at Moorunde. Eyre realized that the aborigines attacked livestock because they lacked food themselves, and did what he could to conciliate them, distributing food and blankets as the South Australian colony funhds permitted. Overlander journeys diminished- casualties on both sides, settlers and aborigineswere diminished.

This was a period of impasse in South Australian race relations. 1844 is estimated to be the year when the settler population in Australia exceeded the aboriginal for the first time. Grey sponsored the production of aboriginal dictionary and linguistics by encouraging the work off the German missionaries, Schurman and Meyer. He published his own *Vocabulary of the Dialects of South-Western Australia* in 1841. For the Queen's Birthday in 1844, 700 aborigines accepted Grey's invitation to a barbeque of roast beef and bread.

What makes this period of South Australian history so different from the other colonies that Grey governed, is the constant presence of nature, in the forms of drought, bush fire and locust plagues, and of the venomous fauna of the country, which the settlers had to get used to. The aborigines were at home in that natural environment, disturbed by colonial settlement- the settlers had yet to understand and respect the land that they deemed they had made their own. The agrarianism and pastoralism and viticulture of ancient Europe took time to strike roots.

The settlers unsurprisingly criticized their lone aloof governor as suffering from "self-exaltation". This will be a common complaint about Grey for the next 50 years. Yet Grey's defensive sensse of self-importance found a mirror image in the settler's self-important and frequently pompous demands for self-government. South Australian Company settlers considered they were eenacting the Reform Bill agitation of 1832 against Grey.

"Gentlemen you will be taxed first and represented after"[407] - as Grey told an astounded deputation, which include the young accountant Alfred Waterhouse, who was to become a premier of both South Australia and then of New Zealand, where he settled and joined the nest of Grey's political opponents in the 1870s. It is clear though, that even if he was disliked, Grey had won the respect of many colonists. He had not tried to win their leading families over with gubernatorial entertainments – Grey and Eliza ran to magic lantern children's parties, rather "Governor's Balls" which they found excruciating.

The colony had a prosperous future after Grey. It became the ground zero of the Torrens land tenure system. Colonel Torrens' son, Sir Robert Torrens introduced in 1858 the lan title system whereby the state guarantees the indefeasible right to land tenure of titles entered in s state register. The colony was also of great cultural significance, when the bush ballad as a poetic form was developed in the 1860s and 70s by South Australian mounted trooper jockey and bushman Adam

[407] *South Australian Register* 10 September 1842.

Lindsay Gordon (1833-1870) who was later elected to the South Australian House of Assembly. Gordon, who committed suicide in 1870, was an original "Man from Snowy River'" for his feats of horse riding and horse-breaking. Another remarkable 19th century person whom South Australia produced, who very much represented Grey's own radical legacy to the British colonies, was Charles Kingston (1850-1908) who served as premier 1893-99, and then in the Australian federal cabinet.

South Australia presents a spectacle of almost vegetative growth, and incremental development, amidst a capacity for heady radicalism, that it has not lost in over 175 years. One is reminded of the later parts of the Book of Jonah- the radical prophet living outside of the gates of Nineveh with the huge gourd growing over him. Grey, who was to reveal himself radical in later years, had had the task of resisting that radicalism on his first posting. With some alacrity the Greys left the colony to a phase of tranquil growth in 1845, when the governor was posted to war-torn New Zealand.

Chapter Seven
New Zealand in 1845

The Treaty of Waitangi

The constitutional situation that Grey took responsibility for in New Zealand in November 1845 consisted of a Crown Colony government and native protectorate. It is wrong to think of New Zealand as some pre-empted power sphere all coloured with the Union Jack. This is wrong both in fact and in Law. [408]When Captain William Hobson RN declared at the end of the first round of Treaty signings on 6 February 1840 at Waitangi, "We are one people now" – *He iwi tahi tatou* – what he said was true in fact, - settlers and Maori were to be equal before the Law. What he said was also desiderative, - he wanted the two communities in New Zealand to become one. What form a society or polity of two peoples would take, whether Maori would remain a separate but "equal' people, or whether they would assimilate, was not spelled out in the Treaty of Waitangi. The British genius was to make frameworks for filling in later.

Yet stadialization was the main temporal framework that overlaid those constitutional frameworks. Maori seemed to be in a "both/and" situaton- both advanced and progessive, yet also still discerned by settlers and imperialists as still possessing traits and customs that made a common society let alone a polity with them difficult if not impossible. What was the nature of Maori title to land, was an exhausting question that generations of New Zealand politicians and jurists and offcials have dedicated themselves to. Mark Hickford's *Lords of the Land* is the definitive book on that process. What he also advances in that book is understanding of how Whig constitutionalism and the prospect of a Maori "order" in relation to the political system, came about. [409]

All sorts of ideas were in the air, largely as a result of the press that Maori had had since Cook's time, the high estimation of their intelligence and social organization mixed with fear and healthy respect for their capabilities at war. Edward Gibbon Wakefield considered that the settler and Maori communities would retain their own identities, but that the chiefs could eventually sit in an Upper House, when New Zealand obtained self-government. This is rather like the policy of the Spanish Crown which coopted Aztec and Inca nobles, recognized their imperial lineages and nobility and even granted them coats of arms and Spanish titles. Others imagined that the two

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[408] For the historiography on 1840s New Zealand, leading historians have been:-
Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland University Press, Oxford University Press, 1977.
Adams, Peter, "British Intervention in New Zealand 1830-46" Oxford (DPhil) thesis 1974.
Belich James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, Auckland 1986 .
Belich, James *Replenishing the Earth*, Oxford University Press, Oxford 2009.
Dalziel, Raewyn, "Southern Islands: New Zealand and Polynesia" in Andrew Porter (ed) *Oxford History of the British Empire*, Oxford University Press 1999.
McLintock, A.H., *Crown Colony Government in New Zealand*, R.E. Owen, Government Printer, Wellington 1958.
Morrell, W.P., *British Colonial Policy in the Age of Peel and Russell* Oxford 1930.
Orange, Claudia, *The Treaty of Waitangi*, Allen & Unwin, Port Nicholson Press, Wellington, 1987.

[409] Hickford, Mark *Lords of the Land:- Indigenous Property Rights and the Jursprudence of Empire* Oxford University Press Oxford 2011.

societies would remain practically separate. For the time being however New Zealand after 1840 was to be a colony like Aden, which was annexed by the East India Company in 1841 after a treaty of session. In what is now Yemen, a colony existed at Aden and a protectorate over the inland tribes. It is still the same in 2012. Yemen maybe a republic but it still retains the form of its British rule when a Governor-in-Council legislated for both Aden and the tribes. This second model of protectorate model was the kind of constitution the Ionian Islands had been governed by since 1817. [410] It was from that kind of relationship that the protectorates and protected states of the later British Empire until c. 1970 came from.

To take another example, consider the country that is now known as Ghana. The British bought out a Dutch company on what was called the "Gold Coast" and took over its coastal possessions in 1830. The Colonial Office extended a protectorate over the Fante in the interior. The Fante sought a British alliance against the Ashanti empire. In 1844 a compact was made that the British would grant self-government and independence to the Fante in one hundred years time. However at much the same time as in New Zealand, the British cracked down and defeated the Fante confederation over 1868-1872, supposedly to protect their hegemony on the coast.

The Treaty of Waitangi, first signed on 6 February 1840, then signed by other chiefs as officials took it among other tribes in the country, was not a Treaty of cession. From the British point of view it rather secured permission for annexation. Great Britain annexed New Zealand on 21 May 1840 after (and while still) securing Maori approval. [411]The task of this chapter is to describe the New Zealand "Treaty constitution" at that time, detail the collapse of British government in New Zealand by 1845 and then tell how Grey re-established it.

Government began in New Zealand by seeking at the consent of the people who were to be governed:- the Maori authorities. It was presumed that British subjects who had settled and done business in the country from the 1790s would be glad of the protection of the flag. This long lead-in period before British government was undertaken in New Zealand marks a great difference between Australia and New Zealand to this day. People followed, or had to follow the flag to Australia. The flag rather followed circumstances and pondered its chances when it landed with all the freght of European Law and government on New Zealand shores. 174 years on, the terms on whch Maori are governed can still be negotiable as they were in 1840. New Zealand's early development was that of the Pacific Ocean beachfront, where business custom and pidgin made peoples understood to one another, without the colonial state.

Both the Consul, James Busby's [412]"United Tribes of New Zealand" declaration in 1835 [413]and the Treaty of Waitangi of 1840 had insisted on this principle of securing consent. The Treaty of Waitangi, from its first signings on 6 February 1840 became the instrument by which this consent was sought and obtained for the establishment of British government in New Zealand. To most British settlers, the Treaty and annexation rather concluded a process, dating from the first New South Wales extensions of jurisdiction over British subjects in New Zealand, and from William

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[410] Wight, op. cit., 52.
[411] McLintock, A.H., *Crown Colony Government in New Zealand*, p. 61.
[412] Orange, Claudia, "Busby, James 1802-1871" *Dictionary of New Zealand Biography*, updated 22 June 2007; http://www.dnzb.govt.nz/
[413] Orange, Claudia, *The Treaty of Waitangi*, Allen & Unwin, Port Nicholson Press, Wellington, 1987; pp. 225-226 Appendix 1. The Declaration took place on 28 October 1835.
McLintock, A.H., ibid. p. 24.

IV's assurance of royal protection in 1834. They would have imagined that it closed the door on a process that had been going on since the 1810s, not opened another door.

The Treaty consists of versions in two languages, one in English the other in Maori and three articles in either version.[414] The Maori version purported to be a translation of the English text. The parties to the Treaty were Queen Victoria and the sovereign chiefs of New Zealand. The Treaty in 1840 undertook in the English version under its first article to establish both British sovereignty and government in New Zealand, [415]under its second to guarantee Maori possession and title to their lands forests and fisheries [416]and above all their self-government and autonomy under British government in New Zealand, and in its third, to extend the rights and obligations of British subjects to Maori with the promise that they would be regarded equally under the Law. [417]

The Maori version of the Treaty was distorted from the English text, by the original act of translation itself, by the novel and abtract and comprehensive nature of some of the concepts such as sovereignty, the precise meaning of which was unfamiliar to Maori, and through deliberate emphasis and playing down of various points, so as to obtain Maori assent as quickly as possible. The Maori chiefs present at Waitangi were intelligent and experienced diplomatists and war-leaders. Very few modern white New Zealanders could pass a test on what "sovereignty" might mean in the country now, let alone in 1840, when sovereignty doctrine was apparently intact and at its height.

The Maori version of the Treaty emphasizes that it is British government that is being introduced to New Zealand, the assumption of sovereignty downplayed so as to be virtually invisible, that Maori *tino rangatiratanga* – the absolute autonomy, or the independent chieftainship, of Maori leaders would be guaranteed, and that Maori would be treated the same as British subjects, while no express statement was made in the Maori language that Maori were about to become British subjects. [418] What Maori leaders wanted forr their part was a "Law" in New Zealand, to mediate between all their tribes and between them and the settlers. They desired an authority of high *mana* to protect their rights while preventing another spiral of violence such as the Musket Wars had led to, that had culminated after two decades with the siege and destruction of Kaiapoi in 1831, in the South Island, in a campaign of Ngati Toa against the Ngai Tahu tribe. Maori wanted something like what we might call a UN peace-keeping mission, that would also keep the settlers in order and provide a jurisdiction while allowing them their own self-determination and their own customary practices for resolving disputes.

The basic British achievement by 22 May 1840, when the South Island was annexed, was to pre-empt other powers from annexing portions of the archipelago, and to establish British Crown Colony government over the existing settler communities, mission stations and their lands, and to establish a Protectorate for Maori. French settlers meanwhile persisted in establishing a colony at Akaroa on Banks Peninsula of the South Island.

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[414] Orange, Claudia ,*The Treaty of Waitangi* , pp. 36-43, pp. 255-266 .
[415] Orange, Claudia, ibid., p. 40.
[416] Orange, Claudia, ibid., pp. 40-41.
[417] Orange, Claudia, ibid. p. 40, p. 42.
McLintock, op. cit., p. 59.
[418] Ross, R. M., "Te Tiriti o Waitangi: Texts and Translations" *New Zealand Journal of History,* 1972, 6 (2).

The Treaty presented interpretative challenges during Grey's governorships of New Zealand, in fact during any governorship or under any New Zealand Government to this day. A conversation had began in 1839 between the Colonial Office, prospective New Zealand governors, missionaries, settler leaders and Maori leaders, and various metropolitan pundits, over what government in New Zealand was supposed to be for Maori. This conversation has never ended, even though some of the original participants, such as the Colonial Office, have long dropped out of the picture.

An able and ambitious mind such as Grey's did not refuse the challenge of interpreting the Treaty to suit his policy in New Zealand as he balanced the perils of alienating Maori, against the hazards of offending the settlers. The settlers' bluff had been called though at the Battle of Wairau in 1843, when an armed posse led by Colonal Wakefield on the Wairau Plains of what is now the Marlborough Province of the North East South Island, tried to arrest Te Rangihaeata for disrupting a surveying party. The immediate result of trying to take the law into their own hands resulted in 17 settlers dead, their posse routed, while Te Rangihaeata, "The Tiger of the Wairau" roamed with impunity. Grey knew then in what estimate to hold settler hysteria and threats. New Zealand Company leaders had proven to Maori by 1843 they were unable to use violence against them.

Grey's opinion of the Treaty naturally conformed with the amalgamation doctrine of his Port Louis paper policy. In New Zealand however he officially represented the policy which the Colonial Office had instructed him to observe. Grey was able to carry out his policy so long as he could demonstrate that a system of amalgamation would operate incrementally, work towards a lasting peace, and not involve the British governments in anymore New Zealand wars. As Hickford notes, Grey was chosen to placate the New Zealand Company. [419]The British government in New Zealand was caught in an ideological impasse. On the one hand, the jus gentium rghts of Maori, North American legal precedent annd natve protection weighed Maori heavily in the scales against the settlers. The settlers invoked Emmerich de Vattel, and *their* rights to land. Grey was sent to square the circle and make the colony work.

It would be an understatement then to say that the Treaty then provided a significant basis for New Zealand's first constitutional order. For Maori it was and is foundational. For Pakeha, the British settlers, it was a start,that got the ball rolling. Most of them would not have regarded it as conclusive in itself. As it was not the only basis for British government in New Zealand, - for there was the Crown, the standard institutions of British government, and the annexations of May 1840, it was not paramount to settler opinion, which concentrated on agitation against Crown colony government and on the politics of obtaining a New Zealand Constitution Act. What the Treaty meant and "did" was another matter for them.

Hobson had proclaimed British sovereignty over the entire archipelago, countered all attempts at rival jurisdictions, got the New Zealand Company settlement at Wellngton to strike its United Tribes of New Zealand colours, yet found himself at best an arbitrator between tribes when they went to war. Hobson's position was invidious. He died in office in 1842. Back at the Colonial Office, James Stephen wrote about him:-

This is the reappearence of an old and most intractable problem. An English officer administering a Govt is expected by everyone about him to live in some state. He is ruined if he does. He is despised and unsuccessful if he does not. Here and there appears a man of force of mind enough

[419] Hickford, Mark op. cit., p. 193.

to triumph over the difficulty and at once to govern the province and to live like a common farmer. [420]

Robert FitzRoy the second Governor (1843-45), another Royal Navy man, entirely privatised land purchase and attempted to retrocede the dispersed settler colonies on the North and South Islands and absorb the colonists about the archipelago into Auckland. It was not FitzRoy's first time in New Zealand. He had commanded the *Beagle* on Darwin's famous voyage.

The Crown pre-emption system, adopted from British North America and from the Appalachian Protectorate, nonetheless denied Maori the right to sell their land to whomsoever they chose. [421]The diffculty with native protection is that protected peoples were placed in a wardship or fidicuary relationship with respect to the outer world. Maori were placed in the position that they could sell whatever produce of the land and sea they wished to settlers, - they could deliver timber to them for sale, as they had done since 1792, when such commerce first began, - they could engage in all kinds of bargains and contracts, except that they could not alienate their own tribal land, without the Crown first exercising preemptive right and extinguishing native title, and removing whatever native claims or privileges might remain. Non-Maori land in New Zealand is held from the Crown in fee simple, that is why it is called "Crown land". Whereas there was no saying what land conveyed in an open market might retain – the right to pig runs, claims to mana and the exercise of rangatiratanga and so forth.

New Zealand has lately experienced indigenous protest over native title to the Foreshores. The presumption before 2003 had been that native title had been extinguished by the Crown, though no definite act brought that about. This is a modern example of what indigenous rights might inhere in some property. What was a great macro problem with the New Zealand Government in the early 21st century, was the constant state of affairs for everyone under FitzRoy.

Authorities in Australia were involved with New Zealand, as the colony was subordinate to New South Wales until 1841. The *New Zealand Land Claims Bill* in the latter colony provoked disagreement. Governor Gipps of New South Wales argued that Cook's annexation had extended British sovereignty by right of discovery, the very basis on which the Crown Colony government had **not** proceeded. William Charles Wentworth argued that such right of discovery had fallen into

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[420] James Stephen 23 July 1841.

[421] Martin, William CJ , judgment on *Queen v. Symonds (McIntosh's Case)* ; in Grey to Earl Grey 5 July 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 68:- " I shall content myself with citing two passages from the well known "Commentaries on American Law" , by Mr. Chancellor Kent, of the State of New York. I quote this book, not as an authority in an English Court, but only as a sufficient testimony that the principle contained in the rule of law laid down – and which same principle, with no other change than the necessary one of form, is still recognized and enforced in the Courts of the American Union, is understood to be dervived from the period when the present States were Colonies and Dependencies of Great Britain. "The European nations (says Mr. Chancellor Kent, Vol 3, p. 379) which respectively established colonies in America, assumed the ultimate dominion to be in themselves, and claimed the exclusive right to grant title in the soil, subject only to the Indian right of occupancy. The natives were admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion, though not to dispose the soil, at their own will, except to the Government claiming the right of preemption."

abeyance and Maori could sell to whom they wished. [422] As early as 1819 an ordinance of New South Wales had made crimes committed in New Zealand punishable by New South Wales' authorities. It was this kind of legislation that were the origins of the British Parliament's Foreign Judicature Act 1843. These empowered British authorities to enforce the law in foreigtn territories that were not British possessions. Several of these were passed, until a summary Act of 1898 consolidated them all.

Maori too debated over the meaning of the Treaty. Southern tribes sought Crown pre-emption, northern tribes however had experience of land sales from the 1810s and felt competent to conduct sales for themselves. In early 1846 Grey dismissed the native protectors and acted as his native protector, in a most characteristic dissent against the 1837 Select Committee Report. He then proceeded to temporise over the Treaty, true to the Port Louis paper, applying the model of the Highland clans of Scotland to Maori tribes, approving of the post-Culloden abolition of clan institutions.[423] In time, in his view, Maori tribes would cease to be real social political and economic institutions. His policy would "temporise" to bring about that result.

Yet by 1847 the Colonial Office had to be reminded of the Treaty of Waitangi, even by Grey, who was temporising against it. Louis Alexis Chamerowzov the Secretary of the Aborigines Protection Society insisted on Dr Joseph Phillimore's interpretation of the Treaty. [424]Phillimore was Regius Professor of Civil Law at Oxford University. He had advised the Colonial Office on the Treaty in 1839, and wrote an essay, that was in reality a brief, for Chamerovzow to publish, that insisted on Maori rights. In a coup against the New Zealand Government Act 1846, Grey composed the despatch of May 1847 to remind the Colonial Office of the original purposes and principles of the Treaty exercise.[425] It is not that the Colonial Office did not misunderstand the structure of the colonial system it set up in New Zealand, rather it had lost track under competing agendas of what the specific undertakings had been, what the structure was for. It served Grey's purpose rhetorically to base himself on the Treaty while wanting to move on from it. Circumstances however did provoke regroupings. The British parties to the Treaty, the Colonial Office and the Crown Colony Government found it necessary to "regroup" to consider just what it was they were doing at times.

A New Zealand System?

If by 1853 Lord Grey could deem that a "New Zealand system" existed, that introduced in the Eastern Cape of southern Africa after 1847, then that system could be regarded as a model, by that time that not merely as the product of exceptional New Zealand.[426] The "plan" then of that model sprang from the Treaty of Waitangi and from the 1837 Select Committee *Report* and ultimately on the "family" of segregationist native protection systems such as the Appalachian Protectorate and

[422] Orange, Claudia, *The Treaty of Waitangi*, p. 95.
[423] Grey to Earl Grey 29 November 1848 C.O. 209/ 63.
[424] Chamerovzow, Louis Alexis, *The New Zealand Question and the Rights of Aborigines*, London 1848 . "Appendix to the New Zealand Question being the Opinion Thereupon of Joseph Phillimore, Esq., D.C.L. and Shirley F. Woolmer, Esq., of the Middle Temple, Barrister at Law" Thomas Cautley Newbly London 1848, pp. 1-53.
[425]Grey to Earl Grey 3 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand, December 1847* [892] p. 44.
[426]Grey, Henry George, 3rd Earl, *The Colonial Policy of Lord John Russell's Administration*., p. 253.

the "Plan of 1764". Since the original "Plan of 1764" was far from immobile, and in fact provided for land purchase, the "New Zealand" system as it had operated under the Grey government was a mechanism whereby a steady pressure was kept on Maori so as to effect an end unknown to Sir William Johnson, the persistent amalgamation of an indigenous people. The model had an implicit amalgamationist twist to it, unknown to the Appalachian system.

In the first instance the Treaty of Waitangi and the Maori Protectorate were Buxton Report institutions. The Treaty agreement sought agreement from Maori in the English version that British government should be established in New Zealand for Maori as well as Pakeha under the sovereignty of Queen Victoria. That government would be Crown colony government, administering two governance entities in New Zealand, a British Crown colony and a native protectorate connected by a Governor and Legislative Council of officials. The same "government", or *kawanatanga* would operate in both zones.[427]

New Zealand was not at all exceptional among British colonies in being constituted into two governance spheres under the same administration. Two kinds of protectorate were available to the Colonial Office as models for New Zealand in the 1840s. The first was the native protectorate model devised to enforce the Appalachian Proclamation of 1763, though the basis of that system had commenced with the appointment of William Johnson as the first Superintendent of Indian Affairs in 1755.

The Treaty of Waitangi however most definitely established a native protectorate. If pressure for organized British settlement had not affected Colonial Office policy, and if demand for Maori land had not required British Government in New Zealand to constantly convey Maori land by extinguishing aboriginal title, it is possible that the Maori New Zealand which Grey took responsibility for in November 1845 might have come "under" legislation like the *Foreign Jurisdiction Act 1843*. [428] This might have happened if Maori rejected the Treaty at the outset. Then the British would have confined themselves to the beachheads and carried out a "wait and see" policy. The Fante of the Gold Coast hinterland had become the first Colonial Office protectorate over indigenes that was not a native protectorate in 1830, but they had immediately become subject to the Foreign Jurisdiction Act 1843 once that instrument was available. [429] Yet a Foreign Jurisdiction Act was hardly a solution for land-hungry British settlers. What was the point of going all the way out to New Zealand if not to own land and farm? What Maori wanted however were townsfolk, with a beachfront stores and markets, providing usual crafts and supplies, as well as entertainment, on neutral space. They wanted another class of settler altogether, tradesmen and merchants, and service-providers- not so much yeoman and gentleman farmers in their New Zealand.

A governor of a settler colony that was attached to a Foreign Jurisdiction Act protectorate came to be termed a High Commissioner for the latter territory. New Zealand as we have seen was no longer a Foreign Judicature Act territory after the signing of the Treaty in 1840 and the annexations. A settler colony governor was a governor regardless, though he was supposed to govern the native protectorate through a native protector and native protector's office. Grey was not a High Commissioner in New Zealand, as to become in Southern Africa,.[430] The Governor of

[427] Orange, Claudia, op. cit., pp. 255-266.
[428] 53 & 54 Victoria c. 37 .
[429] Wight, *The Development of the Legislative Council 1606- 1945* p. 62.
[430] Baron, William Malcolm Hailey Hailey, *The Republic of South Africa and the High Commission Territories*, Oxford University Press, London 1963.

the Cape Colony's High Commissionership extended over Afrikaner and Coloured republics as well as yet un-annexed tribal nations and territory.[431] Perhaps the Colonial Office right at the start of their intervention over 1839/40, should have made the distinction, and appointed a Governor who was also a High Commissioner for New Zealand.

Nonetheless the Governor –in- Council was a legislature that could legislate for both a colony and a protectorate. The New Zealand Crown Colony Governor was supposed to provide executive and legislative government for both a colony and its Maori protectorate.

The precursor of the Treaty of Waitangi order can be found mature in the Appalachian Protectorate of 1763 along with all its repertoire of principles. The constitution of a Crown colony, an institution unknown in the 1760s, was to mediate and alter the policy of racial protection in New Zealand. It was no rhetorical flourish when William Charles Wentworth protested in Sydney that the British North American system had been introduced to New Zealand after the New Zealand Claims Bill was introduced in the New South Wales legislature on 28 May 1840.[432] Though intended to be the only purchase of its kind, Sir William Johnson himself negotiated the first Treaty of Fort Stanwix in 1768, which ceded millions of acres to the Crown in New York, Pennsylvania, West Virginia and Kentucky.[433]

New Zealand was constituted as a Crown colony after the Treaty. This then was the *kawanatanga* (government) that Maori were promised. Colonies were recognized to have constitutions before constitutional statutes proper granted them representative and responsible government. *Colonial Regulations*, first issued in 1837, recognized that Crown colonies could be classified according to their constitutional arrangements and anomalies. [434]To list them all, charters, Letters Patent and Royal Instructions for governors, the doctrine of Act of State, existing models of established colonies, agreements with foreign governments, agreements entered into with local authorities, the institutions of a native protectorate, recognition or otherwise of indigenous title in land, were the determinants of what forms the colonial sphere would take in a given colony and of its purported zones of operation.

It is important to understand the Crown Colony constitution because the Governor was not an autocrat on the spot. He was not his own legislator for example. To their great embarrassment

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Benyon, J.A., *Proconsul and Paramountcy in South Africa: the High Commission, Briitsh Supremacy and the Sub-Continent 1806- 1910*; University of Natal Press, Pietermaritzburg, 1980.

[431] Collier, James, *Sir George Grey, Governor, High Commissioner and Premier*, pp. 192-93.

[432] Orange, Claudia, op .cit., p. 95.
Melbourne, A.C.V., *William Charles Wentworth*, Briggs & Co pty Ltd, Brisbane 1932; p.p. 65-66, for Wentworth's advice in 1840 to Maori chiefs in Sydney not to sign the Treaty of Waitangi, and his opposition to Gipp's policy in New Zealand.
Sweetman, Edward, *The Unsigned New Zealand Treaty* , Melbourne 1939 , chapters 4, 6.

[433] O'Toole, Fintan; *White Savage:- William Johnson and the Invention of America* pp. 273-278.
Elliott, J.H., *Empires of the Atlantic World: Britain and Spain in America 1492- 1830* Yale, New Haven 2006.

[434] *Rules and Regulations for Her Majesty's colonial service*, W. Clowes & Sons for H.M. Stationery office, London 1843.

during the Seven Years War the Law Officers of the Crown realized that the governors of Nova Scotia were legislating by themselves, despite old promises from Queen Anne's time that an Assembly would meet. Legislative Councils were invented under the Quebec Act 1774 to enable governors and their governors to legislate properly, without having to convene popular assemblies. This was a necessary innovation in militarily sensitive colonies, or in colonies where the rights of one section of the free population might try and prevail other another group of subjects, or protected peoples.

"We are now one people" Captain Hobson declared at the first Treaty signing on 6 February 1840 – " He iwi tahi tatou". [435] That one people were then divided into two spheres of governance, yet it was and remains debatable whether Maori were in fact British subjects, or whether they rather possessed a simulacrum of British rights and obligations. As Claudia Orange has argued, it was the New Zealand Government, and not the Crown Colony government, that imposed real British subject status on Maori in the late 1860s.[436] Those Maori tribes that fought with the Crown and New Zealand Government in the 1860s and 1870s considered (and still consider) themselves to have been in alliance. They avoid the preposition of fighting *for* the Crown.

Neither the extension of a Foreign Jurisdiction Act nor the definition of protectorate status under international law constituted inhabitants of a country as subjects of the protecting power. Similarly with native protectorates Thomas Pownall insisted in 1764 that the Treaty of Paris and the Appalachian Proclamation of 1763 did not constitute Iroquois as British subjects in that native protectorate. [437] Paul McHugh notes that the assumption of British sovereignty over that latter Protectorate hardly amounted to an "unequivocal assertion" and notes it was never asserted that English law applied in the internal affairs of the Protectorates' inhabitants. [438]

In any event what was called "irresponsible" government was the norm in the 1840s, - no facetious expression, - but a distinction of executive governor-based government proper from "responsible" government which was carried out by ministries selected from colonial legislatures. "Responsible" is the 1820s-60s word for what we would cal "accountable" government. It was however a slogan for local autonomy in Upper Canada from the 1820s, and not invented by Lord Durham, as has been suggested. [439]

Irresponsible government was "unaccountable" government. Accountability is its own governance language in the 21st century. The Crown colony model, which was applied to New Zealand and first defined by the Quebec Act 1774, was neither a "royal" colony, nor a charter colony governed under a charter, nor a proprietary colony. It was "irresponsible", that is unresponsive and not responsible to settlers and non-settlers, whether they were either represented or unrepresented. Native protectors were subordinate to the governors of colonies. The "completion" then, in British terms, of the native protectorate model would require both the annexation of the protectorate into the Crown colony government, and then its segregation within the colony from the settlers. Native protectors of the 1830s and 1840s were not virtual peers of governors such as Sir William Johnson had been in the Appalachian Protectorate, but their definite subordinates, unless as in Andries

[435] Orange, Claudia, ibid., p. 55.
[436] Orange, Claudia., ibid., p. 182.
[437] McHugh, Paul, *Aboriginal Societies* and the Common Law p. 106.
[438] McHugh, Paul, ibid p. 106.
[439] Kennedy, op .cit., p. 490 note to Metcalfe to Stanley, 5 August 1843.

Stockenstrom's case in the Eastern Cape they attained gubernatorial status, and sought to be native protectors with a governor's commission. [440]

America as we are seeing, lies at the heart of New Zealand and South African history. Sir William Johnson's "The Plan of 1764" [441] had a long life even though the *Quebec Act 1774*[442] superseded the Appalachian Proclamation with a new model. Treaty of Waitangi New Zealand owed most to the model of the "Plan of 1764". The 1837 Select Committee *Report* endorsed the segregationist native protection model for the settler Crown colony empire. The Appalachian Protectorate model had been the exemplar. 74 years on from the Appalachian Protectorate, the Buxton Report in 1837 contended with different forces and had to work through the new Crown colony system, of legislative and executive councils, not apart from it. Grey's Port Louis' paper had at least argued the very shortest distance between Crown colony government and indigenous populations outside of the real colony.

It was also contemporary with the moment in American history, when Jefferson's policy of land purchase and amalgamation, had been replaced by Jackson's policy of the appropriation of indigenous lands, and the removal of American Indians to reservations. The Cherokee were removed in 1832 from their lands in the Great Smokey Mountains to Oklahoma. Compared with segregationist native protection on the one hand, and appropriation on the other, Grey's policy then resembled Jefferson's. No less revolutionary than Jackson however, Grey resorted throughout his career to the exploitation of indigenous stress to break native resistance and bring about a decisive amalgamationist event, of the kind that the Ugandan historian Mahmood Mamdani has called the "smashing of peoples".

Although settler rapacity was a problem in any colonial system, the native protectorate model nevertheless encountered far more powerful ideological opponents in settler colonies after the Napoleonic Wars than in 1760s America. For rapacious and unscrupulous settlers encountered an opponent that was also a potential ally, if also a short-term constraint on their demands, and that was the ideology of assimilation, whereby indigenous peoples were to be absorbed into the settler colony and economy. Instead of a contrast between humanitarians who would protect, [443]and settlers who would conquer and supplant, a situation came about whereby would-be regulators assumed the humanitarian language, science and ethnography of the former, and yet also assumed the interest of the settlers, with the agenda of managing native administration for the benefit of settlers.

Populations were to be assimilated into the liberal colonial sphere so as to develop "capacity" or else submit to it, because they were apparently incapable of developing it for themselves. The Evangelical and humanitarian case for long-lasting native protectorates was undermined by the capacitarian and stadial models. Those ideologies overpowered the reaffirmed model of native protection as surely as the American Revolution and Jacksonian native policy overwhelmed the remnants of the British protectorate system. Amalgamation, to use their own language of the 1840s

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[440] McLintock, A.H., *Crown Colony Government in New Zealand*, Wellington 1958, p. 176.
[441] McHugh, Paul, op. cit., p. 105.
[442] 14 Geo. III. c. 83.
[443] Mellor, George R., *British Imperial Trusteeship 1783- 1850*, Faber and Faber, London 1951, p. 249, p. 414, p. 424.
McHugh, Paul, *Aboriginal Societies and the Common Law: A History of Sovereignty, Status and Self-Determination*, Oxford 2004, pp. 121-123.

and 1860s designated both a process that was itself stadial and an end result for stadially-assessed peoples, that had been assessed for their "capacity". A ladder of being, or rather non-being, rung by rung defined the progress of peoples towards full amalgamation up the assimilatory process. Herman Merivale designated these rungs as:- "master and servant", "fellow labourers", "common citizenship" and "intermarriage". [444]He did this while commenting on Grey's own proceedings with the Xhosa people in the Eastern Cape. Merivale, a fellow member of the Liberal Anglican circle, had been Grey's superior, as Permanent Undersecretary of the Colonial Office 1847-59. [445] Although Permanent Undersecretary of the India Office at the time of these footnotes in the 1861 edition of his Oxford lectures on colonization from 1839-41, Merivale was expressly endorsing Grey's policy at the time when Grey was reassigned to New Zealand from the Cape. Merivale's statements are in fact a "lifting" and borrowing of Grey's own stadialized ladder for South African black and coloured development. As we shall see, it was a longer ladder than the hop skip and jump that Maori were expected to make.

"The Liberalism of Capacity" is a modern academic discourse about political values from the age of Grey and Durham and Tocqueville. In his definition of capacitarian liberalism, Alan S. Kahan asks:-

> "What did liberals mean by capacity? Where democrats talked about universal rights (and conservatives talked about historical or hereditary rights) liberals talked about capacity, who possessed it, who might acquire it, and by what means. It was the liberals' emphasis on capacity, and the varied ways in which they defined it, that distinguished liberals from other groups and from each other. The discourse of capacity expressed liberalism's intermediary stance between the dead world of aristocracy and the world of democracy liberals wanted to see born, but not prematurely." [446]

Settlers and indigenes on a frontier were tinder and flint to one another. Yet some settler peoples were more equal than others - capacitarianism and civic "capacity building" in 21st century language, were deemed necessary. "Every settler is a missionary" to indigenous peoples, Whately insisted [447]and Grey reaffirmed in the Port Louis paper, thus marginalizing missionary clergy in colonies. [448]Even for Grey a priesthood of settler believers required tutelage. They were to manage native administration humanely, so as to absorb and not exterminate indigenes and continue Grey's policy. Settlers were to include, not segregate indigenes. They were not to involve Britain in unnecessary frontier wars. For the time being there was to be separation of powers between the executive and legislature. When he departed from New Zealand on New Year's Eve 1853, a responsible government was denied the colony, yet within a year it had been conceded. He was to meet the first Cape Colony legislature in March 1855 however, and ensure the deferral of responsible government. This disposes the myth of Grey's incapacity and reluctance at managing colonial legislatures, which has been given as the reason for why he did not stay to meet the first

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[444] Merivale, Herman , *Lectures on Colonisation and the Colonies*, London 1861, p. 511.

[445]Strong, Rowan , *Anglicanism and The British Empire c 1700- 1850* , Oxford University Press, 2007 p. 273. No references to Whately.

[446] Kahan, Alan S., *Liberalism in Nineteenth Century Europe:- the Political Culture of Limited Suffrage*, p. 6.

[447] Whately, Richard in Francis Bacon *Essays with Annotations* John W. Parker, London 1857, "On Plantations" p. 341.

[448] Grey, George, *Journals* v I. p. 4.

New Zealand General Assembly in June 1854.[449] It was not until 1873 that the Cape was to be administered by its own governments.

Grey's personal constitutional narrative switched codes- he was "bilingually" American, and British. He also knew continental sources. It was but a small step legally and constitutionally from the gubernatorial constitution of colonial America to the Constitution of the United States, compared with the gulf that lay between it and British parliamentary sovereignty. In Grey's scheme, British governorships were to convert into independently mandated executives presiding over responsible ministries and cross that gulf. Those ministries were in time to acquire full control of the Executive, so that the Governor would act on their advice.

Nonetheless constitutional developments had continued in the British Empire since the American War of Independence. Reinforcement and articulation of what Daniel Hulsebosch has called "the monarchical constitution" of the empire continued apace in remaining territories. The reform of colonial administration projected in the 1760s continued with the *Quebec Act 1774* and the *Canada Constitutional Act 1791*. Governors ruled Crown colonies, not royal colonies or charter colonies or proprietary colonies, and were obliged to legislate through legislative councils, and govern through executive councils, instead of meeting with settler representatives. Constitutional development then in the settler colonies of the 19th century came to be one of continued devolution, or a series of abdications from this gubernatorial monarch under the "constitution of the empire", to "responsible" settler governments. This dynamic developed between the late 1830s until the 1850s.

It is vital to observe that our understandings of the language used for these institutions can be ahead of itself. By a protectorate in 1840 the Colonial Office did not meant a protected state such as Swaziland or Tonga, a class of state that survived even into the later 20th century. [450]The *Foreign Jurisdictions Act* , [451]which provided the basis for British rule for protectorates, was three years into the future, [452]while the Fante or Ionian Islands models were inappropriate for colonies of mass settlement. The Berlin Congresses of 1878 and 1884 were 40 years into the future, after which the language for protectorates was standardized in international law among the powers. For the purposes of the Treaty exercise and the impending annexation, Maori "sovereignty" was recognized by the British Government, either vested in the United Tribes of New Zealand that had been proclaimed in 1835, or among the various chiefs who had not been party to that exercise, yet the Treaty did not cede that aboriginal sovereignty, it was instead a consent to annexation in his English version. The Maori version rather emphasized that British government was being established in New Zealand.

A native protectorate was constituted under a Native Protector and a Native Protector's Office under the segregationist native protection model, of which the 1763 Appalachian Protectorate was a prominent example. It was not a reservation, a remnant of lands on which an indigenous people were to subsist, but rather the entire un-alienated property of Maori. Similarly a governor was a "constitutional" viceroy, even if he could hire and fire and go to war or legislate more or less as he pleased, because he ruled through a constituted legislative council, even if it was of his own officials. Taken aback by the advice of law officers in 1755 that the Nova Scotian government was

[449] Morrell, W.P. ,*The Provincial System in New Zealand 1852-1876*, p. 75.
[450] Wight, Martin, op. cit., p. 52.
[451] 6 & 7 Vict. c. 94.
[452] Wight, ibid. p. 62.

unconstitutional, as the governor had ruled alone and without a long-promised Assembly, [453]the Board of Trade and Plantations devised the Legislative Council in the *Quebec Act 1774*, and then invented the Executive Council in the *Canada Constitutional Act 1791*,[454] as the instruments whereby a Crown colony without representative government could pass ordinances and orders in council and other make other enactments, without resorting to actual gubernatorial "monarchy". Thereby "irresponsible" colonial government became responsible to the law as well as became the instrument of British parliamentary supremacy.

Grey and New Zealand Settlers

The settlers were practically the subjects of the Crown colony of New Zealand. They were in no respect subjects of a residual Maori sovereignty or under the authority of chiefs, as Hobson made clear when he ordered the lowering of the United Tribes of New Zealand flag at Wellington in 1840. [455]Their anxiety to obtain self-government and to assert control over native administration and the purchase of aboriginal lands was doubtless heightened by the frequent changes in the actual constitution of Crown colony government they lived under. From 1840 until 1848 they lived under a single Crown colony government divided into two "divisions", a northern and a southern, which became the provinces of New Ulster and New Munster under Grey's Provincial Councils Ordinance of 1851. Settlers then lived in one of two "provinces" with their own Lieutenant Governors and legislative councils subordinate to Grey as "Governor in Chief of New Zealand" and his general council. Wth the legislative councils made two-thirds elective in 1851, [456] that system lasted until 1853 when Grey proclaimed the New Zealand Constitution Act 1852. The two provincial councils ceased to exist, when Grey issued writs for elections to the provincial and central legislatures in 1853.

Grey cannot be faulted for seriously upsetting people's lives with such nominal devices. However a period existed until the first General Assembly met in June 1854 when Grey either governed or had else abandoned the colony, while provincial governments of Auckland, Wellington, New Plymouth and Nelson administered their territories. An "Administrator of the Colony" and not a governor met the first General Assembly, whose request for responsible government was granted in December 1854. The New Zealand Government came into existence with the first responsible ministry in 1856, ready for Grey to enter into "cohabitation" with it for his second governorship in 1861.

Such constant regime change frustrated the politically- minded settlers. They were constantly wrong-footed. From their perspective it could seem like anarchy. The two periods of rule by administrators left the Crown colony government without policy and independent executive control for three entire years. Annarchy however means literally "an-arche"- before the beginning" as well as "no rule" in Greek. The real begnnng for them was the too-long deferred one of responsible government. Actve governors were chaotic primordial beings like the giants in *Genesis* or the Titans in Hesiod.

The earliest New Zealand Company immigrants waited 16 years to govern themselves as a country. Grey was the archaic apparition of arbitrary government to colonial seekers of liberty who would

[453] Wight, Martin, op. cit., p. xxx.
[454] 31 Geo. III. c. 31.
[455] Orange, Claudia, *The Treaty of Waitangi*, p. 84.
[456] Grey to Earl Grey, 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand 3 May 1852* [1475] pp. 18-33.

admit no impediment to their birthright. Yet it must be kept in mind that the "contents" and boundaries of that country were far from settled. There could have been a *La Nouvelle Zélande*. The Caribbean gves sufficient proofs to this day of imperial "island-sharing". The French consolidated their gains on Tahiti instead. The Auckland Islands were for a short while a separate colony of both British and immigrant Maori settlers. [457]It was painfully long before any New Zealand government intervened on Rekohu, the Chatham Islands. Grey's *Instructions* had pre-emptively included the coordinates of eastern New Caledonia in his territory.

Settlers to all intents and purposes governed themselves in (and from) small beachhead communities by force of local public opinion, while answering to the courts and Crown colony proclamations, regulations, imposts and duties. [458]The language of native protection aside, devices such as annexation, the doctrine of Act of state and the institutions of Crown Colony government, were the operational reality of settler Crown colony government. Almost all New Zealand settlers, whether official or private, regarded the Treaty of Waitangi as marginal or irrelevant to the settler colony, even though race relations were the main business of government. Though the terms and observance of the Treaty were of predominant concern to Maori leaders, most settlers regarded it on a sliding scale from a transitory convenience to an impediment to the "civilization" and colonization of Maori. In no way did it primarily constitute their right to live in New Zealand, even if Wellington settlers had been prepared to establish their colony under the United Tribes of New Zealand flag. Settlers did not resort to arms for their "Treaty rights", even though Grey was to eirenically argue that they enjoyed them too. They rather demanded their rights as British subjects. General settler opinion was that British institutions and instruments had superseded the Treaty.

Dissenters to this assumption existed such as the Attorney General, William Swainson, [459]who was subjected nonetheless to exemplary correction by the Colonial Office. [460]He had argued in 1842 that British sovereignty was incomplete over New Zealand because various tribes had not signed the Treaty of Waitangi. [461]Furthermore the significance of the Treaty to Maori did not preclude them from repudiating it. Grey assumed "command" of New Zealand while two wars of repudiation were raging, the Northern War with Nga Puhi (1844-46) and the Cook Strait War with Ngati Toa (1843-47). The Treaty then was incidental to a New Zealand constitution for most settlers. Even the Governor, instructed to sustain obligations under the Treaty, cannot be regarded as "restoring" the Treaty. By restoring New Zealand policy from FitzRoy's expedients, and then as we shall see Earl Grey's instructions, Captain Grey nonetheless intended the entire redundancy of the Treaty system.

Settler leaders took a dissatisfied yet lively interest in such political proceedings as the legislative council sessions afforded them.[462] Apart from agitation on the spot, which Grey did his best to never acknowledge, settler politics retained a metropolitan dimension, as if colonists had never

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[457] *G.B.P.P. 1855 [369] Correspondence Relating to the late Governor Mr Enderby 1854-1855*. Charles Enderby led a company colony on Enderby Island in the Auckland Islands group 1849-52.

[458] McLintock, A.H., *The History of Otago:- The Origins and Growth of a Wakefield Class Settlement*, Whitcombe and Tombs for Otago Centennial Historical Publications, 1949, pp. 350- 416.

[459] Reid, Graeme, "Swainson, William, 1809- 1884" *Dictionary of New Zealand Biography* http://www.dnzb.govt.nz/

[460] Orange, Claudia, op. cit., p. 111.

[461] McLintock, A.H., *Crown Colony Government in New Zealand* pp. 61-62.

[462] McLintock, ibid., pp. 259- 275.

left British shores. The entire New Zealand system was the target of settler discontent, and not just the governors who administered it. That dissent had welled into disastrous attempts to take the law into their own hands, such as the Battle of the Wairau in 1843, when settlers tried to fight Ngati Toa warriors. [463]

As for the handful of imperial officials who conducted policy, Daniel Hulsebosch describes British North America in language that corresponds to the Colonial Office empire and not just the Board of Trade, imperium:-

> "The vision of prerogative power vested in a privileged bureaucracy rather than the gradually developing idea of the supremacy of Parliament, was the imperial agents' mainstay throughout the colonial period." [464]

Grey and his immediate Colonial Office superiors belonged to a privileged bureaucracy, while the clerks at 14 Downing Street too insisted on their gentlemanly quality. [465]Grey's practice of constitutional power in New Zealand was prerogative power inflected through the *Quebec Act 1774* and resulting institutions. The supremacy of Parliament was uncontested for Britons in the 1840s, but that was the doctrine for the United Kingdom, not a colony under the monarchical constitution of the empire as well as Parliament. The Crown colony paradigm defined a colony as a dependency and insisted that its officers answer to the British government and not a local legislature. George Cornewall Lewis and Herman Merivale all insisted on that in their publications, Lord John Russell insisted on the same in 1839 against the representative paradigm of the Durham Report. [466]

In 1847 once the Crown colony government in New Zealand had been re-established, the soon to be knighted George Grey was invited to participate in the Whig and Colonial Office devolution debate. A colonial governor of ability like Grey or Sir Edmund Head in Canada, [467]could be called upon to discuss constitutions as well as manage the politics of colonial devolution, as the primary political agent of a colony. Dispersed though they were about a large archipelago, New Zealand's settler leaders converged on their own metropolitan political patrons and managers as they contested Crown colony government's denial of their "rights of Englishmen". Grey fast became synonymous with the imperium over settlers.

The constitutional debate that mattered most to settlers was not the one about the Treaty of Waitangi, but the devolution of representative government to New Zealand. Once the *New Zealand Company Charter* of 1841 denied the company powers of government, a New Zealand Constitution Bill became the focus of political debate and expectation.

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[463] Orange, Claudia, *The Treaty of Waitangi*, p. 117.
McLintock, ibid., p. 147.
[464] Hulsebosch, Daniel J., *Constituting Empire.*, p. 78.
[465] Buckner, Philip, "The Colonial Office and British North America", in *Dictionary of Canadian Biography v. VIII 1851 to 1860* , Francess G. Halfpenny and Jean Hamelin (eds) , University of Toronto Press, Toronto 1985; p. xxxiii.
[466] Lord John Russell 3 June 1839 *G.B.P.D.* v. 47, 3 June 1839 col. 1268.
[467] Kerr, D.G.G., and Gibson, J.A., *Sir Edmund Head: A Scholarly Governor*, University of Toronto Press, Toronto 1954, p. 83.

No more than in mid 18th century America could one claim that "the prerogative and aristocracy" [468]were intrinsic to the government of 1840s colonial New Zealand and its officers. None the less a gentlemanly elite of imperial agents, Whig, Tory and Radical, were concerned to use both the prerogative and Parliamentary supremacy to bring about a representative government for New Zealand, from which control over native administration was withheld. That aristocratic and gentlemanly elite that presided over the empire, was obliged to be in communication with another gentlemanly elite associated with the New Zealand Company, and with lobby groups such as the Aborigines Protection Society. [469]As far as the New Zealand Company settlers, Auckland merchants and perhaps even beachcombers were concerned, 1840s New Zealand was to be a constitutional enterprise in devolution to a self-governing colony, not the product of a "Treaty moment".

The New Zealand Crisis of 1845

By 1845 British government was in peril of collapse in New Zealand. Grey was appointed to replace Robert FitzRoy. Between South Australia and now New Zealand, he had become the Colonial Office's troubleshooter for sorting out failing settler colonies- Wakefieldian settler colonies to be precise, that required a bit of "tough love". It was a role he identified with- "fixing" the finances of South Australia, "fixing" rebellion and government in New Zealand, "fixing" the Xhosa frontier in southern Africa- and then trying to "fix" New Zealand as it was in 1861, until finally it was apparent to all that he could not fix anything any longer.

The situation he encountered upon landing at Auckland in November 1845 was serious for the Crown colony. Two "rebellions" had broken out, a Northern War led by the Nga Puhi chief Hone Heke Pokai, and a Cook Strait War led by Ngati Toa chief Te Rangihaeata. New Zealand's oldest European town and former capital of Kororareka (which had been renamed Russell) had been systematically ransacked and then destroyed by Hone Heke's forces. [470] Nga Puhi both bombarded and set fire to the town on 11 March 1845, in a disciplined operation that was intended to damage British prestige rather than take life. The British Government had recently come under similar pressure over Natal in southern Africa. Settler conflict against Zulu under their king Mpande (1840-1872) had resulted in the evacuation of Durban in 1843, before the Afrikaners of the Republic of Natalia (1838-1843) accepted British rule, for their own protection. Apart from being contemporaries as colonies, another thing connects New Zealand and Natal. They were both 1840s colonies that were designated as colonies for "Age of Reform" humanitarian ideology. The Treaty of Waitangi was New Zeakland's formative document. The Colonial Secretary Lord Stanley, in 1843, insisted that Natal would be a colony in which there would be the same law for all, regardless of race. Such analogies are typical of the things that relate New Zealand history more to southern Africa, than to Australia.

At the opposite end of the North Island, the Cook Strait War menaced the existence of Wellington. Hostilities had commenced earlier there than in the Bay of Islands, when Ngati Tama began incursions into the Hutt Valley in 1842 and with the battle at Wairau in 1843. Land sales lay at the root of Cook Strait disturbances. Ngati Tama had contested the land commissioner William

[468] Hulsebosch, Daniel J., op. cit., p. 78.
[469] Cain, P.J., and Hopkins, A.G., *British Imperialism 1688-2000*, p. 43.
[470] McLintock, op. cit., p. 184.
Orange, op. cit., p. 118.

Spain's award to settlers of 71,900 acres in 1842. [471] Fighting between Nelson and Marlborough settlers and Ngati Toa at Wairau in 1843 had broken out over a survey that the chiefs tried to prevent. By the time Grey reviewed the situation, land communications to the north and eastwards back into the Hutt across the Tararua ranges, had been cut at Porirua. Warriors ambushed troops and besieged settlers in blockhouses in the Hutt Valley, which then provided the farmland for the pent-up Wellington settlement.

The situation demanded an immediate response so as to re-establish the colony. Grey believed that expediency was expected of him. As British "power" in New Zealand had been compromised by "savages" and by the maladministration of its own officers, a convincing projection of power was required upon both the native protectorate and on the Crown colony population so as to resolve the crisis. Educated British colonial administrators at both the Colonial Office and out on postings could understand such expedient actions as the practice that Machiavelli had termed *ragione di stato*. It must be appreciated however that this colonial "Realpolitik" is not necessarily an opposite to rational principle-based policy-formulation, nor should *Realpolitik* be regarded as a "rule of thumb" resort, as if Grey was just improvising a result. Grey carried out his own version of *Realpolitik* to further the principles of his own policy. "Power" in the Palmerstonian English of the day required an education in its method, purpose and policy to be rightfully projected. Lord Palmerston had always called it "power". New Zealand had been his mistress Mrs Petre's colonial project. Grey had better put it right.

At times over 1845-46, Grey lost the initiative as his strategy and tactics failed him. In no respect however did the circumstances of war and a bitter controversy with missionaries deflect him from the purpose of managing the native protectorate forr himself. Trained to "power" from a military education, instead of the Law or the Classics, Grey was of course far from unique in wanting to practise a colonial *Realpolitik*. Most governors could organize an armed posse or a military expedition, few however could devise peacetime policy and plan violence for the purposes of a *Realpolitik* as Grey did.

What was strange about Grey for the New Zealand settlers arose from the untrustworthiness of his government [472] and from the extent of official favour he enjoyed back in London. For gentlemanly settler leaders, it was doubly frustrating that Grey, forever thwarting their campaign for responsible government, who was no better than themselves in background, should be immune like that. The untrustworthiness lay in more than just double-dealing and craft. They suspected behind it a whole power project which they put down to just his personality. They definitely welcomed the peace he brought back to the country, yet suspected his "philo-Maori" designs and his attempts to deny them power over Maori. A "more human" Grey is a false trail for us. [473] He was a British governor of the age of Palmerston, Napoleon III, Bismarck, Cavour, and Lincoln. He saw himself as a "ruler". "Power" was his business. He understood in Anglo-centric terms better than the settlers just what it would cost to set up and establish such a colony as New Zealand, and assimilate Maori, even if it was only onto a stadial ladder from civic "non-being" to "being".

Policy and not just the disputes between settlers and Maori created the New Zealand crisis because Captain Robert FitzRoy RN (1805-1865) had brought his own government into discredit. Like

[471] Rutherford, *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government*, pp. 100-101.
[472] Wakefield to Rintoul 16 April 1853 *Canterbury Papers*, Edward Gibbon Wakefield Correspondence vol. II (1851-7).
[473] Bohan, *To Be a Hero*, p. 13.

Gawler in South Australia, FitzRoy was a decent, humane and well-intentioned man. He actually came from the aristocracy- the grandson of the 3rd Duke of Grafton, and son of General Lord Charles FitzRoy. They were descended from Charles II by his mistress Barbara Palmer. Robert's half-brother Sir Charles FitzRoy (1796-1858) was a successful governor of Prince Edward Island (1837-41), the Leeward Islands (1841-45) and New South Wales (1846-1855). Robert's maternal uncle was the famous Foreign Secretary of the Napoleonic age, Lord Castlereagh. Alas, FitzRoy perhaps inherited mental illness from his mother's family, for both he and Castlereagh committed suicide. Related to all these able people, he was himself an intelligent and capable man- in the Royal Navy, for which he commanded the "Beagle" on Darwin's famous voyage, and as a surveyor and hydrographer. As the founder of the modern British Met Office, and as a meteoreologist, he too like Grey had an international reputation as a *savant.* As a colonial governor he was a disaster.

FitzRoy had attempted to reform the finances of New Zealand with catastrophic results. He had been obliged to find an alternate source of revenue after replacing customs revenue with self-assessed income and property taxes, which proved to be uncollectable in New Zealand's conditions. [474] He was obviously inspired by the fact that Sir Robert Peel had just reintroduced Income Tax back in Britain, where it had been in abeyance from 1816. With his Land Fund spent on normal expenditure, FitzRoy lacked the money to buy more land from Maori to satisfy the settlers. Undaunted, he proclaimed in 1844 a waiver of the Crown purchase of Maori land to permit speculators and buyers to negotiate direct with Maori chiefs, for a duty of 10 shillings an acre. [475] The waiver was also an attempt to appease speculators' constant lobbying and the demands of some Maori for direct purchase. Not only did this measure only exacerbate the potential for violence between the parties to a purchase, it yielded so little revenue that FitzRoy then had to revert to Customs duties. [476] Arms were the immediate resort for disputes when judicial system was unable to operate normally in the native protectorate, when government was minimal, its offices few and far between, communications intermittent, when the settlements amounted to just beachheads[477] and the "protectorate" began just over a fence, often not far from the shore, not deep in a hinterland, as in 1760s Appalachia. All in all the Crown colony government was destitute, and the New Zealand economy starved of bullion. [478]

The initial confidence from 1840 had evaporated at the Colonial Office that New Zealand would fund itself from land sales and customs revenue after some help from New South Wales and HM Treasury. In the first three years of the New Zealand administration under Hobson and

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[474] FitzRoy to Stanley 27 October 1844 *G.B.P.P*. Papers Relative to New Zealand 1845 [247].

[475] FitzRoy to Stanley 15 April 1844 *G.B.P.P. Papers Relating to New Zealand 14 March 1845* [131] p. 18.

[476] FitzRoy to Stanley 29 September 1844 *G.B.P.P. Papers Relative to New Zealand 11 June 1845* [369] p. 11.

FitzRoy to Stanley 9 April 1845 *G.B.P.P. Papers Relative to New Zealand 21 May 1846* [337].

[477] Darwin, John, " Imperialism and the Victorians:- The Dynamism of Territorial Expansion" *English Historical Review* 1997.

[478] McLintock, op. cit., p. 153.

McLean, G., *Governors: New Zealand's Governors and Governors-General*, Otago University Press, 2006, p. 36 for a less negative appraisal of the constrained circumstances under which FitzRoy worked.

Shortland,[479] the annual expenditure of 40,000 pounds a year had resulted in an 82,000 pound debt. [480] H.M. Treasury largely wrote off that liability, and optimistically provided an annual grant of 7,565 pounds. Under FitzRoy however, the debt once again increased to 75,000 pounds, annual expenditure climbed to 49,000 pounds while revenue shrank to 20,000 pounds, even including the Treasury subsidy. Incomes in the government service were 9000 pounds in arrears. [481] To make matters even worse, FitzRoy compounded his errors by issuing debentures, which he simply presumed HM Treasury would honour. [482] In other words like Colonel Gawler in South Australia, he deliberately accumulated a substantial liability.

There are moments in historical writing when some compassion is allowed those who try to hold office and wield power. FitzRoy's habits of command on the quarter-deck were inappropriate for the demands of New Zealand government. A colony's economy and public finances were not like the weather. New Zealand was not like sailing the "Beagle" through the storms of the Southern Ocean. Intelligent though he was, the fields of cartography and marine mathematics did not prepare him well for administrative job on shore.

For all that FitzRoy was not simply the "Mr Bean" of colonial governors. He was attempting policy of a kind amidst all of his improvisations, for his naval career had convinced him of the merits of the Free Trade cause[483] and introduced him to men of science. FitzRoy lacked the ability to prudently adhere to instructions in the first instance, and then to devise and coordinate policy principles, and conduct the politics of putting those policies into operation. A man of Science and commander of men at sea he may have been, he entirely lacked aptitude for terrestrial government. Grey though had all of those attributes. When the monarchy in the early 18th century devolved government to ministers, what George I and George II were looking for were political "undertakers" in Parliament who would manage the business of government for him. The ideal colonial governor in 1845 was a man like Grey who could undertake the colony of a government and not bother the Colonial Office unduly.

Grey was chosen to replace FitzRoy for the following reasons. As it transpired, he was just 16 days voyage away at Adelaide. No other governor was available in Australia or possessed the array of Grey's qualifications. In the first place, Grey had broughg about the recovery of South Australia's public finances after that Wakefield colony had become insolvent. New Zealand's finances and economy were in complete confusion. [484]Grey had both a military education and experience in subduing insurgency in Ireland. His old regiment the 83rd was a rebellion-suppressing Irish regiment. He was moreover a military engineer, which was helpful in a colonial war in which Maori constructed sophisticated fortresses. A military engineer was trained to analyse and imagine terrain, unseful in an uncharted country. Grey could also help win the peace, once the rebellions were suppressed, because he had devised a native policy that had met with official approval. As as already been noted, he was a choice to placate the New Zealand Company and its

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[479] Anderson, Atholl, " Shortland, Edward, 1812?- 1893", *Dictionary of New Zealand Biography* updated 22 June 2007; http:// www..dnzb.govt.nz/ .
[480] Rutherford, James op. cit., p. 76.
[481] Rutherford ibid p. 76.
[482] Stanley to FitzRoy 27 October 1844 *G.B.P.P*. Papers Relative to the Affairs of New Zealand 14 March 1845 [131] p. 16.
[483] FitzRoy to Stanley 14 July 1844 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1845* [247], Address to the Legislative Council 14 May 1844.
[484] Price, A. Grenfell, *The Foundation and Settlement of South Australia*, F.W. Preece, Adelaide 1924, p. 208.

political backers at Westminster. [485]Grey's political capital from South Australia mattered in that regard. The South Australian Company was also a Wakefieldian project. Although scarcely popular, Grey had managed to get South Australia to turn a corner.

As if this were not enough, Grey brought 6000 pounds in gold with him to Auckland in October 1845, after leaving the South Australian government an I.O.U. for HM Treasury.[486] Grey had been hoarding specie in South Australia. In that very year he had insisted on being paid in bullion for the 20,000 pounds (at 1 pound an acre) concession for the copper ore-rich Burra Burra claim. He then prevented the South Australian Land Fund specie from circulating. [487] Ultimately, Grey was at least as expendable as FitzRoy had been, if he should fail. If the grandson of a duke could be recalled in disgrace, then the step-son of an obscure country clergyman- baronet was both "provincial" and "Army", with all to gain, and everything to lose. Grey was doubly disavowable, both as a man on the make and as a governor who had to take responsibility for devising policy in the field in emergency conditions, operating as his own commander-in-chief. His rank was only that of a captain of infantry. The War Office would not back a mere captain. Governors General of Canada were either noblemen or could be enobled and should they had to endure squabbles with fellow peers once they returned to England, like Lord Durham did, they put up with them on equal terms denied to lesser men.[488] Australasian Crown colonies were never so exalted; - the penalty was disgrace if a governor failed. [489]

Had FitzRoy been a governor at whose touch every institution and policy catastrophically failed? Official blame aside, New Zealand government presented extraordinary circumstances that menaced Grey, as they had Hobson and FitzRoy. The New Zealand colonial government's predicament from 1840 was as its inability to finance itself so that it could support the native protectorate, as well as maintain its Crown colonial establishment.[490] It needed to purchase land from Maori to sell on to settlers and obtain revenue, yet the persistence and pressure of that demand had provoked a crisis of confidence among Maori, who either believed that their land would be eventually confiscated for settlement.

For the first time that right had come under pressure from a government revenue-gathering engine, that needed to buy land for the sake of buying land as a regular outcome year in year out. The sporadic and occassional purchase of land arranged beween parties who had come to know one another- tribal leaders and a merchant, a missionary or a farmer- gave way to an ongoing harvest of the land itself. Shrewd Maori leaders realized that their trrirbal kands were the resource on which the British government in New Zealand was premised. Otherwise Maori felt dissatisfied at the administration of land sales and at the disputes that arose, from direct or government-mediated purchase.

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[485] Hickford op, cit., p. 193.
[486] Pike, Douglas, *Paradise of Dissent:- South Australia 1829-1857* , Melbourne 1957, p. 303 .
[487] Pike, ibid p. 302.
[488] Martin, Ged, *Lord Durham's Report* p. 32.
[489] William Bligh and Sir Thomas Gore Browne were reassigned to previous spheres or levels of action. Bligh returned to naval service while Browne was posted to Tasmania and Bermuda. He had governed only St Helena before New Zealand.
[490] FitzRoy to Stanley 15 October 1844 *G.B.P.P. Papers Relative to New Zealand 12 June 1845* [369] p. 28.

Many though not all members and hapu of the Nga Puhi tribe of the Bay of Islands had been disaffected at the dampening effect of customs duties on previously free trade ports and roadsteads, such as the port they had protected at the town of Kororareka since the 1820s, renamed Russell after the Colonial Secretary in 1840. [491] Hone Heke memorably remarked that when Grey arrived that the Treaty of Waitangi had turned out to be a "rat-trap" – *he rore kiore*. [492] Heke could afford to fire the oldest settler town because trade had fallen off. The Treaty system had commenced amid much suspicion, rather than in high hopes. By 1845 those suspicions had been confirmed for Maori, and also for some settler leaders, who believed that the British government should not have intervened in New Zealand beyond asserting a protectorate to exclude the other powers.

Grey's first New Zealand coup had been to raid the South Australian Treasury. Grey well might have volunteered from Adelaide a plan of action for New Zealand to the Colonial Office, or at least intimated his readiness to attempt the New Zealand governorship. Even though voyages could take 4-5 months between Great Britain and Australia, Grey had all of 1845 with ever worsening New Zealand news and rumour reaching the St Vincent Gulf, to send an energetic proposal. Bullion retention and demands for bullion in the local economy would have been politically difficult actions for any colonial governor. He obviously had nothing to lose; and had a green light.

Demanding cash in payment for a mining concession and retaining Land Fund specie were perfectly legal actions, but they would hardly endear him to the local community. Grey if he wanted to, could not have wished to buy a sheep station and settle in South Australia after that, like he had wanted to do in Western Australia. In this case his demands aggravated feuds with the local banks and alienated business clients. [493] No one has argued any other purpose to this hoarding of bullion, which so disrupted the local economy and the wool receipts for 1845/1846, let alone for transportation to New Zealand as a war chest. Private correspondence no longer exists and is unattested. When Major Robe arrived to replace Grey in 1846, he withdrew the entire Land Fund from the banks and deposited 42,000 pounds in a vault under guard. [494] South Australian business was crushed. That Grey took 6000 and not 4000 or 10,000 pounds implies that he was on the receiving end of an information system terminating at H.M. Treasury that had arrived at an estimate, a process entirely beyond his resources in Adelaide.

Once Grey got settled in at Auckland, a second round of coups assaulted both the missionary interest and the Native Protector's Office, a two-headed monster in Government House reckoning. [495]By May 1846, Grey had deprived the missionaries of any pretensions to an entrenched political role in New Zealand. The Church Missionary Society had maintained permanent mission stations in New Zealand from 1814. Certain missionaries had accumulated decades of experience in New Zealand affairs and expertise in the Maori language. Theirs were the first settler families. [496]Church establishment however was unknown to the New Zealand constitution from the first signing of the Treaty, [497]although it was the Church of England was the established church of New South Wales

[491] Orange, op. cit., p. 118.
[492] Grey to Stanley 9 February 1846 (20) G.B.P.P. 1846 [690].
[493] Pike, op. cit., p. 303.
[494] ibid p. 303.
[495] McLintock, op. cit., pp. 199-201.
[496] McLintock, ibid., pp. 11-12 for the 1814-1817 period.
[497] Orange, op. cit., p. 53: - Hobson had the following statement announced on 6 February 1840 "The Governor says the several faiths of England, of the Wesleyans, of Rome, and also the Maori custom, shall be alike protected by him."

and of the Cape Colony. Methodist and French Roman Catholic missionaries had also arrived before the Treaty of Waitangi and made conversions. Hobson and FitzRoy both occasioned consternation by attending Methodist services. Grey as an Anglican however was determined not to be available to the C.M.S. interest. He was moreover a Liberal Anglican and not an evangelical as the C.M.S. missionaries were. [498]

Archdeacon Henry Williams suffered under Grey's allegation that his letters were part of a treacherous correspondence that Grey had recovered in part at the capture of Ruapekapeka pa in 1845. Grey had declared that he had destroyed them, when he proclaimed an amnesty for both Maori and Pakeha rebels. [499] That declaration cast an aspersion on Williams' reputation, which he could never remove. He had either not taken a copy in a letter book, or else had written things that could be well misconstrued. In the Grey version of New Zealand's ills, Williams was the instigator of a missionary faction that compromised British rule of New Zealand's native protectorate.[500] What lent plausibility to such accusations was that missionaries of various faiths had involved themselves in indigenous unification and state formation movements throughout the Pacific. Missionaries had formed alliances with Pomare I on Tahiti, with Kamehameha I on the Hawaiian islands, with George Tupou I on Tonga and with Cakobau in Fiji. From Auckland the Catholic Bishop of New Zealand Jean-Baptiste Pompallier organized his own sub-imperial schemes for France. [501] Just as in the Middle Ages, the clergy sought to provide political advice and administrative services for the new Pacific monarchies. Grey's insinuation was not only that C.M.S. missionaries desired control of New Zealand's native protectorate but that they could well support indigenous state-formation that was opposed to the interests of the British government and of the settlers.

For its part, the Native Protector's Office was a feeble and under-funded department, even allowing for the condition of the FitzRoy administration's finances. The Rev. George Clarke had nevertheless diligently performed its duties together with his son and Henry Tracey Kemp the son of fellow missionary James Kemp. Grey alleged that the office was mismanaged,[502] that Maori did not trust the Clarkes, [503] and that it was not establishing schools and hospitals, a deficiency that he was to remedy with show-case institutions. The department was accordingly re-structured, salaries were reduced for providing "really practical benefits". When Clarke declined the post of Native Secretary at a reduced salary, Grey assigned it to his own private secretary, Lieutenant J.J.

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[498] McLintock ibid., pp. 34 -35. On Exeter Hall and the C.M.S..
Hilton, Boyd, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795- 1865,* Clarendon Press, Oxford 1988; on Exeter Hall p. 206, p. 270, pp. 285-286.

[499] Government Notice 23 January 1846 *G.B.P.P* 1846/ 448 p 17.

[500] Grey to Earl Grey 10 February 1849 *G.B.P.P.Further Papers relative to the Affairs of New Zealand* July 1849 [1120] p. 72.

[501] Faivre, Jean-Paul, *L'Expansion Française dans le Pacifique de 1800 a 1842* Nouvelles Editions Latines, Paris, 1953. p. 441, p. 455, p. 459 p. 479.

[502] Grey to Stanley 3 June 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand June 1847* [837] p. 5.

[503] Grey (45) 10 May 1846 NZ-G 9.

Symonds.[504] Grey had become his own Native Protector. [505]Thus began the absorption of Maori New Zealand into the Crown colony administration. It is necessary however to nuance the disapproval that Grey had for Clarke. Clarke was no absolute native protectionist, as his opposition to the Attorney General William Swainson's proposals for native districts in 1842 proved. [506]He believed that legal integration could be deferred by means of coopting the chiefs into deliberative councils to consider claims. The last resort that Grey would countenance was however to establish the chiefs as a class. [507]The trend of his entire policy was to diminish their influence, in whichever colony he was posted.

Moreover, Grey cultivated a feud over land sales with the missionary interest. Grey accused Henry Williams, Clarke, Kemp and other missionaries associated with the FitzRoy regime of advising his predecessor to waive the Crown right of pre-emption and then of taking advantage of the waiver for their own interests. [508] In the Port Louis paper Grey had insisted that every settler was a missionary, just as Archbishop Whately had declared. We may regard this hate campaign (for what else was it?) as Grey's first Harringtonian intervention in New Zealand against large estates. In Harrington's book "Oceana" of 1656, a ceiling was to be imposed on the amount of property any one landholder could own. 3000 pounds was the limit to the revenue derived from property. This allowed a gentry but not a great aristocracy, or "squattocracy". In South Australia, Grey had done all he could to prevent squatters from taking up the land as they had done in New South Wales. In New Zealand, he began his first administration targeting the missionaries' private landed base, and later on attacked the Canterbury Association's land sales policy.

Grey sought to obtain control over New Zealand's Native Protectorate at the first opportunity. Missionaries and the Native Protectors stood in the way. The lack of factual basis to his claims has always been commented on, regretted by his admirers, otherwise condemned outright, yet this feud's purpose was directed at assigning war guilt and destroying his victims' political standing. In the so-called "blood and treasure" despatch[509] to the Colonial Office, a vicious circle was attributed to the missionaries. It was they who had persuaded FitzRoy to waive Crown preemption, they had greatly benefited from a policy that had brought about New Zealand's wars. In this analysis, direct Maori-to-settler land conveyances had provoked disputes that were beyond the resources of the legal system to handle, and soon turned into open violence.

While it would be wrong to imply that the legal system abetted the governor's policy, the courts provided Grey with arenas in which to fight the missionaries. Chapman's judgment in *Queen v J.J.*

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[504] Grey to Earl Grey 4 February 1847 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand June 1847* [837] p. 92.
[505] Dalziel, Raewyn, "Southern Islands: New Zealand and Polynesia" in Andrew Porter (ed) *Oxford History of the British Empire*, Oxford University Press 1999, v. III p. 581.
[506] Minutes of the Executive Council, 28 December 1842, *G.B.P.P. Papers relative to the Affairs of New Zealand* 1844, [556] Appendix p. 457.
[507] Ward, Alan, *A Show of Justice:- Racial "Amalgamation" in Nineteenth Century century New Zealand*, University of Toronto Press, Toronto 1973, p. 85.
[508] Grey to Gladstone 25 June 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand July 1849* [1120] p 78.
[509] Grey to Gladstone 23 June 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand June 1847* [837] p. 32.
Grey to Gladstone (private) 25 June 1846 , *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 1848* [1002] p. 106.

Symonds found that Grey's private secretary had the "best title" to land which McIntosh a clerk in the Survey Department had purchased directly during the waiver.[510] The New Zealand judiciary was no accessory of government however, for the Supreme Court found for the missionaries when Grey demanded the surrender of their grants, using the "best title" doctrine of *Queen v Symonds* against him.[511] Nonetheless the Judicial Committee of the Privy Council reversed that decision and gratified the Governor.[512] The Church Missionary Society dismissed Williams from their service after 26 years. [513]Personal resentment on both sides explains only so much. The fault of the missionaries for Grey was that they were opponents of his native policy and furthermore suspect for building a property base, which Grey interpreted politically.

Grey's most egregious actions however were against the inhabitants of the native protectorate and not their supposed protectors. He sought to reconcile yet also to inflict exemplary punishment. Apart from the advantage taken of the defenders' sabbatarianism, [514]Grey presided over the capture of Ruapekapeka Pa on 11 January 1846 with all appearances of clemency and diplomacy towards his adversaries.[515] The pawas commanded by Heke's ally Kawiti. Grey along with Commodore Sir Everard Home, and Colonel Despard, and their Maori ally Tamati Waka Nene, a Nga Puhi chieftain the led the first colonial armed force in New Zealand to penetrate the forest and lay siege to a Maori pa, that had been built to withstand bombardment. The expedition was prophetic of New Zealand's future for the next 30 years or more.

Ruapekapeka ("Bats' Nest Pa" in English) had been held by 500 Nga Puhi defenders armed with muskets, double-barrelled shot-guns and two cannon. The pa lay inland from the Bay of Islands in Northland up from the Kawakawa River. The defenders could fire through loopholes from the trenches. Dug-outs, trenches, tunnels and earth-covered huts withstood bombardment with three 32 pounders, two 18 pounders and three 12 pounders and four mortars. To shorten the siege, Grey and Home took advantage of a prayer meeting on Sunday 11 January 1846 that was being held in the bush adjacent to storm the pa. Grey could afford to be magnanimous in settling the Northern War. He even refrained from replacing the flagstaff that Heke had felled at Kororareka, allowing his ally Tamati Waka Nene to erect one only across the channel at Waitangi.[516]

Grey commenced his review of the Cook Strait War in the same tentative spirit. He spent the months of February until April 1846 in that region, familiarizing himself with the military situation and the causes of disputes between Maori and settlers, professing himself convinced of Te Rauparaha's good faith despite the continuing hostilities of Te Rangihaeata's war party. Returning to Auckland and relying on the presence of British troops to deter further attacks, Grey was alarmed to learn that Te Rangihaeata's ally the Wanganui chief Te Mamuku had assailed

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[510] *Queen v. Symonds (McIntosh's Case)* in Grey to Earl Grey 5 July 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 64.

[511] *Queen v. Clarke 24 June 1848.*

[512] Earl Grey to Grey 30 July 1851 conveying the Order in Council July 1851 New Zealand National Archives-"Governor" 1/19 (1849-1851) Moore P.C. 77-85.

[513] Rutherford, J., *Sir George Grey K.C.B. 1812-1898: A Study in Colonial Government, Cassell, London, 1961*; p. 140.

[514] Rutherford, ibid. p. 90.

[515] Grey to Stanley 22 January 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 29 June 1846* [448] p. 14 .

[516] Frederick Patten to Governor Grey 8 March 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] p. 12 .

Boulcott's farm on the Hutt Valley on 16 May. Having lost control, Grey determined to reassert it. Under suspicion of having abetted Te Rangihaeata, Te Rauparaha was kidnapped by a landing party at Plimmerton at daybreak on 23 July and brought to HMS *Calliope*.[517]

A mixture of his own presumption and rumours from Waikanae and Otaki chiefs convinced Grey of Te Rauparaha's complicity in the revolt.[518] Grey was under pressure to obtain a decisive result after losing tactical initiative during operations in July. He attempted to prevent the forces of Te Mamuku and Te Rangiatea from joining. The boilers on board paddle steamer HMS *Driver* had burst, while the crew of HMS *Calliope* had been unable to land troops at the mouth of the Ohau River on account of the high surf, the intention being to intercept Te Mamuku.[519] Following the capture of Te Rauparaha, Te Rangihaeata abandoned his defences at Pauatahanui on 1 August after British forces, troops, militia and allied Maori caught it between their positions on the inlet and in the rear from the Hutt Valley.[520]

Te Rauparaha's "arrest" and detention at Government House caused a sensation amongst Maori.[521] Charges were never brought. Grey had shamed one of New Zealand's greatest chiefs in a calculated mana-breaking exercise. The institution of chieftainship had been challenged for the first time by British authority. Grey's action brought about protest, dread and resentment, yet had apparently asserted the prestige of the governorship amongst the mana of chiefs. Whether it really had or not, Grey did not wait to find out as he began to conciliate tribal leaders, even travelling with as small and vulnerable party as possible.

Judicial murder he reserved for another victim however. The chiefs Te Waireaitu and Te Rangihaeata, half-brothers of Te Mamuku had been captured at Pauatahanui. Te Waireaitu was brought before a court martial at Elliott's Stockade, Porirua, charged with having taken up arms against the Queen and also with taking part in a rebellion against British forces. Pleading not guilty to the first charge and guilty to the second, he was found guilty of both and summarily hanged on 17 September. Tried on the same charges, Te Rangiatea was found to be insane and sentenced to confinement at the Queen's pleasure, during which he died.[522] For these actions Stephen thought fit to caution Grey, while approving of the general result.[523] Te Rangihaeata and Te Mamuku the main protagonists of the Cook Strait War went uncaptured and unpunished. The results of Grey's *Realpolitik* were that he had made examples of the weak and unsuspecting, while showing restraint and respect towards the main protagonists of both wars. Thereby he had established himself as the dominant personality in Maori politics as no governor had done before.

As for Grey's executions, his idol Thomas Carlyle had had this to say about Dr Francia the dictator or El Supremo of Paraguay:-

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[517] Grey to Gladstone 23 July 1846, 31 August 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] Enclosure 2 in No. 34 p. 44 Major Edward Last to Governor Grey.
[518] Grey to Gladstone 20 July 1846 CO 209/45 Military No. 76, fos. 32- 37b.
[519] Grey to Gladstone 21 July 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] p. 40.
[520] Grey to Gladstone 31 August 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] pp. 44- 48.
[521] Grey to Earl Grey 24 December 1850 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 7 August 1851 [1420] Enclosure 6 in no 46 p. 102.
[522] Grey to Stanley 23 October 1846 CO 209/ 45.
[523] Stephen minute 4 May 1847 CO 209/ 46.

"Our lonesome dictator, living among Guachos, had the greatest pleasure, it would seem, in rational conversation, - with Robertson, with Rennger, [*Note- these were foreign travellers to Paraguay who wrote about Francia*] with any kind of intelligent human creature, when such could be fallen-in with, which was rarely. He would question you with eagerness about the ways of men in foreign places, the properties of things unknown to him; all human interest and insight was interesting to him. Only persons of no understanding being near him for the most part, he had to content himself with silence, a meditative cigar and cup of mate. O Francia, though thou hadst to execute forty persons, I am not without some pity for thee!" [524]

For Grey we may feel the pity we would have for any person torn by dogs. But that was the kind of power- talk from 1843 that solaced him on his frontiers and marcherlands. The paficication of the Northern War had shown in him a sheer enjoyment at being among Maori, and at meeting and working with Maori leaders. Perhaps the circumstances of the South Australian posting had inhibited the freer association he used to hav with aborigines at Albany and about Perth. In the Wellington region however, severity and ruthlessness characterize his actions. Te Rauparaha might well have been the Gordian knot he felt that he had to slash to turn the situation to his advantage, but the judicial murders at Porirua of the chiefs captured at Pauahatahanui are an appalling crime. We can understand why Grey might have felt that he and Te Rauparaha were in a close dark place, each man fighting the other that desperate winter. Grey could not afford to lose control, and yet he had already lost the initiative once. But Te Waireaitu and Te Rangiatea made it clear that the Governor would see to it that "rebellious" chiefs paid with their lives. It is as if he made examples of the weak to exhibit the captive Te Rauaparaha all the more.

The Intellectual in Action

So was Grey an apparent success because he was a man of action and energy or because he had a mind and a policy? He was not a single-minded ideologue. He was a sensitive and often opportunistic code-switcher who could enter into the alterate mental universes of ideological operators and- so he thought- into indigenous mindsets. That was what inductive logic was for- to create a system for reasoning trascendentally between ideologies. As Hickford notes, he took both sides of an argument. [525] To build on this insight, one may propose that he strategically worked a problem through by occupying contrary positions- rather like the pontoons that military engineers must erect across rivers. His combinations, no matter how temporising- for that was what they were meant to be- an entire colony was a Potemkin's village- were never merely mish-mashes, but in fact attempts at strategic preemption. Out of that an ideological practice emerged for colonial government,that in turn served to authorize and legitimize the inventive ideologue, who was the governor. That then is the secret of Grey's success.

Hermeneutics were around in those days. Philosophers such as Emilio Betti, Hans-Georg Gadamer and Paul Ricoeur have identified "Romantic" hermeneutics as an historicized "objectifying" practice of interpretation in the 19th century. Gadamer and Ricoeur define Romantic hermeneutics, which they consider phenomenological hermeneutics to have supplanted, to be intentionalist. Over great distances and through despatches and parliamentary debates, Grey has to be an attentive and alert interpreter, operating in a constant a time-lag. More ominously, Paul Ricoeur identifies in "The Political Paradox" (1957) the fact that the pure technique of government is represented by

[524] Carlyle, Thomas, Critical and Miscellaneous Essays v IV Chapman and Hall London 1899 pp. 319-20.
[525] Hickford op. cit, p. 198.

Machiavelli. Machiavelli as we know was an arch code-switcher- and beyond ideology. Ricoeur argues that is the basis for our respect for Machiavelli. That insight is consistent with Rousseau's identification in the *Social Contract* of the seperation and relative automy of the state apparatus. Critique, educational dssennsus, public reason, political philosophy, the Law, should serve to tame and limit pure State technique.

It could well be though that in a clever ideologue of ideologies such as Grey was, hermeneutics encounters the tragedy of its limit, before a Machiavellian operator who mimics the dialogical hermeneutical practitoner and negotiator. If that is the case then, we have identified Grey as a clever sophist. And the sophist in Plato's dialogue *The Sophist* is one who vanishes into the mimetic mirror of his own political language. He must be hunted down, the mirror sectioned, and divided argues Plato, until the sophist is traped and caught. This then must be our procedure wth Grey.

The "Official Mind" theory imagined cogent imperial bureaucrats governing the Empire rationally and consistently and more or less according to plan. The "Official Mind" is inadequate for explaining Grey's period as a governor. [526] Grey might have had an "Official Mind" or thought he had, but did he share that with the entire Colonial Service? [527] No. James Stephen did confess to Lord Howick, the future 3rd Earl Grey:-

> "It would be a very arduous task to vindicate the best of our colonial schemes of Government on the principles of political philosophy. All that can be said for them is, that they are as good as Parliament will sanction and the Colonists will accept."[528]

That remark however dates from 1836, before the movement towards colonial devolution got underway. It refers to the permutations of Crown colony government. The Colonial Office did go on to develop constitutional policy and consider schemes of native administration. Draft constitutions were altered by the Parliamentary process and settler politics and by the exigencies of indigenous affairs. Principle was modified by process. Process was informed though not dictated by principled policy. The Colonial Office show-cased "best-practice" policy and empirically assessed its practice abroad. Just as embarrassing and inconvenient as the Durham

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[526] Robinson, Ronald, and Gallagher, John, with Denny, Alice, *Africa and the Victorians:- The Official Mind of Imperialism*, Macmillan, London and Basingstoke 1981, pp. 4-5, pp. 463-464.
Cell, John Whiston, *British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process* pp. 38-39, pp. 127-128, p. 135, p. 209.
Hyam, Ronald, " The Primacy of Geopolitics: The Dynamics of British Imperial Policy, 1763- 1963" in Robert D. King and Robin W. Kilson (eds) *The Statecraft of Imperialism: Essays in Honour of Wm. Roger Louis*, Frank Cass, London and Portland, Oregon 1999, pp. 27- 52, see pp. 34-37 for his modelling.
Hyam, Ronald "The Colonial Office Mind 1900-14" in *Journal of Imperial and Commonwealth History*, VIII 1979, pp. 30-55.
Young, D.M., *The Colonial Office in the Early Nineteenth Century*, Longmans, for the Royal Commonwealth Society, Imperial Studies No. XXII, London 1961, p. 139, pp. 115-116, pp. 256-257.
[527] Martin, Ged, *Lord Durham's Report* p. 42. Ged Martin offers the most secure basis for settling this question- he sets the most stringent tests and the provides the most secure basis for assessing the impact of ideas.
[528] Martin, Ged , *Britain and the Origins of Canadian Confederation* p. 120.

Report would be, the 1837 Select Committee *Report* on Aboriginal Affairs, at least revived policy, which the Colonial Office both upheld in principle and yet was anxious to reconcile with settler realities. Grey's Port Louis paper as we have seen, provided the required alternative, which was to assimilate but using humanitarian language. The Colonial Office of the 1830s became concerned to discover principled approaches to colonial problems that worked within the Crown colony constitution. These had to appear in the Blue Books. Men who could manage principles and comprehend legal and constitutional issues were increasingly required. Grey had not just a military situation to resolve in New Zealand but also the basic terms of governance for the colony, after FitzRoy had jeopardized the colony's institutions. Cornewall Lewis insisted in 1841 that a self-governing colony was a contradiction in terms. By 1849 he deemed responsible government possible so long as it was honestly acknowledged that virtual independence had been granted.[529]

To give an example of how Select Committee reports and special reports had impact, the Durham Report was highly influential, though not necessarily in the ways we may immediiately imagine. It soon died out with a fizz in the London newspapers. The Howicks and Lambtons feuded over it. [530] It was hardly the constant topic of conversations at salons and levees, the elite counterpart of political talk over barbecues. Embarrassing messages do get killed by silence[531] Yet the Durham report became a staple of propagation and lobbying. To take two lobby groups, Grey had to resist the New Zealand Company, while he cultivated the Aborigines Protection Society. The Wellington settlers had indeed made a mantra out of the Durham Report, even if their leaders were mostly only acquainted with it from old issues of *The Times*, or from programmatic formulae. [532]

The same goes for the 1837 Select Committee *Report*. While it is true to say that "in colonial matters at least, politicians seem to have been little influenced by weighty reports", [533] debates on that trading floor for votes, the House of Commons, made the difference in colonial policy, not great reports. Genre is at the heart of the question here. Ministers did not (and do not) regularly read long reports to prepare for debates or to be instructed in policy. What politicians require for debating success whether in a debating chamber or in committee or cabinet is a clear and cogent policy preferably in bullet-pointed or enumerated format. The Port Louis paper was enumerated into 38 points. A memorandum is the requisite genre for such demonstration, not a volume. It was Grey's Port Louis paper that won Russell's approval, while the 1837 Select Committee *Report* gathered dust, just as the Colonial Office and its Secretaries of State had done their best to develop an alternative to the inconvenience of the Durham Report.

Grey required direct control of the native protectorate to pre-emptively manage native affairs. He also required it as a power-base against the settlers. No settler interest, neither the New Zealand Company nor the Church Missionary Society, nor communities wanting to take the law into their own hands, were to intrude. The native protectorate had previously made governors weak, yet it was the zone of peril and for military and diplomatic deployments that would make an able governor strong against his settlers. A governor in apparent control of the protectorate who had the confidence of Maori allies would have the authority to persuade the Colonial Office of danger,

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[529] Martin, Ged , *The Durham Report* p. 54 and p. 61.
Lewis, George Cornwall, op. cit., pp. 295-301.
[530] Martin, op. cit., p. 30.
[531] Martin op. cit., pp. 26 – 27.
[532] McIntyre, W. David, and Gardner, W.J., *Speeches and Documents on New Zealand History*, Oxford Clarendon Press 1971, Speech of Dr Isaac Featherston, Barrett's Hotel, 18 April 1853, pp. 84-86, see p. 85 for reference to Lord Durham.
[533] Martin, op. cit., p. 42.

yet give assurances of progress. [534] Grey possessed the monopoly on propaganda from New Zealand as well as of military intelligence. Grey's command of native affairs was intended to be a stark contrast with the incapacity of the settlers for the time being. The New Zealand Company lobbied for land in both London and Auckland, yet the unmistakable inference from Company policy was that it lacked a credible native policy or else ignored the subject after the Wairau affray. [535]No measure for New Zealand government of the 1840s contemplated placing Maori under settler governments unless they actually resided within settler districts. The devolutions contemplated for settler colonies over the 1840s and early 1850s were intended to conduct a holding action against settler control of native policy. Otherwise Colonial Service policy sought to oblige settlers to work in "double government" with governors who still possessed control of native policy if not control over revenues. That dyarchy broke down in New Zealand's 1860s.

From 1845 until 1853 Grey faced constant settler agitation for self-government just as he had experienced in Adelaide. "Gentlemen, you shall be taxed first and then represented" as he told the delegation in Adelaide.[536] Government House in Auckland was besieged by a histrionic and vituperative press, by a constant stream of delegations, and by agitators and lobbyists insisting upon personal interviews, by reports of protest banquets and hostile toasts, and by oppositional posters going up around Auckland. The Gotham City style to modern Auckland politics has nothing to do with the city being New Zealand's largest, at 1.4 million. It was always like that even when it was a small colonial port. Perfectly large cities can have reasonable political cultures. No, Auckland formed its original political culture in reaction to Government House in its midst, and from its proximity to warlike Maori tribes in Auckland and the Waikato. The genteel Wakefield settlers elsewhere though in the other New Zealand settlements were just as excited and exercised at Grey's mode of government. They however were a social control and hegemony project, a wannabe colonial "Ascendancy" that owned and ran the country.

Settler leaders and their wives professed offence at a governor who had nothing to say at his levees.[537] Henry Sewell forr instance considered him a cold and repulsive man. Charlotte Godley disliked how he looked at her with one eyelid half-closed. Like any modern politician he had to spend time monitoring and attempting to manage the media. He could not censor it like Napoleon III or the Tzar. Newspapers hovered in and out of his orbit.[538] He would always be adept at managing "pet" news organs right until his premiership and when he called the 1879 General Election. He entertained little and presented a taciturn and aloof persona. He rarely committed himself and retained an extreme reserve as to his policy. He chose rather to save his income than win brief plaudits from settler communities for his hospitality. This was consistent with James Stephen's advice, previously mentioned, that a goverbor had to live like farmer and refuse the temptation to entertain and waste money on being popular. A governorship was not like the expensive election contests for the House of Commons in those days. Grey was a man with a career and fortune to build. The limited resources of the regime went into making the office and person and financial credit of the governor indispensable to Maori politics.[539] Maori visitors were afforded warm and generous hospitality at Government House. Personal influence with Maori leaders was crucial to the success of any New Zealand administration at this time. Grey dispensed

[534] Grey to Stanley 3 May 1847 CO 209/52.
[535] Rutherford, op. cit., p. 244.
[536] *South Australian Register* 10 September 1842.
[537] McLintock op. cit., p. 306.
[538] McLintock, op. cit., pp 448-449.
[539] Grey to Earl Grey 22 March 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 1850* [1136] p. 64.

patronage among Maori, entertained and distributed conspicuous gifts that would occasion report. [540] Not all of his policy can be characterised as "mana" politics and as show-case ventures. [541] His loans scheme for Maori flour-mill construction benefited 15 projects, 6 completed, 9 in progress at the cost of 1,400 pounds.[542]

Settler Resistance

The language of opposition to the Government House circle and its allies was "constitutionalist". Grey's family and friends joined the Governor in becoming a target in small and close settler communities. One would have to have been related, beholden or remarkably overwhelmed or of remarkably independent character to have associated with a governor who fast became such a lightning rod for settler agitation. Grey's government provoked a rash of Reform Bill agitation re-enactments. New Zealand Company settler leaders as a group had witnessed the excitement in Britain of 1831 first-hand unlike many of their Canadian or New South Wales counterparts. There had been no colony of New Zealand in 1831. New Zealand was yet to produce a native settler leadership like those of more mature colonies. A public meeting in Wellington in September 1848 called for "salutary checks" upon the "exorbitant powers" the Governor possessed. [543] Settlers' Constitutional Associations were established and held large meetings and reform banquets in the major towns. The first association was founded at Wellington in December 1848. [544] The campaigners analysed and condemned the Governor's despatches as they appeared in the Blue Books. [545] They "transmitted" to Grey memorials of protest and discontent. A 1200 signature petition demanding representative government for New Munster had been compiled and "transmitted" from the Cook Strait settlements by April 1849. [546] That exercise had culminated in a Great Reform Banquet at Wellington on 1 March where 200 diners were wined and dined sumptuously in a stage-set, to condemn Grey's nominee councils. [547]

Nor was the banqueting confined to the Antipodes. Wakefield, Charles Adderley and John Godley [548]organized a Colonial Reform Society and public dinner in London. The guests included Cobden and Bright, Francis Baring, Spencer Walpole, Sir William Molesworth, and the peers, Lyttelton, Kinnard and Talbot. [549] At such occasions in the colony Grey's facility with the quill was characterized in toasts as "the fallacies and sophistries of that Arch-Sophist Sir George Grey" , [550] which were then denounced in alcohol-fuelled resolutions. Nor were the New Zealand Company

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[540] Grey to Stanley (confidential) 3 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 42 .
[541] Sewell, Henry, *The Journal of Henry Sewell 1853-1857,* W. McIntyre (ed) 2vv., Whitcoulls, Christchurch 1980, v II p. 170 [8 August 1854]: -" Such was Sir George Grey's policy. By bribes and cajolery he managed to keep the Natives Chiefs quiet."
[542] Grey to Earl Grey 22 August 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 14 August 1850* [1280] p. 24.
[543] Grey to Earl Grey, 9 October 1848 *G.B.P.P.* 1850/1136, enclosure 12 September.
[544] McLintock, op. cit., p. 298.
[545] McLintock op. cit..
[546] Grey to Earl Grey 22 March 1849 *G.B.P.P Further Papers Relative to the Affairs of New Zealand 1850* [1136] p. 59 .
[547] *Illustrated London News* 12 January 1850 pp. 19-20.
[548] Hensley, Gerald, " Godley, John, 1814-1861" Dictionary of New Zealand Biography, updated 22 June 2007; http://www.dnzb.govt.nz/ .
[549] McLintock, op. cit., p. 304 note 1.
[550] *Wellington Independent* 29 August 1849.

settlers the only protestors. T.E. Forsaith a pre-Waitangi settler led an angry protest of 500 Aucklanders in September 1849.[551]

The Governor enjoyed however the confidence of the British Government. Grey responded to the settler agitation by writing the "delaying" despatches of 29 November 1848[552] and 22 March 1849[553] and 9 July 1849[554] in which he argued that the precipitate grant of representative government would undo the pacification of New Zealand by alarming Maori. No British government wanted New Zealand to remain the scandal in colonial administration that it had become under FitzRoy.[555] British governments at this period were besieged by lobby groups such as the New Zealand Company and the Aborigines Protection Society. At the same time Grey was composing the preparatory despatches for a New Zealand Constitution Bill.[556] On the analogy of Canada and the Cape Colony, New Zealand and the Australian colonies would eventually get what they want. The trick for the British Government was trying to avoid embroilment in unnecessary settler wars with indigenous nations in southern Africa and New Zealand. Measures such as the two provincial council ordinances Grey passed through the Legislative Council, were greeted with derision. [557] They nonetheless absorbed the attention of the Constitutional Associations for the time being. Grey had settled New Zealand affairs in the short term, and bought the British government time. If he was dogged by settler agitation, then the Colonial Office and its governor had initiated constitutional processes that were intended to soon provide them with self-government. The governor could be trusted to maintain a holding action until legislation was mature, and could be counted on to bring it into operation. That was where their man let them down. Grey abandoned the colony in 1854 and did little orr nothing to ease the colony into responsible government.

For all its difficulties in 1845 though, New Zealand had been restored by 1848 to the operational ideal of settler Crown colonies with substantial indigenous populations, and its administrators were preparing a first stage of devolution to the settlers, while doing their best to acquire and retain Maori allies and collaborators.

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[551] *Southern Cross* 11 September 1849.
[552] Grey to Earl Grey 29 November 1848 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 14 August 1850 [1280] p. 104.
[553] Grey to Earl Grey 22 March 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 1850* [1136] p. 59.
[554] Grey to Earl Grey 9 July 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 1850 [1136] p. 190.
[555] Sir William Molesworth *G.B.P.D.* vol. 106, c. 948 26 June 1849.
[556] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand* 3 May 1852 [1475]. pp. 18- 40.
[557] *New Zealand Spectator and Cook's Strait Guardian* 9 September 1848.

Chapter Eight
The Grey "Moment"?

Who wrote the New Zealand Constitution? – is a question now bound up with where it was written. To ask- was it really written on the slopes of Mt Ruapehu?- is to reject Sir George Grey's grandiose claim to having composed it. But the North Island looks wonderful from up on those heights. If Grey can be mocked, so may others.

To claim that it was composed at Hams Hall, Warwickshire is to deny that Grey wrote it, and to assert rather that Charles Adderley and Edward Gibbon Wakefield (and Wlliam Fox and Henry Sewell) had written it in 1850. That is the New Zealand Company version. The *Warwickshire :- Shakespeare's Country* volume of Arthur Mee's "The King's England" series for motorists in 1936 insists that Hams Hall was where "the New Zealand Constitution" was "concocted" "one evening". However, by 1936, cooling towers stood in place of the Hall. [558]Biographes of Adderley had perpetuated that myth. [559]

Ever so modestly yet insistently, Earl Grey, the Colonial Secretary in Lord John Russell's Whig Administration, makes it evident in his published letters to Russell, that he and Russell had much to do with the roll-outs of responsible government to the settler colonies. It seems that no one is immune. Yet Earl Grey has great claim- were we to attribute the exercise to any one mind. As Mark Hickford has stated in his magisterial account of the New Zealand Constitution Act 1852:-

> There can be no doubt that Earl Grey was the main conceptual driver of the 1846 constitution and also the primary driver of the subsequent 1852 Constitution Act. [560]

This is true, so long as we do not understand this statement to mean the same as "Albie Sachs wrote the South African Constitution" of 1996. Earl Grey was involved in the global exercise of supervising the devolution of British government to representative governments ranging from Canada, to the Cape Colony, to the Australian colonies (except for Western Australia) and New Zealand. He was the coordinator, the instigator and conceptualizer of variable projects that included multiple interests, many lobbyists, but in fact few collaborators. The sum of these projects amounted to a vast field of Romantic hermeneutics, as the heavily historicized, Whig impasto of power was applied to the colonies.

George Grey was one of the few governors invited to be a real collaborator in this exercise. As we shall see, the paradigm remained Earl Grey's. George Grey worked on ways to make it possible. George Grey as we have seen had his own ideas about the constitution and origins of human social institutions. We have found him proposing plans for the assimilation of indigenes into settler colonies from 1840 onwards. Sir George Grey would later attempt constitutional design in Southern Africa during the 1850s, Ireland in 1869, and New Zealand again during the 1870s, and finally represent New Zealand at the Australasian Federation Constitutional Convention of 1891. Regardless of George Grey's claims to the NZCA in 1875, he had already been a constitutional

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[558] Mee, Arthur *Warwickshire:- Shakespeares' Country* in "The King's England" series, Hodder and Stoughto, London 1950, first published 1936, p. 160.
[559] Childe-Pemberton, William *Life of Lord Norton (Rt Hon Sir Charles Adderley KCMG 1814-1905) Statesman and Philanthropist London 1909.*
de Montmorency, Matthew " Adderley, Charles 1st Baron Norton (1814-1905) Oxford Dictionary of National Biography.
[560] Hickford, *Lords of the Land* p. 238.

agent, keen to "author" constitutions and reconstitute settler polities, long before he was consulted about New Zealand, and would remain so until early 1896, when he was collaborating with Percy Allport Molteno on South African politics. A career of 56 years of governance design and constitutional agency must be analysed for its own sake, regardless of personal myth, vanity, aggrandizement and hyperbole. Earl Grey made a considered decision to allow George Grey to become his collaborator and conversation partner for New Zealand, just as he had done the Canadian Governors General. "Ordinary" governors were not so favoured. It has been only too easy to deride Grey's claims to authorship, and avoid estimating his true achievement.

In the first instance that achievement was largely one of failure. Grey was disappointed at the NZCA. A constitution for Natal was established, while South Afrcan federation remained a dream, if not a chimaera. Grey's intervention in Ireland never became policy though it stirred up politics for just 5 years. He failed to preserve the provinces in New Zealand. He had some éclat in Australia on speaking tours in 1891 and 1893 but little effect at the Constitutional Convention.

Yet such an assessment mistakes what "authoring a constitution" might have been at that time. Chris vanden Bossche dedicates a chapter of *Carlyle and the Search for Authority*, to Carlyle's projects at "authoring the constitution". [561] It is obvious that Grey's hero never drafted a constitutional document. Nor did John Ruskin. John Stuart Mill contributed to constitutional ideas, worked on constitutional concepts at the East India Company Office and duing his brief sojourn at Westminster- but he never penned a constitution, not in the way Albie Sachs is thought to have done, or John Locke did for North Carolina, not even in the way Earl Grey had. Maybe then we are misunderstand what constitutional performance meant to these people, and how they rated success and failure, as they partook in a turbulent educative dissensus.

Earl Grey's Despatch

Grey was reviewing and designing constitutions before the Colonial Office invited him to propose drafts for its New Zealand Constitution Bill. The Port Louis paper was a constitutional document because it proposed an amalgamationist racial order for settler colonies and opposed a system of segregationist native protection. It became a significant document in an *epistolary* constitution. The drafts for the first New Zealand constitutional statute was prepared by letters and despatches over long voyages. As the *Federalist* papers show, the U.S. Constitution could be regarded as a constituion from articles and essays, as well as from talks at the Philadelphia Convention in 1787. A modern constituion might be the result of political brokering, emails and journal articles and books. In the 1840s, colonial constitutions were often the result of long distance correspondence between a very few people.

New Zealand's crisis of 1847 was occasioned by the arrival of the long-rumoured New Zealand Constitution Act 1846[562] and the New Zealand Charter in April 1847[563] along with Royal Instructions in a despatch from the new Colonial Secretary Lord Grey dated 23 December 1846.[564]

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[561] Bossche, Chris vanden *Carlyle and the Search for Authority* Ohio University Press, Athens OH 1991.

[562] 9 and 10 Victoria, cap. 103, 28 August 1846. " An Act to make further Provision for the Government of the New Zealand Islands." .

[563] Earl Grey to Grey, 23 December 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847 [* 763] p. 72.

[564] Earl Grey to Grey, 23 December 1846 ibid pp. 76- 87.

Henry George Grey, the 3rd Earl Grey (1802-1894) was the son of the 2nd Earl Grey who had been Prime Minister 1830-34. Earl Grey tea is named after the Prime Minister. The Colonial Secretary had been known as Viscount Howick until 1845 when he acceded to the earldom. His brother was General Sir Charles Grey, private secretary to Prince Albert and later to Queen Victoria. The Greys, the Lambtons (that is the Earls of Durham), and the Pelham-Clintons (the Dukes of Newcastle) were northern noble families, their papers now in repositories at the Durham and Newcastle University Libraries, who were greatly involved in the settler colonies.

Personal relations with the Earl Grey and the 5th Duke of Newcastle were to matter greatly in Grey's career, just as Lord Durham's ideas had. The Earl was an ideological free trader, with someonthing of a reputation for perverseness and crotchityness in sticking to principle. He had a bad reputation for resigning from government on matters of principle. This of course was an age when a cabinet consisted of powerful oligarchs who could come and go with relative impunity and in full freedom. They were not members of a party machine, compelled by caucus discipline. There was no Cabinet Office Manual. Given that Earl Grey had this reputation, it is intriguing then what mere Captain Grey, entirely unrelated to him, and personally unknown to him, was able to achieve in correspondence with him.

Settler colony constitutions set up systems for race relations as well as the mechanisms for land acquisition and the creation of title in new territory. Nonetheless political debates in Britain on related topics such as municipalism and the enclosure of commons could influence colonial legislation by perceived analogies of circumstance, the application of general principles and the need for intellectual efficiency in public business. Why reinvent the wheel?

Earl Grey's despatch however did jolt the house of cards that Grey was re-establishing in New Zealand. Uncultivated Maori land he instructed the Governor, was to be regarded as wasteland and as taken over by the Crown. [565] Maori land deemed as such was to be registered.[566] New Zealand was to be subjected to a revolutionary land distribution of Roman or Biblical dimensions, while Maori were supposed to submit and appreciate the justice of it. Yet this state of affairs was to insinuate itself by means of a quiet revolution:-

> " Such are the principles upon which, if the colonisation of New Zealand were only now to begin, it would be my duty to instruct you to act; and though I am well aware that in point of fact you are not in a position to do so, and that from past transactions, a state of affairs has arisen in which a strict application of these principles is impracticable, I have thought it right that they should be explicitly stated (as they are in the Royal instructions to which it refers) in order that you may understand that, though in many respects you may be compelled to depart from them, still you are to look at them as the foundation of the policy which, so far as is in your power, you are able to pursue". [567]

Captain Grey had only just concluded the Cook Strait War, while his government was facing a fresh challenge of arms in Wanganui. Then there was the New Zealand Government Act 1846, which was entirely unlike what the Governor and William Ewart Gladstone had been previously discussing, when Gladstone was Sir Robert Peel's Colonial Secretary. This contraption was entirely Earl Grey's own brainchild. If the unworkable and novel mechanisms of the 1846

[565] Earl Grey to Grey ibid pp. 68-69.
[566] Earl Grey to Grey, ibid p. 84 "The Queen's Instructions under the Royal Sign Manual and Signet" Chapter XIII sections 4-6.
[567] Earl Grey to Grey, ibid., p. 69.

constitution were not cause enough for referral back to Whitehall, then Earl Grey's enthusiasm for applying Dr Arnold and Emerich de Vattel's waste lands doctrine to New Zealand, [568] would have challenged the indigenous property base of the country and provoked a fresh round of warfare, as Maori found their worst suspicions confirmed, that the British were determined upon a general confiscation of aboriginal lands. Emerich de Vattel, (1714- 1767) a Swiss, was one of the great Enlightenment jurists. He had published in 1758 *The Law of Nations; or, the Principles of Natural Law Applied to the Conduct and Affairs of Nations and Sovereigns*.[569] Dr Arnold the headmaster of Rugby and Professor of Modern History at Oxford University had affirmed Vattelian doctrine by stating of "civilized nations" :-

> "It is true, they have often gone further and settled themselves in countries which were cultivated, and then it becomes robbery; but when our fathers went to America and took possession of the mere hunting-grounds of the Indians –on lands on which man had hitherto bestowed no labour –they only exercised a right which God has inseparably united with industry and knowledge".

Governor Grey had a multi-level problem on his hands. First of all these documents would seriously embarrass any New Zealand Crown colony government. The waste lands instructions would convince Maori that their lands were no longer guaranteed as the Treaty had promised. Grey was actually complicit in the Earl enunciation of theory. On the intellectual plain- Vattel and Arnold were thinkers he respected. Vattell was another one of those Swiss Protestants. He had greatly influenced American leaders from Washington to Frankyn to Jefferson. Dr Arnold, Richard Whately and Grey belonged to the same Liberal Anglican continuum out of Oriel College, Oxford and its networks. Arnold was had a Harringtonian imagination and policy just as Whately and Grey had. Yet the Chief Justice and Bishop of New Zealand were determined to protest. So what was a clever man to do? Attempt some ideological trigonometry was the answer. It worked.

In what was the only successful coup of its kind in his career, Captain Grey critiqued these documents with extreme tact, and political care, and referred the Act, the Charter and the Instructions back to the Colonial Office, sparing no effort to render his own alternatives politically possible for Lord Grey in despatches dated 3 May[570] and 13 May 1847.[571] Captain Grey's response was risky and courageous. He was publicly reading the Colonial Secretary better than he knew himself. The two men did not personally know one another. It relied on the Colonial Secretary trusting his officer and not taking umbrage, while the governor performed some politic street theatre through the medium of the despatch. George Grey as we shall see was not to be so lucky later his career. Though the most intelligent solution to the crisis, there was no knowing whether it would work, or whether he would even be understood, over the huge time delays.

Although the Governor coordinated his actions with the protest led by the Bishop of New Zealand and the Chief Justice, he took great care to leave the polemics to them, and to distance himself

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[568] Earl Grey to Grey ibid p. 68, referring to an article by Arnold of 11 June 1831 'The Labourers of England' in *The Englishman's Register* No. 6 which can be found in *The Miscellaneous Works of Thomas Arnold: Collected and Republished*; B. Fellowes, London 1845 p. 157.

[569] de Vattel, Emerich *Droit des gens; ou Principes de la loi naturelle appliqués a la conduite et aux affaires des nations and des souverains.*

[570] Grey to Earl Grey [Confidential] 3 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand* December 1847 [892] p. 42.

[571] Grey to Earl Grey ([Confidential] 13 May 1847 ibid, p. 45.

from the disapproval which they would incur, so as to concentrate upon persuading Earl Grey not to doctrinally repudiate Maori property rights and to revert rather to the constitutional arrangements which he and Gladstone had previously agreed upon. The Governor meanwhile encouraged and offered facilities to Maori protest.

Captain Grey was not inexperienced at constitutional discussion when Earl Grey's constitutional despatch of 23 December 1846 arrived.[572] He had been a governor in the field so to speak for 6 years; and at 34 was at the height of his powers. His re-evaluation of that despatch was not his introduction to constitutional design. Rather he was attempting to recover over 1847-48 a conversational footing with Secretaries of State that had been lost when Earl Grey became Colonial Secretary unexpectedly and so late in the session in July 1846. Earl Grey's despatch had obliged him to backtrack to the correspondence with Lord Stanley in 1845, and to an understanding reached with Stanley's successor, William Ewart Gladstone over the first half of 1846, that the colony be divided and placed under two provincial legislative councils, for New Ulster and for New Munster, that would remain subordinate to Grey. The Lord Stanley here was Edward Smith-Stanley, the 14th Earl of Derby, before he acceded to that earldom, who three times formed brief Tory governments that were to become Grey's bane.

The Governor succeeded. Grey's objections were in every respect sustained either overtly or tacitly. The portions of the Act which corresponded to the original Gladstone - Grey plan were proclaimed,[573] those which did not were consigned to a five year limbo by a Suspending Act, [574] which allowed time for new legislation to be prepared. The result was that the General Legislative Council was convened to create New Ulster and New Munster. Grey as Governor-in-Chief presided over the New Zealand Legislative Council and supervised Lieutenant-Governor Eyre in New Munster. Major-General Pitt became New Ulster's Lieutenant Governor. Grey was then invited to propose the design for another Act.[575] Earl Grey kept face, - kept control of the situation. He wrote to concede the substance of the Governor's arguments, and renewed the discretion which Captain Grey had had in New Zealand to propose policy on his own terms. This was an extraordinary result. We shall now consider how Grey managed it. The limits to it as well will soon become apparent.

The New Zealand Government Act 1846

To consider first the technical features of the 1846 constitution, the New Zealand Government Act 1846 and its New Zealand Charter were the abortive culmination of the "municipalist" model for the settler colonies. It would be wrong to infer that by the mid 1840s Whigs, Tories and Radicals had largely persuaded themselves of the Wakefieldian version of municipalism.[576] Providing municipal institutions was one of the defining constitutional innovations of the British "Age of Reform". Wakefield and the Tory Government did not intend the same thing by the term. Edward Gibbon Wakefield meant by it the scope and competence of the 17th century British American colonies; in other words - palatine jurisdictions like the old bishopric or palatine county of Durham

[572] Earl Grey to Grey (No. 43) 23 December 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] pp. 64-72.
[573] Henry Labouchere, House of Commons *G.B.P.D.* 13 December 1847, vol. 95 cols. 1003-1010.
[574] 11 and 12 Victoria, cap. 5, 7 March 1848.
[575] Earl Grey to Grey (private) 26 February 1848 Grey MSS Auckland Public Library.
[576] Wakefield to Gladstone 21 January 1846 *New Zealand Company*, 20th Report (29 May 1846) appendix, correspondence, 3. .

on the Scottish border, that could undertake real powers of government such raising revenue, levying customs, purchase of indigenous lands and fight wars. "Municipal" and related words come from the Latin *municipium*. Im Imperial Rome it described a class of self-governing autonomous city-state that shared citizenship to varying degrees with Rome itself, as well as possessing iys own and ruling itself. Such cities existed from Morocco to Britain to Rumania and the Middle East.

Sir Robert Peel's speech in the great New Zealand debate in the Commons of June 1845[577] was the first government endorsement of a "municipal" doctrine for New Zealand. Lord Stanley's version of municipalism assigned the settler beachheads "municipal" powers on the model of the British Municipal Corporations Act 1835.[578] . This created modern town councils and local bodies. It stands to reason that thoe provided just what we call local government. Such bodies cannot go to war, or levy customs, appoint judges and the like. The confusion between municipalities and the municipal powers that Edward Gibbon Wakefield demanded, arises from the fact that Roman municipal cities were cities, not colonial territories of whole provinces, no matter how far-flung and colonial they were. What Wakefield really wanted were palatine powers such as William Penn wanted for his 17th century colonies in America.

The British Government had no intention of reverting to the 17th century and departing from the 1835 Act even out in lone settlements. A Municipal Corporations Ordinance had been passed by FitzRoy's Legislative Council. [579]These were to be town councils and not all-purpose colonial governments for New Zealand's scattered settlements. The big plus of the Municipal Corporations Act 1835was that "local government was entirely municipalised",[580] the old oligarchies and protectionist "red tape" swept away, jurisdiction separated from administration and town clerks and treasurers to be appointed as local body officers. Grey had argued in Adelaide, how unrepresentative and old fashioned and closed-shop the Adelaide Council was.

Earl Grey's justification of this restricted sense of municipalism was based on his assessment of both the settlers and the indigenous people they lived with:-

> "We know also that hitherto Parliamentary government has not been carried into successful operation for any considerable time, in any other country but our own, and that it is little more than ten years since it was first attempted in any of our Colonies…….Even this short experience of its working in the Colonies, would seem to show that it is suitable only to a community which is not a very small one, to a population at an advanced stage of civilization, which has had the advantage of some training by the working of a free constitution of a simpler kind……In a small community the successful working of this system of government is rendered difficult, by the necessarily restricted number of members of the Legislature, and of persons qualified by their intelligence and education to fill the principal offices of government, and at the same time in possession of sufficient means to devote their time to the public service, without adopting such employment as a permanent profession." [581]

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[577] Peel, Sir Robert *G.B.D.P.* v. 81 19 June 1845 p. 951.
[578] 5 & 6 William IV. c. 76.
[579] *Legislative Council of New Zealand*, Session III, Ordinance No. xii, 9 July 1844.
[580] Redlich, Josef and Hirst, Francis Wrigley, *Local Government in England* Macmillan, London 1903 v I p. 213.
[581] Grey. Henry George, 3rd Earl, op. cit., v I pp. 34 ff..

Governor Grey would not have objected to the capacitarian principles in this statement. While opposed to the formation of a colonial gentry and plutocracy, he could nonetheless confide to a close friend like Constantine Dillon his abhorrence of colonial "sans culottes". [582]

Earl Grey's solution in the 1846 constitution was a design of extraordinary complexity, however. He had divided settler New Zealand into two provinces and into three tiers of government. Settlers who qualified for the franchise could only vote for their immediate municipal corporations. The mayors, aldermen and councillors would become an electoral college in turn for the election of Members to a House of Representatives for either province. Each province was bicameral, for each province was to have its own governor (and lieutenant governor!), who were to appoint a nominated legislative council over and above their Houses of Representatives. Furthermore theis solar system of provinces and governors and assemblies were to be loosely coordinated by a Governor-in-Chief for the entire country who would "meet" a bicameral "General Assembly" of his own. This Super-Governor would nominate legislative councillors to a Legislative Council. The "super" House of Representatives would be filled with members from the two provincial Houses of Representatives sent as delegates by their peers. The dual provinces were "New Ulster" and "New Munster", Auckland and Wellington their respective capitals.

In other words this constitution opened out in a system of extended delegation, like a nautical telescope, from the municipal bodies, to remedy a perceived lack of settler capacity. The Colonial Secretary anticipated that the General Assembly would meet "rarely" to deliberate on a limited schedule of subjects, on which it had paramount authority. The franchise qualification to all intents and purposes excluded Maori. There was no intention to enfranchise them. Tribal areas and native districts were to be constituted, remaining outside the ordinary operation of the constitution. That alone would have disappointed George Grey, who was radically committed to legal integration. Grey's Legislative Council had already passed an ordinance in 1846 to appoint Resident Magistrates from among Justices of the Peace. [583]The powers of 1846 Act's General Assembly were to be the regulation of Customs duties, the establishment and determination of the jurisdiction "and course and manner of proceeding " of a Supreme Court, to regulate currency, and the issue of "Bills, Notes and other paper currency," the determination of weights and measures, the regulation of post offices and of the carriage of mail, the establishment of bankruptcy and insolvency laws, the erection and maintenance of lighthouses and beacons, and finally the imposition of dues and charges on shipping.[584]

Back in 1958, the New Zealand Parliamentary Historian A.H. McLintock dismissed this mechanism as "doctrinaire", once again revealing the mid-20th century bias against the intellectual basis to the political reasoning of these people. Yet it was not plain common sense, deering-do, pragmatism and "the Kiwi number 8 fence wire" attitude that got rid of the 1846 Act. Rather, the acute political intelligence which the Governor brought to bear, provided the right kind of constitutional analysis.

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[582] Dillon, Hon. Constantine, 8 February 1850, *Letters*, Alexander Turnbull Library, Wellington.

[583] *New Zealand Legislative Council*, 7 November 1846 Session VII, No. 16 sections 1 and 2.

[584] "The Queen's Instructions under the Royal Sign Manual and Signet" in *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [763] pp. 76 – 87.

How did such a chimaera get passed through the British Parliament? Constitutions are not infrequently "monstrosities".[585] There were so many competing demands on the British Government's legislative programme. Since New Zealand affairs were only of occasional interest to busy British politicians, the Bill attracted no debate when it was rushed through Parliamen. It was also only an enabling Act expressed in the broadest of terms to which municipalist measures were affixed. [586] The New Zealand Charter and the Royal Instructions that arrived with it, filled in the blanks.

The 1846 constitution has struck commentators both at the time and ever since as anomalous.[587] Stripped of its provisions for representative government and reconsidered as a scheme for legislative council government, it was in fact implemented as New Zealand's first statutory constitution. Apart from describing its contents, commetators have neglected the political ideas to the 1846 constitution. W. P. Morrell set the tone among historians in 1932 when he remarked that "an elaborate analysis of their provisions would be a waste of time". [588] Disraeli spoke for politicians in 1848 by describing it as "an absurdity the most gross that has been perpetrated for a long series of years". [589]

The question for a history of political ideas, is how was it that such a scheme had seemed plausible? Earl Grey was not a lunatic. It is not enough to agree with McLintock: -

> "The constitution of 1846 might well serve as a classic illustration of the extent to which the doctrinaire mind can divorce itself from the plain facts of reality". [590]

In the first place, Earl Grey's despatch and constitutional scheme are an instance of a text that immediately upon receipt, developed meanings and implications for the New Zealand situation, which the author could not possibly have intended. [591] That in fact is how he later excused himself against the protest at his proposed imposition of a waste lands policy upon Maori land. [592] Secretaries of state could not have expected their Instructions and instruments to be controverted as "freaks".[593]

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[585] Krisch, Nico " Europe's Constitutional Monstrosity" *Oxford Journal of Legal Studies* 25 (2005) p. 321.

[586] Morrell, *The Provincial System in New Zealand 1852- 1976,* Longmans, Green London, for the Royal Empire Society, 1932, p. 79 and read Chapter VI.
[587] Rutherford, , *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government*., p. 148 .
McLintock, *Crown Colony Government* p. 287.
Morrell , W.P., *The Provincial System in New Zealand* , p. 38.
[588] Morrell W.P. ibid, p. 37.
[589] Benjamin Disraeli *G.B.D.P.* 14 February 1848 v 96 cols 608-609.
[590] McLintock op. cit., p 287.
Rutherford op. cit., pp. 148-149 .
Morrell op. cit. p. 38.
[591] Skinner, Quentin, *Visions of Politics* Volume I "Regarding Method", Cambridge University Press 2002 p.101 .
[592] Earl Grey to Grey No. 44 30 November 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 83, p. 84.
[593] Roebuck, John Arthur, *The Colonies of England : A Plan for the Government of some Portion of our Colonial Possessions* ; John W. Parker London, 1849, p. 117

Yet what is interesting is how George Grey deployed himself as the exemplary reader of Earl Grey's despatch and then came up with an interpretation that was politically possible. Sir George Grey adjusted Earl Grey's policy by appearing to salvage and interpret it. Grey behaved as an ironist, deploying irony respectfully and not at all polemically against his noble correspondent. [594] The irony was also directed at the protesters, Bishop Selwyn and the Chief Justice, his supposed allies in this affray. Usually regarded as just a self-promoting writer, [595]Grey should also be regarded as an exponent of satire if we are to analyse his performances adequately. [596]He reminded Earl Grey of how troubled race relations still were, by interposing between the despatches of 3 and 13 May another despatch relating the murder of a settler mother and her children in the Wanganui district. [597]

Grey and the late Dr Arnold

Governor Grey could accept Earl Grey's principles, so long as they were applied to support his policy, and so long as he appeared to assist with defining the policy, and did not oppose it outright. Both Captain Grey and the late Dr Arnold proposed Harringtonian policies, arguing for affordable land and the prevention of land monopolies out in the colonies. The issue is not that Grey and Arnold were at variance, as if "Harringtonians" were some dogmatic sect, but rather that Harringtonian language was being used this time in different ways, though for many of the same ends. Grey was carrying out an amalgamationist racial policy like Jefferson. Arnold was not. Grey therefore needed an ideology of indigenous assimilation into the settler community, that could account for how Maori were to be converted into subjects and then supposedly into citizens. Arnold did not need to do this. He could refer to his government's process of land–acquisition and its apparent success at civilisation and at Maori self-civilisation.

The Governor was aware that the concentration of Maori land-use on *their* waste lands required time, hard work and skill. Unlike Gallatin's observations about American Indians, Grey's positive accounts of Maori land-use never gave the impression that a transition would be difficult. [598]He was flashy and trivializing. What his assurances amounted to simply, were that change was on the way, and that Maori would have to adjust. On these grounds alone Grey was able to avert a clash in principle and demonstrate the expediency and affordability of his government's mode of land acquisition in New Zealand. [599] His ability to obtain credit from a New South Wales bank provided the funds with which land could be purchased with cash up-front. Grey still argued in the same

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footnote:- "New Zealand has been a favourite field for the freaks of Colonial Secretaries of State".

[594] Skinner op. cit., pp. 111- 122.

[595] Sinclair, Keith, *The Origins of the Maori Wars*, p. 32 for a measured statement on Grey's writing:- "His despatches were so clearly coloured by his immediate objectives and interests…" etc.

[596] White, Hayden, *Metahistory : The Historical Imagination in Nineteenth Century Europe*; Johns Hopkins University Press, Baltimore 1975 p. 29.

[597] Grey to Earl Grey 11 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 54.

[598] Grey to Earl Grey 7 April 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] where Grey still adheres to the argument in *Journals* v. II p. 233.

[599] Grey to Earl Grey 15 May 1848 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand July 1849* [1120] p. 24 .

language with which he agreed in his expedition Journals of 1841 with John Dunmore Lang's arguments for recognizing aboriginal land-usages:-

> "I should also observe that the position I understand to be adopted by the New Zealand Company's Agent, that if actual tracts of land are not in actual possession and cultivation by the natives, that we have, therefore, a right to take possession of them, appears to me to require one important limitation. The natives do not support themselves solely by cultivation, but from fern-root, -from fishing, - from eel ponds, - from taking ducks, - from hunting wild pigs, for which they require extensive runs, and by such like pursuits. To deprive them of their wild lands, and to limit them to lands for the purpose of cultivation, is in fact, to cut off from them some of their most important means of subsistence, and they cannot be readily and abruptly forced into becoming a solely agricultural people."[600]

Concerned though he was about the prospect of Maori rebellion, Grey was anxious to ensure a balance of land distribution in New Zealand for the colonists that ensured a political "balance" in the colony between small and large land-holders, and did not result in a "squattocracy". That had been his policy in South Australia. He agreed with Dr Arnold that a great evil of ancient Rome was how public lands were made over to the aristocracy, were underutilized and depleted population, commerce and investment in an area. He consequently feuded with the New Zealand Company and the other Wakefieldian associations, for the distortions they would bring to a colony by introducing great land-owners. For both Grey and Arnold the undue influence of an external indigenous interest, or of an aristocracy or of a plutocracy in a colony was undesirable. Arnold like Whately and Grey was consistent lifelong with his Harringtonian and agrarian argument for colonization. Whether in the prize speech he gave in June 1815 [601]or in the volumes of his *History of Rome* 25 years later, Arnold referred to Harringtonian doctrine against luxury and commerce, and condemned the dispossession of smallholders by the great estate owners in ancient Rome. [602]

The governor's virulent reaction in 1846 against missionaries' acquisition of a landed base, his reactive attempt to sell Canterbury Association lands cheaply in 1853,[603] prove his agenda. If the Crown were able in fact to appropriate waste lands, an interest of larger landowners and speculators would purchase them en masse from the Crown in the first instance, to sell on to settlers, much as Grey's government had embarked on the purchase of vast tracts from Maori. Emigration was necessary in the first place for Arnold and Grey because of the unjust tenure of lands in Britain and Ireland. A colony was meant to provide humanitarian relief for the able-bodied and "deserving" poor who needed a new start. Grey would not have approved of the replication of a great landed gentry in New Zealand, of Irish Ascendancy proportions, for that would have corrupted the colony right at the start. [604].

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[600] Grey to Earl Grey 7 April 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 16.
[601] Arnold, Thomas, *The Effects of distant Colonization on the Parent State:- A Prize Essay Recited in the Theatre at Oxford June 7, 1815,* Oxford 1815.
[602] Arnold, Thomas, *History of Rome:- From the End of the First to the End of the Second Punic War.* T. Fellowes; Rivingtons; B.B. and H.H. Hodgson, J. Bain; Simpkin, Marshall and Co; and Bickers and Son, London 1869 v. III pp. 17-19.
[603] Grey to the Duke of Newcastle 14 June 1853 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 10 April 1854* [1779] p. 259.
[604] Stanley, Arthur Penrhyn (ed) *The Life and Correspondence of Thomas Arnold D.D.: Sometime Head-Master of Rugby School and Regius Professor of Modern History in the University of Oxford*, Ward, Lock, London 1890, Thomas Arnold to

The experience of other colonies such as New South Wales, Western Australia and the Cape Colony was that a surfeit of public lands was sold prior to survey to major contractors or large landowners, as colonial governments on new territory lacked the resources and outlets to package and retail land. The practical effect nonetheless of Grey's cheap lands policy was that speculators bought them up quickly in any case, not that Grey minded when his target was the monopoly of the Wakefield system in the first instance. He had fondly hoped such speculators would be less interested in planting a gentry. He had been more successful in South Australia however.

Grey and Gladstone

George Grey had to find a way to communicate with the Earl about technical aspects of the constitution. They had many ideas in common. Earl Grey and Sir George Grey both agreed that New Zealand governors were to remain "irresponsible", and retain control of native policy, just as Governor Grey and Gladstone had previously been. [605]The question then was how to design and structure purely "municipal" and central institutions, through which the settlers could manage and coordinate all of their government apart from native policy.

Earl Grey's sudden advent to office interrupted the negotiation between Gladstone, his predecessor in office, and Captain Grey. [606]Peel had resigned on 29 June 1846 when his Irish Coercion Bill failed in the Commons. The Potato Famine was gripping Ireland. To his credit Peel's Colonial Secretary William Ewart Gladstone had decided to correspond with the governor himself on a colony's constitution. As he intimated to Grey:-

"At this distance, writing at a time when possibly your mind may already have arrived at a mature judgment on the issues to which I refer, and I must also add, having these objects before me in a confused mass, without any clue as to the regular connexion and clear apprehension of them as I trust your reports will afford, it is less injurious to leave you in suspense, by avoiding the communication of definite conclusions, than to run the risk of embarrassing or obstructing you by their premature announcement. On this ground, you will readily account for the indeterminate and simply suggestive nature of this despatch.

"It would afford me sincere gratification if I should hereafter find that your thoughts, guided by experience, have taken a direction so far corresponding with that of mine, so as to afford me the

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Sir Thomas Pasley, 25 January 1840.

[605] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand 3 May 1852* [1475] p. 23.
[606] Grey to Stanley 27 January 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 26 August 1846 [690] p 7.
Gladstone to Grey 31 January 1846 *G.B.P.P. Papers relative to New Zealand* 21 May 1846 [337] p. 159 .
Gladstone to Grey 26 May 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1846* [712] p. 37 .
Grey to Gladstone 7 October 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 1.

assurance that this communication may, at least have tended in no degree to aggravate the difficulties of the office with which you are charged." [607]

Gladstone meant here that he was extremely interested in Grey's proposals, especially if they concurred with the "simple" constitution that he had proposed for the colony; - of two subsidiary legislative councils, with the Executive governorship vested in just one province, the right of disallowance vested in the Governor of the colony, so that the southern province of New Munster would bear the same relation to the Crown colony government as the whole colony did to Great Britain. Using a theological analogy, he remarked that New Munster would find its "headship" in the Governor in New Ulster, just as the entire colony found its headship in "the mother country". [608]

"I cannot exclude the supposition that it may possibly be found expedient to resort to a division of the colony, which shall give one tolerably complete organization to the northern part of the Northern Island, with Auckland for its capital, and should make Cook's Straits the centre of another, attaching to it the southern districts of the Northern Island, or any portion of them, and probably the whole of the Middle Island. If such an arrangement should be found advisable, I consider it most likely that Her Majesty's Government would also find reason to conclude, that the two bodies of colonial institutions thus established ought not to be absolutely coordinate and independent one of the other, but that there should be an Executive attached to one of them, which should be in some sense the head of the other, while the mother country would, of course, retain its position in relation to both." [609]

Governor Grey correctly understood Gladstone's invitation to mean, that he should accept his plan and adapt it for the purposes of convenience. Grey's reply in turn to Gladstone would be consistent with his second protest despatch of 13 May 1847 to Earl Grey[610] and in the main with the system that came into operation in late 1848 from those parts of the New Zealand Government Act that had not been disallowed. Largely concurring with Gladstone's proposals, the Governor had proposed that New Zealand have one Governor-on-Chief and Legislative Council with two Lieutenant Governors for the two provinces, which were to be New Ulster and New Munster, each with their own legislative councils consisting of official and nominee members. [611]While the southern division could be immediately granted representative institutions, the northern required delay because most of the Maori population lived in the North Island. In the summer 1846/47, Grey would have thought it a done deal.

As was later to occur at the Cape Colony in 1850, [612]Gladstone and Grey agreed that a legislative council was the best institution for creating representative government for a settler colony, rather than an Act of Parliament. [613] This corresponds to the so-called "MS project" for a New Zealand

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[607] Gladstone to Grey 18 March 1845 *G.B.P.P. Papers Relative to New Zealand 21 May 1846* [337] pp. 168-169.
[608] Gladstone to Grey, op .cit., p. 168. Gladstone referred to I Corinthians 11.3.
[609] Gladstone to Grey, op. cit., p. 169.
[610] Grey to Earl Grey, 13 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 45.
[611] Grey to Gladstone, 27 January 1846 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand 26 August 1846* [690] p.7.
[612] Wight, Martin, *The Development of the Legislative Council 1606-1945*, p. 114.
[613] Grey to Gladstone 7 October 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] pp. 1- 2.

constitution that did the rounds at the Colonial Offce and Westminster. Earl Grey and Merivale the Permanent Undersecretary resisted the MS model, that would have extended government only over lands actually purchased. Mervale admitted that ths would be the "the most complete method". [614] A legslative council would then begin the process of constitutioalizing piecemeal between two realms- a settler colony that would need representatve institutions, and a properly established and territorially defined native protectorate that would be its own jurisdiction. Under the MS model, New Zealand would have had a territory like the North-West Frontier province of Pakistan, that has been under executive rule. [615]

The legislative council was indeed an eligible gubernatorial instrument for authoring constitutions. Such councils would then create representative legislatures by means of their own ordinances without reliance upon Westminster, without taking up space on the Order Paper. Not only did Grey and Gladstone agree that Wakefield and the New Zealand Company were wrong to exclude Maori residents of the proposed settler provinces, from qualification to the franchise, they concurred that settlers should have no power of legislation over Maori in native districts.[616] In their model the Governor-in-Chief would retain control of the native protectorate, while Lieutenant Governors would confine themselves to their respective settler communities. [617] Through his own Legislative Council, the Grey Governor-in-Chief would supervise provincial legislation through the system of referral for allowance. This provision supposedly ensured combined management for the entire colony if the Governor-in-Chief was able to manage his two subordinates effectively.[618]

Grey and Earl Grey

The circuits of conversation changed again when the Whigs got into office. "Conversation" is a charged word that Michael Oakeshott (1901-90) brought into the world:-

Liberal democracy is…..sceptical politics, in which "truth" appears not as the opposite of "error" but merely as the opposote of "lies", and in which utterance is largely free because it is recognized not as an argument but conversation. [619]

In an age when constitution-making was regarded as the summary activity of government, what laurels awaited successful constitutionalists. The person most seeking those laurels was Earl Grey, who eventually built up quite a bibliography of his own constitutional publications, not George Grey. The New Zealand governor nonetheless was given the official credit for New Zealand exercise, as will be seen.

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[614] Hickford, Mark *Lords of the Land* pp 234 ff.
[615] Hickford *Lords of the Land* p. 242.
[616] Gladstone to Grey 31 January 1846 *G.B.P.P. Papers Relative to New Zealand 21 May 1846* [337] p. 160.
[617] Grey to Gladstone 27 January 1846 *G.B.P.P. Further Papers Relative to New Zealand 26 August 1846* [690] pp. 7-8.
[618] Grey to Gladstone, 7 October 1846 *G.B.P.P. Papers Relative to the Affairs of New Zealand December 1847* [892] p. 1.
[619] Oakeshott, Michael "The Customer is Never Wrong" (1955) in Oakeshott, Michael, *Religion, Politics and the Moral Life* Timothy Fuller (ed) Yale University Press, New Haven 1993, pp. 116-117.

What was James Stephen's contribution to this discussion? Stephen had been extremely influential under Glenelg and Russell, though he was less so under Stanley, Gladstone and Lord Grey. [620] His health was failing, wth the result that he suffered a full mental breakdown in 1847. Ruling Regency and Victorian males were often hard, hard-working though brittle people. George Grey had to fend for himelf.

Stephen for his part was a civil servant who was required to conduct the policy of a new government and not to maintain an independent policy. He supervised negotiations and transactions between Secretaries of State and governors. He annotated governors' correspondence for the benefit of their common superior. Moreover British governments throughout the 1840s were in a state of flux as they considered schemes for colonial constitutions. Stephen was disinclined to intervene in the ever-shifting debates across so many colonies. Governors and Colonial Secretaries could reason with or misunderstand one another on case-by-case situations, which could be nonetheless heavily theorized. "Principles" were the bearings and coordinates for the long voyages of policy. They were the "framers" of political systems that were frameworks for the settlers to fill in and furnish as they later wished.

Stephen had in fact warned Earl Grey of the New Zealand governor's temperament as advance despatches arrived from New Zealand filled with warnings and forebodings. [621] Tipped off, Captain Grey had been trying to get in preambles to his argument before the arrival of Earl Grey's despatch let him to respond to the British Government's policy.

"Govr Grey, as you will see is alarmed about the Constitutional Act….I hope that no one entertains an higher esteem or regard for Capt. Grey than I do, and that it is not incompatible with those feelings to say that he is something of an Alarmist and Croaker – one of the bravest men living in the presence of danger; but possessed of a very grave, not to say melancholy temper, which always induces him to magnify an approaching evil, and depict it in dark colours. He always begins with gloomy predictions, & hitherto at least, has always ended with success".

This early assay at the Governor's psychology proves that his Colonial Office superiors were immune to Grey's insinuations and exaggerations. Historians have long indignantly commented on them and nowadays ritually condemn them when they comment on the prose of his despatches. [622]Grey's *modus operandi* and temperament were only too well-known. Stephen was not without his own constitutional proclivities. He preferred the establishment of small regional assemblies with a common assembly to coordinate them. Gladstone, as he informed Earl Grey, had overruled him about the necessity for a central legislature. [623] Stephen then, one of Grey's mentors, was responsible for the "super" General Assembly.

One of the strangest constitutional statutes that Westminster ever passed, it has only to be compared with the "norm" of the New South Wales and Van Diemen's Land Government Act 1842[624] for its strangeness to become salient. To the east of the Tasman Sea, colonists were to be made party to a "municipalist" constitutional experiment providing for delegation and extreme

[620] Knaplund, Paul, *James Stephen and the British Colonial System 1813-1847*, p. 32.
[621] Stephen minute of 28 Sept 1847 in Co 209/ 51 fos. 279- 280 b:- Grey's despatches only arrived in November 1847.
[622] Stephen to Earl Grey minute 28 September 1847 CO 209/51.
[623] Ward, John M., *Earl Grey and the Australian Colonies 1846-1857 A Study of self-Government and Self-Interest*. Melbourne University Press, Melbourne 1958; p. 35.
[624] 5 & 6 Victoria cap. 76.

diffusion of the representative principle, while on its western shores, Australian colonists who met the property franchise of 100 pounds per annum and were over 21 years of age were able to vote directly in electoral districts for 12 members out of 36 on a single Legislative Council for their colony. An Australian Colonies Government Act[625] followed in 1850 to provide representative and the beginnings of responsible government. Despite the eventual provisions of the Australian Government Act, Earl Grey had also intended the model of the New Zealand Government Act 1846 and its "pyramidal" constitution for the Australian colonies. [626]Captain Grey's rejection of it for New Zealand damaged the model considerably as a working proposal. [627]

Earl Grey had wanted to disarm the potential that settlers had shown at the Battle of Wairau in 1843 to cause wars with Maori. The scheme he had come up with never transcended its fundamental cantonization. He did not lack antecedents – in fact he was adhering to a recent trend in colonial government. Lord Stanley had instructed Grey to provide the settlers with municipalities.[628] Captain Grey's experiences of the Adelaide Town Council though had put him off. [629]On that occasion the governor relied on the long voyages between South Australia and Britain for the issue to lapse once he objected, a forerunner of his response to the despatch from Lord Grey.

Neither the Gladstone-Grey nor the Earl Grey schemes provided for an Executive Council, such as the *Canada Constitutional Act 1791* had invented,[630] and the practitioners of the *Union of the Canadas Act 1840* reinvented. Executive Councils enabled governors and settler representatives to coexist and practise executive government together with a legislature, as a preliminary to responsible government.[631] Executive government by governors was to continue "irresponsibly" in New Zealand as much as ever. The emphasis on municipal institutions in Earl Grey's scheme in fact allowed for a trade-off. In return for exclusion from executive government in such a war-prone colony with such sensitive race relations, the settlers would by compensation obtain the fullest competence of municipal powers. [632]

In reality the New Ulster Council never met, its Lieutenant- Governors, Pitt and Wynyard were army officers on active service, while the risk of uprising remained the constant excuse for this permanent state of abeyance. Only Pitt and Wynyard became active while Grey was absent in New Munster. Grey had done his utmost to ensure that what survived the Suspending Act would correspond to the original plan discussed between Gladstone and himself, of a single subsidiary province beneath a general government. The differences were that Grey had introduced a general legislative council and two subordinate lieutenant governors.

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[625] 13 & 14 Victoria cap. 59.
[626] Ward, John M., op. cit., p. 86.
[627] Ward, John M.,op .cit., p. 87.
[628] Stanley to Grey 27 June 1845 *G.B.P.P*. 21 May 1846 [337] p. 74.
Stanley to Grey 29 November 1845, ibid. p. 103.
[629] Rutherford, op. cit., p. 147.
Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand* [1475] 3 May 1852.
[630] Wight, Martin, *The Development of the Legislative Council 1606- 1945* p. 45.
[631] Buckner, Phillip, *The Transition to Responsible Government: British Policy in British North America 1815-1850* p. 295 , pp. 299-300 .
[632] Grey to Earl Grey (No. 106) 29 November 1848 CO 209/63.

Only nine subjects were reserved to the central government. Sir George Grey imposed the same deferral of ministerial government at the Cape Colony when he met its legislature in 1855. Nevertheless the main principle that George Grey and the Colonial Office borrowed from Earl Grey for the *N.Z.C.A.* was not the Tory and Wakefield doctrine of "municipalism" but the concept of a trade-off between gubernatorial control of native affairs and the generous powers given to the several provincial "governments".

The motivations of Governor Grey's response to the arrival of the despatch from Earl Grey in April 1847 remain a subject for debate. Historians either praise it as Grey's best moment in New Zealand, or else it is damned with faint praise. McLintock and Claudia Orange overlap across time and very different attitudes to Maori rights, agreeing that Bishop Selwyn [633]and Chief Justice William Martin and William Swainson the Attorney General deserve the credit for organizing the assault. Orange proposes that Grey was "temporising". Suspicion that he was doing so, she argues, incited the intervention by Selwyn and Martin. [634] W.P. Morrell [635]and James Rutherford[636] however insisted that Grey's response made the greatest difference.

The truth is that both versions are right. And if everyone was right- Earl Grey, the Governor, Selwyn and Martin, (though at different times and to different audiences and constituencies) - why the controversy about George Grey's intentions, when what could have been a dangerous (and dangerously premature) Treaty-repudiating moment all turned out to be a *Comedy of Errors*?

The reason why is that Grey has not been properly understood as a sophisticated mixer of ideological tracks. That he played hard and fast with the truth for the sake of political convenence and his own career is beyond doubt. We know that he was not a man of Victorian rectitude. Yet he possessed the skill of getting policies past choke-points, contradictions, through the straits and defiles of vested interests. This far from contemptible skill is to be condemned for its bad faith on this particular occasion towards indigenous peoples.

The Governor as a political D.J. had to make Earl Grey and Crown colony government sound right. The Governor saved the day by invasively taking both sides of the same set of arguments. He did not just adhere to opposing walls of the argument, but made inroads into them. Just what did that sound like? It would read as follows, using admittedly a text from a year later:-

Would it [be] better to endeavour at all hazards to enforce a strict principle of law, or endeavour to find out some nearly allied principle which should be cheerfully assented to by the parties? [637]

From a legal perspective, the result was indeed an "imperfectly argued agreement", such as American jurist Cass Sunstein has identified. It led to war- though in 1840s New Zealand it seemed that very many actions would lead to war, and that failure to procure land would compromise the development and security of the colony. The constriction of settlement as we shall see, led to the First Taranaki War in 1860. Grey's first responsibility as he saw it was to the colony.

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[633] Limbrick, Warren E., "Selwyn, George Augustus 1809- 1878" Dicionary of New Zealand Biography, updated 22 June 2007; http://www.dnzb.govt.nz/ .
[634] Orange, Claudia, *The Treaty of Waitangi*, p. 127.
[635] Morrell, W.P., *The Provincial System in New Zealand*, Whitcombe and Tombs Christchurch 1964, p. 38.
[636] Rutherford, J., *Sir George Grey K.C.B. 1812-1898: A Study in Colonial Government*, p. 153.
[637] Grey to Earl Grey 15 May 1848 GBPP [1120] 22-6, 23.

Whhat we may comprehend though in such avowals by Grey, is the phenomenon of "weak recogniton" as Paul Ricoeur terms it. [638]Both Klaus Kodalle and Paul Ricoeur argue that it is the reiteration of mundane matter of fact relationships, constituting "normalcy" and constant discussion, that make for peaceful coexistance. [639]There is no need for the strong recognition that Emmannuel Levinas proposes, or the potlatch of Marcel Mauss, in polity building. It is perhaps on such a basis that Jeremy Waldron argues that it is precisely adjacent peoples who would otherwise resort to conflict, who should form a common polity. [640]

Moroever we have seen that Grey had a clear assimilationist agenda. He had not compromised his own values or his own sense of mission. Sophistry to us was civil prudence, or what Aristotle calls *phronesis*, to him. *His* future for Maori was not one of self-determination, but one of economic participation and full civic rights in a stadialized scheme. In the case of Maori, he regarded this as a future prospect soon to be achieved. At this time of his life, he was convinced that their interests would be best served, and those of the colony, and the cause of native protection, by obliging them not to rely upon their lands. The indigenous President of Mexico Benito Juarez thought the same, abolishing the indigenous *ejidios* from the era of the Spanish Crown in 1850s and 60s Mexico. Camillo Cavour thought the same in the Kingdom of Sardinia in the 1850s, removing ecclesiastical mortmain. For mid 19th century global Liberalism, a mobile land market and the labour contract complemented one another, everywhere in the world. And in a age of Mars, liberal leaders were just as prone to slash the Gordian knot, to build and rebuild their states, as much as the Tzar or Bismarck, or Abdul Hamid II. Juarez has been mentioned, along with Grey, but what about the war-fighting of Abraham Lincoln, Adolphe Thiers and President Bartolomeo Mitre, who led and commanded the forces of Argentina durng the War of the Triple Alliance (1864-70) against an irredentist Paraguay?

Grey's pontoon bridge of expediency lay between powerful ideological systems, which are still with us - Land Law, indigenous rights, and Liberal capitalism. Despite his intentions, the opening or transit point that he created been has available to other parties to use. The very ambiguity of New Zealand's solutions created a maze in which even the Minotaur got lost, which the victim could escape.

We must furthermore acknowledge that Grey wrote the above in a "public letter" – a despatch. Everyone who read it was complicit unless they protested. It was not a scurrilous or shabby statement by the standards of contemporary publc discourse. Grey was a political agent in a skeptical Whig political culture. As John Burrow noted, mid 19th century Whigs were neither contractarian nor into what we would call human rights. [641]That removes constraints that we may rely upon.

To revert to Oakeshott- it against was a Gnostic "Puritan-Jacobin" apprehension of the truth, that

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[638] Ricoeur, Paul *The Course of Recognition* Davd Pellauer (trans) Harvard University Press, Cambridge MA 2005.

[639] Kodalle, Klaus *Verzeihung nach Wendezeiten?* Palm und Enke, Erlangen and Jena 1994.

[640] Waldron, Jeremy "The Priniciple of Proximity" - *New York School of Law Public Law and Legal Theory Research Working Papers* Working Paper No 11-08 January 2011, p. 1.

[641] Burrow, John *Whigs and Liberals:-Continuity and Change in English Political Thought* Oxford University Press Oxford p. 126.

Oakeshott was contrasting a skeptical liberal order. Truth is the antonym of lies not error. Grey did lie but he is not lying in the above instance. He is publically daubing and adding to the great Whig impasto of British and New Zealand time. The sun has indeed gone down on that Turnerian imperial sunset – but the question we should be asking, as we balance between the ideological positions of Earl Grey and Bishop Selwyn and Chief Justice Martin – is where are Maori in all this conversation?

For there were conversations with Maori- and Governor Grey made certain that their protests got to Maori. Surely though, what we see exemplified in the Whig Liberal order is the reality that for subjects and subalters, for the indigenous, the disenfranchised and women, Whigs and Liberal Anglicans were closet Jacobins unleashed, engaged in proactive, progressivist change management, whereas amongst fellow citizens, in the polity proper, in the power elites, and officer of government, scepticism and a studied nescience prevailed to bring about a civil prudence of ideological code-switching. It has been proposed that the Whig constitution was "baroque". [642] It was perhaps rather a Gothic reconstruct, like the Houses of Parliament that burned down in 183, so that the NZCA resembles the Sir Charles Barry and Augustus Welby Pugin phoenix of a design that rose beside the Thames. Charles Dickens' *Barnaby Rudge* (1841) [643]and Victor Hugo's *L'Homme qui rit* (1869) [644] are novels that unforgettably transform the Whig constitutional order into nightmares that exceed Mervyn Peake's Gormenghast.

Evidence definitely exists that Grey had assented in principle to a waste lands regime in New Zealand. Earl Grey had privated consulted him and Grey had privately responded.[645] The Colonial Secretary was not insisting on rigorous application of Vattelian waste lands doctrine. [646]Governor Grey assured Selwyn and Martin that it was all "theory" and not really to worry:-

The Governor thought that the instructions are only a satisfaction to Lord Grey's theoretical opinions, to which he was pledged, and that he neither would not carry them into practce in New Zealand. [647]

Bishop Selwyn considered publication of the theory damaging enough to Maori rights. The policy had to be renounced. The Chief Justice was committed to the North American jurisprudence, that recognized indigenous interests of occupancy in such apparent waste lands. We have previously noted Grey's citation in his published expedition *Journals* of John Dunmore Lang's argument for aboriginal occupancy rights.

The significance of the Selwyn and Martin protest cannot be understated however. Selwyn's protest attracted attention and some controversy in Britain, while Martin's pamphlet to great annoyance demolished the legal argument for waste land doctrine in New Zealand. [648]In *England*

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[642] Hickford *Lords of the Land* p. 234.
[643] Dickens, Charles *Barnaby Rudge* John Bowen Penguin Classics, London 2003.
[644] Hugo, Victor, *L'Homme qui rit* A. Lacroix, Verboeckhoven et Cie, Paris 1869.
[645] Grey to Earl Grey 9 April 1847 GRE/ B99/ 6A/ 1 DUL.
[646] Hickford, Mark *Lords of the Land* p. 218.
[647] Tucker, H.W., *Memoir of the Life and Episcopate of George Augustus Selwyn D.D.* 2 vv 1879 republished Hardpress Publishing New York 2012.
[648] Martin, William, *England and New Zealanders. Part I. Remarks upon a despatch from the right hon. Earl Grey to governor Grey. Dated Dec. 23 1846.* Bishop's Auckland, College Press 1847. See pp. 11, 15, 67. 68, 70 for quotations from Captain Grey.

and New Zealanders, Martin repeatedly quoted Captain Grey as the correct enunciator of New Zealand waste lands policy. A New Zealand official circle managed to come up with a coherent view, quite different from the New Zealand Company settlers. The Governor though was playing it both ways, trying to satisfy both sides on the land question.

An advantage these eminent Auckland conspirators had was that a breach had opened in communications between the New Zealand Company settlers and their representatives in Great Britain. Not only was news of the New Zealand Government Act at best received with indifference, it was condemned as "visionary" by Nelson settlers at a public meeting on 30 January 1847. Lord Grey had let them down. It was not so much New Zealand that had become divisible as the New Zealand Company itself. Where such a rupture between settler realities and a reinvented tradition of municipalism had grown, officials could intervene with greater confidence.

Waste Lands

Both Stanley and Earl Grey professed themselves disciples of Dr Arnold's waste lands doctrine. Lord Stanley had attempted to introduce a twopence an acre land tax when FitzRoy was governor. FitzRoy as we have seen attempted to raise revenue from land sales of 10 shillings an acre so that this attempt to encourage land sales was not practised. New Zealand governors then in the mid 1840s were fending off advice and instructions from London to deny Maori property in apparent "waste lands".

"Home" situations and policies influenced settlers. Peel's government had passed a General Enclosures Act in 1845 for Great Britain, establishing an Enclosure Commission so that there was no longer any need for a separate Act each time an enclosure was made. Policy for the colonies reinforced the same theme, the Canadian clergy reserves [649]and The Waste Lands (Australia) Act 1846 for example. In fact Earl Grey introduced his instructions on New Zealand land policy by referring to the Australian legislation. Why should New Zealand lands and the rights of "New Zealanders" (ie Maori) be different from British villagers and Highlanders or the indigenes of other colonies?

The portion of the Royal Instructions concerning waste lands must not be regarded as separable at this stage from the 1846 constitution. As documents they all arrived in the same despatch and were interrelated. Historians then must regard them as impartible and interrelated. This is one bundle of rods that cannot be scattered. Moreover settler constitutions were in the first instance racial and land distributionist orders. Earl Grey's despatch was understood to mean that while previous undertakings were to be respected, no lands were to be subsequently acknowledged as under aboriginal title unless Maori qualified as owners in Vattelian terms with the "admixture of labour" to the soil. [650]

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[649] Hincks, Francis, *Religious Endowments in Canada: The Clergy Reserve and Rectory Question- A Chapter of Canadian History*; Dalton and Lucy, London, 1869.
Wilson, Alan, *The Clergy Reserves of Upper Canada*, The Canadian Historical Association, Historical Booklet No. 23, Ottawa 1969, p. 19.
Wilson, Alan, *The Clergy Reserves of Upper Canada: A Canadian Mortmain*, University of Toronto Press, Toronto 1968.

[650] Earl Grey to Grey 30 November 1847 *Papers Relative to the Affairs of New Zealand G*.B.P.P. December 1847 [892], p.p. 83-84.

Emerich de Vattel the eminent Swiss jurist had stated the following principles for public and international law in 1758:-

The cultvation of the earth is not only to be recommended to the government for its great utility, it is moreover an obligation imposed on Man by Nature….. Each nation iss therefore obliged by Natural Law to cultivate the terrritory that has fallen to it as its share, or to seek the assistance of others if the land that it inhabits is unable to provide it with the necessities of life. Those peoples, such as the ancient Germans, some modern Tartars who reject cultivation of the earth while, living in fertile country, and prefer rather to live by rapine, lack what they need themselves, are harmful to their neighbours, and deserve to be exterminated like fierce and harmful beasts. There are other peoples again who to flee work, wish to live by the chase and from their herds. That could be done uncontestably in the first age of the world when the world was more than adequate for the small number of inhabitants….Those who keep up this idle manner of living usurp more land than they would have need for by honest toil, and they can have no cause for complaint of other nations that work harder and that are more disciplined, come and occupy a portion. Thus, even though the conquest of the empires of Peru and Mexico was an outrageous usurpation, the foundation of several colonies in South America within just boundaries, is entirely legitimate. [651]

Maori did work the soil, they were expert fishers and fowlers, hunted pigs in the forests and regarded pig-runs as property, yet in the Vattelian scheme they used the land inefficiently, and they were pre-statal. Grey noted in the case of Wellington Maori that the more efficient their agriculture became, the more land would be available for his government to purchase for settlers. Maori lay between hunter-gatherers and laborious peasantries in the Vattelian scheme. Captain Grey's solution was supposedly that Maori should be encouraged into intensive agriculture as soon as possible; - or rather obliged to labour on public works or as farm labourers. Therein lay the rub.

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[651] de Vattel, Emerich; *Le Droit des Gens, ou Principes de la Loi Naturelle appliquee a la Conduite et aux Affaires des Nations et des Souverains*; J.-P. Aillaud, Paris 1830 [1758], Book I, Ch. VII, pp. 113-114.

La culture de la terre n'est pas seulement recommandable au gouvernement pour son extrême utilité, c'est encore une obligation imposée à l'homme par la nature. .....Chaque Nation est donc obligée, par la loi naturelle, à cultiver le pays qui lui est échu en partage, et elle n'a droit de s'étendre, ou de recourir a l'assistance des autres, qu'autant que la terre qu'elle habite ne peut lui fournir le nécessaire. Ces peuples, tells que les anciens Germains, et quelques Tartares modernes, qui, habitant des pays fertiles, dédaignent la culture des terres, et aiment mieux vivre des rapines, se manquent à eux-mêmes, font injure à tous leurs voisins, et mérite d'être extermines comme de bêtes féroces et nuisables. Il en est d'autres qui, pour fuir le travail, ne veulent vivre que de leur chasse et de leurs troupeaux. Cela pouvait se faire sans contradiction dans le premier âge du monde, lorsque la terre était plus suffisante par elle-même au petit nombres des inhabitants. .....Ceux qui retiennent encore ce genre de vie oisif usurpent plus de terrain qu'ils n'auraient besoin avec un travail honnête, et ils ne peuvent pas se plaindre, si d'autres Nations, plus laborieuses et trop resserrées, viennent en occuper une partie. Ainsi, tandis que la conquête des empires polices du Pérou et du Mexique a été une usurpation criante, l'établissement de plusieurs colonies dans le continent de l'Amérique septentrionale pouvait, en se contenant dans de justes bornes, n'avoir rien que de très -légitime

Despite the language of reserving lands for them while he purchased vast tracts of Maori land- Grey acted in the settler interest. The smoking gun is a letter to Earl Grey dated from the Wairarapa on 24 August 1853, where he was buying land from Ngati Kahungungu:-

The duty I am engaged on here is attempting to induce the native tribes to part wth all the interior districts which are likely to be speedily acquired by Europeans. [652]

The implication here is that if Maori are to be left with any land, it would not be of sufficient quality to sustain them, and what inferior lands would be even when the country was immediately put to grazing, on those plains? To Grey's mind the indiigenous right of occupancy had to be weighed against the needs of immigrant landless peoples. As this book will later demonstrate, Grey always sought tipping-points in this balance, with his "smashing" of the Xhosa in the Eastern Cape over 1857, and in his operations against Waikato and Taranaki Maori in 1863.

Another calculated moment of realpoltik was when Grey demanded land at Wairau, Marlborough in 1847,where the Wairau affray had taken place. He told the Ngati Toa chief, Rawiri Puaha, that the Queen wanted the land where her dead lay. What Grey was doing was entering into the Economy of the Gift, as anthropologists now understand it. There has been a rich literature on gift-giving from Marcel Mauss to Annette B. Weiner on the phenomenon of gift-giving amongst indigenous and ancient peoples. [653] Grey was ruthlessly exploiting his ethnographic understanding of gift-giving practices. By asserting the mana of the Crown, he was demanding the gift as the price of total closure. Regardless of what he understood of inalienable possessions, he knew that the land he demanded did not belong to that category. He would have understood however that receiving a gift created a counter-obligation. He was exploiting the hope that Rawiri Puaha would have had that the conveyance of the land would connect and bond his people with the Governor and the Crown. Any such bond, to Grey's mind, would only have been with himself, personally, (if even that) - not with the Crown as such. Grey had also discerned a Political Economy, of war and peace amongst Maori iwi and hapu, over such gift-giving, and assertion of mana. For the sake of some sharp practice, Grey was prepared to enter into that Maori economy of the Gift, aggressively exploiting the intelligence and knowledge that he had gathered through ethnographic research, while also exploiting the surpluses of meaning that the Crown, and a burial site represented.

It goes without saying, to use the Kiwi vernacular, that Grey was not a man you would buy a second-hand car from.

Grey's Coup d'Etat

No one has denied that Grey's despatches of May 1847 were not masterly compositions and that in tone and argument they were calculated to persuade the Secretary of State and not to offend him. The Grey minimalists would ascribe that to his pernicuious and serpent-like rhetorical facility. [654] The Grey glozening tongue drove a glozening quill. Yet his accomplishment can be measured

[652] Grey to Earl Grey 24 August 1853 B99 6A/ 49-51 DUL Durham University Library.
[653] Mauss, Marcel *Forms and Functions of Exchange in Archaic Societies* Ian Cunnison (trans) Norton, New York 1967.
Weiner, B. Annette *Inalienable Possessions:- The Paradox of Keeping-While-Giving* Unversty of California Press Berkeley 1992.
[654] McLintock, op. cit., p. 405.

from the fact that his argument was immediately won. Bishop Selwyn however incurred the blame for the "agitation" in the Commons. [655] Gladstone, Sir Robert Peel, the President of the Board of Trade Henry Labouchere all vied in quoting Captain Grey's despatches in the Commons. [656] The governor had been careful to distance himself from the agitators against Earl Grey in his colony, so as to preserve his influence with the Colonial Office. He mildly censured Chief Justice Martin for the record while publicly disowing Bishop Selwyn's passionate language. [657] The governor had composed despatches of the requisite quality and scope and tone of argument for extensive quotation in the House.

McLintock argued in 1958 that Grey had leave to argue for its alteration as Earl Grey left the governor the discretion of when to proclaim the 1846 constitution. [658] It was all a storm in a tea cup, he was implying, trying put Grey down as often as he could. What is to be understood about this crisis is that the governor of a colony had been arguing against Royal Instructions and Government policy and against an Act of Parliament which he had been ordered to bring into effect, and not merely asking for "more time". Governors were invited by despatch to engage in constitutional conversation and did not take it upon themselves to propose the review of matured policy. Resignation or recall were the likely consequences of unilaterally altering the policy of the British Government, as Grey learned in 1859 when he proposed a federation of settler states and colonies in Southern Africa.

At any event Grey had informed Selwyn and Martin that he would resign if his advice were not accepted. If Grey's motivations must always be regarded as careerist, then he had dramatically recruited two prominent witnesses to the contrary. The notion also that Grey chose to ride the agitation after being in two minds about it may be dismissed. Captain Grey had already stated his position for the record. In April a few weeks before the despatch arrived from Earl Grey, the governor had sent a preemptive despatch warning against appropriating Maori land with waste lands doctrine:-

"Such an attempt would be unjust, and it must, for the present, fail because the natives would not submit to it…..the natives are now generally very willing to sell to the Government their waste lands at a price, which, while it bears no relation to the amount for which the Government can resell the land, affords the natives (if paid under a judicious system) the means of rendering their condition far more comfortable than it was previously……I am satisfied that to have taken the waste land I have now purchased by other means than those I have adopted, would once more have plunged the country into an expensive war, which, from its supposed injustice, would have aroused the sympathies of a large proportion of the native population against the British Government, and would thus have retarded for many years the settlement and civilization of the country."[659]

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[655] Labouchere 9 February 1848 *G.B.D.P*. v. 96 p. 349. For Henry Labouchere 1st Baron Taunton (1798-1869) consult:-
Barker, G.F.R., (revised Matthew, H.C.G.) "Labouchere, Henry, 1st Baron Taunton (1798-1869" in *Oxford Dictionary of National Biography*, H.C.G. Matthew and Brian Harrison (eds), Oxford University Press 2004, v. 32., pp. 161-163.
[656] Gladstone 9 February 1848 *G.B.D.P*. v. 96, p. 333; Henry Labouchere 14 February 1848 ibid p. 599; Sir Robert Peel 14 February 1848 ibid p. 613.
[657] Grey to Earl Grey 30 November 1847 *G.B.P.P.* 1847 [892] p. 82.
[658] McLintock, op. cit., p. 289.
[659] Grey to Earl Grey (31) 7 April, *G.B.P.P.* 1847/ 892 see also Grey to Earl Grey (secret) 8 April 1847 G 25/2.

Grey's position resembles Thomas Jefferson's Indian policy, and no other, - of purchase and gradual cession while "incorporating" Indians into the United States. He took careful not to directly challenge the authority of Arnold and Vattel in the despatch as that would challenge Earl Grey himself. [660] Yet the Instructions completely worked against the policy of Grey's New Zealand government and its magistrates as it attempted to recover its lands policy from the debacles of FitzRoy's waivers of the Crown right to pre-emption and the penny-an-acre proclamation. Grey was able to add Justice Chapman's judgment in the test case *The Queen v J.J. Symonds* as an enclosure to his despatch of 5 July 1847. [661] Chapman found that the Queen's seisin in fee did not apply to her native subjects, although it applied to the lands of her European subjects, and that Crown right of pre-emption was no global assumption of title to lands over which the Crown had Sovereignty, nor the right to be the first purchaser, but rather the right to extinguish aboriginal title. That title defined as a "modified" and qualified dominion, not an original and absolute dominion, which should be conveyed by purchase to the Crown for selling onto settlers, so that aboriginal title to the "enjoyments" of the property they had possessed, would be entirely extinguished. Thus had pre-emption doctrine developed since Jefferson understood it to mean a Crown appropriation over the native protectorate, to which he had objected. [662] Thus also had North American indigenous law "landed" in New Zealand, to use Hickford's most apt expression. [663]It long remained though in quarantine.

How counter-intuitive Grey's pro-Maori and anti-classical attitude on the waste lands question would have seemed to many in London and at Whitehall is expressed by the entirely conventional, yet Utilitarian, views of John Arthur Roebuck MP in 1849:-

> "I say, that for the mass, the sum of human enjoyment to be derived from this globe which God has given us, it is requisite for us to pass over the original tribes that we find existing in the separate lands which we colonize. When the European comes into contact with any other type of man, the other type disappears. Let us not shade our eyes, and pretend not to see this result. Hypocrisy is by far such a proceeding added to all the evils which we must encounter. The result is the same. The aborigines *disappear*". [664]

Grey had to persuade his superiors of the military situation, [665] reminding them of the *Realpolitik* of the New Zealand situation in language that did not contradict the humanitarian purpose. [666] An outbreak of violence at Wanganui in April 1847 served the purpose of reminding the Colonial Office that pacification was not only incomplete, but that irruptions of violence could break out at any time if the provocation were sufficient.

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[660] Grey to Earl Grey *G.B.P.P.* 3 May 1847 *G.B.P.P.* 1847 [892] p. 42.
[661] Grey to Earl Grey 5 July 1847 *G.B.P.P. Papers relative to the Affairs of New Zealand*, December 1847 [892] ; Martin, William CJ, judgment on Queen v. Symonds (McIntosh's Case) p. 64.
[662] Jefferson, Thomas, *A Summary View of the Rights of British America* Printed by Clementina Rind, Williamsburg Virginia, Reprinted G, Kearsly London 1774.
[663] Hickford p. 243.
[664] Roebuck. John Arthur, *The Colonies of England : A Plan for the Government of some Portion of our Colonial Possessions*, p. 138.
[665] Grey to Lord Stanley 11 March 1846 *G.B.P.P.* 1847 [763] p. 2.
Grey to Earl Grey 1 July 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand 1847* [892] p. 59.
[666] Grey to Earl Grey 3 May 1847, ibid p. 43, p. 45.

While scarce credit would have been given Grey's warnings of a general insurrection, warfare with only a few tribes had proven embarrassing enough, and in fact turned into a protracted insurgency 20 years later. No one in Whitehall wanted New Zealand in the news any longer and a topic for Commons debates any longer than necessary. Nor did Grey give his superiors the impression that the military situation was intractable. He was able to provide evidence of Maori who were willing to sell lands and to protest by due process. [667] Grey himself turned agitator and facilitated the protest letter of the great Tainui chief Te Wherowhero to the Colonial Office. [668]

Against their invisibility in the New Zealand Government Act, Grey insisted that Maori be represented on the same terms as the settlers, on the principle that there should be no taxation without representation:-

> " At present, the natives are quite satisfied with the form of government now existing, and as the chiefs have always ready access to the Governor, and their representations are carefully heard and considered, they have practically a voice in the government and of this they are well aware; but under the proposed constitution they would lose their power and the Governor would wholly lose his influence over them…The Natives, are at present, certainly not fitted to take a share in a representative form of government; but each year they will become fitted to do so, and each year the numerical difference between the two races will become less striking; so that a great advantage would be obtained by delaying even for a few years the introduction of the proposed constitution into the northern parts of New Zealand". [669]

In this extract the time intervals for this events were made to seem proximate, by the reiteration of "each year" and " a few years". The insinuation is why should current policy that was succeeding be interrupted for an unknown result? The Colonial Office required reminding of what the New Zealand experiment was in fact about. Although careful of the British interest in New Zealand, Grey offered no illusions about the settlers. By introducing the proposed constitution, the Queen would -

"give to a small minority of one race the power of appropriating as they think proper, a large revenue raised by taxation from the great majority of her subjects of another race". [670]

Grey was able to insist that a "majority" of adult Maori had become literate in their own language. Why then did that attainment disqualify them as it might an illiterate people? To support this argument, Grey mentioned the French and German settlers to New Zealand, who would thus be excluded on the basis of their ignorance of English and of their isolation in allophone communities. [671] The most compelling argument that Grey was able to advance was that Maori dwelling in the native protectorate were substantial contributors to the revenue of the colonial government. Should qualified Maori then be denied the franchise, for duties and imposts they would have to pay for

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[667] Grey to Earl Grey 26 March 1847 and 7 April 1847 *G.B.P.P. Papers Relative to the Affais of New Zealand* 1847 [892] p. 7, p. 14.
[668] Grey to Earl Grey 3 May 1848 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 1848 [1002] 1848 p. 144.
[669] Grey to Earl Grey 13 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand* [892] 1847, p. 45.
[670] Grey to Earl Grey 3 May 1847 CO 209/52.
[671] Grey to Earl Grey 3 May 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand* 1847 [892] 1847, p. 44.

goods and services rendered through the settler beachheads and the offices of the colonial government? [672]Should Maori be politically subordinated and their rights threatened? These arguments amounted to a picture of Maori progress towards civic capacity [673] which a British Government lately relieved of the burden of war in New Zealand, would have been reluctant to disturb. Grey reverted to what Gladstone had proposed,[674] that in the absence of the Native Protector's Office that was usual in settler colonies, the Crown reserve to itself the protection of Maori, and allow the settlers only to govern themselves.

It is now apropriate to consider the question of the provinces and their powers. Gladstone's "municipalism" was indeed modelled on the colonial experience of 17th century America, and not by the Municipal Corporations Act 1835 with its narrower scope for cities and boroughs. [675] Gladstone proved himself to be an expert on Rhode Island in the Commons. For George Grey, a province encompassed an entire municipal zone and its hinterland, and did not merely amount to harbour towns of a few thousand people at most, which is what passed for a municipality in New Zealand. He was therefore was able to adhere to the Gladstone plan that had remained intact within Earl Grey's. There would still be provinces. With reference to the Municipal Corporations Act, Grey was soon able to refer to the "more extended municipal powers", [676]that New Zealand provinces were to have, as the replacement New Zealand Constitution Bill was prepared. The "municipalism" of the American colonies was not only practically attractive, but afforded a concept for provincial government that united the Governor, the Secretary for the Colonies and the New Zealand Company, when Grey and the Company were frequently at loggerheads.

Grey was at all times to insist upon the constant military danger of Maori. His fullest analysis of the Maori war-fighting capabilities occurs in a despatch of 1849 to Lord Grey. This is a military intelligence report on indigenous war-fighting capabilities such as he had learned from Albert Gallatin's *Synopsis*:

> "These natives are generally armed with rifles or double-barrelled guns; they are skilled in the use of their weapons and take great care of them; they are addicted to war; have repeatedly, in encounters with our troops, been reported by our own officers to be equal to any European troops; and are such good tacticians that we have never yet succeeded in bringing them to a decisive encounter, they having always availed themselves of the advantage afforded by their wilds and fastnesses. Their armed bodies move without any baggage, and are attended by the women, who carry potatoes on their backs for the warriors, or subsist them by digging fern-root, so that they are wholly independent of supplies, and can move and subsist their forces where our troops cannot live." [677]

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[672] Grey to Earl Grey ibid p. 45.
[673] Grey to Earl Grey 1 October 1847 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 1848 [899] p.24.
[674] Gladstone to Grey 31 January 1846 *G.B.P.P. Papers Relative to New Zealand* 21 May 1846 [337] p. 159.
[675] Gladstone to Grey No. 75 18 March 1846 *G.B.P.P. Papers Relative to New Zealand* 21 May 1846 [337] p. 168.
William Ewart Gladstone MP in *G.B.P.D*. vol. 121, cols. 953-956.
[676] Grey to Earl Grey 30 August 1851 *Papers Relative to the Proposed Constitution of New Zealand* G.B.P.P. 3 May 1852 [1475] pp. 18-33, see p. 24.
[677] Grey to Earl Grey No. 58 9 July 1849 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* 1850 [1136] p. 190.

Grey therefore argued against the despatch of 23 December 1846 by respectfully insinuating an alternative. Such an approach involved taking care not to make a frontal attack on either Earl Grey or Dr Arnold and Vattelian doctrine, while yet persuading his superiors of a New Zealand "exceptionalism" on the basis of Maori capacities, institutions and progress in civilization. The implication was that current policy would obtain the same result. Moreover it was a published ethnographic expert who was arguing so, and no casual observer. Grey's despatch visions of race relations have been condemned as either wilful self-delusion or deliberate propaganda by which specific developments were dressed up to suggest a general situation. [678]

Grey dealt with points of principle just as he had done with the Port Louis paper seven years before. "Theoretical" political principles had resulted in Earl Grey's despatch of 23 December. Grey chose not to fall into the trap of joiinnng wth Selwyn and Martin in intellectual controversy. Grey's strategy was to appear to affirm Earl Grey's principles, while proposing other applications.[679] Extreme deference, the strategy of appearing to derive the requisite principles for New Zealand policy from Earl Grey's own language produced documents that could be quoted in both the House of Commons, and in publications:-

> "Such a form of institutions had already in their main outline been sketched by your Lordship, and these in their main features presented a constitution than which nothing better could be devised here, although alterations in the details appeared necessary to adapt them to this country and to the feeling of its inhabitants." [680]

Grey rather insisted in a battery of despatches on the exceptional circumstances of Maori, from the labour they expended on their lands, [681] the destitution to which they would be reduced if forced into too close a territory for subsistence,[682] the progress they were making with agrarian and pastoral farming, [683]which would presumably reduce their requirement for such extensive lands, and above all their political capacity and commercial acumen. Jefferson had argued that the more efficient land-use of agriculturalists would preserve Americans Indians better, than if the Federal Government protected wide-ranging lands on which they haunted and trapped. The picture that Grey created was one of barbaric "virtue" and industry, of warlikeness combined with an emergent peasant agriculture, out of a less effcient "slash and burn" horticulture, that necessitated more land to practice.[684]

Pacification assured, Grey's fundamental message to Earl Grey during his governorship was that an exceptional result could be expected from an exceptional people:-

> "This process of incorporation of the native population into the European settlements has, accordingly, for the last few years, been taking place with a rapidity unexampled in history.

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[678] Sewell, Henry, Sewell, Henry *Journal* W. McIntyre (ed)., 13 March 1853.
[679] Grey to Earl Grey 29 November 1848 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand* [1136] 1850 p. 11.
[680] Grey, Henry George 3rd Earl, op. cit., v. II p. 133.
[681] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand* [1475] 3 May 1852 p. 20.
[682] Grey to Earl Grey 21 April 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand* [892] December 1847 p. 36 .
[683] Grey to Earl Grey 30 August 1851, *G.B.P.P.* [1475] 3 May 1852, op. cit., p. 21 sections 16 , 17.
[684] Gladstone 9 February 1848 *G.B.P.D.* v. 96 ; pp. 333-334.

> Unless some sudden and unforeseen cause of interruption should occur, it will still proceed, and a very few years of continued peace and prosperity would suffice for the entire fusion of the two races into one nation." [685]

The British government should not then interfere in what the New Zealand economy and what social development among Maori were achieving, nor should settlers be permitted to prevent the apparent natural outcome of this process. The less interference, the faster the consummation of New Zealand colonization and native protection. The concomitant was that Grey had to demonstrate that he could in fact affordably procure land by means of the Crown's right of preemption. His administration had indeed been able to resume the purchase of lands that had broken down under FitzRoy. A year after hostilities with Ngati Toa for example he was able to buy from them 25,000 acres in the Porirua region for 2000 pounds. He was also able to acquire Ngati Toa's rights to about 3 million acres in the Wairau region of what became Marlborough for 3000 pounds[686]. 1 pound sixpence per acre was his usual maximum price.

It took until November 1846 for Grey's despatches of May to arrive at 14 Downing Street. [687]It was Henry Labouchere who introduced the Suspending Bill on 13 December 1846. Grey had had no need to argue his case polemically because he knew that the political process would be difficult enough for Earl Grey. He wanted to convince the Colonial Secretary, not offend him. Gladstone for his part accused the Colonial Secretary of letting his zeal outrun his discretion, and then stated in the language of racial "improvement" rather than of native protection –

> "they had in the case of the islands of New Zealand – with, perhaps the single exception of their West India islands – the most interesting and hopeful juxtaposition between European civilization and aboriginal races which the world could present: and he believed that if the House would exhibit towards the New Zealanders that paternal care and tenderness which it was their bounden duty to extent to them, they might witness a satisfactory, a peaceful, and glorious issues to the Christian, philanthropic and enlightened labour which had been bestowed on the colony."[688]

Earl Grey concluded the exchange with a private message to the governor dated 26 February 1848 in which he confided to him the:-

> "difficulty of judging what may be suitable arrangements for the very peculiar circumstances of New Zealand" while noting " that it imposes upon you a load of responsibility which I shd. have shrunk from imposing upon an ordinary governor".
> [689]

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[685] Grey to Earl Grey, 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution for New Zealand* [1475] 3 May 1852, p. 21.
[686] Grey to Earl Grey; 26 March and 7 April 1847 *G.B.P.P.* 1847[892] op. cit., p. 7, p. 14.
[687] Earl Grey to Grey 30 November 1847, 1 December 1847 *G.B.P.P. Papers Relative to the Affairs of New Zealand* [892] 1847 p. 82, p. 84.
[688] Gladstone *G.B.D.P.* 1847 v 95 13 December 1847., cols 1009- 1014.
[689] Earl Grey to Grey (private) 26 February 1848, Grey MSS, Auckland Public Library.

The earl was to review his administration of the Colonial Office in a book he published in 1853 *The Colonial Policy of Lord John Russell's Administration* [690] which consisted of fictitious correspondence from himself to Lord John Russell. Discussing New Zealand he stated:- "any general insurrection was averted". [691] The Governor's alarms had prevailed. While admitting that the Government had arrived in office so late in the 1845-46 session that it did not give proper consideration to its New Zealand legislation, and had arrived at "a hasty and erroneous conclusion", [692]he was able to argue in the language that Sir George Grey had supplied him: - [693]

> "The leading principle of the Act of 1846 – the division of authority between subordinate Provincial Legislatures, and a general Legislature for the whole Colony –has been adhered to".

Unwittingly foreshadowing Sir George Grey's immediate future, he went on to propose the application of a New Zealand model in Africa. [694] Commenting on Sir Harry Smith's annexation of Xhosa territory on 23 December 1847:-

> "The policy thus adopted was, in fact, precisely the same as that which has been followed with such success in New Zealand".

That success could indeed be the retrospective of 1853, when George Grey was in fact preparing to abandon his colony, although it was not at all the situation in 1847 when New Zealand policy was so unsettled. Earl Grey however confidently proposed:-

> "I can see no reason why, what has already been so far accomplished in New Zealand, should not be so likewise in Africa". [695]

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[690] Grey, Henry George, 3rd Earl Grey, *The Colonial Policy of Lord John Russell's Administration* R.Bentley London 1853, 2 vv. .
[691] ibid p. 133.
[692] ibid p. 154.
[693] ibid p .158.
[694] Price, Richard , *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century Africa* , Cambridge University Press 2008, p. 267 ff..
[695] Price, ibid pp. 253-254.

Chapter Nine
The New Zealand Constitution Act and the Constitution of the Empire

A Federal N.Z.C.A?

Ged Martin is one of the all-time great historians of the British Empire. He remarked in *Britain and the Origins of Canadian Confederation 1837-1867*: -

> "There is much to be said for taking as an explanatory starting point the idea of confederation, and seeking to explain why this mental construct became fastened upon a set of circumstances to which it does not seem to have been a particularly appropriate response, rather than assuming that it was indeed the correct answer to the challenges of 1864 and then adopting an essentially descriptive strategy which supports this thesis". [696]

Martin was right. Colonial devolution from 1840-1867 occurred while political models were in flux. We have to consider why New Zealand ended up in 1852 with multiple governments, with several provincial governments between the 1850s and 1870s, a central government, and with New Zealand governors insecurely perched on what was left of the Maori Protectorate. Canada was the ground zero of devolution to parliamentary government in the British Commonwealth. In the 1840s particularly, a general settlement seemed elusive in Canada, in fact was not even considered possible at times from the variety of colonies across the world, especially as there was no consensus at that time as to whether a Westminster model could or should be devolved out of the gubernatorial and conciliar systems.

Martin's "starting point" requires a caveat though. Confederation was the starting point for the Canadian exercise he was discussing, but to what extent was the idea of a *federal* system a starting point for New Zealand in the late 1840s and early 1850s? Hickford correctly insists that the emphasis of Earl Grey's constitutional project lay on municipal government:-

> municipalism rather than federalism was the trope underscoring the design of what become the New Zealand Constituton Act 1852. [697]

Some way of associating half a dozen scattered colonies was required. The New Zealand Constitution Act 1852 produced a general government and provincial governments. Was this in fact a "quasi-federation" as has frequently been claimed? [698]This chapter will demonstrate that Sir George Grey and Earl Grey sought a federation in so far as it was compatible with the systems of disallowance and reservation of assent under the Royal Assent throughout the entire Empire. The monarchical constitution of the empire was necessary to comprehend Maori, both with respect to their rights against settlers, but above all to ensure their amalgamation.

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[696] Martin, Ged, *Britain and the Origins of Canadian Confederation* 1837- 1867 p. 30.

[697] Hickford *Lords of the Land* p. 236.
See also Merivale- Frederick Peel 1 Jan 1852 CO 209 /159 fos. 721-2a TNA.

[698] Madden, Frederick and Fieldhouse, David (eds.) *Select Documents on the Constitutional History of the British Empire and Commonwealth* Volume IV: Settler Self-Government 1840-1900 – The Development of Representative and Responsible Government; Greenwood Press, Westport Connecticut, p. 791.

The reason for an extensive discussion on federalism is that George Grey was to both identify with provincial municipalism, and yet also dedicate himself to the problem of how provincial polities could be integrated into a larger, in southern Africa, Ireland, New Zealand and also Australasia in relation to the South West Pacific. To use Paul Ricoeur's Threefold Mimesis, for a constitiional hermeneutics, Grey's federalism amounted to the Mimesis 2 operation of "as if", on top of the provincial tropes of Mimesis1. Mimesis 3 was the "application". [699]Meaning was found by applying the Act- in quasi-federal ways. Yet even that was temporizing for Grey, as provinces declined into a perfected central order. "Incorporation", whether of indigenes or provinces, were run along the channels of Lethe. For the Whig constitution carried its own Gothic history of oblivion, annd obsolence along with it, in parts, precisely while it regenerated in others.

New Zealand however was not to go down the path of Peelite British local body government, wherein central government could find itself resisted by tiers and tracks of multiple government. It has remained unitary, devolving through contractual tools to NGOs, and yet also acknowledging a "foederal" compact with Maori- best spelt with an "o" to remind of the Latin "foedus" or pact. The post-modern British polity for all its technology annd bureaucracy remains Whig. It is like Damien Hirst's shark in a tank *The Physical Impossibility of Death in the Mind of Someone Living* - the old Whig order is the Hobbesian shark.

George Grey and Earl Grey's version of federation, developed over 1847-52 was converted by the brief Derby government of 1852 into a unitary government over supposedly municipal governments. Once in operation, it was political convention that soon made the system into a "quasi-federation", not anything in the 1852 Constitution Act. Canada was to become the first parliamentary government confederation in the world, not New Zealand. The British North America Act 1867 federated Canada. Other federal systems followed on the British model- India and Malaysia are current examples. There are also defunct one such as the West Indies Federation and the Central African Federation. The one federal project that Grey did not support was the Imperial Federation movement of the 1880s period. [700]

Yet the significance of New Zealand's provincial experiment is not that it preceded the British North America Act, and that the provinces ceased to exist by 1876. Rather the constitution was obliged version after version, the Greys', Pakington's Bill in 1852 and the 1852 Act, to articulate a system of reservation for assent and disallowance. These were supposed to protect Maori from settler rapacity. Those provisions entirely failed to interpose the Crown and Crown agents between the settlers and Maori. The governorship was unable to play the role of a veto-player but he was unable to provide an alternate government, more in the Maori interest, when settlers controlled supply. By the 1860s neither Grey nor the British Government were disposed to maintain a native protection regime against the settlers.

The 19th century constitutional historian Edward Augustus Freeman (1823-1892) defined a federal constitution by virtue of the doctrine that the governments on the respective levels of a federation could not interfere in each other's law. [701] In the terms of Freeman's definition -

> "A Federal Commonwealth then in its perfect form is one which forms a single state in its

[699] Ricoeur, Paul *Time and Narrative* v I p. 54, p. 64, p. 70.
[700] Froude, James Anthony; *Oceana, or, England and her Colonies* , Longmans, Green , London 1886, p. 277.
[701] Freeman, Edward Augustus *History of Federal Government in Greece and Italy* Macmillan, London 1893 ch. II p. 8.

relations to other nations, but which consists of many states with regard to its internal government." [702]

Nothing of the kind was ever entertained for New Zealand. The referral of provincial legislation for the Governor's allowance or disallowance mirrored the Governor's referral of the General Assembly's Acts to the British Government. The *N.Z.C.A.* provided for up to five stages of review, for the provinces to review the municipal councils, for the General Assembly to review the provinces, for the Governor to respectively interpose reservation of assent or disallowance upon provinces and on the General Assembly and for the general Acts of New Zealand to be reviewed by the British Government. The British North America Act would provide for executive review within Canada under its sections 56 and 90. The Governor General in Council was thereby empowered to disallow provincial legislation that was reserved to him by the Canadian Lieutenant Governors.

By Freeman's definition then, New Zealand between 1853 and 1876 was never formally a federation. Yet Grey's proposals provided for biennially elected Superintendents and provincial councils, and for provincial representation in the Legislative Council. The councils were to be two thirds elected and one third nominated like elective legislature councils. The *N.Z.C.A.* provided however for quadrennial superintendents while denying provincial delegation to the upper chamber. Sir John Pakington was to concur with Grey that the logic of the prerogative system demanded that Governor should review provincial legislation, even though to Pakington's mind, provincial councils were merely "municipal".

The *N.Z.C.A.* has nonetheless been considered the first British attempt at organising a federation-like polity. The pundits have had a field day trying to classify it. Grey's biographer Rutherford described it as "a comprehensive quasi-federal plan of government". Oxford dons Frederick Madden and Derek Fieldhouse thought the same when they entitled a section of select documents " New Zealand –The Collapse of a Quasi-Federal Government". [703] A. H. McLintock correctly but incompletely insisted: - "Thus the Act of 1852 gave New Zealand a unitary and not a federal constitution". [704]

The most judicious of them all, W.P. Morrell noted that while the supremacy of the General Assembly qualified the New Zealand constitution as unitary and not federal, the –

"dove tailing of the two governments, general and provincial, into one another was by no means inconsistent with the terms and intentions of the Constitution Act." [705]

He terminated his review of the formal and operational aspects of the system with the peerless formulation :-

[702] Freeman, Edward Augustus, ibid ch. II p 7.
[703] Madden, Frederick and Fieldhouse, David (eds.) *Select Documents on the Constitutional History of the British Empire and Commonwealth* Volume IV: Settler Self-Government 1840-1900 – The Development of Representative and Responsible Government; Greenwood Press, Westport Connecticut, p. 791.
[704] McLintock, *Crown Colony Government in New Zealand* , p. 347.
[705] Morrell, W.P., *The Provincial System in New Zealand*, p. 66.

" So long as the people of New Zealand were, so to speak, federally minded, the constitution could be worked as a federal constitution." [706]

New Zealand settlers between 1856-1858 were so minded. They were not so minded twenty years later. Yet is debatable as to how accurate even the best of these definitions are. It was convention that made the constitution a virtual federation when parliamentary responsible government required trade-off between provincial governments and central government. So little regard had been paid to plain constitutional symmetry, that the General Assembly was quinquennial while the life of provincial councils was quadrennial.

The fact that governors could disallow provincial ordinances admitted that provinces could be more than Peelite municipalities. Moreover the Act itemized in section 19 what the provinces could not do in relation to the General Assembly, otherwise they were left to their own discretion. If the constitution was operational as a "quasi-federation" by the outbreak of the 1st Taranaki War, it was in fact because it was operating both as less than a federation, as well as more than a federation. Yet the election of provincial superintendents to the General Assembly, enabled the officers of provincial governments not only to operate in the General Assembly but to form, reform and unmake ministries. While no American governor sat in Congress, New Zealand superintendents formed the nucleus of legislative actions from the start.

Previously known only in the United States or in classical text- books, if not in the cantons of Switzerland, the British were obliged to consider federalism for their Crown colonies in the 1840s, if even to discount the prospect. Even the Swiss only modernized their institutions between 1847-1849. [707]No more than the Holy Roman Empire had, did the German Confederation of that time under the presidency of Austria, constitute a common government for the German lands. The British context in which federalism was considered by imperial statesmen and officials, was in New Zealand between 1846 and 1852 when the *N.Z.G.A.* and *N.Z.C.A.* were contemplated. The Union of the Canadas Act 1840 had accomplished the opposite, though W.G. Ormsby noted:-

The terms of union and the constitutional principle upon which it was based contained the seeds of a quasi-federal system within the framework of a legislative union."[708]

The Derby Government twelve years later had had no intention of federalizing New Zealand to any extent. [709]The Greys' proposals for financial powers reveal that the governor and the Whig Colonial Secretary had. Earl Grey and Sir George Grey had a federalizing agenda. Earl Grey entertained a federal scheme for the Australian colonies, which the colonists rejected, [710]and briefly

[706] Morrell, W.P. ibid p. 68.
Rutherford, James, *Sir George Grey K.C.B 1812-1898*, p. 247.
[707]Martin, William, *A History of Switzerland; An Essay on the Formation of a Confederation of States*, (Grace W. Booth trans.) Grant Richards Fronto Limited, London 1931, p. 266- 287.
[708] Ormsby, W.G., *The Emergence of the Federal Concept in Canada, 1839 – 1845*, University of Toronto Press, Toronto 1969, p. 56.
[709] Sir John Pakington 4 June 1852 *G.B.P.D.*. v. 122 col. 22.
[710] Ward, John M., *Earl Grey and the Australian Colonies:- A Study of Self-Government and Self-Interest*, Melbourne University Press, Melbourne 1958; pp. 58-67.

considered one for southern Africa, before dismissing it after consultation with Lord John Russell. [711]

The Tories entirely understood that they were trying to remove the Whig federal proposals of Earl Grey and of the current New Zealand governor. The financial powers given the General Assembly were distinctly anti-federal, to make the point that the provinces were merely "municipal". They were going back to the basics of Peel's Municipal Corporations Act 1835. The General Assembly had the power of appropriating all general revenue from taxation and the disposal of the wastelands of the Crown, dividing the surplus between the provinces. [712] Yet when Governor Grey had proposed that the Governor of New Zealand meet the General Assembly only when necessity demanded, rather like the pre-18th century Irish Parliament, [713] he was obviously intending the provinces to provide the main engines for appropriation and governance. To accomplish this he put through his General Legislative Council a Provincial Councils Ordinance in May 1851 that introduced election of two-thirds of Members so as to pre-empt the issue for Parliament. [714]

The *N.Z.C.A.* was a result of trying to comprehend and coordinate "municipal" institutions for the scattered settlements. The General Assembly in the *N.Z.C.A.* version was correspondingly omnicompetent, so as to over-ride any concurrency in jurisdiction between the provinces and the General Assembly. [715] The clear non-federative intention of Parliament was nonetheless soon smudged over. The Act emerged on 30 June 1852 creating the 6 provinces of Auckland, New Plymouth, Wellington, Nelson, Canterbury and Otago.[716] Sir William Molesworth referred to these in the House of Commons as the "Hexarchy". [717] His joke referred to the Heptarchy of Anglo-Saxon England and the kingdoms of East Anglia, Essex, Kent, Sussex, Wessex, Mercia, Northumbria between 500-850 AD. New Zealand eventually had ten, in all with additions of Hawke's Bay and Marlborough, though never more than 9 at any time, because Southland and the West Coast provinces phased in and out of existence.

Grey brought them into being before the General Assembly so as to give his version of New Zealand a head-start, internally-devolved with a strong executive managing in native affairs with as little recourse to the General Assembly as possible. Both among themselves and between the two tiers, these governments were forced to develop conventions and negotiate agreements amongst themselves outside of the constitutional framework. Superintendents sat in the House of Representatives as no American state governor did, a Superintendents' Deputies Act in 1856 allowing their subordinates to manage provinces for them while they did do. Moreover, the commanding tier of the New Zealand government was itself a "double government" as G.W. Rusden observed, [718]between gubernatorial and ministerial governments.

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[711] Goodfellow, Clement Francis, *Great Britain and South African Confederation 1870-1881,* Oxford University Press, Cape Town 1966; pp. 12-15.
[712] *N.Z.C.A.* section 72.
[713] Moody, T.W., Martin, F.X., Byrne, F.J., *A New History of Ireland* v. III *Early Modern Ireland 1534- 1691* ; Oxford Clarendon Press 1991, p. 778.
[714] Fox, William in the *Lyttelton Times* 24 July 1852.
Morrell, W.P., *Provincial System in New Zealand*, pp. 35-36.
[715] N.Z.C.A. sec. 52.
[716] N.Z.C.A. sec 2;- Auckland, New Plymouth, Wellington, Nelson, Canterbury and Otago.
[717] Sir William Molesworth, *G.B.P.D.*, v. 121 p. 922 ff.
[718] Rusden, G.W.; op. cit., v. II p. 77.

In the *N.Z.C.A*. debates of 1852, Members of Parliament at Westminster insisted however upon the municipal description for these provinces. The Act ensured that like Municipal Corporations Act corporations, provinces were not jurisdictions. Gladstone had rather compared the proposed provincial institutions to Roman municipalities, and exhausted American comparisons for New Zealand's imminent institutions, while avoiding federal analogies. Pakington and Molesworth persistently referred to mere "municipalities". For Gladstone the powers of the provinces were comparable to "an enlarged and liberal Rhode Island" charter, despite the fact that Rhode Island had lapsed into civil strife 11 years before in agitation to abolish its 17th century charter. [719]Municipalities did not constitute federations. What Grey was concerned to provide, was self-government for the settler beachhead. The conceptual consensus intended provinces to be non-palatine government entities that were not to be expressed in the legislature of a country, either federally, or as French localities have been represented since 1875 by two-stage election to the French *Sénat*. Yet both Sir George Grey and Earl Grey agreed that the provincial councils would in time decline to district councils, as the General Assembly increased in capacity and competence. [720] The governor's airiness about town councils can be explained as a refusal to anticipate the eventual role of the provincial councils by interposing a system of mere municipalities. The system therefore was another temporisation within the New Zealand setting, for settlers in this respect and not for Maori, whose institutions, indigenous or officially supplied, were to run down. New Zealand then presented a complicated picture of two start-up systems destined to redundancy, before a true national government could be formed. Its constitution in the governor's version was something of an orrery, a system built to manage a multiple of changes, primarily the changes to bring about racial amalgamation. It was intended to disperse government centrifugally while concentrating power to the advantage of the Executive.

The Dispersal of Government and Concentration of Power

Native districts were not to have comparable institutions. Whereas provincial governments were separated from any judicial competence, the native districts that were to be provided under section 71 provided the institutional base for runanga councils and native district courts. Three member courts, two Maori assessors from among the chiefs and an itinerant European judge were to dispose of crimes that were not capital crimes or less than 10 pounds in value.[721] This represents a continuance into the native protectorate of the borough and county J.P.s of pre-1835 Britain. [722]

The precedent for election of legislative council members in Crown colonies was actually in the Dutch colony of Demerara that the British took over in 1803. [723]Grey instead proposed in 1851 that the provinces delegate provincial councillors to the Legislative Council. [724]Under the *N.Z.G.A. 1846* municipalities were to become the basis for ascending stages of government. Grey's scheme was to separate provincial government from central government as far as possible, subject to legislative review, keep municipal corporations proper separate from the next two tiers of government proper, and to provide for the representation of provincial council members in the

[719] William Ewart Gladstone MP in *G.B.P.D.* vol. 121, cols. 953-956.
[720] Earl Grey to Grey 2 April 1851 *G.B.P.P. Further Papers Relative to the Affairs of New Zealand; in continuation of Papers* [1420] *7 August 1851*, p. 198 .
[721] *Native Districts Circuit Courts Act 1858*; see Ward, Alan; *A Show of Justice*, p. 107.
[722] *Municipal Corporations Act 1835*.
[723] Wight, Martin, *The Development of the Legislative Council 1606- 1945* p. 49.
[724] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand 3 May 1852*, [1475] pp. 18- 33.

General Assembly's Legislative Council. Grey preserved the feature of delegation from the provincial council to the Legislative Council, obsequiously attributing the proposal to Earl Grey.

The Act provided for the elected provincial "superintendents" [725]to be removed for misconduct upon the petition of provincial councillors to the Governor.[726]As mini-executives they presided over their own executive councils and "met" provincial legislatures. The term "superintendent" was less curious in 1852 than it is nowadays. It was the usual title of a non-gubernatorial official charged with the administration of a single settlement, whether the British Honduras [727]or Port Phillip District in Australia. Grey's federation scheme for southern Africa involved provincial executives of this kind, with a responsible ministry eventually conducting central government in place of gubernatorial rule. [728]

Grey's advice was to disperse government within the colony so that the Executive could conduct native policy as unfettered as possible. His despatch of 30 August 1851 [729]insisted that municipal government should remain provincial and not be confined to purely municipal bounds. Such municipal government that already existed in New Zealand was defective. The beachheads needed to govern their hinterlands. Provincial "legislative councils" would obviate the need for frequent meetings of a general assembly "at least for several years to come". [730]Above all the provincial governments were to be trade-offs for the lack of a central government. According to Grey, the New Zealand system was to be so organised that a caucus of provinces with fewer Maori inhabitants would always be able to outvote and outweigh public opinion in provinces in which Maori and settlers might frequently come into conflict. It is interesting that the Governor included such an *arcanum* in a despatch to be published in the Blue Books. The tactical purpose of such an arrangement was that the Governor would then supposedly rely upon such apparently more disinterested provincial governments against the more bellicose and conflicted.

As Grey argued:-

> "If any questions of an exciting kind should arise between the European and native populations, the majority of the provinces, from the small number of natives in them, would have no great personal interest in such questions. Their inhabitants and legislatures could therefore form a dispassionate and unprejudiced opinion on such questions. Hence the general Government, in pursuing such line of policy towards the natives as justice and humanity might demand, could be certain that it would not be compelled to yield to momentary passions, prejudice or self-interest; because there would be a large number of persons, and several regularly constituted legislative bodies, on which it could rely for support. On the other hand, if the General Government, weakly yielding to public clamour

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[725] *N.Z.C.A.* sec. 3.
[726] *N.Z.C.A.* sec. 4.
[727] Wight, op. cit., , p. 163.
[728] Grey to Bulwer-Lytton 19 November 1858 in *The Recall of His Excellency Sir George Grey K.C.B. Governor of the Cape of Good Hope :Correspondence respecting the Recall of Governor Sir George Grey, K.C.B. from the Cape of Good Hope and his Subsequent Reappointment to the Government of that Colony –reprinted from Papers ordered by the House of Commons to be printed 17 April 1860*; Willis and Southeran, London, 1860, pp. 58 -74.
[729] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Constitution of New Zealand 3 May 1852* [1475] pp. 18-33.
[730] ibid, p. 26.

and prejudice, was about to give effect to the momentary merely popular will of any province by committing some act of injustice towards the natives, regularly constituted legislative bodies would be in existence to give expression to their opinion and thus to check its action." [731]

Provinces however did not behave the way Grey expected. In the event the subsidization of the North Island provinces by the South Island after 1858 ensured that the latter had an interest in ensuring that the North Island provinces secured an adequate land base for themselves and no longer require assistance. [732] Provincial governments became heavily implicated in New Zealand government, to the extent of subventing war, and promoting a bellicose policy. [733]

A great ambiguity of the Act lay in the native districts that could be proclaimed under section 71 in which native laws and custom for the time being could be practised so long as they were not repugnant to the laws of humanity. This measure ran contrary to Grey's policy. Yet apart from personal government of Maori by the governor, Grey offered no specific advice on institutions for native administration. Grey did not want formal native districts, nor did he proclaim them. He was however to work with such institutions in southern Africa and introduce them in his second New Zealand term while making them serve his amalgamationist policy and not the Buxton Report policy of segregation. The Aborigines' Protection Society condemned the provision of proclaimed native districts outright. For Chamerovzow, native districts were zones of segregation for indigenes before their absorption:-

"A very dangerous clause (*setting apart districts in which native laws and customs are to be observed*). Under the guise of granting a boon to the natives, it keeps them and their territory in reserve, ready to be absorbed by British authority and White ascendancy.

"It is very important to the future interests of the native race not to admit of any distinction of this kind, in relation either to particular parts of the islands, or to the natives as individual citizens. The remedy to this clause is suggested by the remark already made on sec. 2. Nevertheless it may be found needful to allow some portions of native law and custom, where not "repugnant to the general principles of humanity", and not likely to interfere with the operation of the English law, to be tolerated for a longer or shorter period." [734]

Grey and the Society agreed on native districts, while disagreeing on the desirability of amalgamation. The Society's remedy was liberal capacitarian. A broad-based electorate should be created in New Zealand with capacitarian qualifications placed upon candidates. Prince Louis Napoleon provided the exemplary model. Chamerovzow idolized both Grey and Napoleon III. [735] In *The New Zealand Question* Governor Grey and the Prince President of France are conspicuous for the admiration the author has for them while other persons mentioned are treated with thorough-going contempt. On section 7 of the Act, Chamerovzow commented, with reference to Prince Louis Napoleon:-

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[731] Grey to Earl Grey, 30 August 1851; *G.B.P.P., Papers Relative to the Proposed Constitution of New Zealand* 3 May 1852 [1475], p. 26.
[732] Morrell, W.P., *The Provincial System* p. 125.
[733] Morrell, op. cit., p. 124.
[734] *The Colonial Intelligencer; or, Aborigines' Friend" Aborigines' Protection Society* v. IV nos III & IV June and July 1852. Submission to Pakington signed Thomas Hodgkin and Chamerovzow.
[735] Chamerovzow, Louis Alexis, *Man of Destiny*, 2vv, London 1861. A novel with Louis Napoleon as hero.

"Without appealing to universal suffrage, as the President of France has done to obtain the basis of his authority, it would certainly be expedient to secure the adhesion of the mass of the people; and for this purpose it seems very important greatly to reduce the required qualifications of electors, whilst leaving unaltered the proposed qualification of the elected. As far, at least, as the natives are concerned, there does not seem to be even the possibility of mischief being placed in their hands by the possession of the electoral privilege; but it would establish between them and the elected, and even between them and the candidates for election, a connection, which like the relations between patrons and clients, would be reciprocally binding and advantageous." [736]

The Cape Colony had pioneered a "colour-blind" franchise. The Cape Colony Constitutional Ordinance returned from the Board of Trade and Plantations in 1853 with a franchise that either admitted voters by virtue of ownership with occupancy of premises worth 50 pounds, or rental of premises for which an annual rent of at least 10 pounds was due, or in receipt of a salary or wage of not less than 50 pounds per annum or 25 pounds per annum with board and lodging included. [737]By 1892, 24% of the electorate was non-European, though only a small proportion of the non-European population. [738] Under section 7, the *N.Z.C.A.* apparently admitted everyone male over 21 years who had 6 months previous possession of 50 pounds worth of property or had held 10 pound leasehold for that time. Maori who met the franchise qualification did enrol, but qualifying Maori were scarce. [739]What New Zealand lacked were sufficient Maori wage-earners, sufficient Maori freeholders or leaseholders, and the history of inclusive initiatives that preceded the Cape Franchise, such as the extension of liability for jury service in 1828. [740] The Law officers of the Crown, Sir Richard Bethel and Sir H. Keating reported in December 1859 that the 50 pound freehold did not apply as a right of franchise to Maori, because Maori were not entitled under Article III of the Treaty of Waitangi to all the rights and privileges of British subjects, and because their communal tenure disqualified them:-

> "natives cannot have such possession of any land used or occupied by them in common as tribes or communities, and not held under title derived from the Crown as would qualify them to become voters." [741]

Despite Grey reporting Maori bond holders, shipping owners, entrepreneurs and flour mill managers and bank account holders in his despatches, very few Maori qualified in contrast with the Cape Colony, in which the coloured population, as well as a small but increasing number of Africans qualified through in freehold and leasehold tenures. There has been a bit of argument about this. The South African historian W.M. Macmillan[742] once proposed that there had been no imperial plan to the Cape franchise, and that it was an entirely local solution. The Board of Trade and Plantations had in fact amended a high franchise into a lower so as to admit coloured voters. The *N.Z.C.A.* was lukewarm by comparison. As it was determined in 1858 that all Maori possessed

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[736] Chamerovzow op. cit., p,. 65.
[737] McCracken, J.L. *The Cape Parliament* 1854-1910 The Clarendon Press, Oxford 1967; p. 15.
[738] McCracken, J.L. ibid p. 80.
[739] Ward, Alan, *Unsettled History: Treaty Claims in New Zealand Today*, Bridget Williams Books, Wellington 1999, p. 110.
[740] McCracken, J.L. *The Cape Parliament 1854-1910*, p. 63.
[741] Rusden, G.W.; ibid v. I p. 477
[742] Macmillan, W.M, *The Cape Colour Question: A Historical Survey*, Faber and Gwyer, London 1927 p. 262.

of tribal tenures were excluded, the General Assembly was left to consider the problem, and resolved in Maori Representation Act 1867 upon allowing the universal franchise for Maori males over 21 in a separate tenure qualification based upon tribal collective tenure of lands. Maori therefore had a segregated franchise. They entered the Legislative Council however by 1872 and the Executive Council by 1873. By the 1890s they were holding Cabinet portfolios. The Maori seats were long four in number until 1993 after which time the advent of Proportional Representation in New Zealand increased their number to 7 in a Parliament of 120 seats. The New Zealand system though did manage to always produce Maori representation by Maori, just as the Five Nations representation of the Confederate States Congress had done.

The *N.Z.C.A.* was to a considerable extent despatch-designed. Despatches as series of epistolary constitutions re-made the settler empire about the monarchical constitution as proposals were discussed. [743] This new settler empire was "stricter" [744] than the colonial American system no matter how much settlers and British statesmen harked back to it. The new imperial system subordinated states instead of coordinated them. The principle of disallowance up the chain supplied the architecture of the Act, as practised in the constitution of the empire as it had been revised since the Seven Years War, to express parliamentary sovereignty through the instruments of the monarchical government of the empire. [745] Disallowance was to a colonial statute of this time what Poynings Law had been to the Irish Parliament, the difference being that while the British Government could disallow Acts of colonial legislatures, they could not as originally provided for in Poyning's Law, veto or amend draft bills in the English Privy Council. [746]

Disallowance descended in a potential cascade of vetos, from Whitehall to Auckland to Dunedin or New Plymouth. Where correspondences were debatable was in the contrast of the gubernatorial Executive with the elected Superintendents. On the one hand, the symmetry of descent of executive authority within the empire was interrupted, as the series of Queen and British Government, Governor and Superintendent to town council was broken by superintendents' independent mandates. Four stages of review theoretically existed, though not sequentially, for no one regulation would ascend the entire scale. Yet none of these elaborate vetos worked when crisis erupted into crisis in the early 1860s. The British Government might block a policy or a piece of legislation, but unless it intended to govern itself again, it had to work with the local authorities.

Complicated as it was, the New Zealand system was not unusual in British constitutional design. New Zealand was expected to operate a version of 18th century British North America in miniature. The assemblage of provincial governments in their relations to one another and central authority resembled the proposals from Benjamin Franklin, which the Albany Congress in New York debated in June –July of 1754, [747] for the representation and combination of the colonies in a general council and a governor-in-chief. Franklin's scheme permitted the autonomy of the several

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[743] Hulsebosch, Daniel, *Constituting Empire*, p. 77.
[744] Hulsebosch ibid, p. 168.
[745] *N.Z.C.A.* sec 56-58.
[746] Powell, Martyn J., *Britain and Ireland in the Eighteenth Century Crisis of Empire* Palgrave Macmillan, Basingstoke 2003, p. 6.
[747] Van Doren, Carl, *Benjamin Franklin*; Viking Press, New York, 1938; pp. 223 - 224.
Labaree, Leonard W., and Bell Jnr., Whitfield J., (eds) *Papers of Benjamin Franklin*, v. 5, Yale University Press, New Haven and London 1962, pp. 361-364 " Short hints towards a Scheme for a General Union of the British Colonies on the Continent" [June 28 1754].

colonies, rejecting a nominated council, while it retained, as Franklin wrote "too much prerogative in it" for the taste of the colonial assemblies, to which it was referred. The Albany Congress also included Six Nations representatives as delegates, while the Maori Representation Act 1867 introduced seats for Maori Members. These pre-revolutionary American schemes characterize constitutional activity that can be defined as state to state relations.

The exceptional political circumstance of the *N.Z.C.A.* was that the original Whig Bill, which Sir George Grey and Earl Grey had prepared, was intercepted by the brief first Conservative government of Lord Derby in 1852, then amended to the Derby government and New Zealand Company requirements. They had an entirely different model in mind. The Permanent Undersecretary Herman Merivale had ensured the survival of Earl Grey's basic plan, seeing off the rival inhouse "MS project" within the Government. [748]

No one model prevailing, the Act contained contradictions. While not the cause of breakdown in New Zealand, it was none the less incapable of providing the mechanisms to temporise and resolve crises. It neither devolved native affairs to the New Zealand Government nor did it enable the Governor to act as a High Commissioner and govern Maori independently. This was the worst of both worlds. It was to cost Maori, the British and New Zealand Governments much more to fight wars, un blood and money, than to have allowed the Governor a separate "establishment" for native administration. But by the 1860s the New Zealand Government was hell-bent on various agendas, ranging from a land-grab to assimilation.

For no other constitutional statute of this time was "arrested" in the same manner, by an administration other than the one originally sponsoring it. The *N.Z.C.A.* was to be the first Conservative government constitutional exercise before the British North America Act 1867. Even the astonishing New Zealand Government Act 1846 had been a new concoction by Earl Grey after he and the Whigs succeeded Gladstone. George Grey was involved in an entirely different constitutional discussion with Gladstone before Earl Grey started another.

Apart from insisting upon Peelite provincial municipalities, the Derby Government imposed a nominated Legislative Council as a supposed hand-brake on the proclivities of "Demos". The Legislative Council utterly failed in that respect. Wealthy settlers wanted Maori land as much as workers and middle class settlers. The uproar in the Cape Colony at its elective Legislative Council provided Pakington with a reason not to extend the principle of election to a New Zealand Legislative Council, even by the two-stage method which George Grey salvaged from Earl Grey's *N.Z.G.A.*[749] The Governor suggested that the provinces should supply the Legislative Councillors. Pakington stated that there was no precedent in the British constitution for such a measure, and that as such hostility had erupted at the Cape, that the British Government was not prepared to consider it for New Zealand. [750]

The Greys' second chamber resembled French models, depending on the provincial councils to act as capacitarian electoral colleges. Francois Guizot's capacitarian influence was at its height in

[748] Merivale to Pakington Heads of [a] Bill {for the Government of New Zealand] submitted to Sir John Pakington on 25 March 1852 CO 209/ 159 fos. 157-164a.
[749] Morrell, *The Provincial System in New Zealand* , p. 54.
[750] Rose, John Holland (ed), *Cambridge History of the British Empire* v II Cambridge University Press, 1940, p. 683.

the 1830s and 40s. It was not until the *lois constitutionnelles* of 1875 [751]that France itself adopted the principle for two-stage election of the Senate by an electoral college of the *grands électeurs* of the *départements*. Rutherford was wrong to blame the ruin of the N.Z.C.A. on the Legislative Council itself, which was no worse designed than the Canadian Senate and other nominated chambers. [752]

The *N.Z.C.A.* failed to make sense of the native protectorate. No such coordinate system between self-governing colonies and native protectorates existed in the 19th century.[753] There was not even a common subordination anymore as there was in non-white colonies, between a colony and a protectorate, like at Aden or on the Gold Coast, or like there had been in Crown colony New Zealand. Only in South Africa were territories such as Lesotho and Swaziland eventually retained within the imperial constitution and not devolved to the settler government. [754]

Grey did try to get ahead of the racial crisis that responsible government would cause in New Zealand, by proposing constitutional arrangements and stratagems to avert settler attack on Maori interests. Maori for their part meanwhile were supposed to deny settlers cause for resentment, by accepting "civilization" and selling land, in much the same way that Jefferson proposed that American Indians afford "gratifications" to settlers by alienating their lands when required. [755] Grey believed that Maori should continue their ongoing agricultural revolution, concentrate their holdings, and convert from communal to individual title. [756] By his reckoning they should soon require less land as their agricultural revolution proceeded. What he refused to acknowledge was that the Maori agricultural revolution was by the 1840s, let alone the 1860s, long-standing. Livestock was being introduced in the 1810s. It make just one innovator represent many, it had begun by 1810 when Ruatara returned from Samuel Marden's farm at Parrematta in Sydney with new plants and techniques. Potatoes were being introduced in the 1790s. The navigator James Cook had introduced pigs in 1769. The last thing Grey would have desired was for Maori to be self-sufficient without reference to the settlers and the colonial economy, its modes of property tenure, financial and legal institutions. He would have remembered what Galaltin warned about the Chilean Araucanians. The Maori "commons", identified banefully as "collective title" or as "communistic," were supposed to decline, just as the commons were doing in the English countryside before enclosures. [757] Reception of title back from the Crown would qualify them as citizens.

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[751] Ardant, Philippe, *Institutions Politiques et Droit Constitutionnel*, Editions LGDJ, "Manuels", Paris 2003, *Constitution de 1875 Lois Constitutionelles.*

[752] Rutherford, op. cit., p. 251.

[753] Wight, *The Development of the Legislative Council*, p. 63.

[754] Grotpeter, John J., *Historical Dictionary of Swaziland*, The Scarecrow Press, Metuchen, New Jersey, 1975.

Haliburton, Gordon, *Historical Dictionary of Lesotho*, The Scarecrow Press, Metuchen New Jersey, 1977.

[755] Wallace, Anthony F.C., *Jefferson and the Indians: The Tragic Fate of the First Americans*, Jefferson to Benjamin Hawkins 18 February 1803, p. 214.

[756] Grey to Earl Grey 21 April 1847 *G.B.P.P .Papers Relative to the Affairs of New Zealand* December 1847 [892] p. 36.

[757] Thompson, E.P. , *Customs in Common ,* The Merlin Press, London 1991 p. 97.

Many Maori for their part hoped to develop their own constitution through *kingitanga*. [758]They were concerned for how negotiations might be carried on between themselves and the governors, when the 1852 Constittuion Act was proclaimed, and for what their relationship might be with the settler government, once it started in 1856. These expectations in themselves constituted an interface that was in itself constitutional. Whenever Maori have been formally denied a presence of their own in a New Zealand constitution, that interface has persisted. It is a constitutional reality, no matter what the Law has or has not said at times. For Maori as much as British governments and British settlers, British constitutionalism was about relationships, dialogue and debate, and such relationships between them and Government were guaranteed for them in the Treaty of Waitangi. Exploring options for self-determination then was not as most settlers thought, inherently "rebellious" or "treacherous". Many Maori wanted government under the Crown just as American patriots in arms against the British Government and Parliament had wanted before the Declaration of Independence.

Supposely, responsible government for the settlers was to be indefinitely postponed until they had developed sufficient "capacity" for humanitarian management of racial amalgamation. [759] By official assessments, settlers lacked the capacity to disinterestedly sustain the racial policy of the British Government in New Zealand. Capacitarian discourse of the 1830s and 1840s doubted the easily accumulation of political skill in a settler community, or the imitation by settler leaders of Westminster. As Earl Grey opined for public consumption in 1853: -

> "It was my object while I held the seals of the Colonial department, without relinquishing the power possessed by the Crown, gradually to bring these legislative bodies more under the influence of the opinion of the intelligent and educated inhabitants of these Colonies". [760]

Liberal regimes did not wear a fig-leaf over their capacitarianism. They were quite open about it. Far from "one man one vote", franchise qualifications either excluded persons, communities and classes deemed yet to lack political capacity. What people have forgotten is that "Democracy" was defined against capactitarian liberalism, and not just reactionary or absolutist regimes. The *N.Z.G.A. 1846* was an extreme exercise of this kind, resembling the two stages of election for the French Legislative Assembly of 1791, for how a central legislature could result from multi-stage electorates and delegation from electoral colleges. [761] The French Constitution of 1793 with its universal male franchise served as a caution not as an inspiration, for the British Government and colonial administrators alike. Look what happened when "Demos" ran rampant - guillotines, the Terror, the overthrow of the social order. The Reform Act 1833 removed 56 boroughs from the House of Commons, and halved the representation of 30 dual member seats, replacing them with twenty 2 Member seats and 19 single Member seats, and granting 8 urban seats to Scotland. In the boroughs the franchise was set at 10 pounds worth of property. In the counties, various

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[758] *Kingitanga* is often crudely translated as "The King Movement" but it refers in fact to the Maori possession of a king to represent and embody their rights and sovereignty, with respect to, and over against the Crown and the New Zealand Government. At this period *kingitanga* was an attempt at state formation.

[759] Rutherford, James, op.cit., p. 262 .

[760] Grey, Henry George, 3rd Earl, *The Colonial Administration of Lord John Russell*, v. I p. 30.

[761] Note that the Constituent Assembly had also proposed a suffrage censitaire for the higher-level electors.

qualifications applied, but the Chandos clause admitted tenants-at-will worth 50 pounds. [762]The 1st Reform Act increased the electorate from almost half a million to 813,000 out of 24 million people. For Lord John Russell, who had chaired the drafting of the Reform Bill, for Lord Grey and Lord Durham, the Reform Act was "best practice" way of being liberal.

Nor was even the United States yet a fully "democratic" nation even for white males. A variety of franchises in the constituent states admitted a proportion of adult males as low as 10% in Rhode Island. In some states paupers were excluded. At the time of the Reform Bill agitation in Great Britain, the "Jacksonian" revolution had just begun the transformation of the United States from a patrician to a democratic republic. To use Charles Austin Beard's argument, a transition was occurring in America from a bondholder elite with an interest in "personalty", to Jacksonian democracy. [763]The 1824 presidential election was the first in which, apart from 6 states, an electorate under universal franchise for the white male electorate could participate. Yet the Constitution had been in force for 35 years and that election was held was almost 50 years since the first shots were fired at Lexington.

During his first New Zealand administration, Grey was committed to Maori property rights precisely for the temporising purpose of definitively extinguishing them. Partnerships with Maori leaders were developed to preclude the need for such diplomacy in the future. Also, as far as Grey was concerned, settlers were not to get in the way of the policy of amalgamation. As far as the Colonial Office was concerned, settlers were not to involve the British Government in wars they provoked. Grey however did always rule in the ultimate interest of the settler colony, neither of the British government nor indigenous polities. When admonished in 1859, by the Colonial Secretary Sir Edward Bulwer- Lytton, for advancing federation in southern Africa, Grey insolently proposed an appeal to local public opinion and institutions. [764] Only modern Treaty of Waitangi teleology in New Zealand historiography reads back into Grey's manoeuvrings in 1847 a defence of "Treaty" rights, as if Grey could be a precursor to the modern grievance resolution process.

Just like commons in the English countryside, just as courts leet [765] declined in relevance in England, [766]so in time for Grey would the court system of resident magistrates and native assessors decline among Maori as they merged into the general community. Grey was not just imposing the similitude of British institutions upon Maori, he was trying to impose the same processes of transformation, from the "commons" of collective title and exceptional local courts, to enclosure, individual title and general judicial institutions. There was no secret about this. As the British politician Charles Adderley noted of the first year of Grey's second New Zealand governorship:-

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[762] Brock, Michael, *The Great Reform Act*, Hutchinson University Library, London 1973, p. 228, pp. 310-312.
[763] Beard, Charles Austin, *An Economic Interpretation of the Constitution of the United States*, The Macmillan Company, New York 1913, p. 253.
[764] Grey to Bulwer-Lytton 19 November 1858 in *The Recall of His Excellency Sir George Grey K.C.B. Governor of the Cape of Good Hope.* pp. 58 -74.
[765] Brooks, Christopher W., *Law, Politics and Society in Early Modern England* , Cambridge University Press 2009, pp. 244- 261.
[766] Brooks, Christopher W., ibid; p. 261.

"Sir George Grey set on foot a Native Commission and established native villages and councils. His distinctive idea seems to have been rather to introduce English institutions among the natives as an alternative, than to make use of theirs". [767]

Naturally the settlers were always thought to be ahead in developing political capacity for the new country. [768] Certainly none of them were to keen to encounters analogues to their ancient property institutions for themselves, such as village commons, rights of way and the like in the colonial setting, and were impatient at the communalism of Maori property. They were beneficiaries of the Torrens property title revolution and did not want to live with anomalies all over again. The truth is, we have had to, ever since.

British constitutional models were unstable in the 1830s and 40s. Yet by 1873 parliamentary government by ministries operated everywhere from British Columbia to the Cape Colony and New Zealand. They had managed to do this without academics. The leading constitutionalists of the Victorian era, such as Edward Augustus Freeman [769]and James Bryce [770]and A.V. Dicey [771]began their careers in the 1860s as the wave of colonial constitutional legislation from the 1830s was ending. The American Civil War and the break-down of the U.S. Federal Constitution, before Lincoln reinvented it, prompted a generation of Oxford constitutionalists. John Stuart Mill's contribution to the subject *On Representative Government* belongs to 1861. [772]Walter Bagehot's *The English Constitution* dates from 1867.[773] An academic intelligentsia contributed too late for the devolutions of responsible government. They were not around between the 1830s and 60s. Nor were there yet any reference books such as Alpheus Todd's great manuals on Parliamentary government [774]. Erskine May's great work on Parliamentary procedure first became available in 1844.[775] Academic constitutionalism is related to the florescence of Public Law after the Victorian mid-century and to the appointment of James Bryce and A.V. Dicey to established Oxford Chairs. [776]

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[767] Adderley, C.B.. M.P., *Review of "The Colonial Policy of Lord John Russell's Administration" , - by Earl Grey, 1853, and of Subsequent Colonial History*, Edward Stanford, London, 1869, Part I, p. 144.

[768] Thompson, E.P., *Customs in Common*, pp. 197-184.

[769] Freeman, Edward Augustus *The History of the Norman Conquest of England,* Oxford 1877 [1867-1879].
Freeman, Edward Augustus, *An Introduction to American Institutional History*, Baltimore 1882.

[770] Bryce, James , *The Holy Roman Empire* Macmillan, London 1904,
Bryce, James, *The American Commonwealth* Macmillan, London 1888.

[771] Dicey, Albert Venn, *Introduction to the Study of the Law of the Constitution* London 1897.

[772] Mill, John Stuart, *On Representative Government*, George Routledge and Sons, London 1904 [1861].

[773] Bagehot, Walter, *The English Constitution* , H.S. King, London 1872 [1867].

[774] Todd, Alpheus , *On Parliamentary Government in England London 1867.*
Todd, Alpheus *Parliamentary Government in the English Colonies,* London 1880.

[775] May, Erskine; *A Practical Treatise on the Law, Privileges, Proceedings and Usage of Parliament* ; Sir Barnett Cocks (ed.) Butterworths, London 1971 [1844].

[776] James Bryce was appointed Professor of Civil Law at Oxford in 1870, Albert Venn Dicey Vinerian Professor of English Law in 1882.

Crown agents and private gentlemen had to figure it out then in gentlemanly deliberations. As Earl Grey admitted, "ordinary" governors could not carry on constitutional dialogue. "Able" governors though like Captain Grey might participate in constitutional arcana along with real statesmen. Whereas Governors General in Canada and India, Lords Lieutenant of Ireland might share, or come to share the same social rank and political experience as Colonial Secretaries, and the great magnates of British government, the governors of New Zealand and other colonies did not. No collections of correspondence were published between peers and such governors, nor even of real communications between Lord Sydenham and Russell. Grey did belong to that select group of "able" governors by 1848, the year of his knighthood, yet Lord John Russell and Lord Grey took pains at various times to state that they had never "had the pleasure" of meeting him, while the latter insisted publicly that he was not even a relative.[777] This disavowal of favouritism served to remind Grey of his place beneath the closed circles of inter-related magnates, whose commodity was power. He was always to be shut out of that charmed circle.

Grey's constitutional despatches should be regarded as a counterpart to the essays in *The Federalist*. [778] Grey was no more the draughtsman or literal author of the *N.Z.C.A.* than Alexander Hamilton and James Madison drafted the Constitution of the United States. The circle of constitutional conversation was just as close however. Constitutional "authorship" required a relationship whereby a Governor would be asked by the Colonial Office in despatches, to compose constitutional reflections for his colony, and to do so for the public record. The Colonial Office needed confidence that its officer could reliably perform this task of thinking aloud what was to become public. The language and education and intelligence of the governor had to do credit to the exercise. Grey was formally discussing a New Zealand constitution with Gladstone as early as 1846. Yet surely the hum-drum day to day"rule" of an "able" governor qualified as constitutional performance by itself, as they negotiated or manoeuvred around instructions from London, and managed the hyperbole of settler politics and dealt with indigenous peoples.

Historians have fallen into the error of ridiculing Grey's accounts in 1878 of his constitutional role in the 1840s and 50s, while meanwhile accepting the generous praise that Earl Grey, Pakington, the Parliamentary Under-secretary for War and the Colonies Frederick Peel, and James Stephen gave the governor. [779] Admittedly it is fair-fetched to believe that Grey designed the New Zealand constitution in a tent pitched on the slopes of Mt Ruapehu, but then it must have "felt" like that, for such a Romantic subject as himself. It was just as foolish to say the constitution was composed in the course of a stroll on the terrace at Hams Hall. We have to strike a balance. We have to work out where the merit lay. New Zealand's governor had proved to be a capable and reliable drafter for a scheme that could then be modified in preparation for a Bill. He and the Colonial Secretary were after all playing charades over 12,000 miles distances and 4 months sailing time. As Grey wrote to Earl Grey in a private letter in 1851:-

What I have rather striven to do is to devise a form of Constitution wh. whilst it is suited to the present circumstances of the country, contains also within itself, the necessary elements for

[777] Grey, Henry George, *The Colonial Administration of Lord John Russell*. v. II p. 136 note.
[778] Grey to Earl Grey (121) 30 August 1851 *G.B.P.P. Papers Relative to the Prorposed Constituion of New Zealand 3 May 1852* [1475] pp. 18-33 ; and Grey to Earl Grey (154) 13 December 1851 *A.J.H.R.* 1883 A3.
[779] McLintock, op. cit., p. 331.

providing for its future adaptation to the changes wh. may from time to time be found requisite. [780]

Away from the public performance of despatch writing, the governor was able to assume the first persona singular, and set aside the language of impersonality and deference, and refer to his own authorship of what he called "the plan". [781]

Oxford University bestowed the honorary degree of Doctor of Laws on Grey in June 1854. Grey had "authored" the New Zealand constitution, despite what the publishers (ie the Derby Government) did to the text. We have misunderstood how elite "Victorians" appreciated constitutional performance. Conventions of protocol and modesty prevented Earl Grey or anyone from authorship for himself. [782] Earl Grey implicitly demonstrated his management of the process throughout his book, then included his own speech on the Constitution Bill in the appendix. Sir George Grey however was never to let go of this moment, and insist on his authorship before turbulent New Zealand Houses of Representatives later in the century, that turned into humiliating bear-pits for him.

The N.Z.C.A. and Counterparts

The *N.Z.C.A.* was undoubtedly even in terms of the constitutionalism of the day an "inappropriate" response. It was the experiment of a brief moment of the 1840s and early 1850s in Colonial Office and British Government circles to consider non-parliamentary and "American" institutions for the colonies, which were rather re-evaluations of the ancient representative colonial constitution of the American colonies for the devolutions to Crown colonies. Its chimerical features aside, the *N.Z.C.A.* was nonetheless exceptional among the colonial statutes of the time, because unlike its counterparts in Canada[783], the Australian colonies, [784] and the Cape Colony, [785] the statute and the discussions that created it, undertook six separate tasks in all, which no other colonial constitution Act attempted. In the first instance it attempted to grant representative government to colonists. It secondly created new territories for government and thirdly created subsidiary provincial governments for those territories. Fourthly it tried to subordinate provincial governments to the central government and prevent a federation. Fifthly it provided for native administration. Finally it devolved control of wastelands as had been done in no other colony.

To compare the *N.Z.C.A.* to its contemporaries, the Australian Colonies Government Act 1850 undertook the first task, the establishment of representative government, as well as the second, of founding another colony, Victoria. [786]The *Terra nullius* doctrine, together with the apparent absence of recognizably "political" indigenous societies, obviated the need for a constitutional statute to express institutions for native representation. "Protection" Boards of the kind that Sir Thomas Gore Browne contemplated for New Zealand in 1860 were eventually introduced instead.

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[780] Grey to Earl Grey, 13 December 1851, *Papers of Henry George Grey, 3rd Earl Grey*, Durham University Library, GRE/ BOO/ 6A/ 14-36. p. 35.
[781] Ibid, p. 35.
[782] Grey, Henry George, 3rd Earl, *The Colonial Policy of Lord John Russell's Administration*, v II pp. 156-158; and Appendix B p. 386.
[783] 3 & 4 Victoria, c. 35 *Union of the Canadas Act 1840.*
[784] 13 & 14 Victoria, cap. 59 *The Australian Colonies Government Act 1850.*
[785] *Cape Colony Constitutional Ordinance 1852.*
[786] 13 & 14 Victoria, cap. 59, The Australian Colonies Government Act, sec. 32.

[787] Federation discussions only began in the 1880s. [788] Australian colonies however had first considering federal proposals in the 1850s, after initial rejection. [789]The colonial governments of New South Wales and Tasmania were in any case longer established than New Zealand's, founded as they were in 1788 and 1804. They were not virtually coeval with the constitution that defined their relationship to central representative government as New Zealand was, where barely a dozen years separated the colony's foundation from responsible government. The Cape Colony Constitutional Ordinance of 1852, to which the Board of Trade and Plantations assented in 1853, provided an ancient colony with representative government. The Cape Colony had been founded in 1652 and come under British occupation between 1795 and 1803 and then became a permanent British colony in 1806 after a brief resumption by the Dutch authorities of the Batavian Republic. Grey himself as Governor of the Cape Colony and High Commissioner for Southern Africa, attempted the further stage of southern African federation in 1859. The Canadian constitutional statutes, the Canada Constitutional Act 1791[790] and the Union of the Canadas Act 1840[791] belonged to a gradual succession of enactments for British possessions in North America from before the American War of Independence. The former had granted representative government to Upper and Lower Canada, after they had been divided by Order-in-Council, while the second reunited the two Canadas and founded common legislative institutions. These statutes did not legislate for native protection.

Only 12 years then had elapsed since the Treaty of Waitangi when the *N.Z.C.A.* obtained the Royal Assent. New Zealand lacked the generations of colonial "pre-history" that other colonies had. The post-Treaty decade of the 1840 filled with wars and near-collapse of the Crown colony government, only in the 1850s did conditions seem propitious to start legislating for specific institutions for Maori New Zealand. The British North America Act 1867[792] did broadly jump many of the rails that the *N.Z.C.A.* jumped. Though responsible government was by 1867 long established in the Canadian colonies, that Act nonetheless both federated [793]and devolved native administration[794] to the dominion government. [795]The purpose of enumerating these tasks is not to argue that the *N.Z.C.A.* failed because it attempted six tasks all at once for a young colony. It is rather to emphasize the difficulties of constitutionalizing for a colony with a significant non-British minority, adept at diplomacy and war. The N.Z.C.A. was an over-determined constitution for an over-determined situation. No wonder settlers wanted to make it simpler.

The *N.Z.C.A.* moreover was a constitutional order that became unworkable in record time. No other Act collapsed as fast. It would seem that no one constitutional statute in Britain's first great

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[787] Sir Thomas Gore Browne to the Duke of Newcastle 22 May 1860 No. 46 CO 209/ 154.

[788] Norris, Ronald, "Towards a Federal Union" in Bruce W. Hodgins, Don Wright, W.H. Heck (eds) *Federalism in Canada and Australia:-The Early Years*, Wilfred Laurier University Press, Waterloo Ontario, 1978; pp. 173 – 193.

[789] Ward, John M., *Earl Grey and the Australian Colonies 1846- 1857:- A Study of Self-Government and Self-Interest*, Melbourne University Press 1958, p. 98, p. 124.

[790] 31 George III, c. 31.

[791] 3 & 4 Victoria, c. 35.

[792] 30 & 31 Victoria, c. 3.

[793] *B.N.A.* 1867 ss 3-7.

[794] *B.N.A.* 1867 s 91. 4.

[795] Hodgins, Bruce W., "The Canadian Elite's Attitudes Toward the Plan of Union" in Hodgins, Wright, Heck (eds) *Federalism in Canada and Australia: The Early Years*, pp. 43- 59.

age of exporting parliamentary government could balance between centralists and provincialists, sustain a war government and war debt, and either resist or acquiesce in the subversion of the Crown's responsibility for native protection, without undergoing severe changes. Convention rendered it at least workable, -conventions that permitted provincial superintendents to sit in the House of Representatives, above all the conventions that established responsible government. Convention soon developed to include Maori. The Maori Representation Act 1867 introduced indigenous representation for (and by) indigenes.

The constitution was a fatal prize for its putative author. The usual historical narrative runs that with his policy compromised, his mother dying at Cheltenham and his wife detesting New Zealand, Grey abandoned his command on New Year's Eve 1853 in contravention of "Colonial Regulations". [796]On 3 January 1854 Colonel R.H. Wynyard assumed the administration of New Zealand after Grey's vessel had left the colony's waters. [797] The truth is that Grey believed that he had leave from the Duke of Newcastle, the Colonial Secretary himself. He had told Earl Grey in his letter from the Wairarapa of 24 August, previously referred to:-

The Duke of Newcastle has given me leave of absence for twelve months. [798]

The consultations over New Zealand's constitution that took place between 1845- 1851, had turned Grey an ambitious constitutional performer. Whether designing a constitution for Natal in 1855, [799]or a Southern Africa federation in 1859, [800]or Irish Home Rule in 1869, [801]or participating in New Zealand politics 1875-1895, whether opposing Imperial Federation or representing New Zealand at the Australian Federation Convention at Sydney in 1891, [802]Grey lived in the shadow of his frustrated first constitutional performance. He was narcissistically trapped in the wastes of that artificial time call "History".

[796] *Colonial Regulations* no 15.
[797] McLintock, op. cit., p. 411.
[798] Grey to Earl Grey, 24 August 1853 Durham University Library.
[799] Grey (High Commissioner 34,35) 24 November 1855.
[800] Grey to Bulwer-Lytton 19 November 1858 *G.B.P.P*. 1860/ 216.
[801] Grey, George; *The Irish Land Question*; London 1869.
[802] *Official Record of the Proceedings and Debates of the National Australian Convention, held in the Parliament House, Sydney, New South Wales, in the Months of March and April 1891* Government Printer, Sydney 1891.

Chapter Ten
Grey and South Africa

Grey was not welcome back in London. He certainly thought that he had leave, for he informed Earl Grey that he had been granted it. [803]Some understanding at to the tming may have been broken- but Grey and Lady Grey had been very publicly packing up and attending farewell functions in the colony. The Colonial Secretary the Duke of Newcastle refused to see him at first. One of the absolute "No Nos" in the *Colonial Regulations* of the Colonial Service was for a Governor to abandon his post. That would have been tantamount to a general or an admiral quitting his post. Poor Lord Metcalfe (1785-1846) had recently set the standard by which colonial governors were measured. He had remained at his post at Kingston in Canada, his face consumed by a cancerous tumour, further disfigured by a failed operation, and desperately ill. Harley Street specialists had even sent instructions to surgeons in Canada. Governors did not return because their mothers were dying. In the event, Lady Thomas just died before Grey could see her.

The fuss died down in London however over Grey's alleged self-discharge from the governorship of New Zealand. The Colonial Office and British Government had to admit the merit of his services. He had kept New Zealand out of the news. After a short period during which they showed they did not condone his behaviour, and while select committees waxed wroth, and he made a plausible defence, Grey received the honorary Doctor of Laws degree at Oxford. Perhaps that was one of his life's highlights, to be 42, knighted, married to a strong attractive woman, and to enter the Sheldonian Theatre, amidst the amphitheatre of clamourous and raucous undergraduates, to wear Field Marshal Blucher's gown for the ceremony, be boisterously thrust forward to receive the degree. Whatever else happened then, the Music Hall song "For he is the King of the Cannibal Isles" was not sung at him, as the Rees' his devoted biographers reported. [804]That song was only published in 1858, 4 years later. [805]

Above all Grey was appointed to be Governor of the Cape Colony and High Commissioner to Southern Africa. He would be the senior governor in South Africa, outranking the Governor of Natal, and later the Lieutenant Governor of what was then called British Kaffraria in the Eastern Cape. As High Commissioner he was responsible for the management of a massive suzerainty system of white, coloured and black states, about the British colonies.

Wth Grey's southern African appointment, we reach the first of the two great disasters of his career, that have scared and maimed nations- the Xhosa famine. New Zealand's Waikato War was the second. The business of this book has been to expose and develop the sets of ideology through which Grey engaged with these crises. In South Africa, Grey goes from merely a clever governor who saved brand-new settler colonies, to a defendent who will forseeably remain in the dock for state crimes.

Southern Africa was a system of states and nations and powers- black, white and coloured, some imperial, others sub-imperial and many indigenous. The white states were the Orange River Free State republic based at Blomfontein and the South African Republic in the Transvaal. Other little republics could bubble up at times to vanish again, like the Afrikaner Republic in Natal 1839-43 or the Goshen and Stellaland republics between 1882-1885. Between 1854-1858 a republic of Utrecht existed and a Republic of Lydeburg from 1857 before both were amalgamated into the

[803] Grey to Earl Grey 24 August 1853 Durham University Library.
[804] Rees, William, Rees Lillian *Life and Times of Sir George Grey K.C.B*. p. 167.
[805] National Library of Scotland RM. M. 143 (147).

South African Republic in 1860. The Afrikaner political scene then was fluid, mercurial even, as a pastoral people colonized among indigenous pastoral peoples.

Coloured republics as well; - no less than 3 Griqualand Republics. The Griquas gave rise to three republics. Griqualand West around Kimberley, was founded by Andries Waterboer in the 1810s. The Philippolis mission station came under the protection of Adam Kok II in 1826 and became the Philippolis Free State after the Griquas killed the Khoisan Bushmen whom the station was supposed to protect. Thereafter Adam Kok III (1811-1875) went on to found Griqualand East, which existed as a republic between 1862 and 1879. We shall see it was Grey who founded that state.

As for the black nations and peoples, they ranged from what can be called tribes of a few thousand to powerful, proud and self-conscious nations. There was great linguistic and ethnic diversity among them. The Zulu of course were a great military power among them, having risen to prominence under Shaka in the 1820s. The Xhosa who live in the Eastern Cape, were an anciently settled people. The Sotho, the so-called Basuto, the people of the modern kingdom of Lesotho, were a new state formed from the Sotho-Tswana peoples of the Gauteng and what was the Orange Free State. Moshoeshoe I (c. 1786-1870) founded a nation out of the refugees from Shaka's wars, and to resist Afrikaner incursion. The Sotho too were a formidable military force. The modern state is the mountain kingdom of Lesotho.

This complex of highly mobile states and peoples had recently came under a great shock known as the Mfecane, in Zulu or the Difaqane or the Lifiqane, in Sesotho. The term is used to describe the supernova of Zulu state formation as the Zulu king Shaka (reigned 1816-1828) integrated loosely connected Zulu clans, the Mthetwa paramountcy of Dingiswayo and the Ndwandwe into a powerful war engine and formidable nation. Shaka has become the subject of myth and of epic. The television series of 1986 for all its vividness and compelling viewing, is just a shadow of Mazisi Kunene's epic in Zulu that was published in 1979. In myth Shaka is attributed with being a military and orgamisational genius as well as a military culture hero. He is supposed to have invented the short stabbing spear, the *iklwa*, though this now seems doubtful. He insisted on bare-foot running, demanding his armies run 80 km in a day. Those who refused to take off their sandals and toughen their soles were killed. He is still credited with developing the larger ox-hide shield and with inventing the buffalo-horns formation, moving in at speed on an opposing army. Despite witnessing demonstrations of firearms, Shaka was convinced he could defeat even a force armed with firearms, if his army were fast and mobile enough to swamp the enemy in the time it took to reload. Long after his death, under Cetshwayo, a Shaka-revivalist, this was proven true in the Zulu War of 1879 at the battle of Isandlwana and at the Battle of Hbolane and at the smaller action of Intombi. The paradox of Zulu tactics was that the very manoeuvre that made them most dbngerous, the buffalo horn manoeuvre, was also the one most vulnerable to the rifles of an experienced opponent.

His wars of conquest caused a chain reaction, an arms race, as other nations militarized and similar committed acts of depopulation. [806] Peoples fled the war-zones or else invaded regions making them into killing fields. But it would be a mistake to think the Mfecame was just attributable to Shaka. Portuguese slaving from the coast of Mozambique, and Afrikaner and Coloured migrations from the Cape Colony were pressuring the Nguni peoples of the high veldt. Mfecane is the term originally used for the phase of the Mfecane when Mzilikazi the king of the Matabele, (the Ndebele

[806] Omer-Cooper, John D., *The Zulu Aftermath:- A Nineteenth Revoltuton in Bantu Africa* Longmans, London 1966.

of modern Zimbabwe) , depopulated the northern Transvaal, and assumed hegemony over the Shona of what was known as "Matabeleland" before it became the former colony of Rhodesia. Another people are the Mfengu, the amaFengu, or so called Fingos of the South-West Eastern Cape who came under Gcaleka Xhosa hegemony, but became allies of the British in 1835 to remove themselves from Xhosa overlordship.

The Mfecane resembled the contemporary Musket Wars in New Zealand and the wars in the Pacific Islands that formed the kingdoms of Tahiti, Hawaii and Tonga as well as the Kingdom of Merina unification project over Madagascar.

Consider the entire region of the Indian Ocean and the Pacific Ocean, as "Oceana". This was the great water planet that European nations began recolonising in the late 18th century. The first wave of colonization with the Dutch and the Portuguese between 1497 and 1652 established shore posts, the Portuguese first in what is now Mozambique, making use of Table Bay on their navigations of southern Africa, and then the Dutch at Table Bay, founding what is now Cape Town. This trade was directed to India in the first instance, because the Portuguese established their colony at Goa, and then settled in Ceylon/Sri Lanka, and then the Malay kingdoms about the Straits of Molucca, where the Dutch East India Company founded strongholds. The Portuguese traded with China from the Pearl River Estuary from 1511, founding Macao between 1552-1557.

The tempo changed with Anglo-French rivalry for world dominion and control over the trade of the Asian economies. The French colonized the Ile Bourbon or what is now the French departement of Reunion in 1665. They annexed and settled Mauritius in 1715. Having entered the Indian Ocean belatedly, the French were determined to make up for lost time. They founded their colony at Pondicherry in 1674. The first great climax of this rivalry were the Anglo-French wars in India, and the Seven Years War (1756-1763), which France lost. Undeterred, the French commenced explorations into the Pacific, with the expeditions of Louis Antoine de Bougainville, between 1766-69, who discovered Tahiti for European navigation, and Jean Francois Marie de Surville's voyage of 1766-69, the expedition in which Marion du Fresne was killed in New Zealand in 1772 and the ill-fated Laperouse expedition of 1785-88.

In response to these expeditions and to the advent of western technology, the introduction of firearms ideas and trade, and to the geopolitical rivalry of the European powers, the formation of new militant centralized monarchies commenced all over this vast region in what had been insular tribal societies. Pomare I unified Tahiti and ruled as king 1788-1791, before governing as regent for his son until 1803. In the Hawaii archipelago, Kamehameha I had started wars of unification by 1790, deploying muskets by 1791 and building a formidable thalassocracy. The Kingdom of Hawaii was founded by 1810 and was completed with the unification of the island of Kauai in 1819.

Similar events took place in New Zealand by 1808 when the first muskets were used. The 1810s and 1820s were characterized by massive blood-shed in what are known as the Muskets Wars in which at least 20,000 perished. The Ngap Puhi tribe of Northland fought with the Waikato tribes to the south, - Waikato, Ngati Maniapoto and Ngati Raukawa pushing them farther south into the Waikato. Under Te Wherowhero of the Ngati Mahuta tribe of Waikato, Ngati Toa were dislodged from their lands at Kawhia and began their migration to the Cook Strait region, where under the leadership of Te Rauparaha, they dominated the coasts from Kaiapoi to Whanganui by 1831. Those wars however led to no unificatory agenda.

In the Indian Ocean, states also formed as a response to the geopolitical pressure, the increased volumes of trade, the introduction of firearms. The Kingdom of Merina in the interior of Madagascar under King Andrianpoinimerina (reigned 1787-1810) became an organized monarchy and began a conquest of the entire island. His son Radama I (1810-1828) became a client and ally of the British Governors of Mauritius.

The first British governor of Mauritius Robert Townsend Farquhar who held the post 1810-1823 established a treaty and alliance relationship with Radama I. To enforce the Abolition of the Slave Trade in 1807 he and Radama agreed that Merina cease trading slaves and recveive a subsidy instead to make up for the lost trade. Services as well as cash and goods were part of this relationship. Briitsh military advisors helped Merina against its enemies. The relationship went pear-shaped. Under Queen Ranavolana I (1828-1861) , Merina went autarkhic. She repudiated the relationship with Great Britian and the governors of Mauritius. She attempted a crash industrialization of the island, by forcing traditional castes to work in watch-making and musket-manufacture industries. She at least produced herself a formidable armoury by these means. George Grey might have learned a lot about Madagascar from his host Sir William Nicolay the Governor of Mauritius, for that colony was the one most in contact with the Kingdom of Merina. Like the Araucanians of Chile that Gallatin had written about, the Kingdom of Merina might have provded an apparent object lesson of how "intractable"an indigenous nation became if it was allowed to develop on its own terms.

Back in the interior of southern Africa, Afrikaners and Coloured settlers were stressing the Nguni peoples of the high veldt and eastern coast as they migrated up from the Cape Colony. From the north, the Portuguese based on the Ilha de Mocambique, were slaving deep into the interior. Slaves for Brazil and the Frennch Indan Ocean colonies came from Mozambique, especially after the Atlantic was closed to them by treaty in 1810 when Maria I's government had exiled itself in Rio de Janeiro. Portuguese agreement to a gradual abolition in reality meant enslaving where they could get away with it. Mozambique's hinterlands became a major source of slaves, plundered for its population. Britain's Abolition of the Slave Trade in 1807 inadvertently made things worse in Africa between the Zambesi and the Limpopo Rivers. Perhaps a million people were taken in the 19th century out of Mozambique alone; some destined for the French sugar island of Reunion until 1848, when France abolished slavery- most destined for Brazil. Brazil was not to abolish slavery until 1886. Portugal was only to abolish slavery from 1869.

Although reconnoitered by Vascao da Gama in 1498, and settled from the early 16th century, Mozambique only became its own stand-alone colony in 1752, free of the Portuguese government in India based at Goa. It was elevated to a Governor-Generalship in 1836. Slavery had started as a major "industry" out of the Ilha de Mocambique in 1787. That dates corresponds with the development of the Mthethwa and with the development of the kingdom of Merina on Madagascar. The Portuguese penetrated the interior for both trade and for slaves. The kingdom of Merina's arms-race for power and conquest arose a war against the Sakalava of the west coast of that great island, who were accessories of Portuguese slavery, going on slaving expeditions against Imerina villages throughout the 18th century. [807]Radama I fought many campaigns against the Sakalava, though the Merina state was never entirely to suppress them. But the same symptoms of tyranny and depopulation and "ethnic cleansing" are as apparent on Madagascar as on the veldt of South Africa in the states that formed against the slave trade in the region.

[807] Imerina is the country, Merina the kingdom.

South of the Baia da Maputo or Maputo Bay (the former Delagoa Bay) and in the North-East of southern Africa, the Mthethwa Confederation was formed as a response to the same pressures. Indigenous states formed to control the trade networks with the Portuguese. The Mthethwa was a political entity rather like those that appeared in Merina, Tahiti and Hawaii, though it lacked a kingship and did not depend on firearms. By the time of its greatest leader Dingiswayo (c. 1780-1817), it had introduced social and military innovations in response to the pressures on the Nguni peoples. Dingiswayo had observed the effects of drill on military performance, the effects of firearms, and created something like a regimental system. Those regiments also performed corvee duties. The myth is that Shaka converted largely ceremonial warfare, little more dangerous than "rough football" into real war. Dingiswayo howver was a remarkable military innovator. Shaka was Dingiswayo's apprentice and then ally:- he learned from his mentor.

There is debate as to when the Mfecane started. Did it start with Shaka, did it start with the period of Ndwandwe power, or with the Mthethwa themselves? One answer is that the displacement of the Ngwane marks the beginning in 1812. Shaka, as Dingiswayo's general, defeated the Ngwane and forced them over the Cwenqgcwe or Buffalo River in 1812. The refugees became marauders and cattle-thieves, attacking the Sotho. Out of those conflicts the young Moshoeshoe rose to notice and fame. Other Ngwane migrated north to found the modern nation of Swaziland.

Innovative Dingiswayo may have been, a military genius Shaka certainly was, but it would be wrong to avoid mention of the power against which the Mfecane was formed. This was the Ndwandwe state under its king, Zwide (lived 1758-1825), and his mother Ntombazi, allegedly a sangoma, or sorceress. Zwide eventually defeated the Mthethwa forces. Dingiswayo was killed. Shaka, who had become king of the Zulus as Dingishwayo's ally, was lucky to survive an encounte with the Ndwandwe in 1818.

Meanwhile, further west, deeper in the interior, Mzilikazi of the Khumalo, the subsequent founder of the Ndebele/Matabele military machine, fled the might of Zwide's forces. The Mfecane proper, begins with Shaka's defeat of the Ndwandwe at the Battle of Mhlatuze River in 1820. Mzilikasi allied with Shaka, but broke with him in 1823, leading the Khumalo north into what is now Mozambique then back into the Transvaal which he depopulated. Some call Mzilikasi's depopulation of the modern Transvaal and neighbouring regions the Mfecane. Bulawayo in Zimbabwe was the seat of his formidable kingdom. As for the Ndwandwe, after their defeat by Shaka, some of them migrated into Mozambique where they founded the Gaza Empire and others migrated to modern Malawi where they established themselves as the wasNgoni, taking their imperial traditions with them.

To the south of the Eastern Cape, along the coast, lay the Xhosa. They largely live on either side of the Kei River. The Xhosa now number 8 million. They consist of a core group of clans, ruled by houses of the lineages of Phalo and his father Tshiwo in the 18th century. Other peoples have become associated with them that were originally Ngwane, under the royal lineages of Dlamini, such as the Mfengu and the Bomvana. The second President of post-apartheid South Africa, Thabo Mbeki is an Mfengu. Archbishop Desmond Tutu has Bomvana antecedents. Nelson Mandela is from the Tembu Royal House, a people long associated with Xhosa, but not strictly Xhosa.

The prime enemies of Xhosa in Grey's childhood were the settlers, though Xhosa felt the pressure of the Zulu all the same. The Fourth Frontier War with the British between 1811-12 forced them eastwards up along the Eastern Cape. Between 1781 and 1879 there were nine wars in all, against settler, whether Dutch or British.Ten years later they came under the same pressures from the

northern Nguni peoples as the Sotho, which we call the Mfecane. They were able to hold their ground however and were not forced to migrate.

Sarhili, also known as Kreli, was the paramount Chief of the Gcaleka Xhosa. He was the head of the House of Phalo. He is also referred to as Sereli. Phalo, the 18th century founder of the modern Xhosa polity had two sons, Gcaleka, who founded the leading house, which Sarhili represented, and Rharhabe, which Sandile represented. Sarhili and Sandile then were the two leaders of the Xhosa nation in the events that relate to George Grey and his administation of British Kaffraria, the territory between the Fish and Kei Rivers, which Sir Harry Smith had annexed in December 1847. It is a sign of how provisional the frontiers were, that the British had previously annexed this territory as Queen Adelaide's Land in 1835, then withdrawn from it. Grey was to obey instructions and make it a separate colony in 1860 (with him as the senior governor) but even that was gone back on. The Mfengu or "Fingos" are a people who have become Xhosa-speaking. Their name means "the wanderers". Refugees from Shaka's wars who resented their status under the Xhosa they made an alliance with the Cape Colony in 1835. They were to fight for the British interest right until the 9th Xhosa War in 1877, which broke out because Sarhili had been harassing Mfengu.

We must beware with pastoral peoples such as the Nguni of applying strict and formal boundaries to their territories. Cattle wander, pasturelands can be interspersed. A chief's people may live in several locations amongst other peoples again. The Nguni are not like a horticultural people as Maori were, with a precise notion of each tribe's space and rights. The Mfengu of the 1830s-50s however were a marcherlands people lying inside the colonial boundary of British Kaffraria after 1847.

Further north along the eastern coast lay the separate Crown colony of Natal. It replaced the Afrikaner Republic of Natalia that was founded in 1838. It had come under severe pressure from the Zulu king Dingane (1828-1840), half-brother of the illustrious Shaka, and then under his successor Mpande (1840-1872), to the extent that the town of Durban was besieged in 1843 as we have already seen, when the British Government responded with shock to the plillage and firing of Kororareka in New Zealand.

When Grey arrived late 1854, the Eighth Xhosa War had just ended. He was determined there would not be another on his watch. He applied his characteristic means of preemptive assimilation.

There are many myths prevalent, or old stories about the confrontation between Grey and the Xhosas which need settling right at the start. Bias exists in the settler or European writing on the Xhosa cattle-killing that describes Sandile as "weak", as somehow deficient and devious in character. New Zealand writing on Sandile is especially guilty of giving him an ambivalent character. Rutherford in 1961 describes him as a "weak sensual young man of 33". Bohun in 1998 depicts him ambivalently as wavering charming man, fascinated by Grey. The truth is that Mgolombane Sandile was a hero of the 7th and 8th Frontier Wars, having distinguished himelf as a young war leader in "The War of the Axe", the 7th War (1846-47) after which the Ciskei, or "Briitsh Kaffraria" was annexed. Mgolombane Sandile had introduced musket warfare to the Xhosa. The 8th War had lately been fought, between 1850 and 1853. Grey was determined that a 9th would not break out in his time, if ever. Sandile was caught in the situation of having to conduct diplomacy with Grey, and having to maintain reasonable relations with him, while preserving the interests of his people. He was a dynamic and charismatic man. He was to join Sarhili in the 9th and final Xhosa War of 1877-79, during which he was killed by Mfengu in 1878. Sandile is highly honoured by his people. We must also take care though at calling him "Sandile". The Xhosa kings

of this line are named so. The recent Rharhabe king who died July 2011 was named Maxhob'ayakhwauleza Sandile. The new king is likely to be Jonguxolo Sandile. Calling Mgolombane Sandile "Sandile" is like calling any ruler of Austria "Hapsburg" or any king of France from 1589- 1848 "Bourbon".

Then there is a second set of myths, which is the subject of polemics to this day. History does not live in books but in people's minds and feelings, in their pride and resentment, in their anger and in their confidence with the world. The British for example feel good about their World War Two. It was their last successful great national effort. They do not feel so good about their empire. They lack confidence for the most part to talk about it. Their former subject peoples still feel demeaned by the whole experience, and can be quite angry. As it was Grey who was the lead British persona in the cattle-killing, it is this feeling at him that we must address, not anger at the racist and segregationist Union of South Africa between 1910-1961 or the apartheid Republic. Many Xhosa believe that Grey developed and exploited the prophecy movement of the teenage seer Nongqawuse to destroy the power and self-determination of the Xhosa people. Another view holds that it was Sarhili who exploited her prophecies, hoping to make the Xhosa people desperate enough to fall upon the British in a final war.

Grey's behaviour in the Eastern Cape and in New Zealand between 1861-63 is the same. On both the Cape's borders along the Kei and on the Waikato, Grey had determined to apply his Port Louis paper doctrine to its fullest extent by imposing a system of native government for the direct rule of indirect. In both cases he gave public notice of his intention and then went into conference mode with his officials. Origins of the Waikato War lie in the Eastern Cape. No matter of how greedy or unscrupulous settlers were in either country, there was a particular way of stressing an indigenous opponent and managing tension and applying power that came from the "kingcraft", as Otago settlers had once called it, of Grey.

Most in southern Africa do we see the two-edged sword of Grey's capacitarian liberalism at work. If black and coloureed peoples had to stadially mount a ladder of "progress" to obtain full civic rights in a mixed race citizenship body, they were not the only ones to undergo "education". Grey was the governor who responded most positively to Afrikaners. He learned Dutch, and obtained their confidence to varying degrees. He formed a constructive relationship with the Orange River Free State. The South River Republic had a wait and see attitude, yet responded positively to his federation scheme. The upshot of this goodwill was voting in their respective volksraader to enter into federation in 1859. Federation though should be regarded as a capacitarian liberal scheme. Afrikaners too were to assimilate and learn to practice the same norms of representative government as the British settlers. Their federated states would be engines of assimilation, of both Afrikaners and the Africans caught up within them. Towards British settlers he had an educative purpose as well, to try and persuade them to practice "humanitarian" policy towards indigenous peoples.

Grey then became something of a leader of the group of people who are known as the Cape Liberals. As Zoe Laidlaw has made clear, the Cape Liberals were already an established grouping. In her book *The Colonial Connection 1815- 1845* [808]she denmonstrates the connections about John Phillip and his friends and family at the Cape and the Buxton circle in London, about Fowell Buxton MP who chaired the Select Committee on Aborigines. She underplays the contribution of Andries Stockenstrom, for whose considerable contribution one should read Hermann Giliomee's

[808] Laidlaw, Zoe *Colonial Connections 1815-1845 : Patronage, the Information Revolution and Colonial Government* Manchester University Press, Manchester 2005.

The Afrikaners of 2003. [809] These people were ready-made then in the Cape Colony for Grey to work with. He was able to articulate and demonstrate what seemed to be a liberal and humanitarian vision for southern Africa, that became the property of this group, and articulated their values. The cunning of it with Grey was that he was able to find humanitarian language for undertaking a "Forward" policy.

The Cape Liberals included people such as John Charles Molteno (1814-1886) the first premier of the Cape Colony in 1873, his son Percy Allport Molteno (1861-1937), William Schreiner (1857-1919) who was to become premier in 1898, his sister the novelist Olive Schreiner (1855-1920) , and John X. Merriman (1841-1926), the last premier of the Cape before the Union of South Africa. Grey was closely involved with these people. John Molteno sat on Grey's Executive Council in 1854. 42 years later his son Percy Allport conferred with Grey deep into the night when news reached London of the Jameson Raid in January 1896. Grey held Oliver Schreiner in his arms as a sickly baby, hoping that she might live when her life was feared for. She dedicated Trooper Peter Halket of Mashonaland (1897) to "a Great Good Man, Sir George Grey". Merriman looked back to Grey as the source of the right doctrine for South African politics during Milner's Ascendancy.

It might well be that at the Cape, Grey came to be associated with a liberal and racially liberal ideology in a racially polemicized environment. His legacy of a federation or association of states became everyone's property ar a macro level. John Molteno resisted the British Tory government's imposition of a federal scheme and native war, in the 1870s, under Colonial Secretary 4th Earl Carnavon (1831-1890) and Governor Sir Bartle Frere (1877-80). James Anthony Froude (1818-1894), Carlyle's disciple and Grey's friend was the informal political advisor, whom Carnavon had consulted who proposed confederation. Grey had been right, Froude argued to Carnarvon. Such advice was not at all counterintuitive to the Earl, who had previously been Colonial Secretary over 1866-67 when the British North America Act was passed. [810] The result was a disaster by 1880 after the 9th Xhosa War and the Zulu War. By the time Gladstone took office again in 1880 the consensus was that it had been a mistake try and integrate southern Africa. Yet Molteno's son, Percy Allport published a book proposing South African federalism entitled "A Federal South Africa" in 1896. Grey himself was the past of the concept, which Molteno argued was the remedy for 1890s southern Africa.

George Grey of course was not to blame for the actual implementation of the confederation policy in the 1870s. He was of course in disgrace with the Colonial Office, living on his "Elba" of Kawau Island in the Hauraki Gulf, north of Auckland, in New Zealand by then. He was premier of New Zealand, 1877-79, feuding with the Governor of New Zealand, while disaster befall Carnavon's policy. In the Rees biography (or rather, autobiography), he distanced himself from what had happened. He showed total contempt for Carnarvon and Theophilus Shepstone, only conceding that Froude's original federation was correct, but insisting that Carnarvon, and the detested Shepstone, had brought about disaster by annexing the South African Republic. [811] Nonetheless he was buried with Sir Bartle Frere in the crypt of St Paul's, London.

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[809] Giliomee, Hermann *The Afrikaners:- Biography of a People* C.Hurst & Co, London 2003.

[810] The British North America Act 1867 received the Royal Assent on 29 March 1867. Carnarvon relinquished the seals of office on 8 March.

[811] Rees p. 380.

John Molteno opposed the involvement of the Cape Colony in Frere's policy as High Commissioner. He did not see why Cape Colony revenues should be spent on frontier wars, when the Cape no longer had a frontier. Yet the Crown agents were enthused with integration. Sir Theophilus Shepstone of the Natal for example had been given a commission by Lord Carnarvon to negotiate with the South African Republic, which he carried out by going to the Transvaal, and in a coup entirely of his own making, declared a British annexation. He got away with it because of the sheer anarchy in the ZAR. The annexation was repudiated and the Republic reestablished in 1881.

I have argued that Grey was interested in Jomini's military doctrine. Certainly Grey's Port Louis paper, was quite opposed to the traditional British conscientious policy of native protection and segregation, from the Appalachian protectorate onwards. That policy belonged to a family of policies that emanated from the international practice of the colonial powers, from the Ordinance of Population and Discoveries of Philip II in 1573. Other states had adopted the paradigm, not least as good tools for international law, to protect their possessions from one another and to justify their pretensions over other places and peoples. Southern African had old lines, lines on the map, of this kind, from the days of the Dutch Republic. Andries Stockenstrom testified to the Select Committee on Aborigines on the old Dutch Proclamation line in 1835, and to how the British authorities at the Cape had taken it up and accepted it in 1808 in continuance.

Frontiers? Grey's policy was to close frontiers, and to do this as soon as possible, preemptively even. In New Zealand the frontier was as close as your fence-rails (if you had one) and as near as the bush. It was a vast forested interior that settlers had to move on into and fell and drain if they wanted to move out of their constricted beachheads. In Australia, there was a penumbra zone of the most distant farmsteads. Grey knew this from experience when he stumbled in on one in 1839 after walking cross country at the end of his endurance, when he went on ahead to save his expedition party. In southern Africa, there were proclaimed lines, there were boundaries. The indigenous populations were then to be digested and broken down and assimilated by the settler economy, to meet the demand for black labour on farms and public works. Industrialization of South Africa was not yet envisaged, though the mining economy was beginning to manifest its inexhaustible appetite with the Namaqualand Land copper "rush" in the Northern Cape from 1852 onwards.

In the Jominian military system, frontiers were not to be defended like a Hadrian's wall. We have then to explain how Grey's recurrent use of military settlers, in his colonies, relates to this. In Auckland he made use of military pensioners known as the "fencibles". In the Eastern Cape a line was made of settlements for his German Legion forward of King William's Town between the Buffalo/Cwenqgcwe and Kei Rivers. At intervals along the road to Queenstown stood of a slice of Prussia, with townships named Potsdam, Charlottenburg, Berlin, and then Hanover, Marienthal, Wiesbaden, Stutterheim and Dohne. Stutterheim was named after the Legion's leader, the ill-fated General Richard Freiherr von Stutterheim. Stutterheim who eventually committed suicide, was said to be stalked by the spectre of a young officer he had killed in a duel in his youth, who would meet him at cross-roads and indicate the wrong path to take. He abruptly resigned his post in the Eastern Cape, in any case.

These towns were actually farming centres. The scheme fitted in with Grey's Harringtonian vision of militiamen citizen farmers. They represented a "forward" opposition, for further colonization, not a hard and fast line, like the Roman *limes*, or a boundary of the kind beyond which Philip II had prohibited settlement in his Ordinance on Population and Discoveries of 1573. Grey so much believed in the scheme that he paid for it out of his own pocket when HM Treasury refused support.

He was eventually reimbursed by HM Treasury- another instance of Grey's gambling streak and brinkmanship when he was dogmatically convinced he was right. Such farmsteads would place pressure on resources; it gave the farmers a stake in property to protect. Their families in time would throw further pressure on the frontier. They lived there between the Kei River border, on the Port Elizabeth –Queenstown line as a first line of defence, behind the boundary, but also as constant pressure. In the first instance though, the riotous German Legion had to have families in the first place. Irish women were at one time improvised for some. Their farms would require African labour. It was a provisional solution. We are to think of these military settlers as "waves" surging towards indigenous territories to engulf them, not as picket lines or human walls. Defensively they acted as a buffer between King Wiliam's Town and the Xhosa. But King William's Town, the capital of British Kaffraria, was deemed to lie in the backwash of this wave.

It can be no coincidence that Sir Harry Smith, who had been Governor of the Cape 1847-1852 and Grey both knew Jomini's writings and were proponents of a "Forward" policy in the Eastern Cape. There is a big difference between a governor or commander who conservatively holds a line and one who proactively and pre-emptively tries to remove it. There is a big difference between a practical governor who gives into pressure to extend a line, because of settler demands, and one who tries to get ahead even of such demands, to close the line for good.

The problem was, the Colonial Office was all on-side with Grey's native policy, but never agreed that a "Forward" policy, let alone agree at that time that a federation was the way to go about it. A federation, such as Grey attempted over 1858-59, was a "Forward" policy with a vengeance, increasing imperial responsibilities. To Grey, the racial administration policy, the military policy and the constitutional policy all went together and could not be parcelled out in some division of labour.

Lady Grey had been intimating to friends and the not-so-friendly in New Zealand that she and Sir George had expectations for the Canadian Governor Generalship. However the cold, scholarly, pedantic Sir Edmund Head, an Oxford man got that instead. A man of military education was required for South Africa, someone who had the military education to understand frontier warfare. Grey was ideal because he ahd that education but was not an "Army" man. He had a distance from that "service". He was in any case the first British governor at the Cape for decades not to be a Napoleonic wars veteran. Only Grey's successor at the Cape, Sir Philip Wodehouse (1861-70), would be the first purely civilian governor at the Cape, since the Earl of Caledon who had governed back between 1807-11. Southern Africa had been so afflicted with wars from the 1810s that its government had always demanded an Army man for fifty years.

The irony of Grey's appointment is this. The Colonial Secretaries in 1854, the Duke of Newcastle and Sir George Grey Bart (sic) wanted such a man at the Cape. They wanted their new governor to adhere to the Convention system with the Orange River Free State, and avoid amalgamating it back into the Cape Colony, and to avoid a "Forward" policy with native policies. Grey was to work in entirely the opposite direction over the next five years.

The governorships of South Australia and New Zealand has been ideal preparation for southern Africa, where Grey could demonstrate his full command of policy and of Jominian frontier strategy. He was not the first governor in South Africs to respect Jomin's work. Sir Harry Smith (1847-82) a veteran of the Peninsular Wars who had served with Grey's father at Badajoz, had a high esteem for Jomini's analysis of the battles and campaigns that he himself had taken part in. Smith had been the veterans of campaigns in Argentina, Portugal, Spain and France, in the United States and at Waterloo, and then in southern Africa and India. It was Grey however who wielded

Smith's "Forward" policy into a combined strategic system and policy system. Grey "thought" War but his weapons were demographic, economic, diplomatic and administrative, and his occasions arose exploiting indigenous stress and division. Grey made peace feel like a state of war. He may not have intended war in South Africa nor desired it originally in 1860s New Zealand, but he certainly knew how to apply stress in a stand-off, to prevent that stand-off becoming the status quo. "Peace" could be a zone of economic and demographic warfare for George Grey.

We appreciate the feed-back loop, between New Zealand and southern Africa, when we remember that Lord Grey said in his Letters on Colonisation to Lord John Russell, in 1854, that the "New Zealand" system would be applied in the Eastern Cape; that is, to Xhosa. We have seen what that New Zealand system was and how Grey developed it. Colonial governors moved between postings, practising their personal policy repertoires. In the Eastern Cape, Grey had carried out a revolutionary and invasive intervention into the Xhosa nation, exploiting the chaos and social breakdown caused by cattle-plague, chiliastic prophecy, and famine. [812]Amalgamation not only required steady pressure, a general stress upon "protected" indigenous communities,through the pressure of settler immigration, but the exploitation of seemingly propitious circumstances so as to break indigenous nations, and integrate them into the settler economy and power sphere. The South African historian, civil servant and politician Edgar Brookes (1897- 1979) insisted on what can be identified as the Jominian dimension to Grey's policy:-

> " Sir George Grey had definitely decided no longer to treat the Native question as a mere problem of frontiers."[813]

The frontier was to be dissolved. The frontier occasioned war, did not remove or deter it. The features of Grey's native administration scheme of 1855 were a policy of public works, into which Xhosa were labour, the imposition of hut taxes, to encourage them to do so, the introduction of resident magistrates and the pensioning of chiefs, so as to alter the indigenous Xhosa constitution. As Grey expounded:-

"The plan I propose to pursue…..is to attempt to gain an influence over all the tribes included between the present north-eastern boundary of this Colony and Natal by employing them upon public works which will tend to open up their country; by establishing institutions for the education of their young and for the relief of their sick; by introducing among them institutions of a civil character suited to their present condition; and by these and other means to attempt gradually to win them to civilization and Christianity, and thus to change by degrees our at present unconquered and apparently irreclaimable foes into friends who may have common interests with ourselves."

"Under such a plan the worst part of the Kaffir polity is broken down. Every Chief of importance will receive a certain regular income, for which he will be dependent upon the Government of the Country, and will therefore have the strongest interest in its maintenance and success. European laws, will by imperceptible degrees, take the place of their own barbarous customs, and any Kaffir Chief of importance will be daily brought into contact with a talented and honourable European gentleman, who will hourly interest himself in the advance and improvement of the entire tribe,

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[813] Brookes Edgar H., *The History of Native Policy in South Africa from 1830 to the Present Day*, p. 92. Brookes was involved with the South African Institute for Race Relations in the 1920s.

and must in the process of time gain an influence over the Native races which will produce very beneficial effects." [814]

Grey recognized that Africans could form their own "polities" then, a rare and significant word under any nib or from any keyboard. Thus began the proletarianization of Xhosa, a process which began in earnest for Maori in New Zealand after the Land Wars. The scheme of the Port Louis paper was adhered to the letter, to reduce indigenes to a labour proletariat, [815]committed to public works, a process that the great South African historian Cornelis de Kiewiet (1902-1986) described as a conversion from "barbarism to pauperism". [816]

Keith Sinclair commented thus on the African influences on Grey's New Zealand policy of 1861:

> "Grey however was too ambitious to appreciate gradualness, and hastened on. Perhaps he was misled by his South African experience. Certainly there he had been able to act rapidly, but only because of the peculiar circumstances. The Kafirs had slaughtered their cattle, in an effort to destroy the Europeans by invoking magic where arms had failed, and thereby committed social suicide". [817]

Grey only too well appreciated "gradualness" and temporisation;- this is what the Aborigines' Protection Society praised him for. He appreciated a revolutionary opportunity rather more, when presented to him in the circumstances of plague, famine and apparent rebellion, and other horsemen of the Apocalypse. [818] His policy was ever to foreclose the future, and leave an indigenous people, desirous of self-determination with a fait accompli, to take the situation to a point of no return.

To Grey the Xhosa, in fact the general Nguni mode of life, presented a strategic menance that had to be overcome as soon as possible. We have seen earlier in this book that Grey admitted indigenous right or interest, in land, in other colonies he was involved with. He published his belief that Australian aborigines had an interest in the lands they hunted on or used for food resources back in 1841. He defended the Maori interest in New Zealand's so-called waste lands against Lord Grey as we have seen in 1847 to the point of telling Bishop Selwyn and Chief Justice Martin that he would resign if his advice were not accepted. Yet from Cape Town in 1857 Grey could state in a despatch:-

Throughout British Kaffraria, the native has no recognized right or interest in the soil[819]

This would appear to show a changed Grey or a Grey who is not the Grey that I have been interpreting in a particular way throughtout this book. I would suggest that the solution to this is to highlight the adjective "recognized". The Law did not recognize such rights, - Grey in that respect was stating a fact.

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[814] Sir George Grey K.C.B, to Sir George Grey Bart., 22.12.1854 *G.B.P.P. Further Papers relative to the Kaffir Tribes* ,July 1855 [1969] pp. 36-38.
[815] Mostert, Noel, op. cit., p. 1170.
[816] de Kiewiet, C.W., *A History of South Africa Social and Economic*, Oxford University Press 1941, p. 85.
[817] Sinclair, op. cit., p. 243.
[818] Rutherford, op. cit., p. 355.
Grey to Labouchere 27 August 1856 CO 48/ 346 No. 88.
[819] Grey to Labouchere (35) 23 March 1857 CO 48/ 381.

Of all the stages of human development that Grey could imagine humanity ascending through, the "savage" hunter gatherer stage, the pastoral, the agrarian and the urban or "civil" stage, the most dangerous to Grey was the pastoral. We have seen how Albert Gallatin the US Treasury Secretary considered it extremely difficult for indigenous peoples to convert from a hunter gatherer life to an agrarian. Only the Araucanians of Chile had managed that. The ominous lesson there was that such social development had impeded their conquest by the Spaniards and settlers Chileans. Historically, forr Grey's generation, pastoral peoples were responsible for invasions from the wilderness that destroyed civilizations. One had only to read Edward Gibbon's *Decline and Fall of the Roman Empire* to learn about the dangers of migratory hordes, to settled civilizations, Huns, Tartars, Arabs. Archaeologists were becoming aware in the 19th century of the Semitic invasions of Sumerian Mesopotamia and of the Hyskos kings' rule in Ancient Egypt. More recent examples would have been ominous to Grey's generation. On the Great Plains of the United States, the Comanches had acquired the skills of horse-back riding and become a deadly cavalry. They had also took up cattle-herding and cattle-rustling and not just the bison hunting. The Comanches were the main power in the South West of what is now the United States, what was pre-1848 the North West of Mexico (excluding California) from the 1760s until the 1860s. Only after the American Civil War was their power decisively broken. They were as pastoralists to North America in their capacity for reistance what the Araucanian agriculturalists were in Chile.

What has been established here is that Grey had a general intention to assimilate Xhosa into the Cape Colony economy and break up their society and policy. He put measures into place to strategically accomplish this. The Famine, when it occurred, was not the immediate result of disease as the Irish Potato Famine had been the result of infection by *Phytophthora Infestans*. Xhosa killed their cattle because the teenage girl Nongqawuse told her uncle Mhlakaza in April or May of 1856 that she had seen the spirits of three ancestors down at a waterhole on the Gxarha River, who instructed her to tell Xhosa to destroy their cattle and crops, in return for which the sun would turn red on 18 February 1857, and the spirits of their people would drive the British into the sea, and restore their herds and crops. Mhlakaza reported the prophecy to the paramount ehief, Sarhili. As a matter of fact at that time, an epidemic of lung-fever, or bovine pneumonia, was raging among cattle in the Eastern Cape. Xhosa were under great stress and were apprehensive of Grey's policy towards them. 400,000 head of cattle were killed over the next year. The sun rose on 18 February 1857, and was not red. So many had heeded the prophecy that the Xhosa population lost 40,000 people. [820]

Who has been blamed? Nongqawuse has been blamed by both the British and Xhosa alike. She was imprisoned on Robben Island, but after her release, lived until 1898. Sarhili has been blamed for exploiting the situation. Grey has been blamed for various things:- for making relief conditional, for imposing a strict cordon, for exploiting the misery. Some Xhosa believe that Grey made Nongqawuse his lover, and used her as a ventrioloquist's dummy to spread a prophecy to destroy them as a people. Nongqawuse had however revealed that George Grey was one of the secret names of Satan.

Historians have blown hot and cold on Grey's culpability for the disaster on the Eastern Cape. We have read what Keith Sinclair had to say- it was "race suicide". The South African historian W.M.

[820] Peires, J.B. "The Central Beliefs of the Xhosa Cattle-Killing" *Journal of African History* 28 (1987) pp. 43-63; p. 43.

Macmillan however referred to the Xhosa famine as a regrettable "blot" on his career. [821] Grey's biographer Rutherford assured his readers: -

" Grey rose to the occasion magnificently and again displayed all those qualities which make him remarkable amongst the colonial governors of the century. Throughout this crisis, he was at his best, and his best was superb".[822]

Rutherford stated that Grey suspected a military conspiracy emanating from Moshoeshoe, just as he had suspected from Te Rauparaha in 1846, and he credited Moshoeshoe for planning to exploit the cattle-killing and the resulting famine, because he had formed an alliance with Sarhili, and resumed cattle-stealing in the Orange River Sovereignty. [823]Rutherford represents Grey in July 1856 as devising a defensive war and relief plan in just ten days that also factored in the diplomatic manoeuvres with Moshoeshoe and Kreli so as to avert war. [824] Modern African writing on the Xhosa Famine and Grey's response is extremely hostile to him. A division is apparent now between New Zealand historians who wish to "smooth" the white pillow of guilt, and African historians who find Grey's actions reprehensible.

Grey's officials and commanders were in fact more alarmed at the imminence of war, Grey the more sceptical and conservative. [825] Grey neither overestimated the capabilities of British troops, nor overrated the danger from Kreli and Moshoehoe. Six regiments would be used as a mobile and not as a stationed force, so to deter the conspirators who might take advantage of the situation. [826] Famine itself would disarm the potential insurgents. In the aftermath he would arrest the chiefs whom he regarded as offenders and extent direct rule over the Xhosa, and use the relief system to convert Xhosa to labourers on public works.

We have to abandon cold paper and ink, shining computer screens and the realm of ideas to recover just what it was that was done, in this "Cold War" of mass starvation. This was a catastrophe that was lived through in slow motion. The Famine took a long time, to unfold, just as the Famine in Ireland had done, all of 1857 in fact. Secondly, Grey and his officer and officials worked beyond human endurance over 1856-1858, at activities we would now consider humanitarian and proper for them to have done, but also at activities we would not now approve of. Some of the relief activities they undertook would be recognizable as U.N. disaster relief work. Other activities however are comparable to Stalin's collectivisation programme.

Although lung-fever contributed to the prophecy, so that disease and cattle-killing were co-related, the ambient situation was Grey's imposition of native administration on the Eastern Cape. Not long after he took office in Cape Town, Grey had introduced a policy of native administration in 1855 involving native districts and resident magistrates, to be funded by hut taxes and other imposts. The system was financially self-supporting through the hut tax system. Theophilus Shepstone had in fact innovated hut taxes in Natal, yet an old and discerning yet paternalist

[821] Macmillan, W.M., *Bantu, Boer and Briton: The Making of the South African Native Problem*, Clarendon Press, Oxford 1963 p. 341.
[822] Rutherford, op. cit., p. 350.
[823] Rutherford, op. cit., p. 349; Grey to Labouchere 16 August 1856 no 76, 25 August 1856 no. 86, 27 September 1856 no. 94 CO 48/376.
[824] Rutherford, op. cit., p. 358.
[825] Rutherford ibid.
[826] The 2nd, the 6th, the 45th, the 60th, the 73rd along with the 85th from Mauritius.

authority such as Edgar Brookes insisted on the distinction between Grey's "Policy of Identity" and the Shepstone's "Policy of Differentiation". [827]

A contrast has been argued between Grey's resident magistrates in South Africa and Francis Fenton's scheme for New Zealand of native districts and district commissioners. [828] The nuanced way to express this, is to say that Grey had no objection as such to district commissioners in his scheme of racial amalgamation. Rather the proponents of the Buxton Report scheme of native protection insisted upon district commissioners because they wished to protect indigenous peoples from the application of British law. Grey either applied resident magistrates either in place of district commissioners, or else used district commissioners and native districts as instruments of legal integration. Native districts were to be a temporary feature of marchlands. [829] Once a formal frontier was dissolved, a concentration of indigenous peoples was broken up by pressure from white settlers and from competition for land and resources, native districts could in fact persist as islands or virtual reservations for the time being, so long as they were destined to legal and economic integration, and eventually racial amalgamation. Sir William Johnson himself in 1767 had distinguished between "Marches and Frontiers" to Lord Shelburne. [830] Grey himself had no special repugnance for native districts so long as they served as instruments of amalgamation.

Reduction of indigenous peoples to a wage labour economy was an essential component of amalgamation. [831]In 1855 Grey exploited the lung-fever plague in cattle to implement the resident magistrates and direct rule. [832]By 1856 he was responding to the cattle-killing with a multi-lateral containment plan. [833] In his assessment, the cattle-killing and resultant famine provided an opportunity:-

> " instead of nothing but dangers resulting from the Kaffirs having during the excitement killed their cattle and made away with their food, we can draw very great permanent advantages from the circumstances, which may be made a stepping stone for the future settlement of the country." [834]

Grey then disclosed his agenda. The assimilationist agenda should be seen as a way of shaping an appaling crisis. A senior army officer, a general or a staff officer is trained to shape violence constructively so as to "win". We ought not to be suprised then that Grey regarded the destruction as an event that he could rationalize and fit into his model of a "campaign".

As for Grey's character we are left either thinking him a cold and manipulative psychopath who could turn on humane responses in one document then apparently rub his hands with glee in another at how the disaster facilitated his master plan. Definitely his power and his policy were

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[827] Brookes Edgar H., *The History of Native Policy in South Africa from 1830 to the Present Day*, J.L. van Schaik, Pretoria 1927., p. 98.
[828] Ward, Damen , "The Politics of Jurisdiction: British law, indigenous peoples and colonial government in South Australia and New Zealand, c. 1834-60", p. 48, p. 276.
[829] Hulsebosch, *Constituting Empire*, pp. 333-334 .
[830] Sir William Johnson to the Earl of Shelburne 3 December 1767, in John Romeyn Brodhead and E.B. O'Callaghan, (eds.) *Documents Relative to the Colonial History of the State of New-York: Procured in Holland, England, and France*; v. 7 p. 1001.
[831] Grey, George, *Journals* v II p. 385 paragraph 30.
[832] Mostert, Noel op. cit., p. 1178.
[833] Mostert, Noel ibid p. 1209.
[834] Rutherford, op. cit., p. 329 or p. 355.

what mattered to him. Might he not have had several emotions and personae or "minds" in relation to the disaster, from the humanitarian moralist to the Machiavellian? If we can discern that, and I think we do, we are in the presence of Grey.

As it was he threw himself breakneck into famine prevention in the first instance and then headlong into famine relief. This is of a pattern with Grey's interventions in his other colonies. Long periods of suspense and lassitude, suspense that built up tension to a snapping –point where interrupted by lighting bursts of energetic interruption. In fact he committed himself into these interventions just as control was being lost. He tried to get ahead or on top of the "lapse" or collapse of the situation. It made him ill, extremely ill. Peires writes darkly about Grey's mysterious illnesses. It is true, they do become a feature of his life in the 1850s and 1860s. Illness overcomes him at times usually of profound stress. There can be little doubt though whatever the physical basis, whether or not narcotics and opiates were involved, that Grey's efforts at this time of crisis overexcited him and that he became quite manic and exhausted with it all.

It would seem in any case that Grey's leading officers and officials shared the paranoia. The horsemen of the Apocalypse in the Eastern Cape were as "driven" as the people they imagined were being stampeded by events. In Lieutenant Colonel John Maclean the Assistant Commissioner for British Kaffraria, Grey found a loyal and willing collaborator. [835]

The Port Louis paper of 1840 attained its most catastrophic implementation on the Eastern Cape amid the loss of at least 40,000 lives. 150,000 had been displaced. [836] As for Grey's relief plan, by the end of February 1858, 25, 362 Xhosa had been "relieved" of whom 22,150 or 87% were sent to the Cape Colony as labourers. [837]His South African record proves that when Grey found an opportunity to exploit indigenous vulnerability, he would not fail to take it so as to advance his assimilationist programme. Racial amalgamation by gradual pressure would give way to invasive methods aimed at breaking the "nationality" of a people. What Grey can be blamed for is his refusal to countenance non-government charitable relief. Church groups and private initiatives were not just discouraged but resisted with all of Grey's share of the paranoia that infected the situation between Xhosa and the colonial administration in the first place. Bishop Gray the Bishop of Cape Town (there are moments in this book when everyone is called Grey/Gray) started a "Kafir Assistance Society" to distribute food and relieve the sick. Grey showed a hostile even savage and defensive side of his personality to even old friends he trusted and loved like Dr Fitzgerald. Dr Fitzgerald had left hunger cases to the local relief committee in King William's Town and not treated them at the hospital. Grey wrote to his commissioner Maclean:-

Inform Dr. Fitzgerald that I have read his leter with considerable pain. …..To the best of my ability, I have afforded to Dr. Fitzgerald everything he has applied for, in the way of assistance, rations, medicine, instruments. I would gladly have done more still more had it been necessary, and I shall never cease to regret, after reading his letter, that before he prescribed to himself the stern line of duty, that the cases of those who were dying from disability within and around the Town, did not come within his province, he had not consulted you or myself upon the subject. I should certainly have decided that such cases did fall within his province and afforded him every assistance in

[835] Mostert, op. cit., p. 1174.
[836] Peires, J.B. , op .cit., p. 288.
[837] Peires, J.B. ibid p. 263.

dealing with them. No one is more sensible than I am of his general devotion to his duties, but I think in this instance he committed an error of judgment which I regret. [838]

Nor was this personal. It was Grey's "tone". He stated to Maclean in August 1857:-

> I have only to repeat that the most strenuous and increasing exertions must be made by the authorities to relieve these poor starving creatures, and I think it is right to say, that I cannot see how, if the Resident Magistrate, the police and the Native Chiefs do their duty in the vicinity of King William's Town, so many persons can die of starvation so close to the Town. [839]

It is very clear from this that Grey wanted noone to die. It is also very patent that a highly intelligent man is in denial and is not taking responsiblity. Grey was not in denial over the extent of the famine and the scale of the disaster, but over the capabilities of his government to respond to the crisis as Xhosa society broke down around it. Grey is one the one hand defensive. His government was not to be deficient in its response. Grey was obliged to protest for the record, but we need not read cynicism or lassitude or fatalism into his famine response, covered up wiuth a stenuous lie. The error with Grey was that he could not imagine that his government could not be deficient or inadequate to the task. He operated an engine that was comprehensive and unlimited and totalitarian in what it could do to people but was then unable to cope with the famine. The aspirations and the means did not meet, power as a negative holding capturing force and as a positive "can-do" do not equate. Apart from the walking dead about King William's Town, what is cold and repugnant in the above is how Grey passes on liability to subordinates in his system.

Nimrod is a person in the Bible, in the Book of Genesis, at Genesis 10. He founds the great Mesopotamian cities such as Babel. He is a "great hunter before the Lord". He had a reputation as a great tyrant. The Tower of Babel was attributed to him. It would have doubtless been interesting to Grey as a Freemason that early Masonic texts rehabilitated Nimrod as a great mason, actual and esoteric. [840]Dante depicts Nimrod in the *Inferno* Canto 31 as the exemplary tyrant. He is a giant standing waist-deep in a plain, babbling in a nonsense language. The idea is that great power reduced him to stupidity. I am proposing that these events reduced Grey for all his power imagination and intellect to an intelligent stupidity. He did not accept that "his" all was not enough.

Basically, he was trying to save a people who had tried to escape him and his power. They were trying to get away from him by such a desperate act. The fact that 87% of Xhosa men killed their cattle proves that they were wanting to show solidarity with one another at a time of tremendous social stress. That is the meaning of the slaughter and of the Act of Faith they made to try and meet the terms of the Prophecy.

Everything was done over 1856-57 to contain the "prophecy" and the outbreak of frontier violence and to persuade Xhosa not to participate in it. The utmost was done to persuade Xhosa not to slaughter their cattle, and to discredit the leaders of the prophecy, while reinforcing those who

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[838] Grey to Maclean 1 Oct 1857 GH 8/32 Republic of South Africa Archives, Cape Town.

[839] Grey to Maclean August 1857 GH 8/32, ibid.

[840] Cape and Natal News 23 July 1859- for one of many sources on Grey's highly public identification with Freemasonry in the Cape Colony. See also:-
Hartland-Jacobs, Jessica L., B*uilders of Empire- Freemasons and British Imperialism 1717-1927* University of North Carolina Press, Chapel Hill 2007.

resisted it. Such measures were counterproductive, for many of those who desisted were regarded as collaborators. Grey managed to contain Moshoeshoe and the Basuto, preventing the possibility of any joint operations between them and Xhosa. He took the precaution of buying up grain in case the cattle-killing took place. We have to admit that Grey did not want the cattle-killing to take place, but undertook all reasonable precautions and countermeasurers against it. If Grey had disbelieved the threat contained in the prophecy, and had ignored his officers and officials' warnings, and denied the climate of fear about them, he would have failed in his duty. Despite Grey and his officials working themselves to such a pitch to prevent disaster, the cattle-killing went ahead all the same. Deterence and persuasion had not worked. Relief was provided though on the government's terms, with labour contracts for able bodied men.

The contradiction to the situation is that the very means that Grey was using to save people from catastrophe were the very ones that stressed them in the first place. Grey's means to dissuade Xhosa from the cattle-killing and to discredit Nonqgawuse were those of the power apparatus he commanded. Such methods confirmed the paranoia. Xhosa were in a mindset of resistance, or at least of non-collaboration.

Secondly Grey went ahead all the same with his scheme for bringing Xhosa under direct government and for settling Europeans in the region. Combine that with the lung-fever, and from the Xhosa perspective one can see how to many that all around them the horizons were filled with despair and only yhe most desperate hope. Thirdly, when the slaughter took place, Grey welcomed it as an opportunity to consumate his plan. He did not intend it to happen, but the destruction of up to 400,000 head of cattle served to advance his agenda, not impede it. No 9th Xhosa war would happen until 1877. No war would break out during his governorship.

Grey exploited the situation to create a Xhosa workforce for public works. He became pathologically resentful of private and charitable relief efforts, as they seemed to cast a reproach on the adequacy of government relief. Lord John Russell has come under much criticism for his responses to the Irish Famine when he was Prime Minister. The Russell Government blundered its way through the Irish Famine. Grey did not. He had an answer for everything. All outcomes were precluded. Xhosa were to have no future without the Cape Colony government filling their horizons. As he did in fact feed the starving and make efforts to ensure that they were, what we can say in language that Grey himself would have understood, is to quote St Paul from I Corinthians 13. 3.

And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing.

As for Sarhili, who manipulated the prophecy, he was unable to shape the stress and catastrophe it caused into a viable resistance. Grey and his government contained and pressured the incipient resistance moment. The moment became an eschatological event of the utmost despair. In other words, all the actors in this situation ended up doing more, and much worse than they intended. Grey ended up manipulating a humanitarian disaster he had laboured hard to prevent.

It pays to review what modern historians have had to say. Jeff Peires' Grey however suspected a conspiracy, was as credulous as everyone else, and then had to retrospectively find proof that there had been a conspiracy in the aftermath. Peires discounts the reality of the conspiracy, that obsessed Grey and his officers, rather emphasising the stress that Xhosa suffered from the ravages of lung-

fever amongst their cattle. [841]Rutherford has Grey not as carried away as his leading officers and officials were, as calm and strangely outside of the panic. Noel Mostert strangely attempted to extenuate Grey's responsibility by proposing that Major Maclean might unduly have influenced him. [842] Yet the same author notes that Grey had intervened against Maclean to ensure that a notorious "dealer in human flesh", or labour agent by the name of Hart, had access to Xhosa as Hart's activities " tended to disperse the Kaffirs in the interior of the colony". [843] McLean was definitely under Grey's thumb.

We do not find two sides to Grey here at this point, the opponent of slavery and of the South Seas "labour trade" in Queensland, contrasted with the capacitarian Liberal, who would place indigenous peoples on the trampolators of History. It is obvious that there was a place in Grey's scheme for indentured labour, under a labour contract's scheme, so long as the "capture" of the labour force was not in conditions like capture and enslavement. When Grey was to latter campaign against "the labour trade" in the South West Pacific, he was protest at the kidnapping of men and their compelled acceptance of a form of indenturement. Grey would have thought he was offering a choice- relief by the government or fend for yourself. Famine and starvation had almost made the economy of the Cape colony into a power war machine:- it just absorbed the misery and sucked it in and dispersed it into its labour force. In doing so it weakened and dissolved the frontier.

Another question to consider is this:- the public policy of the time. The resources and functions and responsibilities and liabilities of government were limited then compared to what they have been in our modern era. 19th century colonial states did not run welfare systems in peasant economies, or even the poor relief systems that had been developed in the mother country since Tudor times. Their budgets and functions did not extend to that. They did understand however that they were to provide relief and not simply let "Nature" take its course.

A comparison with the Irish Potato Famine between 1845-52 is instructive. This famine took a million lives in a population of 8 million. Peel's government tried to stockpile cheap maize from America, which needed however to be locally ground, and could not be. Public works were initiated to employ make famine-victims. Under Lord John Russell, market ideology and eschatological doom prevailed:- if the markets were not interfered with, would provide. Peel had hoped that the lowering of the corn tariff would make bread available. Sir Charles Trevelyan administering the public works considered it all a punishment upon an improvident population. The public works schemes were not to produce a fund that would make them perpetual. They were to be unproductive, "educative' and reparatory, rather like hard labour for prisoners. Men were condemned to the strenuous idiocy, while malnourished, of digging holes and of making and remaking roads that were sound, rather like stories of the relief camps in the Great Depression of the early 1930s. Ireland had become an open air Poor House.

As the disaster deepened over 1847, the Russell government resorted to indoor and outdoor relief. Archbishop Whately was extensively involved:- it was he who had chaired Ireland's Poor Law Commission. The principle was established that Irish property should pay for Irish poverty, so that Britain did not have to keep paying for the disaster. Irish landlords had tried evictions and clearances to relieve themselves of the burden or providing outdoor relief and soup kitchens or through poor houses. Parishes were liable for poor relief through a property-based rate. We have

[841] Peires, J. B. *The Dead Will Arise*, p. 218.
[842] Mostert, Noel, *Frontiers:-the Epic of South Africa's Creation and the Tragedy of the Xhosa People*, p. 1198.
[843] Mostert, op. cit., p. 1218.

also seen how in South Australia, Grey put the unemployed to work out in the fields in 1841, to bring in the harvest.

Apart from Ireland, India was the other famine zone, for British rulers. Great famines peridocally broke out such as the 1866 Orissa Famine which killed a third of the population of Orissa. Official inaction characterized response in the East India Company period and the early Raj. Officials would either not do anything on ideological grounds, or would do nothing because they could not see their way towards doing anything. On other words, they were conflicted and their thinking on the issue was inhibited and overdetemined. There was no clear path. After the 1876-1878 Famine in southern India, which claimed over 5 million lives by starvation and disease, an Indian Famine Commission was founded and a Famine Code produced.

Robert Cecil, the future Marquess of Salisbury who had stayed with Grey in Wellington New Zealand during a 19 years of age gap year from Oxford, was Secretary of state for India by 1866. He could never absolve himself for his own inaction during the first two months of the Orissa famine during which 2 million died. Far away in London people simply did not believe what was happening, hoped for the best, hoped for supplies and then just did not know what to do. Grey was far from inactive however.

Unlike Cecil, Grey did know what to do. By contrast with contemporary Irish and Indian experiences, Grey's conduct in famine prevention and relief was exemplary "best practice". He had a clear policy and was conscientiously determined to get on top of the famine threat. To break up "the Kaffir polity", the interventions required to prevent a famine were invasive, just as famine relief would be.

But the Eastern Cape Famine of 1857 was not a famine caused by climatic factors or the failure of crops. The epidemiological contribution was the lungfever that had been affecting Xhosa's cattle, but had not been enough in itself to cause mass starvation. It took the actual slaughter of cattle to do that. To take the distinctin that Florence Nightingale made between a "food" famine and a "money" famine, or even one exacerbated by transport and logistical difficulties, the famine Grey had to deal with was rather a "political" famine. Grey was pressuring Xhosa with native administration measures, and population swamping. Sarhili's resistance and Nongqawuse's prophecy represented a last mobilization of a people sinking into despair.

Grey's measures met with the approval of his superiors. Complicity in these events outranked him. Herman Merivale expressed his appreciation for Grey's policy in the Eastern Cape when he republished his lectures on colonisation in 1861. [844]By that time Permanent Undersecretary of the India Office, he recalled Grey's policy in South Africa so as to itemize the intended scale by which amalgamation was to be achieved. He coolly elaborated how a master and servant relationship was to come about at first, then a relationship of "co-labourers", then intermarriage and finally common citizenship. [845] Such would be the fruits of the famine.

We are not to judge them by the disinterested standards of a 21st century UN Famine relief mission today. First of all Grey was also administering a colonial administration and frontier. The Eastern Cape was not 21st century Somalia.. All the best practice paradigms required Grey to provide public works relief. Grey can at least not be blamed for consigning famine victims to digging holes

[844] Merivale, Herman, *Lectures on Colonisation and Colonies*, 1861 p. 511; and 511 n..

[845] Merivale, Herman, *Lectures on Colonisation and the Colonies*, 1861, p. 511.

and filling them up again, like Lord John Russell and Sir Charles Trevelyan. They were placed on real public works schemes.

Grey is culpable is for his hostility to private and charitable relief. Relief had to be a government effort pure and simple. That attitude cost lives. He imagined the crisis in terms of a "front". He did not want "do-gooders" getting in the way. Grey is also culpable for being only too effective. Because of the military interpretation he placed on the Xhosa cattle-killing, he and his troops were there prepared and waiting for the unthinkable. A response did not have to be thought up and improvised.

> The other respect that Grey is culpable is one which he would not have understood or appreciated:- the respect in which his policies and the tension he induced, provoked this kind of despairing resistance. He would also not have understood the dangerous effect of his personal attitude towards the prophecy. Because of his anthropological interests, indigenous "Magic", and prophecy did not frighten or appall him as it did other British officials. He did not dismiss it or try and block it out. Instead he set himself up to resist it, just as the prophecy-believers resisted him. He was determined to expose it as a fraud. 40,000 died in this long-range battle of wills.

We have to resort to Robespierre to see how revolutionary and ideological a liberal like Grey could be. The path of human development according to Grey was through integration into the settler economy and removal from tribal life, at first for periods of work, then for good. Triba life was to be destroyed. The "Kaffir polity" was to be broken. As Grey's superior, Herman Merivale was to characterize the process in 1861,"natives" were to become labourers on a "Master and Servant" basis, then become fellow labourers, eventually intermarrying. Grey intended civic rights to follow.

The reality is that the Xhosa were reduced to *helots*. I would describe what Grey did to them as *helotization*. He did the same to Maori, and to the Australian aborigines he could get hold of. The ancient Spartans had power as a military society so long as they held the plains of Messenia in the south-western Peloponnese and reduced the native Messenians to servitude. This seems to have lasted for over 250 years, from 630 BC until after 370 BC, when the Thebans broke Spartan power and the Messenians rose to claim their freedom and the civic identity that the Spartans has done their best to erase frorm them. The Messenians were not exactly slaves. They were not bought or sold or exported. They were bound to the land and to the estates. They were more like what were later called serfs. In times of emergency Spartans resorted to the helots for manpower in their army. They also wiped out any leadership capacity they saw developing among them, and used teenage spies to watch them.

In a liberal economy then, I would suggest that Grey helotized indigenous peoples, as a broad analogy. Of course in 19th century New Zealand, South Africa and Australia, indigenous peoples were not to be bound to estates and subject to the hereditary constraints of helots. But there was a neo-Hellenic dimension to British white settler colonization of the 19th century and to the southern hemisphere democracies that were founded in Australia and New Zealand and South Africa. Rather than call them neo-Athenian or neo-Corinthian (for Grey called Auckland a Corinth), they were neo-Spartas in their own hard dour stripped-down ways. The sports-madness of the white societies of these countries, the discipline that the body is subjected to, the scepticism applied to theoretical and less than practical pursuits, the aggressive R & R of these peoples, reminiscent of the Spartan break-down of discipline in flesh-pots abroad, the militarism of white dominion New Zealand society, the constant mindset of war in southern Africa, the images and metaphors used

of ANZACs and white South Africans in the World Wars, the imperialist eugenics of Dr Truby King, is this not all neo-Spartan?

Chapter Eleven
South African Federation :- Recall and Reinstatement

It is now time to consider Grey's relations with the Afrikaners and Griquas on the frontiers. The Afrikaners were the original settler people of the Cape Colony. The Dutch government ruled at Cape Town between 1652-1795 and then from 1803-1806. By the beginning of the 18th century the native-born settlers were calling themselves "Afrikanders" or "Afrikaners". The pastoral settlers from the Cape district were always moving on to new pasture lands. The Griquas a mixed race people under the leadership of Adam Kok I were moving into the modern Kimberley region of the Northern Cape to found the first of the Griqua states in the 1790s.

The Abolition of Slavery in 1833 ruptured relations between many Afrikaners and the British Government at the Cape. Slave-owning of a domestic, though not industrial kind, was a self-evident Biblical institution to Afrikaner pastoralists. Thus began the Great Trek into the South African interior, to find lands and found states where they could be independent.

Twenty years on, the Afrikaner republics were in an interesting condition by the 1850s. The Orange River Free State with its capital at Bloemfontein was guaranteed by the Bloemfontein Convention of 1854. The "Warden" line of 1849 was supposed to define a border with the Sotho kingdom of Moshoeshoe in his alpine redoubt. The Orange River Free State existed in constant tension with Moshoeshoe, which erupted into war in 1858.

Whereas the policy for "British Kaffraria" under what was so ominously called "the New Zealand system" was the absorption of indigenous people in annexed territory with the aim of advancing the frontier, right up to Natal, as the goal, the interior of southern Africa presented governors of the Cape with problems that can only be regarded as "international relations" pure and simple. The Colonial Office and the Colonial Service were a secondary Foreign Office for British global power. Moshoeshoe I was not part of Grey's frontier. He was out of the closure zone. He had to be treated as a sovereign ruler. There was no prospect of swamping his inaccessible alpine kingdom with settlers. Yet he was both the cynosure of suspicion and of hope. To Africans, Moshoeshoe was the leader everyone looked up to with expectation, like Ceteswayo would be in the 1870s. Moshoeshoe's seat at Thaba Bosiu - "The Mountain at Night" - was regarded as the centre of webs of conspiracy and intrigue that radiated straight to Sarhili and Sandile, the Xhosa leaders. To Grey it was essential to prevent a link-up, or concert between the Sotho and the Xhosa.

Grey got on well with the commander of the British Army in southern Africa, General Sir James Jackson, a Peninsular War veteran, but an extremely nervy man, more prone to detect conspiracies than even Grey, which is saying something. The General's nightmare was of a "general combination", which never happened. What Grey did suspect might happen was a general breakdown of law and order and a lapse into banditry, which did in fact happen to some extent. A display of military force was essential to contain this and to impose the authority of the government. Grey refused the advice of General Michell in February 1857 which was to withdraw from British Kaffraria, removing regiments to west of the Fish River and withdrawing the German Legion the Keiskamma. That would have been a repeat of the abandonment of the region that had taken place when the annexation of Queen Adelaide's Land was renounced in 1835.

As for the Orange River Free State, its presidents during Grey's governorship at the Cape were:-

Josias Hoffman 1854-55
Jacobus Venter 1855

Jacobus Boshof 1855-1859
Esaias Snijman 1859-60
Marthinus Pretorius 1860-63

They were not exactly revolver-doors presidents. Boshof and Pretorius held onto office. The Free State was a creation of Governors Sir Peregrine Maitland (1844-47) Sir Henry Pottinger (1847) and Sir Harry Smith (1847-52). It began as "The Orange River Sovereignty' which existed between 1848-54. It origins lay in 1845 when Maitland appointed a Resident for settlers living over the Orange River. Bloemfontein, originally a farm, was purchased to become a capital, a legislative council and courts established. The reason why it was called a "Sovereignty" was that it was under British sovereignty, but not in fact a colony. It was what we might call a protectorate. One of its purposes was to keep the Sotho and Afrikaners from fighting one another. The British Government however decided to renounce this possession and withdraw from it. A convention was signed with Hoffman who was chairman of the Afrikaner delegation on 23 February 1854 at Bloemfontein. Hoffman and his associates declared a republic. The president with whom Grey had the most to do with was Boshof, the 3rd President.

1858 was not going to be an easy year for Grey, despite the stress in 1857 of the Xhosa cattle-killing and the resultant famine. The crisis over the Indian Rebellion lasted from the outbreak in May 1857 until June 1858. Grey further stressed himself over playing a double game with the despatch of troops to India. As soon as the news reached him at the Cape of the outbreak of the Sepoy rebellion he responded vigorously- at least in the first instance. Troops destined for service under Lord Elgin in China to suppress the Tai-ping rebellion happened to be in Cape Town harbour. Grey commandeered them, using his local authority as Commander of Chief of the Cape Colony, and diverted them to India instead. Strictly speaking he should not have done so. Proper procedure would have required the troops to sailed on to Singapore, where they could then be legally diverted to India upon receipt of correct orders at that port. The British Government approved of Grey's action.

What the Colonial Office and the War Office could not countenance was the double game that Grey played afterwards with the regiments at his disposal in southern Africa, crudely cooking up figures and relying on the long delays between depatches. Grey was anxious to mop up trouble from the chaos that had erupted in British Kaffraria. He was securing the submission of chiefs or passing summary judgement in drum courts on those who had exploited the social breakdown in the Eastern Cape.

Mgolombane Sandile, who danced before him with such confidence and pride when they first met in 1855, submitted and was left with a remnant of his people. Others were transported for life or sent to Robben Island, like Nongqawuse. The process began in late 1857 but dragged on until May 1859. The important thing for Grey was to get the criminal justice system into gear, giving Xhosa no hope that they could resist. The Eastern Cape had descended into banditry. Something like one of Stalin's purges took place, the legal engine remorselessly sweeping the region and arresting and trying people, siphoning them on from British Kaffraria to serve their sentences.

Just like in Stalin's purges, untoward acts of clemency and exemption took place while the system delated and purged close by with rigor. The Ndhlambi chief Pato and his sons were personally tried by Grey, because of irregularities at their previous trial. Pato was taken to Dr Fitzgerald's hospital at King William's Town to be treated and even kept his 60 pound pension. One of his sons, however, was sentenced to five year's transportation for receiving stolen property. The other was sentenced to transportation for life after being found guilty of manslaughter, robbery and

receiving. In 1 February 1858 Grey sent notice to Sarhili that he did not care to have him in the neighbourhood of British Kaffaria. He affixed responsibility for the Famine fully upon the Paramount Chief, who retired on the night of 25-26 February over the Mbashe River and out of British Kaffraria.

In the midst of all of this Grey was developing another one of his great schemes. This one worked. The Governor promoted the project for a safe harbour at Cape Town as an imperial priority. This was before Napoleon III and de Lesseps developed their Suez Canal project. The Cape of Good Hope lay at a major maritime route. The British Government and Royal Navy however were disinterested, no whether Grey estimated the costs at 500,000 pounds to be paid back by the Cape Colony over 20 years or conceded the Royal Navy figures of 1 million pounds by proposing that it could be paid back in an even shorted time, 15 years, from the sale of reclaimed land from which 667,000 pounds would be made.

In any event, Grey commenced construction in 1860 for a breakwater project costing 339,000 pounds. There was even a substantial demand for black labour. With this project Grey is most like Goethe's Faust when Faust became a colonial governor, setting navvies to work in the form of orc-like "Lemurs" reclaiming Batavia from the waters, and delivers the "Unborn Millions" speech, which Grey was to plagiarize and make the call signal of his later career in New Zealand politics. This is the only time during Grey's Colonial Service that we find him the great entrepreneur and impresario of major public works, giving leadership to the business community. We need to remind ourselves that he was the nephew and brother-in-law of major City of London bankers.

His famous book collections at Cape Town and Auckland were his "laboratories" for racial control. His library projects were positively Ptolemiac. Like Ptolemy I Soter the Greek king of Egypt, he built a great library in Africa, but at the Antipodes of Alexandria, Cape Town. Unlike Ptolemy's library, Grey's library was not dedicated to the Greek or "Western" learning of the colonial power, but rather to the languages and ethnography and literatures of Africa. Admittedly the purpose was just as "imperial" as that of the Greek despots on the Nile, but "power" for Grey involved a different kind of reading and research project, although on the same global scale. With a 100,000 volumes on opening day, when Prince Alfred the Duke of Edinburgh installed the first volume, and German philologists recruited to analyse African languages, Grey had attained the consummation of an intellectual dream that had pursued him from Western Australia, and his researches into aboriginal language and culture. It remains one of the world's great resources for Africanology.

On a more mundane note, war broke out in early 1858 between the Orange River Free State and Moshoeshoe. President Boshof and his state had been threatened on three sides during 1857. Tension always existed with the Sotho. Quarrels had also broken out with the Griquas to the south west in Griqualand West and Philippolis; and with the Batlapins, a people who belonged to the Bechuana peoples, who founded the territory of Bechuanaland, which is now modern Botswana.

The Transvaal at this period should be considered as a territory into which Afrikaners had migrated that had been under the hegemony of Mzilikazi and the Ndebele. It had been the ground-zero of Mzilikazi's phase of the Mfecane. By the Sand River Convention of 1852, the British recognized their independence, in return for two things- a promise that slavery would be outlawed north of the Vaal River and the engagement that the Transvaal Afrikaners would not interfere in the affairs of the Free State. Both the Free State and the Transvaal share the same catchment, as the Vaal flows into the Orange River. The Vaal was the Free State's northern frontier, the Orange its

southern. It was not easy to keep the Afrikaner states apart even though the confluence lay in Griqualand West in the modern Northern Cape near Kimberley.

The Transvaal was busy transforming itself into the South African Republic after the Sand River Convention. Andries Pretorius signed it without consulting the Volksraad, which then did in fact ratify it. In 1856, the younger Pretorius, Marthinus Wessel Pretorius had formed the South African Republic after a constitutional convention. Some districts such as Zoutpansberg and Lydenberg held out as independent republics until as late as 1858. Pretorius considered that he had a right to rule in the Orange River Free State as well, once he became the South African Republic President. As the proponent of Afrikaner unity he went down to Blomfontein to exercise his authority there in February 1857, until he was ordered to leave. Undeterred he raided the Free State with a commando in that May.

Boshof had to prove the viability of his state and of his administration against such a competitor. To Grey's great annoyance, Boshof responded to cattle-raids by Sotho chiefs by delivering an ultimatum to Moshoeshoe and then proclaiming a state of war on 19 March 1858. By 6 May the Free State's war effort had collapsed. The Afrikaners were outnumbered by the Sotho whose main forces could always retire to Thaba Bosiu while they raided and destroyed farms. Free State commandoes destroyed the mission villages of Beersheba and Morija, driving out the armed parties of Poshuli and Molitsane from Vechtkop and Koransberg respectively. Meanwhile the Smithfield and Winburg districts were being heavily pillaged.

Grey was annoyed because this war interfered with his troop despatches to quell the Rebellion in India. Grey was already in a lot of trouble with the Colonial and War Offices for trying to retain troops in southern Africa. He would get into a lot more before he was recalled in 1859. His orders from the British Government were to remain neutral, strictly neutral, not even benevolently neutral towards the Free State. When the war affort collapsed, Boshof sought help from Pretorius and the South African Republic on 9 April 1858. Pretorius promised help on the condition that the Free State unified with the South African Republic.

At this moment we appreciate the inadequacy of the monarchical constitution of the empire. An imperial system based on who may correctly and properly report to whom, based on disallowance, on an ascending scale of veto, or assent, lacked the means to balance the objective of suppressing the Indian Rebellion, with the objective of preventing the unification of the Afrikaner states; something which imperial authorities had express engagements to prevent, under the Sand River Convention.

Events were moving fast. There was no time to consult with the Colonial Office. A play-it-safe governor would have sat on his hands and done nothing, and done as the British Government ordered. Grey decided it was not in the British interest or the Cape Colony's interest to allow a union to take place. He therefore offered to mediate between the Free State and the Sotho. He informed the Free State and the South African Republic that if they united, he would cancel both the Sand River and the Bloemfontein Conventions. His intervention worked. News of his response arrived right in the middle of the Free State's deliberations on whether to join the South African Republic. It deterred them from doing so.

Grey then brokered a difficult peace between the Free State and the Sotho with the Treaty of Aliwal North on 29 September 1858. Thus ended the first of three Basuto Wars between 1858-68. The 1860s were to be the period of the Sotho being the strategic problem in southern Africa in place

of the Xhosa, shattered by the famine, and the Zulu, quiescent in the latter years of Mpande, as Cetshwayo began his Ascendancy from 1861 once his succession was confirmed.

Grey's operations in the Eastern Cape feel inevitable. Despite the opacity caused by the Prophecy and cattle-killing, Grey was determined to see through the smoke and the excitement and then through the hunger to be in control. Probably what Grey can be most blamed for in South Africa is being so successful in dire circumstances. Such success seems inhuman, demonic even. It would have been more human if Grey and his officials were merely twittish or in total denial. It would have been human if they simply did not know what to do when current remedies did not work, as Lord John Russell was in denial and then puzzled, and as the future Marquess of Salisbury initially was, when he was Viscount Cranbourne with the Orissa Famine in 1866, before turning on officials and blaming them for following economic "fetishes" that worsened the disaster. No, in the Eastern Cape, Grey was never at a loss, never twittish, never apparently mistaken, never confused, even when his health broke down at times or he entered into states of almost manic excitement. Our search for the "more human" Grey arrives at a cenotaph at the Eastern Cape disaster, where a man should have been and where a third of nation lie buried. The crisis and the strain of living with such an overworked and fraught man was too much for Lady Grey. Whatever her failings, her husband had become too much for her by time they were 20 years married. She stopped and walked away.

Chapter Twelve
Responsible Government and an Irresponsible Governor

The Development of Responsible Government

Grey's Colonial Service career declined, not so much because people starved and wars broke out, but because between 1858-68 he got increasingly into trouble with the imperial constitution. He not only represented the Crown out in a colony, he exercised the prerogatives of monarchy. In South Africa in 1859 and in New Zealand by 1866-67, Grey came to grief within the imperial system itself. New Zealanders delude themselves into thinking that the British Empire consisted of a mother country- Britain, and a child, "Treaty of Waitangi" New Zealand. Yet as we have seen, Grey governed in Australia and southern Africa. Canada and Ireland mattered a lot as well for New Zealand as a colonial space.

The Colonial Office gave him very little leadership at this time. The Whigs, with whom he had worked constructively, especially under Colonial Secretary Henry Labouchere during the Prime Ministerships of the Earl of Aberdeen (1852-55) and Lord Palmerston (1855-58), fell from office. Yet we are not to think that a Tory government was bad news for Grey. Despite Tory amendments to the New Zealand Constitution Act 1852, he worked well with Lord Stanley in South Australia and New Zealand, and with William Gladstone in 1846. Lord Stanley had become the 14th Earl of Derby and then Prime Minister in 1852. His brief government had altered the New Zealand Constitution Act that Lord Grey and Grey had worked on. Now Lord Derby was back as Prime Minister and another Lord Stanley, his son and heir, was Colonial Secretary, the future 15th Earl of course. This Lord Stanley however "did" nothing. He only held the seals of the Colonial Office between 26 February and 5 June of 1858.

Something extremely curious then happened. The socialite and novelist Sir Edward Bulwer Lytton Bart, was appointed Colonial Secretary. He held office for the next year, from June to June 1858-1859. Bulwer Lytton was both fascinated by Grey, yet dreaded him, toyed with him like a character in a novel, before both men catastrophically fell out. Grey had met his Nemesis. The extent to which Bulwer Lytton sought to analyse Grey personally and on paper is curious. However the Colonial Secretary's attitude towards Grey throughout 1858 and into early 1859 was marked with deep respect and political professonalism, before personalities clashed. Grey himself was cordial, even effusive, before he became "difficult".

On one flank Grey's reputation in London was worn down by official feuding over troop transports to India. Grey wanted to comply but had too many irons in the fire in South Africa to do so, to the fullest extent that the War Office expected him to. The Colonial Offce extricated him from these embarrassments, and from the "wrath of Parliament". The capital offence for which Bulwer-Lytton recalled him was attempting a federation of the British colonies and Afrikaner states in southern Africa. We can see why he might have done so, in the light of the 1st Basuto War and South African Republic's designs on the Orange River Free State. Relatons were also soured by Grey's refusal to appoint a cousin of Lord Derby's to the Cape Colony Auditor Generalship, Eldred Mowbray Cole, whom Bulwer-Lytton had appointed and gazzeted.

Even allowing for that Grey was a strange and exceptional man, it was peculiar that such a breakdown in relations occured. Grey had had satisfactory and professional relations with Colonial Secretaries since 1840, when he was appointed to South Australia in fact;- since 1837 in fact, when Lord Glenelg decided to support his North West Australian expedition. Grey then had more than twenty years of experience of working with Colonial Secretaries, Whig and Tory.

Both the Colonal Secretary and the Governor were about to enter into "a dark and stormy night"- to quote one of Bulwer-Lytton's famous lines. Before we get deeper into personalities, we must consider the "doctrine" of the imperial constitution. We have been considering how Grey worked as a Crown agent in the Empire for two decades now. Just what were the formal issues?

The legal thought of John Austin and George Cornewall Lewis were beginning to shape the settler colonies as Grey's career commenced. Austin had in fact trained both Lewis, and Charles Buller, who served as Durham's secretary in Canada. Austin wrote *The Province of Jurisprudence Determined* , [846]Lewis for his part wrote an *Essay on the Government of Dependencies*. This was a text-book for Grey's generation of governors. The problem that these Utilitarian jurists faced was their own authorities assured them that devolutions could not be done. Adam Smith had denied that any power would ever voluntarily relinquish a dependency. [847]The challenge was to make it a transaction within the realms of political possibility, that other great powers could not exploit, like the French did when they allied with the United States in the War of Independence.

When British political thinkers pronounced on what it was that made the British constitutional process different from the American it was "responsible" government that they invoked. James Bryce's *The American Commonwealth* of 1888 identified as the four principles that define responsible government :-

" The head of the executive (be he king or governor) is irresponsible. Responsibility attaches to the cabinet, i.e. to the body of ministers who advise him, so that if he errs, it is through their fault; they suffer and he escapes. The minister cannot allege, as a defence for any act of theirs, the command of the Crown. If the Crown gives them an order of which they disapprove, they ought to resign.

"The ministers sit in the legislature, practically forming……a committee of the legislature, chosen by the majority for the time being.

"The ministers are accountable to the legislature and must resign office as soon as they lose its confidence.

"The ministers are jointly as well as severally liable for their acts: the blame of an act done by any one of them falls on the whole cabinet, unless one of them chooses to take it entirely upon himself and retire from office."[848]

Arriving at this state of affairs was the difficulty. Merivale dated that achievement to 1846 in Canada, [849] observing:-

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[846] Austin, John, *The Province of Jurisprudence Determined* Wilfred E. Rumble (ed) Cambridge University Press, Cambridge 1995 [1832].
[847] Smith, Adam , *An Inquiry into the Nature and Causes of the Wealth of Nations* W. Colles, R. Moncrieffe, G. Burnet, Dublin 1785, v II ch. VII pt III p. 443.

[848] Bryce, James, *The American Commonwealth* 2vv. The Macmillan Company, New York 1911 ; v. I pp. 92-93.
[849] Merivale, Herman , *Lectures on Colonisation and the Colonies*, Longman, Green, Longman, and Roberts, London 1861; appendix to 22nd lecture p. 637.

"the change to responsible government was one which required no legislative process to effect it.

"It consisted merely in this: that the Executive Council, or a certain number of them, were appointed with the understanding that they would have to resign office in case of an adverse note of the legislature."

Lord John Russell was the organizer of representative government under the imperial constitution. Sir George Grey was the ideal Russellian governor. The essence of Russell's position was that a Governor could not be a minister of the British Government, at the same time as acting on the advice of the responsible ministers for his colony. Both Bulwer-Lytton and Grey took opposing constitutional views on whether Eldred Cole should be appointed Auditor General for the Cape of Good Hope. These views were held in good faith. Bulwer-Lytton believed that imperial government should reserve its right to make direct appointment to senior offices in colonies, and exercise it. Grey argued that that he had to work with his Executive Council, whom he regarded as "ministers".

Lewis had defined a colonial dependency thus:-

> " A dependency is a part of an independent political community which is composed of the supreme government.
>
> "That part of the independent political community which is composed of the supreme government, and of the persons immediately subject to such supreme government, may, with reference to the dependency, be styled the *dominant community*, or *country*.
>
> "A subordinate government is a government which acts by delegated powers, but which possesses powers applicable to every purpose of government. "[850]
>
> "It differs from a sovereign government in this; that it is subordinate to, or, in other words, in the habit of obeying, the government of another political society." [851]
>
> " few acts of parliament relate to the internal government of any English dependency, excepting so far as they determine the structure or powers of the subordinate government; as the late Act renewing the charter of the East India Company, or the acts relating to the constitution of Canada." [852]

Lewis thus identified the error in imperial government:-

> "The English government, in framing the political institutions of its dependencies, has not been sufficiently careful to give them such a form as might suggest the idea of their subordinate character. So far, indeed, has it been from observing this caution, that it had formed them after the model of the supreme government, and has acquiesced in the use of forms and language by the legislature of the dependency, which seem to imply that its

[850] Lewis, George Cornewall, in Charles Prestwood Lucas (ed) ; *An Essay on the Government of Dependencies*. p. 72.
[851] Lewis ibid pp. 72-73.
[852] Lewis, op. cit., p. 81.

government was coordinate with, and not subordinate to, the government of the dominant country." [853]

Bentham had denied that a comprehensive separation of legislative and executive powers was possible in his *Tactique des Assemblées législatives*.[854] As Lewis argued the point:-

> "A complete separation of the legislative and executive powers cannot exist in any constitution. For in every constitution the sovereign person or body must possess the power both of making laws, and of carrying them into execution.
>
> "In most countries the supreme legislature, or its component parts, have performed some executive functions; and all governments have delegated extensive legislative powers to their executive functionaries."[855]

For his part, Lord John Russell stated:-

> "Lord Durham has stated that an analogy existed between the representative of the Crown in the Colony and the constitutional responsibility of the ministers in this country……Now, the resolution of the House on this subject was in these terms: "*Resolved*, That while it is expedient to improve the composition of the Executive Council of Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that Province." This House upon my motion came to that resolution.[856]

Russell turned to the imperial constitution proper:-

> "In the first place, there is an obvious difference in matter of form with regard to the instructions under which the Governor of a colony acts. The Sovereign in this country receives the advice of ministers and acts by the advice of those ministers, and indeed, there is no important act of the Crown for which there is not some individual minister responsible. There the responsibility begins and there it ends. But the Governor of Canada is acting, not in that high and unassailable position in which the Sovereign of this country is placed. He is a Governor receiving instructions from the Crown on the responsibility of a Secretary of State." [857]

Russell, who published histories of the Whig cause and of Whig constitutionalism, offered a history lesson on the hazards of arriving at the contemporary English constitution:-

> " The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

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[853]Lewis ibid p. 301.
[854] Lewis ibid v. ii p. 344.
[855] Lewis, op. cit., pp. 47-48.
[856] Lord John Russell 3 June 1839 *G.B.P.D.* v. 47, 3 June 1839 col. 1268.
[857] ibid.

> "This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy, and disturbed the peace of the country."[858]

How could colonial farmers and lawyers easily arrive at the constitutional balance that eluded the ruling classes of England so traumatically? The solution lay with the governor of the settler colony:-

> "it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelve-month. So in a colony: the Governor thwarting every legitimate proposition of the Assembly; and the Assembly continually recurring to its power of refusing supplies, can but disturb political relations, embarrass trade, and retard the prosperity of the people. The Governor must only oppose the wishes of the Assembly where the honour of the Crown, or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain. [859]

A coherent mode of devolution then for organizing responsible government was arrived at in Canada between 1839-49. This process provided the model for New Zealand devolution 1856- 63, and for Grey's management of Executive Councils at Cape Town and in Auckland. That process though is only clear to historians after the fact. Not all British politicians, let alone governors agreed with it, or thought that the only path. For some the path was even a cul-de-sac. Just as constitutions could come about by Legislative Council ordinance or Parliamentary statute, it was far from clear that the practice or understanding of some governors, for handling what seemed to them a transitory stage, was actually a norm, or convention, as distinct from the *arcana imperii* of gubernatorial "method".

One solution discussed in the 1840s to prevent too precipitate a take-over by colonial leaders who might be politically immature, or else disregard the rights of minorities, was discussed in Canada. The Governor General Lord Metcalfe proposed that all the ministers be responsible to the legislature but that the Governor appoint a secretary to manage the administration for him, who was responsible to the Governor alone. That had been the practice in 18th century Ireland, where a Secretary ran the government for a Lord Lieutenant.

During this transitional period, the conventions of colonial monarchical government by governors were more conservative than parliamentary convention in Great Britain. Grey's practice largely resembled the management for government under Queen Anne (1702-1714) . [860] The Executive worked through Executive Council and the responsible departmental ministers, just as Queen Anne

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[858] Kennedy, *Statutes, Treaties and Documents of the Canadian Constitution*, Russell to Poulett Thomson 14 October 1839 p. 423.

[859] Kennedy, op . cit., p. 424.

[860] Keir, *The Constitutional History of Modern Britain since 1485*, p. 281.

chaired her Council. Grey sought to work through his Cape Colony and New Zealand ministers when he participated in representative government even when he reduced them to staff officers. The reign of Anne provides the benchmark, because it was only under her that the convention was established that the monarch governs through designated ministers who receive the royal warrant. As late as William III (1689-1702), monarchs could govern through whom they pleased. [861]

Sir George Grey had no antipathy to responsible government, as some have insisted he had. [862] Responsible government was delayed at the Cape under Grey, and other governors, until 1852, yet Grey definitely intended ministries to eventually replace gubernatorial government there. [863] The provisional order of governors managing legislatures however was not to be of brief duration. The first Cape Assembly briefly met in July 1854 in as unedifying circumstances as the New Zealand General Assembly had in Auckland the previous month, uproar, fist-fights and the like. [864] Not until December 1872 was the Molteno ministry was formed at the Cape and responsible government commenced.

Settler "Whig" constitutional historians of the first half of the 20th century represented the development of responsible government in the "white" dominions as one of stalwart settler leaders standing up for their rights and eating away at the "irresponsible" rule of colonial governors. It would be more accurate to say that representative government was fitted onto the monarchical "constitution of the empire", like a coat onto a clothes hanger.

Grey got into difficulties with the abstract working of the imperial constitution in southern Africa, but not with the Queen herself. Leaving aside the revolver-door Colonial Secretaries of the 1850s, the Queen understood, and approved of, Grey's South African policy. In a source as simply as her collected published letters we find this correspondence to Henry Labouchere, her Colonial Secretary between 1855-58 in Lord Palmerston's first government:-

The despatches from Sir George Grey which the Queen returns are most interesting. The chief object to accomplish appears to be the bringing of the Kaffirs in British Kaffraria within the pale of law, so that they may know the blessing of it, and the re-absorption, if possible of the Orange River Free State. To these objects the efforts of the government should be steadily directed. [865]

In this note the Queen reiterates her complete understanding of Grey's policy. British Kaffraria's annexation in 1847 could only be made good if Xhosa were brought directly under British law and administration, rather than remaining in protectorate status. She approves of the reintegration of the Orange Free State. Grey had been working towards that end from when he delivered his first Speech from the Throne to the Cape Parliament in March 1855. Merivale had thought this "premature, to say the least of it". [866] It was not as if Grey had not given notice to British governments what he intended. It was not as if Grey had not a consistent trend of policy first

[861] Keir, op. cit., p. 307.
[862] Bohan, Edmund, *To Be a Hero*, p. 109, p. 122.
[863] Grey to Bulwer-Lytton 19 November 1858 in *The Recall of His Excellency Sir George Grey K.C.B. Governor of the Cape of Good Hope.* pp. 58 -74.
[864] Walker, Eric A., *A History of Southern Africa*, Longmans, Green and Co. , London 1959 p. 244.
[865] Queen Victoria to Rt Hon Henry Labouchere Windsor Castle 8 January 1857:- in *Selected Letters of Queen Victoria* Arthur Christopher Benson and Reginald Esher, Viscount Esher (eds) John Murray, London 1907 v. III.
[866] Merivale, Herman minute 16 May 1855 on Grey (O.F.S. 40) CO 48/ 365.

announced and articulated in 1840. Grey's old critic from New Zealand days Sir William Molesworth stated the British Government's policy in the following minute in 1855:-

Our policy should be to keep our frontier safe from hostile attacks and to protect our own Colonies. If beyond that frontier the natives choose to slaughter each other, and the Boers and Missionaries choose to assist them, we can't prevent their doing so; by meddling we should do no good but generally make enemies of all the parties. [867]

The Crimean War was still "on" at Molesworth's time of writing. The British Government wanted to reduce British troop committments abroad and avoid frontier wars.

Grey the Harringtonian Governor

Grey's own constitutional model may be described as neo-Harringtonian. He had a clear political philosophy. He belonged to the tradition of political thought that began with James Harrington's book "Oceana" of 1656. Anti-classical in his economics, he was an agrarianist free trader, who found in the teachings of Simonde de Sismondi a convincing update of Physiocratic theory. He hadd senior contemporaries, who used the same language, from Thomas Carlyle, to Dr Arnold, Archbishop Whately and Lord John Russell.

Imagine Grey as the Harringtonian dictator who would hand over to government by virtual rotation of ministers dependent upon the confidence of the legislature. The Harringtonian school had of course soon distanced itself from Harrington's original Venetian fantasy. The neo-Harringtonians under William and Mary and Queen Anne, were reconciled to representative government, through Parliament, instead of the intricate machines of the Venetian ballot extended over a whole country, costing "just" 300,000 pounds (!!) , that Harrington had proposed. In Grey's own career however, the Russellian governor became conflicted with the constitution of the empire, as Grey identified with the colonial interests of the Cape Colony and of New Zealand, as he saw them, against the British Government. He became in more senses than one, an "irresponsible" governor, refusing to respond to "Mission Control".

Reconciliation between Harringtonian ideology and the imperial system was only possible in the first instance because the royal prerogative was much stronger in the colonies, than in Great Britain. Prerogative power was neither onerous nor obnoxious in a colony in Harringtonian political language, even if indigenous peoples found it so, and British settler peoples at time sfound it irksome. It was all part of the start-up dictatorship that was needed in a colony. Harringtonian ideology thus walked out from the shadows of Machiavelli and Oliver Cromwell.

According to the Irish Commonwealthman William Molyneux in 1698, it was actually a protection to Irish subjects that the prerogative was stronger in Ireland than England, because Ireland could then be protected from the pretensions of the English Parliament, which could then not diminish the prerogative abroad.

" It is *against the king's prerogative*, that the parliament of England should have any co-ordinate power with him, to introduce new laws, or repeal old laws established in Ireland. ….If therefore the *legislature* of Ireland stand on this foot, in relation to the king, and to the parliament of Ireland; and the parliament of England do remove it from this bottom, and assume it to themselves, where

[867] Sir William Molesworth minute 7 October 1855 CO 48/367.

the king's prerogative is much *narrower*, and as it were *reversed*, (for there the king has only a *negative vote*) I humbly conceive ' tis an *incroachment* on the king's *prerogative*:" [868]

This argument appealed to loyalist American Whigs who desired political equilibrium to relations between the American colonies and Great Britain during the Stamp Act controversy. Harringtonian thought appalled the Utilitarians. George Cornewall Lewis felt obliged to single out Harringtonian doctrine for refutation in his "Essay". [869]. Harringtonians were alive and well in the 19th century, not just fossils from Queen Anne's age. Whately, Dr Arnold , Sir George Grey, James Anthony Froude, Alfred Domett, - that is quite a line-up, for starters.

What had got in the way between Molyneux's time and Grey's was the growth of Parliamantary government, and the virtual capture of the Executive by ministers. It also required rethinking when colonial legislatures exercised responsible government in imitation of that Parliament. A Crown agent such as Grey belonged to a "privileged bureaucracy" that rested upon the exercise of " prerogative power". [870] But Grey did not exercise the prerogative to "integrate" the empire. [871] Grey made a point at times of pointing out how "unwieldy" the Empire was. As Grey lectured the Colonial Secretary, Henry Labouchere, from the distance of Cape Town in 1857:-

> " The British Empire is so vast and unwieldy that it is all important that the whole world should see that it has not overgrown its strength, but that it should possess quite as much energy, vitality and power of action at its extremities as at its centre," [872]

He definitely did not want it to be consolidated or more rational. It was to become a free association or nothing at all. Neither Grey nor his superiors believed that the colonies would indefinitely remain dependencies. For so long as they were dependent upon Britain, the imperial government required a constitution abroad that enabled it to govern the colonies in its own interest as a great power. It has been perceptively noted that Crown agents out in the colonies were the ones who gave the prerogative its meaning. [873] Sir George Grey who prided himself on "authoring" constitutions, definitely thought of himelf as someone who made the Crown mean what he would have it mean out in his colonies.

The prospect was open then for a governor to use that imperial prerogative against, or in disregard of, the British Government and Parliamentary Sovereignty. A governor then could attempt to deny Parliamentary government within his colony, though not the monarch, rather like a 1770s American. A governor of ordinary ability might have just have blundered into such a situation. FitzRoy's New Zealand failures underscore this hazard, as do Eyre's New Zealand and Jamaican failures and debacles. Grey was an intelligent and gifted governor, who understood both the

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[868] Molyneux, William, *The Case of Ireland's Being Bound by Acts of Parliament in England Stated* August Long Dublin 1749, p. 58.
[869] Lewis, George Cornewall, in Charles Prestwood Lucas (ed) ; *An Essay on the Government of Dependencies* , Clarendon Press, Oxford 1891 [1841].
Source in Lewis for Molyneux and Ireland see "Author's Notes" Note L on p . 153 on p. 354.

[870] Hulsebosch, *Constituting Empire* p. 78.
[871] Hulsebosch ibid p. 76.
[872] Grey (115) 7 August 1857 CO 48/383.
[873] Hulsebosch ibid p. 82.

constitution he operated under and yet held principles of political thought and native policy, for which he could resist British policy for what he thought was the good of the colony.

The Executive Council became his site for gubernatorial dissent, and conniving attempts at negation. Far from resenting responsible government and refusing to work with it, Grey tried to manipulate it from Executive Council in both the Cape Colony and New Zealand between 1854 and 1867. In South Africa and in his second New Zealand term, the prudence of Grey's earlier conduct was replaced not only by his insistence that he "knew best", but by his presumption that he played a coordinate role with the British government, not a subordinate one. It is possible then to propose a crisis of the "Russellian" governor, of the gubernatorial conductors and mentors towards responsible government, which Grey as a Colonial Service constitutionalist, acted out in his own life. Not even an expertly temporising governor such as Grey, could temporise any longer between these contradictions. [874]

Bulwer-Lytton the Colonial Secretary was most definitely not a fan of Harringtonian literature. He came to feel personal antipathy for Grey after initial admiration that lasted for over the first half of his year-log tenure in office. Bulwer Lytton was a novelist who became a politician. Grey, who fancied himself a man of letters and savant himself, would have had no objection to the author of "It was a dark and stormy might" and of "The Last Days of Pompeii" as his superior. William Rees reports that Grey condemned the generation of *jeunesse doree* or gilded youth at the Colonial Office, while he was in South Africa. If he was getting back at Bulwer Lytton, that makes sense. The scholarly and conscientious Merivale had been neither gilded youth nor a dandy. As the Colonial Secretary was 9 years older than Grey, the latter might have been referring to the youth of his boyhood and youth, not to young people and Colonal Office staff of the 1850s. Bulwer Lytton had been a notable dandy of the 1830s, who had worn lipsticks in public.

Curiously like Grey and another Colonial Secretary, the 5th Duke of Newcastle, all these men had catastrophic marriages that hit the rocks between 1850 and 1860. Sir Edmund Head, Grey's colleague in Canada, was miserable in his marriage too. Bulwer Lytton consigned his wife to an asylum in 1858, just when Lady Grey went back to England for recuperation from her mental stresses. Both men delved into esoteric masonry and magics, although Bulwer Lytton courteously declined to be known as "Patron" of the Rosicrucian Society. Much existed to bond them in common understanding rather than break them apart. A curious parallelism existed between the antagonists. Bulwer Lytton was the son of a general, while Grey the son of colonel. Although Bulwer Lytton was to be rased to the peerage, as the 1st Baron Lytton, he was a *novus homo* like Grey. Like Grey he had a brief involvement with the Army, but had sold his commission before he even served. They came from different circles, which had nonetheless overlapped. Lady Holland received Bulwer Lytton at Holland House. Grey was at least for a few years a serving officer. Bulwer Lytton was one of those "armchair" people whom Grey had derided when young, - a valetudinarian and frequent inmate of hydropathic establishements. Grey though was chronically unwell at times. His indolence was often remarked upon. To Grey it might have seemed that Sir Edward had got places because of contacts and "Society". Grey might have considered himself more manly (because of, or despite his spear wound and record of uncertain health). They were men of letters, Bulwer Lytton preeminently so. That the "The pen is mightier then the sword" as Bulwer Lytton had written, was a reality that Grey tried live as a desk-governor and ethnographic author. So why did the Colonial Secretary turn on the governor?

[874] Cell, John Whiston, *British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process*, p.p. 198-199. Cell proposes that Lytton was " in effect, and perhaps in intention, setting a trap for Grey." p. 199.

On Bulwer Lytton's side, Grey was a moral case. How would one handle him? Grey was too proud and independent. As he minuted:-

For he is evidently strong-willed & does not lend himself to execute the views of others- he forgets their very arguments & reasons in his own circle, which he rarely permits any other circle to touch at even one point. [875]

The knock-out blow was when he continued, to observe:-

> it will be difficult to covert his haughty displeasure into gratified self-love. [876]

The Colonial Secretary was a highly intelligent man, and an astute novelist. He does have Grey summed up, and in geometric language that nicely packs up and bottles the mathematically-minded governor. With little effort, Bulwer Lytton either intuited Grey's character, or else was responding to gossip about him. It would be unsurprising if after 20 years of association between Grey and the Colonial Office, the governor had not become an "in-house" legend. From the "evidently" that Bulwer-Lytton uses we need not automatically presume that he and Grey knew each other when young in the 1830s. Or else the Colonial Secretary was being disingenuous.

"Evidently" is what one would use to an official to state a first impression of a person or situation. Something of a trap developed for Grey. Bulwer Lytton set Herman Merivale the Permanent Undersecretary to write up a précis of Grey's ideas about South Africa. That was a laborious task for a senior official to have to personally do from out of old files. The Colonial Secretary wrote a personal and confidential letter dated 4 September back to Grey assuring him that he desired to retain him as Governor of the Cape, in response to Grey's offer to resign, yet also sent a despatch dated 6 September by the same mail, containing a questionnaire, that appeared to engage with the very questions that Grey was seeking to resolve, by means of his federation scheme. Those questions related to a southern African "Union"; - whether British Kaffraria could be seamlessly united with the Cape Colony, or Natal with the Cape Colony, - could military forces not now be reduced, particularly if a polity were organized that could take more of the burden, - what should Britain's policy be towards the Afrikaner states in terms of the treaties?

Grey overjoyed. His immediate response was a breathless personal note to Bulwer Lytton:-

> My dear Sir
> I have only this moment landed from the frontier and found that the English mail is upon the point of sailing but I cannot delay answering your private note of the 4th Sept last. I feel more grateful to you for that note than I can well say.

Grey went on to say that he appreciated the spirit in which Bulwer Lytton wrote the note, insisting that he would

> find no excertions on my part shall be wanting to make the best return for your kindness. [877]

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[875] Lytton 23 August 1858 CO 48/ 398.
[876] Ibid.
[877] Grey to Bulwer Lytton 22 October 1858, *Lytton Papers*, microfilm, DE/K C16/ 135, Hertfordshire Archives and Local Studies, County Hall, Hertford.

Had this highly intelligent man for the first time totally misread a Colonial Secretary? By mid 1859 an inversion of the positive relationship between Grey and Earl Grey of the decade before had occured. As previously mentioned, governors and Colonial Secretaries were reduced to playing charades at times, over weeks and months of sailing time and thousands of nautical miles. Grey had been working successfully with Colonial Secretaries since Lord Glenelg in 1836. Had he suddenly he got it painfully wrong and mistaken Bulwer Lytton's letter as a gentlemanly invitation to confide his views? We have seen how skilfully Grey correctly read Lord Grey in 1847 from out in New Zealand, despite the great risks then. Rutherford certainly thought that Grey was set up and trapped by the Colonial Secretary. [878]

That view however must be revised in the light of the personal letter of 4 September that Lytton had sent to Grey along with the questonnaire despatch of 6 September. The 4 September letter is a difficult text to read and construe. Although it is categorized as a "Copy", it looks more like a draft, wth heavily scourings, scratchings-out and interpolations. The meaning of the clean text, that has not been interferred with is unmistable. Grey is not to resign, and the 6000 pounds would be reimbursed that the Governor spent out of his own pocket for the continuance of the native public works scheme that was left unfunded after HM Treasury had withdrawn its subsidy. Lytton clearly stated that although the two men had differences of views, he would be glad to receive a full exposition of Grey's. By all indications, Lytton gave fair warning and was engaging in no deceit or entrapment. Yet he indicated that on one crucial point he was inclined to commit himself. On the last page of the document though appears the intimation:-

With a view to resolving financial difficulties and to strengthen and cement our rule over those distant regions, I am predisposed towards the early assumption of British Kaffraria to the Cape[879]

In other words, Lytton asked Grey to "make the case for annexation" in a public letter. This then is the smoking gun- although admittedly it is more of a Derringer pistol than a double-barrelled shotgun. Grey did not give himself leave to design a federation- he had at least an amber light, if not a green light, to proceed with his argument on the basis that British Kaffraria would be absorbed.

Rutherford interpreted Grey as being "overjoyed" at the opportunity that Lytton presented him. This is true- Grey loved expounding and demonstrating his own "circles" of thought. He responded however to the private letter of 4 September with the note of 22 October, and to the questionnaire despatch of 6 September with the federaton despatch of 11 November. Grey was correctly responding to a convention, which was that a private request for "work", for an analysis or judgment or report, would be responded to in a despatch, *though without alluding to the stimulus* for such an analysis.

Lytton's letter of 4 September however had apparently allowed Grey an insight into the Colonial Secretary's policy. The first question on the questionnare was already answered. British Kaffraria would be annexed. In the foreseeable future the Cape would become cartographically and politically and infrastructurally contiguous with Natal. The remaining questions then followed- should the Cape be divided into federal units? Grey had already provided Natal with a constitution, that would seem by any retrospect to fit a provincial entity in a federal system. The final set of

[878] Rutherford p. 416.
[879] Lytton to Grey 4 September 1858 Hertfordshire Archives and Local Studies DE/K 015/ 25 and DE/K 015/ 26.

questions related to the convention states. Just what would the relation of a reorganized Briitish South Africa be to those states?

Another consideration is that Grey regarded himself as a "Sydenham" Governor, who worked with his Executive Council as if they were ministers. This was not Lytton's view- as the Colonial Secretary made abundantly clear when the two men disagreed over the appointment of the Prime Minister's cousin, Eldred Mowbray Cole to the Cape Auditor Generalship in 1859. [880]Grey did not have "ministers" Lytton warned him. Grey thought he had, and would have thought that he had to bring them into his confidence to answer the questionnare despatch of 6 September. His "ministers" would have wondered in response to the questions, had the Governor any intimation as to the intentions of the British Government? As a matter of fact he had. And once hs Executive Council knew, Grey then had the media management and public relatons to handle. That might be the reason why Grey took the course of broaching federation with the Cape legislature and why the Afrikaner volksraader responded positively.

Grey got the tone of his despatch wrong though. Grey's despatch of November 1858 was argumentative and polemical. He had lost the respectful deferential tones and masterful rhetorics of ten years before, with Lord Grey. Power had coarsened him, turned him into its "Professor" rather than a respectful civil servant. Perhaps he was overconfident at the intimation he had received about British Kaffraria. He proposed a New Zealand system of provinces for a federated southern Africa. The provinces would remain under elected executives of their own, like the Afrikaner republics with the presidents or the New Zealand superintendents. They would send representatives to a Cape Town General Assembly, that would operate as a parliamentary government, under ministers responsible to the the Legislature. One can imagine the armed posses in their dusters riding into Cape Town, the presidents like the New Zealand superintendants sitting in the Chamber. In fact Grey had devised a constitution for Natal in 1856 that bore all the hallmarks of his provincial New Zealand institutions.[881] He had done this for Colonial Secretary Henry Labouchere (1798-1869), [882]another one of the Russell Whigs whom he had found so satisfactory to work with. Labouchere had been Russell's President of the Board of Trade 1847-52, while that body had had to consider settler colony constitutional questions.

Grey's federation despatch of 11 November 1858 did not offend or anger Lytton. It was received at the Colonial Office on 30 December 1858. Lytton wrote to the Prime Minister Lord Derby on 13 January 1859 about the appointments to colonial governorships. He was contemplating a round of reappointments. This letter is to be found in his copy book at Hertford. Even after receiving Grey's federaton despatch, the problem governor for the Colonial Office was not Sir George Grey. It was Sir Edmund Head, the Governor General of the Canadas. Lytton considered that he had become too close to the "federalists"- to those who would federate Canada. Lytton proposed that the Governor of New South Wales, Sir William Denison, should relieve Head. Grey would relieve Denison in New South Wales to become the senior Australasian governor. Lytton mentioned

[880] Lytton to Grey 4 March 1859 – Correspondence between Lytton and Grey, Hertfordshire County Archives and Local Studies on Eldred Cole between December 1858 and mid 1859;- DE/ K/ 028/1, DE/K/ 15/ 12, DE/K/ 15/ 18.

[881] Hahlo, H.R., and Ellison, Kahn, *The Union of South Africa: -The Development of its Laws and Constitution*, v. 5 of George W. Keeton (ed) *The British Commonwealth: -The Development of its Laws and Constitution*; Stevens & Sons, London, Juta & Co. Cape Town, 1960; p. 65-66.

[882] Henry Labouchere 1st Baron Taunton, Colonial Secretary 1855-58.

Head's name for the Cape Colony, but without conviction. The Colonial Service had a problem with posting or retiring eminent officers, when they could be promoted no further.

On Grey, Lytton proposed to Derby:-

I should therefore in the event of Sir Edmund Head's removal place Sir William Denison in Canada- and I could then send Sir George Grey to Sydney where his great abilities would have wider scope and where his fault of temper and self-will would neither embroil him with the War Office nor keep me in perpetual oscillation between respect for a genius singularly comprehensive and fear of some haughty defiance and judgment whch may bring down the wrath of Parlt and deprive the Colonial Service of one of the ablest and (taken the results of his policy altogether) one of the most successful administrators it has ever possessed. [883]

Where the Colonial Office did deem that Grey had gravely offended, was by trying to make southern African federation a *fait accompli*. The Volksraad of Orange River Free State had approached him on 7 December 1858 to discuss terms for federation. President Boshof wanted to resist a party that supported Pretorius, the South African Republic's President as to take over as Preisdent of the Free State. To prevent a union of the two republics, Grey agreed, undertaking to refer the matter to the Cape Parliament. Not long after Grey had sent off his despatch outlining a federation in response to Bulwer Lytton's letter, he received a despatch on 14 December that instructed him to say nothing in response to requests to negotiate a federation with conventon states without further instructions from the Colonial Office. As Grey had lately been asked to supply a case for federation, he took the order to mean that he was not to commit himself formally, while the Colonial Office considered the question.

Even Merivale gave up on Grey for the time being, when Grey kept his promise to Boshof and did introduce the subject of federation to the Cape Parliament when he met his Parliament on 16 March 1859. Cape members were unimpressed and anxious. Merivale noted that Grey was defiantly disobeying instructions. The game ran deeper than that. Grey would have known that the Queen supported the end of the Conventions system with the republic and Britain's resumption of the Orange River Free State under her sovereignty. Grey seemed to be playing politics with the Derby Government for his own ends.

As for the Cape Members, they did not want to loose their Customs revenue with the Free State and become responsible for its borders and wars with the Sotho. They were as unenthusiastic as John Charles Molteno and his government were to be in the first Cape responsible government at James Anthony Froude, Sir Bartle Frere and the Earl Carnarvon's federation scheme between 1874-80, in revival of Grey's original scheme. What was discreditable about Grey's attitude towards that 1870's integration attempt under Carnarvon was how contemptibly Grey spoke to William Rees of it, washing his hands of the policy that Froude, Frere and Carnarvon had followed, and of the Zulu War. In 1859 however, Grey was too ahead of the game, even for the Cape Liberals he had worked so well with. John Molteno's son Percy Allport Molteno was later to do "penance" for this refusal to countenance federation, with his book on South African federalism of 1896, that spoke respectfully of Grey's first attempt at it. As a "father" of South African unification, Grey was one who could disown or acknowledge as he thought expedient.

[883] Lytton to Derby 13 January 1859 (Copy) copybook DE/K/ 028/ 1, Hertfordshire Archives and Local Studies DE/K/ 028/ 1. It must be mentioned that the year date appears to read "1858". That is a common New Year accident. Letters before and after are dated "1859". Lytton was not Colonial Secretary on 13 January 1858.

At the time all that Grey's actions brought about was instigate a wave of secession movements. A panic occurred as British Kaffraria refused to be annexed into the Cape and as the Eastern Cape demanded secession. The town of Uitenhage in the Eastern Cape wanted to secede. Instead of uniting, the white states of southern Africa seemed to be centrifugally flying apart. Grey had lost his gamble.

Bulwer-Lytton responded by recalling Grey on 4 June. Grey replied in defence of himself on 20 July and 31 July. On 23 August 1859 he sailed out of Cape Town, amidst general adulation, his carriage hauled by grateful colonists, leaving the government of a colony for a second time to his friend, the same Major-General R.H. Wynyard, who had replaced him as Administrator of New Zealand in 1854. What Grey did not know as he sailed to England, was that the 2nd Derby Government had fallen, that Bulwer-Lytton was no longer in office, and that the new Colonial Secretary, the 5th Duke of Newcastle, had resinstated him on 4 August. Grey arrived at Southampton to learn that he was still Governor of the Cape and High Commissioner.

Between Newcastle and Merivale there was a hushed horror and marked disapproval of Bulwer-Lytton's strange proceedings. As something "ungentlemanly", in fact rather ghastly and indecent, had transpired, it had to be sorted out in a gentlemanly manner. Admittedly what Grey had done was wrong, in the circumstances, agreeing to treat with with Boshof and mentioning the prospect of federation in his Speech from the Throne. The Queen approved however. Yet Bulwer-Lytton had not just entyraped Grey, he had played false with Merivale, and compromised the policy and good practice of the department of state for which he had been the Secretary of state. The Duke then wrote to Grey upon his arrival, making it clear that reinstatement was conditional not proceeding with a South African federation. Grey wrote back from his club the Athenaeum, concurring with this.

Grey was not alone among colonial governors in proposing federations. Sir Edmund Head, the other "star" governor-constitutionalist from Earl Grey and Lord John Russell's administration of the colonies, was proposing exactly the same idea for Canada. The United States, over the border, looked increasingly like a failed state, on the eve of the Civil War. British North Americans had better protect themselves and deter aggression. Head was batted down too. Again there were resemblances. Head too like Grey had miserable marriage, was badly burned out, had become emotionally incontinent; for him too a glorious a career was fizzing out. All the scholarly baronet got for his trouble was to be made a Knight Commander of the Bath, just like Grey. By the time he died though in 1868, the British Government had changed its mind under the pressure of the American Civil War, a confederation had been negotiated at Charlottestown, Prince Edward Island, and the British North America Act 1867 passed, and come into force. Over 1859-60 however, the star governors of Lord John Russell's era of colonial devolution had reached their limits and hit the ceiling.

An added problem with Grey was that for the time being he had exhausted his credit with the Colonial Office and the British Government. Sometimes a patient with undermined health dies of a disease that a healthy person would not succumb to. The same was the case with Grey's career. The quarelling by memoranda between Grey, the Colonial Office and the War Office and the British Government over how many regiments in fact Grey had sent on to India, to meet the crisis of the Indian Rebellion, and the bloody fight-back that the British Army undertook over the next year, eroded Grey's reputation. His arguments were frankly loopy at times, his arithmetic, insulting, as he pretended to account for regiments.

Apart from the hazard he ran with Bulwer-Lytton, Grey found himself stalked by a Nemesis from his New Zealand days, John Robert Godley, the founder of the Canterbury settlement, who had become Assistant Secertary of War. Godley objected to Grey's riotous German legion remaining on full pay in August 1857. A breach with the War Office opened. It even opened between Lord Panmure the Secretary of state for War and Grey's generals in the field, Generals Jackson and Michel. The Cape Colony leadership "establishment" found itself off-side with the War Office. Although Grey had finally sent all the regiments asked for in India by March 1858, such were the tendentious and aggressive nature of Grey's despatches, and the hostile reaction of the War Office to them, that the House of Commons Select Committee on troop transportation to India during the Indian Rebellion, reported negatively on Grey, in a draft report, and on mistaken information. Their amended report eventually noted:-

that the Governor of the Cape, without loss of time, forwarded treasure and horses, together with a portion of the troops at his disposal, but that he did not send the whole amount of the force which he was instructed by the Home Government to transmit to India; and that the Committee have not the means of judging whether the circumstances of the colony did or did not justify Sir George Grey in taking this course.

It was on the motion of Lord Goderich one of the Whig magnates from the original Holland House circle that the report was moderated. Grey still had friends.

Although Grey recovered his position as soon as he arrived in England, his life steadily began to unravel. It took a while for him to realize it. First of all, Boshof resigned office in the Orange River Free State. After an interlude, Pretorius became President of both the Free State and of the South African Republic. Pretorius was unable to unite the two states however. When he could no longer hold onto the presidency of the Transvaal, he remained in office at Bloemfontein until 1863. Grey had at least proved his point to the Colonial Office about the potential for the Afrikaner states combining in desperation.

Lady Grey had been recovering her mental health in England when Grey was recalled. The couple partook of the social life of England over 1859-60. His standing with the Royal Family was evidently unaffected by the recall.

The young King of Portugal Dom Pedro V, who reigned 1853-1861, a Saxe-Coburg like Prince Albert, through his father, Dom Fernando II,- bestowed the Order of the Tower and Sword, of Valour, Loyalty and Merit on Grey, for his services to Mozambique. [884] Portuguese authorities would have known of Grey's recall by the date of this award on 5 October 1859. Grey was at the Athenaeum responding to notes from the Duke of Newscastle by this time. Mozambique was about to undergo a thorough reorganization into a "modern" colony in 1863. Grey was given permission by Queen Victoria to wear this decoration with his Knight of the Bath insignia. Since Grey wore the Portuguese order as a necklet, he would have been made a Commander of that Order, a high rank just below a Grand Cross, equivalent then to his Knight Commandership of the Bath. The honour must have been especially gratifying to him. It incorporated in a way his birth in Lisbon. It honoured his British nationality. Although the order had been founded in 1459 by Afonso V, it had been revived by the Regent Joao, the future Joao VI, in the name of Maria I, to honour British admirals, officers, diplomats who had assisted the Portugese Government's evacuation to Brazil over 1807-1808. It remained a decoration for recognizing Britons who had performed eminent

[884] Ministerio do Reino Mc 2225 Proc. 349 5 October 1859 Arquivo Nacional da Torre do Tombo, Portugal.

services to Portugal. Mozambique was still a slave colony, exporting slaves, under the guise of indentured labourers. An Anglo-Portuguese Commission sat at the Cape, arbitrating prize ships and apprehensions of suspected slaves and their crews. Grey had extensive relations with the Portuguese Governors General- Vasco Guedes de Carvalho e Menezes (1854-57) and Joao Tavares d'Almeida (1857-64) , which ranged from territorial claims to controlling Portuguese nationals in the southern African territories under British suzerainty. The interest in Mozambique persisted, along with the memory of the slaves he saw in Brazil in 1837. As late as election night 1887 in New Zealand, Grey pretended to research in the New Zealand Parliamentary Library on Portuguese relations with southern African blacks and on labour statistics in Mozambique, rather than pay attention to the election results. [885]

The mid-nineteenth century history of Mozambique consisted of a three-fold process undertaken by Portuguese authorities. They asserted their claims to the entirety of Maputo Bay against the British, who had sent a hydrographical expedition in 1823, establishing a claim to the southern shores and islands at the mouth. Lisbon's claim corresponded to reoccupation and reassertion of their claims to territories that they had not effectively occupied or dominated for generations. Dr Livingstone's expeditions in the interior promoted the Portuguese to revive the province of Tete, which they had first entered in the 1530s. The economy and focus of the colony moved southwards, below the mouth of the Zambezi, towards Maputo Bay. Zambezia, Inhamdane, Sofala were established as administrative districts. The fort at Lourenco Marques, now the city of Maputo was rebuild in 1864 to become the centre of a town. Its hinterland was the South African Republic, to which the Portuguese began constructon of a bullock track in 1855. Over 1897-1898, the colony's capital was transferred from the llha de Mocambique to what is now Maputo. Thirdly the abolition of slavery corresponded with the territorial consolidation as the economy developed the forced labour system known as *chibalo*.

The Delagoa Bay Question, as the contending claims to Maputo Bay became known, went to international arbitration. In 1875, the award of the French president, Marshal Patrice MacMahon would recognize the right of Portugal to the entire bay. Reports of the Portuguese commissioner at Cape Town, Louis Charles Rebelle, indicated that Grey was entertaining plans to visit and claim the Bay in 1855. [886]As High Commissioner for southern Africa, he was the official with the responsibility for relations with the neighbouring colony. He was able for instance to ask the Governor General at Sao Sebastiao on the Ilha de Mocambique, to restrain elephant hunters who had entered the domains of the Zulu King, Mpande. [887]Until 1869, the Delagoa Bay Question in fact involved three states- and not just Portugal and Great Britain. The South African Republic had a claim as well. There had been an Afrikaner settlement on that coast in the late 1830s. It would not have escaped Grey, as the Portuguese commenced their bullock track in 1855, that a South African federation would have assumed the South African Republic's rights to the bay, to reinforce the British claim. [888]As it was, the South African Republic and the Portuguese signed a treaty in

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[885] Collier, James *Life of Sir George Grey* p. 195.

[886] *Delagoa Bay:- Correspondence Respecting the Claims of Her Majesty's Government. Presented to Both Houses of Parliament* Harrison and Sons, London 1875 p. 150.

[887] Theal, George McCall *Records of South-Eastern Africa* William Clowes, London 1903 p. 137.

Delagoa Bay:- Correspondence Respecting the Claims of Her Majesty's Government p. 168 and p. 169.

[888] Theal p. 113.

1858, which was never ratified. A treaty was finally signed between them in 1869, which waived the South African Republic's claims, in favour of Portugal's.

Foreign honours aside, Grey basked once again in the London limelight. The Greys stayed with the Duke of Newcastle at Clumber, near Nottingham. Something of a conference on South Africa seems to have transpired there, rather like the conference about Nazi Germany in the Kazuo Ishiguro novel *The Remains of the Day*. Like the mansion in that novel, that building no longer stands, though the park and avenue of lines remain. According to Grey, the deciding voice on this occasion was the journalist John Douglas Cook (c. 1808-1868) the Editor of *The Saturday Review of Politics, Literature, Science and Art.* Cook argued against the dismemberment of the Cape Colony. Another conference occurred another evening after a dinner hosted by George Campbell the 8th Duke of Argyll and the Lord Privy Seal in Palmerston's government at that time. Present were Lord John Russell, - Sir John Lawrence (1811-1879), who was soon to be Governor General of India (1864-69) , lately Chief Commissioner of the Punjab during the Indian Rebellion, - Lord Macaulay, - Sir Charles Wood Bart (1800-1885) , the future Viscount Halifax, currently Secretary of state for India, - and William Gladstone. For Macaulay to have been present, the date must have been before 28 December 1859, for that was the day he died of a heart attack. According to Grey only Gladstone did not favour an "imperial" policy. While Grey and Gladstone had got on well in 1846 when Gladstone was Colonial Secretary and Grey was Governor of New Zealand, it is at this time that we notice Grey accentuating his differences from Gladstone as much as possible.

For the first time in years, Grey was available for "gentlemanly" conversation. The "recall" controversy made Grey something of a man of the moment. Statesmen were keen to get at the heart of the issue over which Bulwer-Lytton and Grey had quarrelled. Grey moreover had had the opportunity to consult with the Queen and Prince Albert. A second thing is that ambitious governors with a real agenda badly needed patrons and connections. Grey had been a long time abroad. When he arrived in England he had with the exception of the summer of 1854 and the autumn of 1840 been continually absent since June 1837. He was a "name", known largely by repute.

Archbishop Whately who had been Grey's patron and mentor in his youth, would die in 1863. His political influence had long passed. So unexpectedly would the Duke of Newcastle die at the age of 53 in 1864. With the gentlemen's understanding between Grey and the Duke and the invitation to Clumber, Grey had been reviving his metropolitan associations. At the beginning of the 1860s he was still able to recover and play the patronage game quite well. Merivale had moved from the Colonial Office to the newly formed India Office under Sir Charles Wood in 1859. Sir Frederic Rogers, Bart (1811-1889) the future Viscount Blachford, had become Permanent Undersecretary. A brilliant Oxford man, a former Fellow of Oriel, he was the representative of the new meritocratic Civil Service. He was not to share the old understanding of Grey though that James Stephen and Hermann Merivale had.

The Whigs like their party were fading out. The 3rd Earl Grey was never to hold office after 1852. Russell at 68 was a senior statesman, who would serve as Foreign Secretary and once again as Prime Minister in the 1860s. The last "Whig", he was running out of ability as he grew older, and was failing to understand the new times.. The Duke of Argyll was a peer with whom he had much in common. By chairing that dinner discussion on colonial policy, he was preparing himself for more arduous cabinet posts than that of Lord Privy Seal. Like Grey he was to support the United States Government in the Civil War, while British sentiment on the whole was pro-Confederate. Like Grey, he was a savant and an anti-classical in his Economic theory. He was to lead a campaign of criticism against Charles Darwin, not for the purposes of defending the literal truth of the Bible,

as Bishop Wilberforce had done, but for much the same reasons as Samuel Butler was, to in the 1870s and 1880s, to intellectually test and critique the theory of natural selection.

What good though are ideas, power and great influence, a significant career when a marriage is on the rocks? On the steamer HMS "Forte", the flagship of Admiral Keppel three days out of Rio de Janeiro, Grey intercepted an exchange of letters between Keppel and Lady Grey. They revealed an intimacy between them. Grey went beserk. The captain and the surgeon persuaded Keppel to return the ship to Rio, on the grounds that Grey that would either commit suicide or murder his wife. The only other passengers were the explorers Henry Channing Speke and James Augustus Grant, who were on their way to the East African expedition of 1860 that solved the problem of the sources of the Nile.

Edmund Bohan had written best about this sad business and recovered the facts. His basic source was an article by B.J. Dalton, the most negative of all the assessors of Grey's life and capabilities. Bohan at least provided some emotional intelligence and sympathy. Grey intended at first to stay ashore at Rio de Janeiro with Lady Grey but decided to sail on to Cape Town and resume his post. Correspondence between Lady Grey and Bishop Wilberforce, the Bishop of Oxford, disclose her accusations of Grey's own infidelity. She had accused him of maintaining a mistress "in the House". Speculation usually rests on one of Grey's two Maori "wards" whom he brought over to Cape Town as the favoured woman. For his part Sir Henry Keppel (1809-1904) seems really to have cared for Eliza. He was a relative (several generations removed) of Camilla, the Duchess of Cornwell, the wife of the Prince of Wales. Sir Henry in 1860 was in between marriages, his first wife having died. He wrote to Lady Grey:-

> Sir G. has been too inconsistent. What his intentions are with regard to you, it is impossible to guess, and although he believes in his heart (heart he has none) that you are innocent, he would sacrifice you to gratify his revenge on me. [889]

What the accusation of inconsistency related to was an agreement between Keppel and Grey not to talk about what had transpired. However the scandal spread, and Grey, as the more vulnerable public figure of these two officers of the Crown, squirmed and writhed, and felt goaded to become proactive in his own defence. He was indeed spurred to vengeance against his wife and Keppel. The 1857 Divorce Act provided Grey with a remedy if he could prove his wife's subsequent infidelity. He set detectives onto her in London. On the settlement that Grey made her, Eliza converted to Catholicism and attached herself as a laywoman to the Servite sisters who worked among the poor and ran ragged schools. This social service however was similar to what Grey was later in the decade involved with in London. They were not after 20 years of marriage radically dissimilar people. Servite sisters and friars still work in London. Theirs is an order, dating from 1245, dedicated to the Virgin Mary and committed to reparation and penance. Sir Henry Keppel remarried in 1861. There is no proof that Sir Henry and Lady Grey ever met again in the long lifetimes left to them.

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[889] Bohan, Edmund *To Be a Hero:- Sir George Grey 1812-1898*, HarperCollins (NZ) Auckland 1998 p. 193.
Dalton, B.J., Sir George Grey and the Keppel Affair Historical Studies v. 16 no 62, 1974 pp. 192-215, p. 214. The original source lies in the Newcastle Castle Papers of the 5th Duke of Newcastle in Newcastle.

Yet, as if to demonstrate how implicated the lives of these three unhappy people were, it fell to Keppel on board his flag ship to drop anchor in Maputo Bay in 1860, in assertion once again of Britain's claim to its southern shores, against Portugal.

The scandal had unmasked Grey in the very "Society" and eminent circles in which he had recently been taking such pains to rebuild his career. He would have thought that his wife had betrayed him. It seemed that everyone was involved, from the Prince Consort, to the Duke of Newcastle, who was then dealing with another troubled governor with an unhappy wife, Sir Edmund Head, as he accompanied the Prince of Wales on a Canadian tour. Grey at the time of the scandal was looking forward to the arrival of Prince Alfred, the Duke of Edinburgh. He had persuaded the Queen and Prince Albert to allow two of their sons to become the guests of their leading Colonial Service governors. If the scholarly, cold and pedantic but highly able Head, could host the Prince of Wales, Grey would host the Queen's second son. All that seemed ruined on the eve of the first "Royal Visit" to the Cape Colony. Grey found it therapeutic however- it was a great success from the 16 year old prince's point of view, and everyone else's. He and Grey camped out, like Prince Charles the Prince of Wales and Laurens van der Post were to, Grey took the boy on a long trek to King William's Town then back over the Drakensberg Ranges to the Orange Free State in a calculated demonsration of British power. Prince Alfred never forgot it. He was wowed. He was to repeat the experience at Kawau Island in 1868 and to retain a lifelong affection for Grey, sending in the end a personal representative to his funeral, when he had become a German head of state. For one symptom of Grey's loss in these early years was a son-hunger. Hunger for surrogate sons was one way in which he coped with his new solitude. His affection for Prince Alfred was paternal. If Grey's own son had lived he would have been 19 at that time. Grey was to tell Speke that he was the son he had never had, making Speke burst into tears.

Thereafter for more than another year, Grey got back to work in South Africa. This period of 5 July 1860 -15 August 1861 is usually characterized as an epilogue. The business of government in southern Africa never allowed for any governor to rest on his oars or give way to lassitude. Denied his federation scheme, Grey concentrated on consolidating his frontier system. He would bring the frontier on the eastern coast right up to Natal. Natal was a British colony under its own Crown colony government. John Scott, unlike the hapless Eyre in New Zealand, was his own governor, except where Grey's authority as High Commissioner prevailed. Both men competed to take over the so-called No Man's Land between the Sotho kingdom and Natal. Grey won this round and placed Griqua settlers, founding the state of Griqualand East, which existed between 1862-1879. I hate talking so blithely about movements of people that were basically "population transfers" or rather deportations. Transfers were an important tool of Grey's government; indeed of many imperialists from the Persian and Roman empires. In southern Africa, he could mix up peoples to further his asimilationist goals and dissolve a nation. In the aftermath of the Xhosa famine, he had introduced 2000 Africans from a variety of ethnic backgrounds from British Kaffraria to replace Sarili and his people after their flight. They were settled in a model village plan, rather like the hapless German region. Thus begins South Africa's wretched history of forced removals to "locations".

Grey then had a terminal row with Scott and Theophilus Shepstone when Scott and Shepstone obliged the aged Zulu king Mpande to recognize Cetshwayo as his heir. Cetshwayo had been fighting his way to power against his brothers since 1856. He murdered his young half-brother. It was then that Shepstone and Scott obliged Mpande to recognize him, thinking him malleable. Grey had diametrically the opposite view of race relations and native protection from Shepstone, as he made clear to Maclean and Brownlee in early 1855. Shesptone was a native protectionist of the old school. Grey's assessment was correct- Cetshwayo was to replace Sarili and Moshoeshoe as

the resistance leader Africans looked up to and to become the protagonist of the Zulu War of 1879. In both cases, the Colonial Office, under the Duke of Newcastle sided with Grey against Scott and his administration. As Cornelis de Keiweit demonstrated in his classic study of 1929, Grey's successor Sir Philip Wodehouse to complete a strategic system in response to the Basuto Wars between the Sotho state and the Orange River Free State. Grey had dealt with the first of three wars. There was much to do. Grey lost the immediate argument against "dismemberment' however. In 1860, Grey was able, prompted by the British Goverment, to take the original Letters Patent out of a drawer where the plan to establish a separate colony of Briitsh Kaffraria, had been kept from 1854, and tell himelf and others, that the region could be self-supporting as a colony after all. The region had been pacified. The devoted Col. Maclean was rewarded with the Lieutenant Governorship. Whether from General Wilson or General Michel, officials such as Maclean or his Executive Council, Grey had been able despite the demands of his South African posting to attract the loyalty of his collaborators, and convince them of his policy. He was not to be successful in that respect in New Zealand, the second time round, no matter how much he had longed in South Africa to return there.

Chapter Thirteen
The Last The Loneliest and the Loveliest:- Grey's Return to New Zealand in 1861

New Zealand is proof that Nature does not always abhor a vacuum. So many elite English people have loved it, though it has since dropped off the map. It was Rudyard Kipling who described New Zealand as "The Last, The Loneliest, and the Loveliest". Just as Anthony Eden was drawn to New Zealand in 1958 after he resigned the British Prime Ministership, so was Grey drawn back to New Zealand, after his ruinous exertions in southern Africa. He had written to Dr Sinclair in Auckland in 1856-

> But I still yearn for New Zealand with a loss I can hardly describe. [890]

I think we have to take "yearning" as a genuine. In all my years of reading Grey's writing, rare moments occur when his spirit is actually present and incanscent in his words, beyond rhetoric, guile or self-delusion. When Grey was young he wanted to become a West Australian settler. The "Batavia Coast' had taken a lot out of him, but he gave a lot back. His love settled on New Zealand. That love was to be as demanding as anything Lady Grey had experienced.

While at the Cape, Grey had never let go of New Zealand. First of all he worked on the Maori materials that he had collected in New Zealand to publish *Nga Mahi a Nga Tupuna* (Deeds of the Ancestors) in 1854, translated into the book known as the *Polynesian Mythology and Ancient Traditional History of the New Zealand Race* (1855). These followed on from the publicaton of *Nga Moteatea* – Grey's canonical collection of Maori poems, songs (waiata) and "proverbs" from 1853. The faults of *Nga Muhi a Nga Tupuna* and the *Mythology* are are evident, and have been commented on by Maori and Pakeka scholars like from the 1960s onwards. [891] Grey plagiarized, in some instances, and did not acknowledge persons and sources. He tore the stories out of their proper iwi-based and genealogical contexts, and reworked them to his own mosaic of tales. Rather like the modern Internet, Victorian imperial agents were eclectic decontextualizers. That was the downside.

The substantial achievement was that Grey produced a New Zealand classic, that remained in print until the 1970s. His selection of tales is still current. In that respect he produced a body of writing in English, that was a counterpart to folklore collectio in other courtries- by the Brothers Grimm, La Perrault, Hans Christian Anderson. These were not 'fairy tales" however. Grey dignified this selecton of cosmology, love stories, aitiiologies, and spiritual duels between wizards with the title "History". The best counterpart would be Bulfinch's Mythology or the collection of Finnish epic tales edited by Elias Lonrrot (1802-1884) collection, which became the Kalevala.

The selection aside- Grey's language was exceptional. It would seem that he had invented a Wardour Street time-accented prose, just to convey, the mystery, the excitement, the Ur-origins of Maori legend- rather like the *Arabia Deserta* (1888) of Charles Montagu Doughty (1843-1926) and the *Seven Pillars of Wisdom* of T.E Lawrence in which those authors devised English proses of the own to live up to their experiences of Arabia. That comparision should suit readers who will relish comparing Grey to Lawrence for mendacity. Yet Karoly Kerenyi (1897-1973) in

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[890] Grey to Sinclair, *Sinclair Papers* 13 March 1856, Sinclair Papers , Alexander Turnbull Library, Wellington.
[891] Simmons, David "The Sources of Sir George Grey's *Nga Muhi a Nga Tupuna*" *Journal of the Polynesian Society* 75 (2) 1966.

Prometheus:- Archaic Image of Human Existence [892]esteemed the Polynesian Mythology and admired how Grey represented himself as the auditor of the stories. Perhaps that struck him as a hermeneutical relation as innovative as Aeschylus' introduction of the third actor. Robert Louis Stevenson admired the *Polynesian Anthology*. It may well have been an example for his own Polynesia short stores and narrative poems. *Nga Moteatoa* however was the most substantial work of those years. Austronesian peoples from Madagascar to Hawaii, from Malaysia and Indonesia to New Zealand and Tahiti, from the Philippines and the island of Taiwan to Rapanui/ Easter Island have preserved genealogical and cosmological lore, and cherished and admired utterances, usually made at limit situations, or valued for their wisdom, that may be applied to indigenous law, life and cultural situations.

Moroever the visit to Cape Town of the Austrian frigate the *SMS Novara* on a world scientific expedition between 1857-59 gave Grey the opportunity to extensively brief Kommodore Bernhard von Wullersdorf-Urbair and his team of scientists on New Zealand, New Zealand geological opportunities, on Maori ethnography and where they best explore in that colony. [893]Traces of this expedition are preserved toponymically- in the Franz Josef Glacier in the South Island, Lake Hochstetter and the Hochstetter Icefall named after Ferdinand von Hochstetter, scientist on the expedition. They are preserved in nomenclature as diverse as "Hochstetter's Frog" – one of the world's most primitive, and by the ennoblement by the Emperor Franz Josef of the German settler geologist and scientist Dr Julius Haast as Julius von Haast. Grey was rewarded too. He was elected a member of the Imperial Academy of Sciences in Vienna. Proust narrates in *Le Cote de Guermantes* how important such distinctions were at that era for high officials and diplomats (like Grey). In that novel the Prince of Faffenheim intrigues with M. de Norpois, long without avail, to be elected to a certain academy. [894] Nowadays is scarcely imaginable today why a stateman or senior official should want to be on an academic body.

A strange twist is that the *Novara* expedition proceed under the patronage of the Archduke Maximilian, who became Emperor of Mexico (1864-67) with French backing from Napoleon III. At the time Grey was to hold his second goverorship of New Zealand, Mexico descended into war between the imperial regime of Maximilian and the legitimate president, Benito Juarez (1806-1872), who held office as interim president, constitutional president and as republican head of state during the civil war between 1858-72. The irony is that Grey would have recognized aspects of his own policy in both the emperor and the president. Maximilian was a liberal civilizing moderate, sustained by an army from abroad- rather like Grey. Juarez was a revolutionary liberal assimilationist, like Grey- though an indigenous Zapotec himself. The emperor was shot by firing squad. Grey was almost killed several times in the New Zealand Wars- almost seeking death at times.

While Grey had been absent from New Zealand for nearly 8 years, much had happened. The immediate history of the *N.Z.C.A* after Grey is the story of its "consolidation". It was revised by a series of devolutions of responsible government, staring with concession by Colonial Secretary Sir

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[892] Kerenyi, Karoly *Prometheus :- Archaic Image of Human Existence* Princeton University Press Princeton NJ 1963 p. xii.

[893] *Reise des Oesterreichischen Fregatte Novara um die Erde 1857, 1858, 1859* Kaiserlich-Konigliche Hof-und Staatdruckerei, Wien, 1864.
Treffer, G., (ed) *Die Weltumseglung der Novara 1857-1859* Molden, Wien 1973.

[894] Proust, Marcel *Le Cote de Guermantes* Gallimard, Folio Classque, Paris 1988 pp 247-251.

George Grey Bart of responsible government to the General Assembly in December 1854. [895] Then over 1862-63, Sir George Grey the Governor devolved responsibility for native policy to his ministry. The New Zealand Government "consolidated" both the native protectorate, [896] and the provincial governments.

The business of this chapter is to assess Sir George Grey's contribution to the revision of the very constitutional order of which he would eventually claim to have been the "author".

Professor Jock Brookfield argues a revolutionary breakdown of the Treaty of Waitangi in New Zealand. [897]This is helpful as an insistence upon Maori constitutional perspectives, as a change from our own. A leap from "protected autonomy" to native administration through native districts did occur, just like in the Eastern Cape of the Cape Colony. This was all the difference in the South African context between the Basuto of Moshoeshoe (temporarily) retaining their autonomy and the Xhosa of the Eastern Cape coming under Grey's native administration plan of 1855, during and after Nonqawuse's prophetic mission and the fame that resulted from the cattle-killing she prescribed. [898] In New Zealand, some tribes sided with the New Zealand Government as a "Queen's Party" of native allies, [899] while the adherents of the Maori king resisted pressure both to sell land and to be governed in native districts.[900]

In 1863 Grey and the settler government carried out by war the effective replacement of the Treaty of Waitangi order by the institutions of racial legal integration. The *kingitanga* movement for its part originally sought to revise and reinterpret the Treaty of Waitangi order to withstand the influx of land-hungry settlers and assert Maori sovereignty. Both sides revisited the original compact under the stress of the situation. Maori allied with the Government sought to secure the best terms possible under the new racial regime. If, as Professor Brookfield has done the Waikato War can be regarded as New Zealand counterpart to an event like the so-called " Glorious Revolution", then it is to the Williamite regime in Ireland not in England that the land confiscation must be compared, after which native Irish were left with the ownership of 9% of the land.

Between 1861-64 Grey ensured that his New Zealand ministers accepted responsibility for native affairs. A colonial constitution for Grey served the purpose of racial administration. Grey resumed his original native policy for New Zealand upon arriving in Auckland by imposing the native districts councils scheme. [901]Maori were to come under a system of native administration and to no longer live in autonomy as the Treaty had promised. What had been zones for native segregation could be operated as zones of integration. A "native district" was no longer a realm of Maori independence, but an administrative district. Grey's earlier scruples about confiding the government of Maori to settlers had passed. Just as in the Eastern Cape, circumstances seemed propitious for a revolutionary "surge" in the process of amalgamation. With the mechanisms of

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[895] Madden, Frederick and Fieldhouse, David (eds.) *Select Documents on the Constitutional History of the British Empire and Commonwealth* Volume IV pp. 491-516.

[896] Sinclair, *The Origins of the Maori Wars* p. 37.

[897] Brookfield, F.M., *Waitangi and Indigenous Rights: Revolution, Law and Legitimation*, Auckland 1999.

[898] Mostert, Noel, *Frontiers:-the Epic of South Africa's Creation and the Tragedy of the Xhosa People.*, pp. 1167- 1177 .

[899] Sinclair, op.cit. p. 102.

[900] Sinclair ibid pp. 78-84. For the King Movement, see pp. 314-315.

[901] *Appendices to the Journals of the House of Representatives* 1862, E-2. pp. 10 ff..

native administration in place, and devolution of native policy, settlers would attain the capacity to manage the process of amalgamation for themselves.

This book argues that origins of the Waikato War lie in the Eastern Cape, as far as Grey's agency is concerned. Grey's own policy during the first New Zealand governorship contributed to the situation, then his own policy in the Eastern Cape of the "smashing" of peoples. The origins of a war are far more complex than one individual even if that individual was in command. Grey was no longer the monopoly Pakeha political agent in New Zealand of the 1860s as he had been 1845-53. He had brought himself and his personal life and his emotional and mental health to a great crisis over southern Africa. In the Eastern Cape he presided over the very crisis of his assimilationist policy. In New Zealand he was to preside over another, with far fewer constitutional bells whistles and levers to manoeuvre with.

New Zealand lay in crisis over 1860-1861 because the 1st Taranaki War had broken out in 1860 over the Waitara Purchase. The "Province of New Plymouth" under its provincial government was land-locked and land-starved. A provincial government like "New Plymouth" or Hawke's Bay was little different from an Afrikaner republic for its turbulence and warring with indigenous neighbours. Since its foundation in 1842 "New Plymouth" had done little more than make a beachhead. Its population was diminishing. The Maori notion of a colony was that it was a centre for goods and services to which they would sell food and raw materials. The ssettler view was that it would expand and appreciate in value, providing property and livelihoods for their children and their children's children. The Te Ati Awa tribe had decided on the whole to work their own land and sell to the settlers. But Maori were no more of one opinion or view of their situation than Xhosa had been. The Waitara Purchase was a sale of 600 acres (nearly 243 hectares) authorised by the chief Te Teira Manuka in early 1859, disavowed by chief Wiremu Kingi who denied Te Teira's right to make the sale. Grey eventually found against Te Teira, in May 1861, but it was too late.

Many Maori in New Zealand had decided not to sell land. They could see what mass British immigration was leading to. This is what the settlers called "The Land League", using an Irish analogy, entirely fitting for what had been called "New Ulster". The term "Land League" has to be carefully understood to appreciate the marvellous piece of insolence and Cyclopean blindness that it contained. The Irish Land League proper, was founded in 1879. Michael Davitt was its main leader and it fought the "Land War" of 1880-1892, a prolonged aguitation with moments like an insurgency. What the settlers were referring to about 1860 in New Zealand was the Tenant Right League founded in 1850, to defend the rights of Irish tenant famers. Charles Gavan Duffy was its founder, the "Young Ireland" leader who had been convicted of "seditious conspiracy" in organizing a "monster meeting' at Clontarf. Emigrating to Australia, he was to become premier of Victoria, and a source of the 1870s radicalism in Australasia. Both Grey and Duffy, from Protestant and Catholic backgrounds, represented the extension of Irish politcal programmes out to the British colonies.

When settlers were calling the Maori resistance a "Land League", they were making an imperfect analogy that cut both ways. To patriotic Britons, Irish land agitation seemed un-British. It threatened to unravel the British settlement in Ireland of the 16th and 17th centuries. For Maori, the great question was not to sell more land. That analogy obviously does not stand with Ireland. It was the political organization that settlers discerned in Maori politics and the formation of a Maori "nationality" that they feared and resented. Thus began a deep Pakeha apprehension that still goes on in New Zealand politics, of Maori as the "nationalist" Other, regarded either with irritation and hotility, or with resignation, as being supposed to "do" politics in "loyal" British terms, like the

"home" nations about England, rather than like the separatist "Blood Soil and Language" nationalist movements of Central and Eastern Europe. But much of Ireland became independent 90 years ago; an indepedence for which Alex Salmond is clamouring for Scotland at the time of writing.

Many Maori did not want to come under the colonial government, once "the New Zealand Government" came into operation in 1856, even though they might have countenanced the Crown Colony government from 1840 until 1856. The expression of this withdrawal and withholding was the King Movement, or *Kingitanga*. We recall when Grey and Bishop Selwyn met Maori at Wanganui in 1853 who were arranging *hui* to discuss the momentous changes affecting New Zealand. While Grey was in the Cape Colony, Maori went into a season of conferences or *hui* between 1854-1858. The absence of a governor who was the monopoly political actor in even the Maori world was doubtless the removal of a great constraint on them.

A consequence of these deliberations was the election of a Maori king in 1858, in the person of Te Wherowhero Potatau, who died in 1860 and was succeeded by his son, Matutaera Potatau II (1822-1894), who was known after 1864 as Tawhaio. [902]Te Wherowhero had been born at the beginning of the 19th century in the Ngati Mahuta tribe. The Musket Wars had been the New Zealand equivalent of the South African Mfecane occuring at the same time. Musket-armed Nga Puhi from Northland pushed the Waikato tribes down the Waikato River. War was raging between Te Wherowhero and the Ngati Toa tribe around 1821, that lived at Kawhia on the west coast. Pressure from the Waikato tribes forced Ngati Toa into their long migration south through Taranaki to the Cook Strait, which they controlled by 1830. In 1821 they had been forced to reside at Urenui north of Taranaki in what is now the King Country. Over February-March 1822 they harvested their crops and began the migration to Kapiti, north of Wellington that is known as the *Heke Tataramoa*, the "Bramble Bush Migration", an term descriptive of the heavily forested North Island environment at that time, and of the agony of their trek. They were determined to conquer and own land as a tribe again.

The culminating event of the Musket Wars and of the Ngati Toa migration was the siege and destruction of Kaiapoi in 1831 and the slaughter of its inhabitants. Truly a History of Canterbury would be written 1831-2011, between the Fall of Kaiapoi and the Fall of that settler Christchurch in the earthquakes of 2010 and 2011.

Not only was there the *Kingtanga*, but a Queen's Party of chiefs was formed, that formed the basis of an alliance with the British Crown that was provide the New Zealand Government with Maori allies in the ensuing wars. Governor Sir Thomas Gore Browne the 4th Governor or New Zealand (1855-1861) and the official Francis Fenton did much to foster this. Because of ancient tribal hostilities, and out of awareness of what conflict with the British would mean for Maori, the New Zealand Government did have powerful tribal allies who would fight in alliance it.

New Zealand had followed the same trajectory towards responsible government as Canadian colonies. In 1839 Lord Durham had advised responsible government while proposing that the

[902] **Maori Kings and Paramount Chiefs of Tainui for the lifetime of Grey:-**

Te Wherowhero Potatau I 1858-1860 (b. c. 1800).
Matataera Potatau II Tawhiao (1860-94 (b. 1822)
Mahuta Tawhiao 1894-1912 (b. c. 1854/55).

governor retain and exercise powers beyond those of the monarchy in Great Britain. [903] Lord John Russell's despatch of 19 October 1839 [904] instructed that representative government be in good part allowed while effectively denied, by means of gubernatorial supervision of ministers. The ministers would possess the confidence of their legislatures. The basic transformation required for this was the conversion of the governor from a minister of the British Government to a colonial executive, who acted upon the advice of the ministers in his colony. Grey however was going to lead his ministers from Executive Council if he could.

New Zealand constitutional policy belonged to the second wave of constitutional devolution. While Lord Elgin was overseeing the actual devolution to real responsible government in Canada, with the formation of the Baldwin-LaFontaine ministry in 1848, [905] Southern Hemisphere colonial constitutions were only in the process of being drafted and passed, such as the Australian Colonies Act 1850, [906]the Cape Constitutional Ordinance 1852 and the New Zealand Constitution Act 1852.

The embryology of responsible government was developed this way. In Canada it was in 1839 that Members with the confidence of their local legislatures were admitted to Executive Council in 1839. Cabinet-like bodies came under existence under Lord Sydenham in 1841, [907]ministry-like formations under Lord Metcalfe in 1843 [908]and 1844, ta full admission of responsible government under Lord Elgin in 1847. [909]New Zealand obtained representative government in 1854, ministerial government in cohabitation with the governor in 1856, and exclusive responsible government over 1862/63, after a period during which Sir George Grey managed to invert the terms of responsible government. Grey persuaded the second ministry of William Fox (1861-62) to advise him that they accepted the Governor's own advice to them on native policy. [910]

Settler politicians in any British colony had to get used to the arcana and procedures of parliamentary government. Doughty Anglo-Saxons, the heirs supposedly of a millennium and a half of constitutional and legal development, did not find that the expertise came naturally. Lord John Russell had been right to wonder in 1840, whether small town lawyers and farmers could make a Westminster system work. Westminster was not so much the Mother of Parliaments as a unique Gormenghast-like calculus and desposit of the ages, stalactites and stalagmites and all. The 1780s American political class that had brought the 13 colonies to victory and independence, were accomplished politicians with up to 180 years experience by the time they met at the Philadelphia convention.

Novice British colonial politicians in the 19th century rarely had any previous political experience. Edward Gibbon Wakefield was exceptional for even having sat in the Canadian legislature.

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[903] Lambton, John George 1st Earl of Durham, in Sir Charles Prestwood Lucas (ed.) *Lord Durham's Report on the Affairs of British North America*, v. II p. 279.
[904] CO 42./ 297.
[905] Kennedy, *Statutes, Treaties and Documents of the Canadian Constitution,* Lord Elgin to Earl Grey 13 July 1847 p. 500.
[906] 13 & 14 Victoria cap. 59.
[907] Charles Poulett Thomson 1st Baron Sydenham (1799-1841) Governor General (1839-41).
[908] Charles Metcalfe, 1st Baron Metcalfe (1785-1846) Governor General (1843-45)
[909] Sir James Bruce, 8th Earl of Elgin and 12th Earl of Kincardine (1811-1863) Governor General (1847-54).
[910] Dalziel, Raewyn, and Sinclair, Keith, "Fox, William, 1812?-1893", *Dictionary of New Zealand Biography*, updated 22 June 2007; http://www.dnzb.govt.nz. /

William Waterhouse performed the feat of having formed a government in South Australia from an upper house and then doing the same in New Zealand a decade later. Frederick Weld was originally a "war" premier of New Zealand and runholder, and went on to become Governor of Tasmania, Western Australia and finally of the Straits Settlement. Sir John Gorst rose from being Grey's District Commissioner in the Waikato to Secretary of state for India. But no MPs from the House of Commons, not even indigent peers, stooped to colonial politics at that period even if cadet members of their families did, or distant relatives.

Finding one's way about a constitution then was like finding one's way about the Masonic Lodge, - a familiar experience to many 19th century European and American men. They simply had to get the hang of the ritual and prove themselves to their peers, and figure out how to do it properly, and get into correspondence with like societies and report to their superiors, in a global network. An American constitution was as novel as House of Commons practice to them. The first generation of a political class has to start somewhere. Perhaps we can appreciate in this Grey's insistence on the paedogological value of the provincial governments in a new polity, whether in New Zealand or southern Africa, as training political schools. Grey's state was not a nightwatchman state;- it was a Captain on the Bridge state and in so far as it was not that, it was a school-master state, such as when RN officers trained midshipmen up in seamanship and navigation.

Getting New Zealand ministries to accept responsibility for native affairs was the counterpart to the introduction of gubernatorial initiation of money bills in Nova Scotia. Lord John Russell wanted governors to lure colonial politicians into capturing the executive for themselves, on the Executive Council. [911] That way the old assemblies of the maritime provinces of Canada would be turned into little versions of parliamentary government, and little parliaments formed from nothing elsewhere. [912]New Zealand politicians' acceptance of responsibility for native affairs was elusive after their initial avidity in 1856. It got a bit like the funny situation that arises when people compete in insisting that someone senior or more eminent go through a door ahead of them. New Zealand politicians wanted to implicate Britain in impending conflict.

On his return to Auckland from Cape Town in September 1861, Grey reduced New Zealand Government to a council of ministers supporting a de facto "gubernatorial" government, instead of the largely "responsible" government it had been since 1856. [913] Grey was determined to make the New Zealand government to accept responsibility for native affairs, which had been reserved to the imperial government. The constitutional doctrine on this point was that by granting an assembly to a colony, the British Parliament relinquished all legislative competence to a colony, unless it expressly reserved responsibility for aspects of it. [914] Grey was determined that he would

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[911] Buckner, Phillip A. *The Transition to Responsible Government: British Policy in British North America 1815-1850,* p. 303.

[912] Buckner, ibid. p. 303. "Because of the refusal of the Assembly to surrender to the executive the exclusive right to initiate money bills, the centralization of power in the hands of the ministry would evolve slowly in Nova Scotia, but it would evolve steadily"[912].

[913] Beware of Internet sources which has Sir Robert Wynyard acting as Administrator at both the Cape Colony and at Auckland in late 1861, as Sir George Grey travelled to New Zealand, and Sir Philip Wodehouse replaced him in southern Africa !!

[914]Wight, Martin, *The Development of the Legislative Council 1606- 1945* p. 60.

"govern" New Zealand much as he had the Cape Colony, where responsible government would not commence until 1872, and would require an Act to bring about. [915]

Sir George Grey was to revert in Auckland to a "Sydenham" management of the Fox ministry in 1861, such as Lord Sydenham had done in Canada in 1840. [916] At was at the Cape Colony, it was noticeable that Grey was a "Sydenham" governor. Whether that was controversial or not depended on what he did with his power and whether he could pull it off. Rawson, Grey's Colonial Secretary at the Cape, argued that the Governor in such a system inspired confidence in the Government, not his advisers. [917]That was the nub of the matter. In New Zealand, however, with responsible government conceded nearly 7 years before, in practice for 5 years, "Sydenham" signified a base line to which responsible government could be brought back to, to discipline it. Fox in his first government in 1856 had originally walked out on Governor Sir Thomas Browne, to discuss Native Affairs. That was how our first cabinet began. It took a while for the implications of cabinet government to set in. Although New Zealand governors had never been House of Commons MPs nor at that time peers in the House of Lords, they nonetheless were one step ahead of their political charges. [918]

New Zealand after the First Taranaki War

A complex multilateral breakdown was taking place between kingitanga Maori and Pakeha, in 1861, as well as within the Pakeha constitutional order. As Grey had predicted in his first New Zealand term of office, the North Island provinces became avid lobbyists for war and land confiscation. The law firm of Whitaker and Russell on Auckland's Queen Street and the Bank of New Zealand had an interest in war and confiscation. [919]Frederick Whitaker in his first ministry (1863-64) would propose a confiscation of millions of acres in the North Island. [920] Some provinces became as belligerent and prone to internecine strife as the Afrikaner republics. One was more ephemeral than the others. Southland existed province for just 1868-72 before its bubble burst. The West Coast became one in 1873 after its creation as a county in 1868. Marlborough, an archetypical gentlemanly run-holder province descended into schism in 1862 as the provincial superintendent and his provincial council anathematised one another. The stand-off resulted in the rival capitals of Picton and Blenheim in 1865, and armed posses riding forth, to capture their opponent's minute books so as to pass the motion that would constitutionally abolish their rivals. [921]

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[915] Kilpin, *The Old Cape House*., p. 20.
[916] Sinclair, op. cit., p. 249,
[917] Rutherford, J., Sir George Grey K.C.B. 1812-1898: A Study in Colonial Government p. 295, in reference to S.R. Rawson in the *Advertiser* 12 April 1856. Surely Rutherford meant WILLIAM Rawson, Colonial Secretary 1854-64?
[918] Buckner op. cit. p. 303:- "Whether they realized it or not, the liberals were shifting the balance of power out of the hands of the Assembly into those of the responsible executive. Party government was an important step in this direction since it gave the executive a more reliable body of support in the Assembly than it had possessed in the past."
[919] Stone, R.C.J., " Whitaker, Frederick, 1812-1891" *Dictionary of New Zealand Biography*, updated 22 June 2007; http://www.dnzb.govt.nz/ .
[920] Rutherford, *Sir George Grey K.C.B 1812- 1898*, p. 496.
[921] Morrell, *The Provincial System*, pp. 165-166. Marlborough affairs climaxed at the height of the war against Maori.

This would all just be desperately silly if it were not for the fact that these people wanted a war with Maori. The New Plymouth colony was actually at war with Taranaki tribes. The former New Plymouth colony had been founded in 1842, its population declining as the life prospects of colonists diminished, for the settlers had made little headway purchasing land from the Taranaki tribes. [922]The 1st Taranaki War broke out in 1860 after the contested and incorrect purchase in 1858 of the Waitara Block. [923]

Browne had insisted upon gubernatorial control of native policy in conditions of responsible government. [924] Merivale reluctantly agreed, questioning whether it was not too closely associated with domestic administration for the Governor to control. [925] Thus began the dual government over native policy, of the governors with the New Zealand government, which officially lasted between 1856 and 1863, and in practice lasted longer as governors sought to retain influence while hostilities persisted, arguably features of it persisted in the remainder of Grey's second term and Sir George Bowen's term 1868-1873.

Browne who deemed that governors could prevail by "personal character" and "by being completely above politics and intrigue", [926] noted Grey's attitude towards responsible government in his diary. Browne, who was no back-seat governor himself, recorded that Grey would consider his ministers to be his staff-officers furnishing the finances and administration and if they did not approve, they had to resign. Grey's despatch of 30 November 1861[927] announced the entire responsibility for native as for all other matters to ministers, while bringing about a state of affairs in which "responsible government" was in effective abeyance. This despatch is a virtual satire upon colonial responsible government by a man whose mental powers were as yet unimpaired. Grey's responsible ministers of the Fox ministry he reported to the Duke of Newcastle, had agreed to advise the Governor to act upon his own advice, in native affairs, while nevertheless accepting responsibility for native affairs. Technically, the Governor had become responsible to his ministers, and was no longer a Minister of the British Government for New Zealand. In reality, for the time being at least, Grey was the coachman.

Grey's Amalgamationist Crises in the Eastern Cape and in New Zealand

What eluded New Zealand governors was an adequate and independent revenue base and bureaucracy for the sector of native affairs that was reserved from the settler government. 7000 pounds per annum had been voted New Zealand governors by the British Parliament to fund a Native Civil List. [928]Gore Browne's first native secretary Francis Fenton succumbed to a feud with Donald McLean, so that the Land Purchase Department that McLean managed, took over the

[922] Sinclair, op .cit. p. 110.
[923] Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, Auckland 1986, p. 76-80.
[924] Sir Thomas Gore Browne to Labouchere, 30 April 1856 *G.B.P.P*. July 1860 [2719] p. 207.
[925] Sir Thomas Gore Browne to Labouchere, ibid., Enclosure no 2 Minute 15 April 1856 signed Thomas Gore Browne, Henry Sewell, Frederick Whitaker.
[926] Browne to Bowen 17 September 1864 Gore Browne MSS.
[927] CO 209/165.
[928] McLintock, *Crown Colony Government in New Zealand* , p. 433. N.Z.C.A. 1852 Schedule.
Ward, Alan , *A Show of Justice:- Racial "Amalgamation" in Nineteenth Century century New Zealand*., pp. 92- 93.

Native Department proper. [929] Just as Grey had captured the Native Protector's Office in 1846, so as to manage it himself as Governor, so did his pupil, Maclean, ensure that the New Zealand Government had the same control. Stressful though it was for the ministries of the day to share native administration in dyarchy with governors, it was worse for the governor of the day who had no independent access to revenue and to the civil service.

Governor Browne proposed a Council for Maori Affairs, which Frederic Rogers the Permanent Under Secretary of the Colonial Office worked on and sought to apply to imperial prerogative mechanisms. [930] The New Zealand Government protested at what it regarded as an invasion of its rights, with the result that an imperial Bill was never introduced. [931]This institution was never applied in New Zealand but was exported rather to Victoria 1869, New South Wales 1883, Western Australia in 1886 and Southern Rhodesia in 1930. Lasting in Australia until 1969 they were invasive and destructive institutions for social control and "civilization" and far from instruments of "native protection". Just as with the New Zealand policy that Grey applied in southern Africa, the New Zealand once again gave rise to an instrument of native control that it was unable to implement or else fully operate for its own circumstances.

Certainly on the Waikato Grey's operations feel "inevitable". James Belich remarked that "this conclusion seems difficult to avoid, and it does not mean that Grey was some kind of inhuman warmonger." [932] Belich's assessment of Grey's attitude towards the King Movement was that:-

> "No doubt Grey would have preferred to remove it by peaceful means, but it is very hard to believe that he considered this realistic after about the middle of 1862. Grey's 'peace policy' might better be described as his indirect preparations for war." [933]

Belich correctly noted of Grey's amalgamationist policy, that the governor believed it to be the only chance for Maori advancement or even survival, [934]and that his preference was for to avoid war, if he could. It is important not to confuse defensive and deterrent measures with "peace". This is true- Grey preferred to do without the mess and chaos of actual warfare. The construction of a military road from Auckland down into the Waikato is usually taken as the sign that Grey was duplicitous, intended war all along, and he is blamed for uncutting his peace overtures to Maori by persisting with the road. But the road is just a sign of a wider policy.

The road as a part that was taken for a whole, is the rhetorical device of a synedoche. The "whole" that the road signified was the policy of native administration that Grey had thrashed out with his ministers in late 1861 in virtual conference conditions. This is just the same in the Eastern Cape. Nongqawuse's prophecy came to her in 1856 is a response to the imposition of native administration. Maori talked about the road as the sign of an impending transformation just as Xhosa talked about Grey's policy to coopt their chiefs and turn their people into a labour force for whites.

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[929] Sinclair, *Origins of the Maori Wars* , p. 101.
[930] Browne to Newcastle 22 May 1860 no 46 CO 209/154.
[931] New Zealand National Archives G/30, Lewis to Browne 26 July 1860 No. 47.
[932] Belich James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* ; Auckland University Press Auckland 1986 p. 120.
[933] Belich ibid p. 122.
[934] Belich ibid p. 120.

That is why the road-building took on such meaning, perhaps beyond what Grey intended to mean. Maybe he wanted to show he meant business maybe he wanted to inculcate nervousness and fear. What Grey achieved however with Waikato Maori was convince them that they had no choice but to remain steadfast in their cause. For Maori to have been convinced, the entire policy and its import and intent would have had to have been suspended. If *that* had been done, in conjunction with another initiative, to show that the government was not weak or giving in, Grey might have succeeded in continuing the stalemate and inculcating a round of nervousness and suspense as he was good at doing. But he would still have to have to done something with that suspense, to shape the situation.

Considering also Jominian military doctrine- the great road from Auckland over the Bombay Hills was one long interior line ito the Waikato. An interior line penetrated between blocs of the enemy's forces. To recap- it was always preferable, according to Jomini to attack from interior lines, than to attack from exterior lines the opponent's front. On the one hand the road might have been intended to deter war. Maori however had not read Jomini- and as able warriors and diplomatists discerned that ther best chances lay in preparing for war, annd making the most of resistance if the worst happened. In the Eastern Cape of South Africa, as we have seen, Grey used the Williamstown road and settlements as a position from which mobile trains and cavalry patrols could be sent among Xhosa. Grey's doctrine was that his military settlers- veterans such as the Auckland fencibles or the hapless German Legion in the Eastern Cape, needed to be given land close to major settlements to prevent raids, and assaults. Land would otherwise get too expensive close to the towns. Cheaper land lay farther out closer or within the frontiers. Offensive forces needed to exploit interior lines well in advance of defensive assets. The towns not the rontiers themselves would be defended with static assets. [935]

Even if as his detractors then and more recently have said of his behaviour, he just wanted to cut and run, when the job was apparently done, he knew that he would only be leaving New Zealand in a state of Cold War, in a belligerent stand-off. The Maori resistance was armed with firearms and bunkering in. They were not going to provide Grey with an equivalent of the cattle-slaughter in the Eastern Cape, nor were they going to start hostilities first.

Grey failed to negotiate a peace. Reconciliation was not what the land-hungry settlers desired. Perhaps the only really conscientious policy that Grey and Newcastle and the Colonial Office could have followed at the point, that might have made sense to the values of their time, as well as to our own, would have been to have amended the New Zealand Constitution Act 1852 to have suspended responsible government at central government level, or to have definitely instituted the New Zealand governor as a High Commissioner over Maori, with his own source of income. Even then, that would have produced a South African governance situation, whereby the High Commissioner-Governors at the Cape, and even subaltern governors like those in Natal, negotiated cessions of land between settlers and indigenes along the marches, and even arranged for relocations. The constant business of Grey in South Africa and of his successor Wodehouse, was to preserve indigenous territories by alienating bits of them to placate European interests. The same would have happened in the mid North Island. This was the period however when the New Zealand Government was establishing statutory instruments to harvest Maori land without the interventions and personal rule of a governor, acting as a diplomat and arbiter between settlers and indigenes. The Native Land Act 1862 Native Land Act 1865, the Native Land Act 1873 were a highway through Maori land, of which Grey's Waikato road was just the precursor.

[935] Grey to Earl Grey 23 August 1848 Private GRE B99/ 6A/ 49-51 DUL pp 4-9.

He was determined to introduce runanga councils and officials among the tribes. Direct rule was going to be introduced. A road was necessary for that alone, to introduce and support such government. Grey would not have been Grey if he had not attempted this policy, particularly after his South African experience. If he had done nothing and left a peace that was really a state of belligerency, between the settler government and Maori resistance in the Waikato and Taranki, he would have accomplished nothing in his own eyes and in those of the Colonial Office. A policy that avoided trouble and kept up the appearances of peace would have fooled no one.

Grey's Pakeha detractors in New Zealand have accused Grey of seeking the easy way out. Like the myth that Grey could not or did not want to handle ministries, because he was such a congenital tyrant, this one of the mere propaganda "show-case" governor, who flits a colony when the going got tough, allowing the whole Potemkin's village to fall to pieces.

Events in the Eastern Cape demonstrate that Grey would manipulate a natural calamity or a situation of great stress to produce results worse than those that a war could have produced. War in the Eastern Cape would not have delivered Grey the cheap labour that the famine supplied. In New Zealand the purpose of Grey's operations also intended to form a party of Maori leaders, who would fight in alliance with the government, and accept his plans for native administration. The fewer hostile tribes, the better. He was unable however, despite his attempts to exploit divisions, and break up the combination of *kingitanga* tribes. Just as Grey acknowledged and rewarded Xhosa chiefs who refused to take part in the cattle-killing slaughter, and coopted them as agents of native government, so did Grey want to so pressure Maori as to build a party who would reason that their best prospects lay with the colonial government. The Te Arawa tribal federation of the North Island volcanic lakes, and the tribes that were to combine and form the Ngati Porou tribe in 1863 were examples of pro-government Maori.

Myths of Grey in Crisis and in Peace

The quality of Grey's decision-making has always been arguable in Grey historiography. [936] That decisionist quality was certainly variable. Peires noted the excitement that came over Grey during frontier visits, yet insists on the "clarity and consistency of his goals". [937] That statement belongs to the same lineage as, is perhaps a response to, Rutherford's assessment of the same events of 1856 that Grey's "health was poor, but that did not impair his judgment or curb his activity." [938] That assessment may be considered as definitive for the assessment of Grey's strategic decisions during his Colonial Office career. Despite occasional operational and tactical errors, Grey was able to apply his principles of frontier dissolution and indigenous amalgamation and improvise clear plans of implementation, despite frequent interruptions of illness, or alleged outbreaks of mental excitement. His policy was consistent, to the extent of obsession. Perhaps only obession explains the energy with which he pursued it. Conviction alone is not enough to explain three decades of power. The phase of Grey's life when he could neither coherently plan public policy or operations is imminent by 1861, though not actually upon him. [939]

[936] Gorst, John, *The Maori King; or, The Story of our Quarrel with the Natives of New Zealand* , Macmillan, London 1864.
[937] Peires, J.B. , op. cit., p. 112.
[938] Rutherford, op. cit., p. 352.
[939] Grey's ministry of two years in New Zealand between October 1877 and October 1879 was known as the "self-destructing" ministry.

Despite the tremendous stress, Grey made a correct military decision not to contract the line of defence from the Keiskamma to the Fish River in early 1857 when General Michel advised him to. [940] His policy in New Zealand over 1861-63 was not in itself irrational, despite the strained and even hysterical tone of his despatches to the Duke of Newcastle.

Whether Grey suffered several physical wounds [941]or psychiatric conditions, [942]that produced states of "demonic energy", [943]of alleged mania and hyperactivity, we just do not know. Medical records do not survive. If we add together the other illnesses he is alleged to have suffered from, - heart palpitations from his late 40s, severe rheumatism, lung infections, constant colds, we are left wondering how he lived so long; moreover, unsurprised at his erratic behaviour in government and political life.

Keith Sinclair nuanced the myth of Grey's first governorship thus:-

> "But beneath the surface calm, before Grey left, a movement was beginning among the Maoris of much greater importance than Hone Heke's revolt. This was the *kotahitanga* or unity movement". [944]

In the light of Grey's persistent policy for racial amalgamation, a Grey "moment" for New Zealand during his first governorship can only be proposed with the greatest irony. Peace and prosperity gave Maori the opportunity to deliberate amongst themselves about British policy for New Zealand. Halcyon descriptions of this period of peace and economic development gloss over profound Maori anxiety and suspicion, no matter how much they engaged with the Governor. It glosses over the settlers' paranoia, their ambition to own and govern the whole country. It was one of the extraordinary features of Grey historiography that in every colony he governed a core sample of settler "Golden Age" writing can be found about those periods. [945] In South Australian writing we find a recognition that the colony got onto its feet at last in his government, and founded its prosperity in wool and mining. Cape Colony settlers were the most enthusiastic, British and Afrikaner. In both New Zealand and South Africa, these periods of "calm" were only intervals before a profound crisis. Australian history presents us with anomalous white colonies that were never seriously constrained by warfare or diplomacy with indigenous peoples who were able to organize themselves for an effective resistance, that could make the settlers fear and even despair.

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[940] Rutherford, op. cit., p.p. 364- 65.
[941] Peires, J.B. op. cit., p. 112.
[942] Bohan, *To Be a Hero* , p. 163 , p. 228.
[943] Peires, J.B. op. cit., p. 112.
[944] Sinclair, op.cit., p. 66.
[945] Reeves, William Pember, *The Long White Cloud - Ao Tea Roa* Ch. 12 "Good Governor Grey" p. 217.
Price, Grenfell A., *The Foundation and Settlement of South Australia 1829-1845:-A Study of the Colinization Movement, Based on the Records of the South Australian Government and on other Authrotitative Documents,* F.W. Preece, Adelaide, 1924, p. 244.
Molteno. P.A., *A Federal South Africa: A Comparison of the Critical Period of American History with the Present Position of the Colonies and States of South Africa, and a Consideration of the Advantages of a Federal Union, Sampson Low, Marston, London 1896*, p. 62.
de Kiewiet, *A History of South Africa Social and Economic* p. 135.

Even the Wellington settlers, whose Constitutional Association had been so hostile, presented the departing governor in with plate in 1853 inscribed "Fundatori Quietis" – *Founder of the Peace*. [946] A "Grey Moment" can only be proposed so long as it is understood that the "moment" was just a "moment" for Grey as well, and that he intended at all times to exploit such stand-offs. The Grey "moment" in a colony was an uneasy juggling act, intended to be un-done, to be resolved by a make or break "smashing of peoples" on the way towards assimilation.

Maori Resistance

Beneath the apparent pacification and prosperity of mid century New Zealand then, Maori were in ferment. The agitation of the settlers for self-government was paralleled by conferences and discussions among Maori to protect their rights and govern themselves. The two movements towards respective autonomy could not be coordinated. Attempts had been made by the governor Sir Thomas Gore Browne between 1855 and 1861 to maintain a dual system of consultation and self-governance in New Zealand. The Kohimarama conference near Auckland in 1860 however was convened to recruit the support of Maori leaders for Browne's insistence upon supporting Wiremu Kingi's contested sale of land at Waitara in Taranaki, which provoked the first Taranaki War. It was also convened to oppose a *kingitanga hui* in the Waikato. In Browne's gestures towards Maori autonomy, the incipient bid to create a "Queen's" party of Maori leaders can be discerned, rather than a genuine embrace of annual parliaments and Maori government, as despatches stated. [947]

The *Kotahitanga* movement commenced amongst intertribal runanga and conferences in the late 1840s. [948] There was no plan to the discussions at first. They began as a series of conferences among Maori leaders and turned into a constitutional project. Tribal leaders had sought to consult with one another as they considered opposition to land sales. A new economy was quickening in New Zealand, radiating out of the beachheads into the interiors. While the country lacked an internal market between settlements as Grey could note in 1851, [949] coastal shipping he observed, about much of New Zealand was largely in the hands of Maori, mostly to supply settlements that provided the beachfront stores for the tribes of a region. [950]

> Yet no matter how undeveloped the market between settlements was, North Island Maori were fast appreciating that they all held in common a resource that was a market, which was their land. In a cash-starved economy, bullion was welcome to Maori for paying accounts at the beachfront shops and businesses. Pakeha were supposed to be attracted to provide a captive market for tribal enterprise. They were largely meant to stay in their towns. Land though was a commodity that could bring a considerable amount of bullion to a tribe in a single series of transactions. When Sinclair related the mesmerizing effect of the sight of money on Maori in land negotiations, he overplayed the unilateral appeal of money. [951]Maori

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[946] Collier, James, *Life of Sir George Grey*, Whitcombe and Tombes, Christchurch 1909, p. 92. "To the Author of the Peace" is how Collier translated it.
[947] Browne to Newcastle 28 August 1860 CO 209/ 155 No.88.
[948] Grey to Earl Grey 30 August 1851 *G.B.P.P. Papers Relative to the Proposed Constitution of New Zealand 3 May 1852* [1475] paragraph 27 p. 23 .
[949] Grey to Earl Grey 30 August 1851 ibid, paragraph 27 p. 23
[950] Monin, Paul, "Maori Economies and Colonial Capitalism", in Giselle Byrnes (ed.) *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne 2009, pp. 125- 146.
[951] Rutherford, op. cit, ch. 13 "Land Purchase" pp. 163- 187.

needed cash to satisfy their debts as well as to obtain more trade goods. Pakeha storekeepers and tradesmen needed money as well. Grey in the great purchases of his first administration indirectly subsidized Pakeha traders and creditors in business with Maori. Belich notes above all that while economic interests were significant, the King Movement's assertion of sovereignty was extremely attractive to Maori:-

> " During the 1850's, however, Maori reluctance to sell land increased throughout the island. This shift of opinion was related to the emergence of a movement for Maori confederation: the King Movement." [952]

Grey was not unaware of the change of mood amongst Maori during his first governorship. As early as 3 May 1847 while he responded to the N.Z.G.A. despatch from Earl Grey, he warned:-

> " the mutual jealousies and animosities of the tribes have largely disappeared, and a feeling of Class or race is largely springing up, and has been greatly fomented by the efforts which have been made by designing Europeans to obtain their lands from them for a merely nominal consideration".

Their ability to conduct "extensive conspiracies" facilitated by their literacy, Grey reported:-

> " I feel satisfied that many of them have entertained the design, if a favourable opportunity offers, to set up a national government." [953]

The Port Louis policy of amalgamation would be politically impossible if Maori were permitted to create their own "nationality" and government.

The 1830s literacy revolution of the 1830s not only facilitated communication among Maori, [954]Maori thereby informed themselves of global history and of models of government, ranging from the Bible and the Hebrew state formation of the *Books of Samuel* and the *Books of Kings*, to the Haitian Revolution. [955]

Early in 1853 a deputation from Otaki led by Matene te Whiwhi bore a letter from Tamihana Te Rauparaha who had visited Britain in 1851 and been received in audience by Queen Victoria. [956]They met Sir George Grey and Bishop Selwyn at Wanganui, showing them the letter. Sinclair represents Grey as unaware of the political potential to this mission. [957]This must be questioned. The Governor and the Bishop doubtless appreciated the importance of intelligence-gathering unresponsively and with a poker face. Grey had, as has just been seen, reported on the specific ambient "danger" to the colony, which he had upgraded in 1847 from tribal revolts such as he had pacified between 1845-47, to a national movement. The Governor received threats, dubious statements of loyalty, news of conspiracies all the time. In any case the Otaki chiefs were not to

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Sinclair, op .cit., p. 83.

[952] Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press 1986, p. 75.

[953] Grey to Earl Grey 3 May 1847 CO 209/52.

[954] Parsonson, Gordon, "The Literate Revolution in Polynesia" *Journal of Pacific History* v 2 1967 pp. 39-57.

[955] Sinclair, op. cit., p. 78, *Te Hikioi* 24 May 1863.

[956] Sinclair, op. cit.,, p. 69.

[957] Sinclair, ibid p. 69.

swear allegiance to the King. [958]Grey judged their particular mission correctly. Nor could a governor of New Zealand ever possess the power to prevent Maori politics from taking place. He was not a real autocrat, simply the Pakeha with the monopoly on British politics in the colony at that time.

Te Whiwhi and Te Rauparaha nonetheless started a cycle of deliberations however that led to constitutional determinations by 1858. The mission of the Otaki chiefs inspired the *hui* [959]named *Taiporohenui*, or "The Completion of the Work" at Manawapou, which was hosted by Ngatiruanui in April 1854 and was attended by Taranaki, te Atiawa and Otaki chiefs. [960]The results were inconclusive, but it gave rise to the settler myth extensively reported in newspapers, that a "land league" had been formed to prevent the sale of lands to settlers. [961]"Land league" was a term appropriated from the colonial experience of Ireland, the antipodean reversal in semantics that occurred, was that the landowners were represented in the role of the tenants and the Anglo-Irish land-owners in one case were the European settlers and prospective land owners of the other. Maori for their part did not lack effective media organs. On the eve of war the newspaper *Te Hikioi* told Europeans:-

> " cease annoying us. Allow us to do our work, to discover which is right, and which is wrong. Withdraw your hand from purchasing land. That is, from things which create confusion and which are pressing heavily upon us. For remember what you were in your former days, did you not clothe yourselves in goat-skins?" [962].

No pattern to these conferences was emerging, until Wiremu Tamihana Tararapipi began his mission in 1857 to promote the election of a king from among leading chiefs. Two *hui* were held over 1857 and 1858 to discuss this proposal. [963]The Tainui paramount chief was elected king to become Te Wherowhero Potatau I in 1858 by most of the Waikato and Taupo tribes, by representatives of East Coast and Hawke's Bay tribes. The Taranaki tribes refused to acknowledge the king because Te Wherowhero had ravaged their lands in the Musket Wars. Nonetheless a genuine movement to protect Maori land and sovereignty developed for which the King movement became the focus. A Queen's Party also emerged from these deliberations from Maori determined to cooperate with the British order and secure the best terms they could. Wiremu Tamihana is definitely one of the great shapers of modern New Zealand history, in his organization and leadership of the Maori resistance, in his diplomatic skills, and in his vision of what moral armed resistance would be for Maori. He is arguably one of New Zealand's greatest 19th century "anti-statesmen", if his politics and leadership arre properly understood as a conscientious and intelligent resistance to the state that the New Zealand Government was forming.

Previous historical literature has concentrated on the constitutionalism of only the officials and settlers. That occurred all throughout settler polities between the First World War and the 1960s, as British settler "Whig" historians wrote about the constitutional development of young nation-states from the Durham Report onwards. Indigenes were either negatively present, to be excluded and "differentiated", or else ignored, when their inclusions and co-options were not regarded as anomalous or quaint. Such an approach in the New Zealand instance ignored the sense of a Maori

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[958] Sinclair op. cit., p. 70.
[959] A *hui* is Maori for a conference.
[960] Sinclair, ibid., p. 70.
[961] Sinclair ibid p. 71.
[962] Sinclair ibid, p. 76 referring to *Te Hikioi* 26 April 1863.
[963] Sinclair ibid pp. 73-74.

constitution,that had developed alongside and in response to the *N.Z.C.A.* originated constitution. That approach also ignored the interconnections between the Maori and New Zealand colonial authorities.

Maori too were constitutionalizing, as they reconsidered the Treaty, just as the Nelson settlers had in 1851 with their all-day public meeting, designing in one long session a draft constitution for the colony. [964] Both sides were radically revising the terms of the Treaty and going beyond the unstable status quo, which was merely a suspension, rather than a "Golden Age" or delusory calm. Pakeha wanted to unlock land by means of confiscation and the procedures of the Native Land Court, and they wished to impose a native administration upon designated Maori districts. [965] Wiremu Tamihana and the proponents of kingitanga, insisted that the king, Matutaera Potatau II, to be known as Tawhaio after 1864, was equal with the Governor and occupied the same relation as the Governor to the Queen in the New Zealand order. [966]

This would perhaps have translated into a Basutoland High Commission territory such as Sir Philip Wodehouse was to negotiate between 1863-65. Nonetheless Basutoland was absorbed into the Cape Colony between 1871 and 1884. The mountain redoubt of modern Lesotho was the result of great guile and duplicity on the part of Governor Wodehouse towards the Cape General Assembly, the Orange Free State, Natal and Moshoeshoe I himself the Sotho king, that rivalled Grey's own mendacity. It was achieved at the cost of the best Sotho land to placate the Orange Free State. [967] No *kingitanga* High Commission territory existed in the Waikato, though there were district commissioners, because the lands were too desirable, for speculators and land-starved settlers alike. Auckland was another immigration bottle-neck for the land-starved like New Plymouth in Taranaki. Maori would neither surrender nor sell them. Moreover the territory was no mountain redoubt as Lesotho is, but covered the midriff of the North Island from coast to coast, from where the island is exiguous, near Auckland, to the widest extent between Taranaki and Hawke's Bay and the Bay of Plenty. Belich discusses the existence of an independent Maori state nonetheless in the King Country until the 1880s. [968] Judith Binney insists on the existence of independent Maori polites, among Crown allies and opponents alike, until the 1880s and 1890s. Te Arawa were Crown allies who virtually ran their own state, welcoming tourists to Rotorua and the geysir district. Tuhoe were opponents who gradually came under New Zealand Government during the Liberal Government in the 1890s.

We are to imagine middle and late 19th century New Zealand as being more like South Africa, Canada and the United States at that time. In South Africa, as we have seen, there were tribal nations, Afrikaner and Griqua republics. There were two sets of British colonies. In Canada, French Canadians and First Nations required considerable respect. The Metis of Manitoba founded a Red River Republic in 1869. In the United States, settler republics came into being that joined the United States, such as Texas and California and Hawaii. The Comanches remained a substantial power until the 1860s. Indian resistance lasted until the 1890s. Australia, of course missed out on all of that – which is a good reason for New Zealanders not to surrender to Australasian habits of settler history.

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[964] McLintock, op. cit., p. 311.
[965] Ward, Alan, op. cit., pp. 151-152.
[966] Sinclair, op .cit. p. 75.
[967] Sanders, Peter, *Moshoeshoe Chief of Sotho*, Heineman, London 1975 pp. 302-307.
[968] Belich, James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press 1986, p. 306.

Grey's Failures

Waikato Maori had no confidence in negotiations with Grey. Sinclair's assessment from 1957 remains the best to date. [969]Sinclair argued that even if Grey wanted pacification, he had in fact provoked war by extending the road to defend Auckland from Te Ia to Mangatawhiri. The king and his supporters had no intention of attacking Auckland. Rewi Maniapoto had closed the Waikato river to steamers. [970]All that the road extension brought about was the failure of pacification policies that were intended to divide the King's adherents. Grey was obliged to defend Auckland from attack and to bring the war to the Waikato away from Auckland. Grey's intervention in a Coromandel dispute in 1862 was of the same order. [971]

It was not a general policy of pacification that failed but Grey's attempt at divide and rule. His alleged proposal for a Waikato Maori "province" was the same. Authorized by the Duke of Newcastle to recognize the king and to allow a Waikato Native Council to forward laws for assent to both the Governor and the king, Grey refused to recognize the king. [972]

In fact he was to claim that he had offered the Waikato and Ngati Maniopoto tribes full provincial government instead. As Grey's claim was made verbally, the meaning of Grey's claim is that he offered corresponding institutions from the N.Z.C.A., so as to supplant the king. [973] Implementation would however have required Maori to break with the king. In no way could a Maori provincial government have prevented either an accretion or an influx of Pakeha and deny them rights in that territory. A Maori province would have been entirely porous. There would have come a tipping point, when settlers predominated, maybe an *"uitlanders*" moment like when the South African Republic tried to deny political moments to British immigrants. Grey would have been only postponing an inevitable crisis. Moreover amendment of the *N.Z.C.A.* section 19 to enable a Maori provincial council to pass laws for Maori land and districts might have provided a precedent for the other Pakeha-controlled provinces. There would have had to have been an exception made. Either there was a sting in the tail or a Maori province would have had to have been a special case. [974]

On the North Island's west coast, Grey's miscalculations that brought about the 2nd Taranaki war in May 1863 were intended to divide Maori and present settlers with just one front of war. [975]Grey's manoeuvres in Taranaki failed to close the prospect of war in that province, so that he could better concentrate on the Waikato tribes alone. [976] The intentions of the king and his supporters however were defensive, rather than offensive in the Waikato. [977] They had however

[969] Sinclair, op. cit., pp. 237- 252.
[970] Sinclair, op .cit. p. 248.
[971] Gorst, John, *The Maori King, or, The Story of our Quarrel with the Natives of New Zealand*. p. 299.
[972] Ward, Alan, *A Show of Justice: Racial Amalgamation in Nineteenth Century New Zealand*, University of Toronto Press, Toronto 1973, p. 156.
[973] Ward, op. cit., p. 157.
Grey to Granville, 27 October 1869 *A.J.H.R.*, 1870 A-1B pp. 81-82.
[974] *N.Z.C.A*. sec. 19 subsec. 10.
[975] *A.J.H.R*. 1863 E-2 pp. 8-10.
[976] *Appendices to the Journals of the House of Representatives* 1863 E-2 p. 15; E-7 p. 8.
[977] New Zealand National Archives, Rewi Maniapoto to Taranaki *runanga* 15 April 1863 G 13/3.

advised Taranaki tribes to go to war when Grey ordered troops to occupy the Omata block, in a heavy-handed demonstration of force. The Omata block had been land that Maori had occupied as retaliation for the settler occupation of the Waitara block. The result was the Oakura ambush on 4 May 1863, that seems to have shaken Grey's nerve for the moment. Intended for him, 8 soldiers lost their lives. Grey could not load his revolver without spilling the bullets afterwards.

The Colonial Secretary the Duke of Newcastle did not believe that Grey's pacification policy would succeed. [978]The Governor for his part kept all options open for it failed. [979]As he eliminated none of those preparatory measures for war, and unstintingly applied pressure, while applying himself to negotiations, the truth is rather that he thought pacification would likely fail, and that war was more likely than peace, and that he had better secure the best vantage for that occasion. Pacification policy for Grey was a reductionist method for confronting as few enemies as possible, and for ensuring that there were enough neutral tribes and enough Maori support for the New Zealand government to find allies among them.

Sinclair proposed that Grey's previous experience of Maori perhaps made it harder for him than a stranger to understand the King movement, and that the methods applied to pacify them peacefully aroused suspicion. [980] Yet the Governor preferred less trouble rather than more, and in all events wished to preserve a personal influence over Maori. In these respects his final lone visit to the Waikato tribes on New Year's Day 1863 makes sense. Obliged to withdraw from sudden illness, after sssuring Waikato of his hostile intentions before he was taken ill, Grey was not only fronting up to his opponents, but making himself to personally present to them. That presence both honoured and intimidated. He was determined, from his performance in the Eastern Cape, to whittle opposition down, exploit catastrophe and then introduce his institutions for native administration.

From betting his ministers' policy of confiscation, Grey finally discovered a popularity among settlers that he had never previously enjoyed in New Zealand. Grey had considered land confiscation as early as when he received instructions at Cape Town to relieve Browne in New Zealand. The property franchise of the *N.Z.C.A.* was supposed to incentivize the conversion of collective lands to individual freehold tenure. Maori themselves were to take advantage of this. The idea was the same as the Cape Colony's franchise, which admitted non-whites of they had a 12 year of age school-leaving certificate and at least either a 50 pounds leasehold or a 100 pound freehold. Grey's motive for considering a measure of confiscation was punitive, to break the war-fighting power of a tribe. By far his confiscation proposals were the most moderate. He wanted Maori to survive. He might also have hoped with his habits of intrigue and temporaization that he could ride the white tiger of settler rapacity, and moderate their demands.

In reality only a few chiefs and Maori entrepreneurs were qualified. The *N.Z.C.A.* until the introduction of the Maori Representation Act 1867 presented an effective exclusion to Maori political participation outside of the Native Department's administration and the Governor's reservation of native policy and civil list. Hitherto Maori land and not labour had been the objective of governments in New Zealand. Eventually, dispossession of land reduced many Maori to a rural labour force, effectively "helotizing" them.

[978] Newcastle minute on Grey 23 November 1861 CO 209/ 165 No 23.
[979] Grey to Newcastle 7 January 1862 CO 209/ 167 No 2.
[980] Sinclair, op. cit., p. 241.

The New Zealand Constitution proved highly adaptable in its first two decades of operation. Paternalist native administration was to replace Maori autonomy. The provinces were to become redundant in time and reduce to local bodies in power, by even Grey's admission. [981] Although no appreciable period of gubernatorial rule eventuated, like at Cape Town between 1854-72, responsible government was neither alien to its intention, nor to even Sir George Grey's aspirations for eventual settler self government. The very Governor who co-"authored" the Act, made it operate during his second term as gubernatorial government in so far as it was possible through Executive Council, so as to carry out the native policy that had been his chief contribution to the exercise. Grey constitutionalized primarily for the purposes of racial subjugation and for the amalgamation of indigenous peoples into the settler markets and eventually civil society. Yet he was serious about indigenous civil rights. We have seen how he argued for a franchise to Lord Grey. That principle had been stated indelibly for the Blue Books. The culminating goal of the Grey scheme was Maori Representation Act 1867, which gave Maori the special franchise of four Maori seasts with their own Maori Members. As we have seen the late Confederate States of America had been the first polity that allowed indigenous representation, representing Five Nations allies in its 1st and 2nd Congresses. Between 1868-73, Maori Members of the House of Representatives, Legislative Councillors and Executive Councillors first became features of the New Zealand constitution.

None of this was of any avail on 12 July 1863 when Grey ordered the invasion of the Waikato. General Cameron and his troops crossed the Mangatawhiri River. Maori were only officially informed of this when a Maori language notification was published on 14 July. Since his lone visit at New Year a belligerent stand-off had existed between kingitanga Maori and the New Zealand Government. War was inevitable because no one knew of any way towards a peace at that time.

A South African commentator closer to his own age and to his capacitarian liberal and paternalist values best assesses what Grey actually achieved. Edgar H. Brookes' commented on Grey's policy:-

> " A less striking personality, he was content to create a system and to delegate freely to others: thus, when he was withdrawn, his policy survived him". [982]

What Brookes meant was that Grey was a less striking character than some other Cape Colony Governors. New Zealanders are so used to Grey being the only memorable New Zealand Governor, that it comes as a surprise to find him outshone for personal charisma and energy by Sir Harry Smith, Sir Bartle Frere, Alfred Milner and many others. Even his successor at the Cape Sir Philip Wodehouse was popular on a personal level, because he entertained more lavishly. What Brookes was saying though that Grey was the effective systems-builder. He left a legacy as more engaging individuals did not. And as South Africa locked itself into segregration and finally apartheid, Grey appeared to be the most "liberal" of British officials in South Afruican race relations- the might have been, for both race relations and reconcilation with the Afrikaners.

For the remainder of his second term in New Zealand, Grey depended on the chaos of war as his power-base and spent much time close to or involved in hostilities, seeking to replace or support commanding officers as much as ministries in Auckland, and after 1865, Wellington, after the

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[981] Morrell, *The Provincial System*, p. 53, referring to Earl Grey to Grey 23.2.1852 *G.B.P.P. Papers Relative to the Constitution of New Zealand 20 May 1852* [1483] p. 5.

[982] Brookes, Edgar, op. cit., p. 92.

change of capitals. He was relieved of his active powers as commander-in-chief in March 1867. [983]His colonial service career concluded with a barely disguised recall. [984] He was not even thanked for his services. He had failed to bring about peace in New Zealand and had failed to manage the war or the settlers adequately.

A whole new cycle of wars commenced just after Grey relinquished office on 5 February 1868 to Sir George Bowen, an anti-Semitic pendant of a desk –governor, the head master of errant and turbulent Australasian governments. Grey reenters New Zealand politics between 1874-1875, and becomes premier when hostilities had ceased between Maori opposed to the Crown, and Government forces, and a stand-off persisted. Only in 1881 did King Tawhiao undertake to keep the peace. That however is the year of the brutal repression of the community of the prophet Te Whiti-o-Rongomai in Taranaki by John Hall's ministry. "Pacification" was patchy and contradictory process. As Professor Richard Boast has argued, there was not just one Treaty of Waitangi but dozens of treaties and agreements much like in North America or southern Africa.

The War, or rather the "Wars" in New Zealand went in three phases.

First was the Waikato War between 1863-64. Cameron crossed the Mangatawhiri River on 12 July 1863. Wiremu Tamihana declared that he was taking up arms against the Government on 26 July. The Battle of Rangiriri took place on 20 November 1863. The occupation of Ngaruawahia the Maori king's capital occurred on 8 December 1863.Rangiaowhia was captured on 21-22 February. The famed siege of Orakau took place 31 March-2 April 1864 in which the Ngati Maniopoto leader Rewi Maniopoto assured Major Gilbert Mair that he would fight "for ever for ever and for ever".

Operations moved into the Bay of Plenty to deny Maori a port, and a coast to reprovision armaments and gunpowder. The Battle of Gate Pa on 29 April 1864 was followed by the Batle of Te Ranga at Tauranga on 21 June 1864. Grey received surrendered rebels at Tauranga over 5-6 August.

Grey proclaimed peace terms on his own authority on 26 October. The Waikato Confiscation proclamation was made on 17 December 1864. This was all premature. Grey might have wanted closure, - the reality on the ground and out in the bush denied him that result. The New Zealand Wars were a conflict in a forested mountainous land with marshy valley floors that denied the settlers a quck result. Protracted insurgency ensued. Maori allies became highly valuable in such a theatre of war.

1865 saw the Pai Marire phase of the War commencing, a radical resistance movement inspired by the prophet Te Ua Haumene; and the Taranaki-Whanganui campaign. Wiremu Tamihana surrendered on 27 May 1865. Cameron and Grey were openly quarrelling by May 1865. The capture of Wereroa Pa occurred on 22 July 1865. This Pyrrhic and merely political victory for Grey was followed by the Bay of Plenty and Hawke's Bay campaigns. All that Grey had intedned to achieve by capturing Wereroa Pa, was the disgrace of General Cameron in New Zealand. Cameron was then attempting to withdraw 2 regiments from New Zealand to comply with War office instructions. He considered himelf too weak to capture Wereroa, which threatened the Whanganui –Patea district. It was held by Pai Marire defenders. He neither deemed it possible to

[983] Madden, Frederick and Fieldhouse, David (eds.) *Select Documents on the Constitutional History of the British Empire and Commonwealth*, p. 514 note 1.
[984] Duke of Buckingham to Grey 18 June 1867 *G.B.P.P. Correspondence and Papers Relating to New Zealand 8 July 1869* [307] p. 408.

capture the pa, especially in rainy weather, nor necessary. The real issue was land confiscation which Cameron conscientiously opposed, tacitly backed up by his superiors in London, who were disgusted by the New Zealand Wars, and wanted them wound down as soon as possible. Local settlers thought otherwise. Grey himself took command of operations, just as he had done in the Eastern Cape, and as he did in the Cook Strait War in 1845.

The tactical situation was that Cameron obeyed Grey's instructions as Commander in Chief, to leave siege works in place. With 160 colonial militia and 300 Maori allies, Grey arrived at Wereroa. Farther up the Whanganui River, Captain Brassey with a force of 230 Militia, had been besieged. Grey obtained the cooperation of Brigadier Waddy who commanded 400 British troops. Waddy's orders from Cameron forbade an "investment", or regular siege of the pa, but he was authorised to take the pa if a favourable opportunity should present itself. Meanwhile a bottle had floated down the Waitotara River to Grey's position from Captain Brassey and a French Catholic missionary along with messages in Maori. Brassey's message read in the laconic dog-Latin " Sumus sine rebus Bellis satis" (we lack the means for war). Grey decided to capture Wereroa and then relieve Brassey.

In the event, Waddy made just 200 troops available, and no guns or mortars. Grey ordered Major Rookes to make a reconnaissance through the Karaka hills behind the fortress, which the Maori defenders considered impenetrable. Rookes occupied the heights and took 57 prisoners on 21 July 1865. Thrown into confusion, the Wereroa defenders abandoned the pa under darkness. Grey occupied it on 22 July without the loss of a single man.

Grey entered the pa and propagandized for himself a great victory, like he had once done with the capture of Ruapekepeka in 1845. Just was we may wonder whether Kawhiti was the real enemy at Raupepakapeka in 1845, or Henry Williams, so was Cameron the real enemy at Wereroa. He was received by the General Assembly with acclamation. The appearances were that Grey had scared a blow against the Pai Mairire movement. In London the reaction was one of concern. Constitutionally the situation was barely intelligible to the Colonial Office and the War Office. The Permanent Undersecretary of the Colonial Office Sir Frederic Rogers saw merit in Grey's actions, but summarising the incident thus in a minute:-

It is a curious mode, however, of carrying on a war. As the Queen's officer will not move effectually the Imperial Troops, the Govr. comes to the spot in command of the Colonial troops, with wh. He acts as an independent force, getting what "moral support" he can from the Queen's officers; who are all the time under not only independent but adverse instructions

Rogers concluded -

This is not a state of affairs which should be allowed to form a precedent.

The Queen's Uncle, H.R.H. the Duke of Cambridge, the Commander-in-Chief tried to distinguish between the civilian and military authorities in a colony at war thus:-

> whereas the Govr. is supreme in all such matters affecting the Govt. of H.M. Colonial Posssesions & as such, is in a position to indicate the line of conduct to be adopted by the mily. – the Commander of the Forces is bound to carry out to the best of his ability……such instructions as may be conveyed to him by the proper channels.

Rutherford's analysis is right though- the impasse came about in this constitutional crisis, when the War Office and Colonial Office did not support the Governor's right " to indicate the line of conduct to be adopted by the mily" [985] while admitting, as we see above that that was the Governor's proper authority in the war. The pigeon that came home to roost there was Grey's unresolved relationship with the Army, that had been bad since his reaction to the Indian Rebellion in 1857. Never an "Army" man after he resigned his captaincy, he had to rely on himself, and on the Colonial Office, not on the War Office in a colony. He had had excellent relations with officers such as General Jackson in the Eastern Cape, Colonel Pitt in New Zealand, and Sir Robert Wynyard. In the event that War Office backed its man in New Zealand, Cameron, and made him Governor of the Royal Military Academy, Sandhurst between 1868 and 1875.

Time was up for the Russellian governors anyhow. Another former New Zealand governor, Eyre, had enveloped the Colonial office in scandal in Jamaica, when he ordered a savage repression of a revolt that blew up out of riots in 1865. 350 were killed. The Eyre controversy tore elite British society apart as Carlyle and Dickens joined Eyre's defenders, and John Stuart Mill, John Bright, Thomas Huxley and Herbert Spencer pursued Eyre through a court court action. The courts and Parliament exonerated Eyre. Grey hated Eyre, but his friends lay on either side of the controversy. Would he not have done the same, in principle, though perhaps with more intelligence? His erstwhile mentor Sir William Nicolay on Mauritius had had to settle such a revolt after the passage of the Slavery Abolition Act. He had introduced Indian coolies to revive that island's economy.

At the Colonial Office, no one wanted another scandal involving a Governor. Grey remained in office, swaying on a tight-rope. In South Africa, Grey's most able successor Sir Philip Wodeshouse was effecting a solution to the Basutoland problem, that side-blinded the Colonial Office, left the Cape Colony out of the loop, double-crrossed both the Orange River Free Sttate and Mosehoeshoe. Canadian Federation negotiations commenced with the Charlottetown Conference in 1864. The British Government was shifting its paradigms on colonial policy. This was on a bipartisan basis as well. Governors were no longer to be active moanerchical agents, chosen as career officers. They were to be appointed, largely from among the more reputable nobility, as de facto heads of state. They were to be umpires and mentors for the turbulent colonial ministries and legislatures. Some of the governors from Grey's generation of active governors, such as Hercules Robinson or George Bowen were to stay on, but on the whole an active governor of quality was increasingly destined to rule in non-white Crown Colonies. Sir Arthur Gordon and Sir William des Voeux are good examples of this new kind of active governor, though Gordon and des Voeux also had appointments in the 1880s to New Zealand and Newfoundland respectively. The British ruling elites' attitude was that like Canada, the British settler colonies should be encouraged to find their own futures, and not implicate Great Britain any longer. The American Civil War, and the exposure that British possessions in what is now Canada, represented, had been one scare too many.

Grey kept trying to drive the horses of war. General Trevor Chute was brought out to command imperial forces in New Zealand. After initial cooperation, that relationship too soured between Chute and Grey. Chute's West Coast campaign took place in 1866. Chute marched out of Whanganui on 30 December 1865. His forces stormed Okututu pa on 4 January 1866 and Putahi pa on 7 January. By 9 February he had captured 7 pa and destroyed 20 villages. Alas his violence was indiscriminate. A loyal chief such as Wiremu Kingi Matakatea was driven to take up arms. Without knowledge of the country and of Maori, or responsibility to the local government, such commanders just slashed and burned.

[985] Rutherford, *Sir George Grey K.C.B. 1812-1898*. p. 538.

Grey was delighted however. After describing Chute as a "great general" in a despatch[986]to the Colonial Secretary Edward Cardwell, he went on a victory tour of the war zones ihn March. He travelled up through the East Cape from Napier, where he received the submission of Hauhaus, to Wairoa, to Turanga and then Waiapu, then to Opotiki and onto Tauranga. He went inland to Rotorua at the invitation of the Te Arawa chiefs, where Horonuku Te Heuheu Tukino IV[987] and Kingi Te Herekiekie submitted. He reviewed his pet project of the military settlers at Hamilton before turning to Auckland. Part of Hamilton to this day remains an 1860s town with a cannon standing in from of a court house on a mound, like in a town in the American South. Otherwise the city is a prosperous industrial centre of 150,000 people. It has the most beautiful river-bank site of any New Zealand city on which it turns its back. A revival of Hauhau insurgency culminated in a Hauhau raid on Napier on 12 October.

The relationship with Chute soured despite this "success", because he and Grey argued over troop withdrawals. Unhappy wars (or wars that people come to doubt) getted bogged down not just in violence and in insurgency, but in the politcs of troop withdrawals. Vietnam was such a case in the first term of the Nixon presidency, Afghanistan for Britain and the United States is such a place today.

Chute refused to play Grey's game and considered himelf obliged to send back seven regiments immediately. [988]Grey wanted to preserve as many resources as possible to withstand the threat of renewed rebellion. Furthermore a letter from a Colonel Weare to his brother Rev. Weare back in Britain alleged atrocities against Maori and claimed that Chute had intimated a "no prisoners" policy to satisfy the New Zealand Government. Grey was furious that allegations against his government had been made by backstairs channels, even if inadvertently. As we have seen the "constitution of the empire" was defined by correct levels and chains of who might lawfully communicate with whom. Grey was in turn insisting on constitutional propriety for a change against the authorities in London.

In doing so, Grey showed the unattractive character of being more indignant at having to defend himself and his government while Chute and Weare's own actions were overlooked in the controversy. Grey's despatches supplied unreliable or incomplete information. The smooth and apparently complete writing of the years of his prime as a governor was reduced to tattered webs of lacunae. Lord Carnarvon as Colonial Secretary admonished him on 1 December 1866 for apparently retaining 5 regiments in New Zealand in disobedience to orders. It was the Indian Rebellion all over again, when Grey caused controversy by interpretating orders to supply regiments to India as he had thought fit in the military circumstances of southern Africa. Despatches wavered from one post to another between declarations of despair to elation that might not have been merely rhetorical. [989]

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[986] Grey to Cardwell 13 February 1866 CO 209/ 196

[987] **A List of Tuwharetoa Paramount Chiefs for Grey's life time:-**
Mananui Te Heuheu Tukino II d. 1846
Iwikau Te Heuheu Tukino III 1846- 1862 (b. c. 1790 brother of the preceding)
Horonuku Te Heuheu Tukino IV 1862-88 (b c. 1821 son of the preceding)
Tureiti Te Heuheu Tukino V 1888- 1921 (b. c. 1865 son of the preceding)

[988] Chute to Grey 24 October 1866 AJ 1867 A1A p. 7.

[989] Grey to Carnarvon 3 November 1866 CO 209/200.

Again it was a Derby Government that chastened Grey. Just as Pakington and the Derby government of 1852 had revised the Greys' draft New Zealand Constitution Bill, and Derby's second government had recalled Grey from the Cape in 1859, so did it fall to the 3rd Duke of Buckingham and Chandos, Carnarvon's successor as Colonial Secretary in the 3rd Derby Goverrnment, to recall Grey, this time for good. Grey's old New Zealand Company enemy Sir Charles Adderley was Parliamentary Undersecretary. Richard Temple-Nugent-Brydges-Chandos-Grenville the Duke of Buckingham refused Sir Frederic Rogers' advice that to fail to refer to a governor's past services in a recall despatch amounted to "a censure in subdtance if not in form". Adderley objected to the words that recall was not to be interpreted as a censure. [990]The Duke further minuted:-

> I do not imagine is likely to be re-employed (sic). [991]

Perhaps the strange feud between Lord Lytton and Grey, (for Bulwer-Lytton had since) been enobled, had not been forgotten by the Tories.

1867 was smouldering year, just as the bush smoulders after a scrub-fire. It was charatierized by stand-odds and by civil disturbances, rather than outright war or express operations. 1867 was the year that Grey fell from Colonial Service tight-rope for ever. As part of the modernization of British governorship, it was determined that Governors had no active authority whatsoever by virtue of their office as a colony's Commander in Chief. Gone was the colonial world of Governor Thomas Pownall leading his Massachusetts militia in the Seven Year Wars, Sir Charles MacCarthy dying at the head of his troops in Sierra Leone in 1824, and Grey rushing in to Ruapekapeka Pa in 1845 in a storming party of soldiers into the deserted pa.

These dates and campaigns are misleading. They are only a New Zealand Government perspective. Nothing substantial had been achieved against Waikato and Taranaki tribes by the end of 1864. Those tribes ignored the Grey's Peace Proclamation of 25 October 1865. Insurgency broke out with the Pai Marire or "Hauhau" movement in 1864, a prophetic movement led by Te Ua Haumene (d. 1866) as its high priest. Like Nongqawuse in the Eastern Cape, he used the idioms of Christianity to promise the removal of the British. In his prophecy it was the Archangel Gabriel who would lead heavenly hosts to drive Pakeha from New Zealand. Pai Marire especially repelled and scared settlers because it involved the mutilation of corpses, decapitation and cannibalism. Like the Ghost Shirt movement in the United States or Islamic resistance movements in Africa and Asia, Te Ua promised invulnerability to bullets to those who believed. There is a debate as to how much Te Ua's adherents, the Hauhau, adapted his teachings without his warrant to practice atrocities. The most prominent feature of the religion was dancing about flag-draped flag-staffs. The flag-staff was a prime site of power in New Zealand in the imaginations of both Maori and Pakeha. Aspects of Pai Marire entered the "Raised hand" or "Ringatu" religion, preached by the prophet and war leader Te Kooti Arikirangi Te Turuki (c. 1832-1891) from 1868. Ringatu still has adherents among Maori as a Maori Christian Church.

To review Grey's conduct of "politcs" proper in New Zealand- he gave what support he could to New Zealand's war governments. The second Fox ministry as we have seen he tried to curb and reduce to an Executive Council or General Staff. It lasted between July 1861 and August 1862. It was replaced by "Waring"- that is, Alfred Domett, Grey's old friend from his first governorship and the poets' Robert Browning and Arthur Clough's poet friend. This government lasted until

[990] Adderley 15 January 1868 CO 209/ 203.
[991] Buckingham 12 December 1867 CO 209/ 202.

October 1863. Frederick Whitaker an Auckland Queen St lawyer was premier between Oct 1863-Nov 1864 with a mass confiscation policy that Grey attempted to moderate or work against. His overt means for doing so in a Responsible Government system were confined to devious backstairs intrigues and conspiracies and office politics, between him and Whitaker. Frederick Weld, a Marlborough run-holder from a Catholic recusant family, and a future colonial governor, conducted a "self-reliant" ministry between November 1864 and October 1865. Grey was most polite and courteous to Weld- yet rightly doubted that the New Zealand Government could afford to maintain "self-reliance". Relations with Edward Stafford in his second government were satisfactory, even cordial. This ministry lasted from October 1865-June 1869. The more Grey fell into disgrace at the Colonial Office, the more he was identified with the policy of the New Zealand government. Relations between the British and New Zealand governments deteriorated from 1867 onwards until 1869. Stafford arranged for an enthusiastic demonstration of thanks by both Houses of the General Assembly to Grey for his support for the war policy. Relations between the British and New Zealand Government then reached the worst relations between a colony with representative government and Great Britain, had ever been for a century- that is since the eve of the American War of Indepedence, as New Zealand and the British Government of William Gladstone rowed over the liability of costs for the War.

Not all had been war though in those tumultuous years. The capital was shifted from Auckland to Wellington in 1865. Julius Vogel presented a Public Works and Loans budget in 1869 for the 3rd Fox ministry, and founded the Government Life Insurance Deparrtment. Thus the New Zealand Government got into the business of State Owned Enterprises, on the model of Gladstone's Post Office Savings Bank of 1861, Napoloen III's rural banks of the 1850s, or the German states' railway companies of the 1850s. A the time relations between New Zealand and Great Britain has reached an impasse, the City of London had sufficient confience in New Zealand to underwrite Vogel's loans. Arguably Grey's public works and gigantic Cape breakwater scheme of the late 1850s was one of the first such projects of colonial development finance.

Grey's replacement by Sir George Bowen, who had sailed over from Brisbane, where he had been Governor of Queensland, took place on 8 February 1868. War flared up again in New Zealand with Te Kooti's War of 1868-1872 and Titokowaru's War in Taranaki of 1868-1869. Grey retired to Kawau Island, received Prince Alfred again as a guest. Together they had good sport shooting the marmosets that had got out of hand on Grey's private "Island of Dr Moreau". His old friend Bishop Jean-Baptiste Pompallier stayed with him before they both made their retirement journeys back to Europe:- Pompallier to a titular archbishopric, the Franco-Prussian War, the fall of Napoleon III, the siege of Paris and the Paris Commune and death in December 1871, the secular world of France he knew in ruins- Grey to long decades of colonial politics in which he did his best to convert all of New Zealand into an Elba.

Chapter Fourteen
The Mask of Napoleon

A plot is not unified as some think, if built around an individual. An entity has innumerable features, not all of which cohere into a unity; likewise an individual performs many actions, which yield no unitary action.

Aristotle *Poetics* 1451 a.

It has been quite a risk building this book about colonial policy about one Crown agent. The reason why the risk was warranted was that previous Grey biographies and Grey assessment were just not succeeding, or moving on beyond the excellent work of historians between the 1957-73 period. Grey presents extraordinary conceptual challenges and diffculties with sources. No government or university has formally got behind a major research effort on Grey, and yet historians have been publishing on him since the 1880s and academics historians since 1907. It perhaps these difficulties that prevent a major Grey book from being like the biographies of authoritarian leaders that Australians love to attempt, even though Grey was once an authoritaran *Australian* leader and explorer. To date he has not joined Boswell's Mussolini, [992]nor Paul Dwyer's Napoleon, [993]let alone Keith Hancock's Smuts. [994]

We have reached a stage in Grey's life when he changes, and any attempt at unity with his previous life comes apart. His Colonial Service career ends in February 1868. He would have another 30 years to live. His marriage had failed. He had experienced protracted war, late in active military life- and been exposed to frequent physical danger, alarm and stress. His ideologies and opinions were altering in many respects- his religious and ethnographic and political opinoins were changing. He also became his own historian as he reinvented his life and past. The ideological continuities that this argument of his life and thought has relied on, begin to buckle and warp. Some transform. The most that can be done to conclude this book, that is just an essay on his governorships, is propose a way ahead, for Grey's final 30 years.

The business of this book has been to explicate Sir George Grey ideologically for the purpose of a badly needed history of political ideas, and to make sense of his policy in the formerly British Southern Hemisphere. It is in this respect that we need most to understand him in the early 21st century, and to move on from the revolution in writing about him that occurred between 1957 and 1961, in the works of Sinclair, McLintock and Rutherford.Grey's life from 1861, from just before he turns 50 in April 1862, until his death in 1898 would deserve a small volume all to itself. The following pages will review what such a work might consider.

It would be a predominantly New Zealand volume, and South Pacific volume, with retrospects onto Australia, as he represents New Zealand at the Australasian Federal Convention in Sydney in 1891, and goes on speaking tours of Australia, and as he discusses South African policy in London, up until the crisis of the Jameson Raid in 1896, and until when Olive Schreiner dedicates her novel "Trooper Peter Halket of Mashonaland" of 1897 to "the Great and Good Sir George Grey".

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[992] Boswell, Robert., *Mussolini* Hodder Headline London 2002.
[993] Dwyer, Philip *Citizen Emperor:- Napoleon in Power 1799-1815* Bloomsbury, London 2013.
[994] Hancock, W. K. *Smuts:- The Sanguine Years 1870-1919* Cambridge University Press, Cambridge 1962.

Grey liked writers and obviously considered him to be one, just as he was a savant among scientists. Such a further book would assess his impact on New Zealand and "Commonwealth" literature. Arguably New Zealand literature may look back towards Grey's *Polynesian Mythology* of 1855 for all its faults, and perhaps own up to it. Modern hermeneutics goes beyond intentionalities- even imperialist ones. We readers work dialectically with texts and authors. The work is compelling and influential even if it has created more controversy since the 1970s. It is a vivid and unforgettable text- an etching in deep time. Samuel Butler's "Erewhon" is the other seminal work from the New Zealand mid-century to have had global impact, as well. So- for a brief period did Alfred Domett's Schopenhauer-saturated epic *Ranolf and Amohia*- which plagiarized the basic plot of Lord Byron's *The Island*- which can be summed up as Scottish laddie meets Polynesian lass. Grey arranged for the publication of Domett's work at Trubners- the same firm that was to print Butler. Butler too read Schopenhauer. Thus perhaps we feel the tinge of that violent yet sorrowful 1860s- imperial, yet languishing in *Gotterdammerung*, world-renouncing yet possessing, schmalzy and kitsch, and yet exposed to real oblivion. Both Froude and Collier manage to chime in with Valhalla references to the twilight of Grey's career. [995]As Jacob Burkhardt then wrote:-

> Schopenhauer is the philosopher of the suffering of all creatures.

Between Grey's interest in the Massachusetts Transcendentalists and late German Idealism, and early *Lebensphilosophie*, we may have the basis then for re-investigating several significant texts for the founding literature in New Zealand English.

Grey is to be primarily assessed as a public man, an administrator and politician, not as a literary, social science or scientific figure. Very much the "virtuoso" that Lord Shaftesbury identified, he nonetheless dedicated his skills and avocations to the practice of power. We must never lose si ght of this reality and be distracted by Grey as if he were some dilettante or intellectual dandy. One of Grey's superiors, from the same Liberal Anglican background, who understood his mind and temperament, and approved of his general policy offered his explanation of the governor in 1859. While still Permanent Undersecretary of the Colonial Office Herman Merivale wrote of Grey in 1859:-

> "It may be that he trumpeted his own success too much. It may be that he talked pompously of systems when……he introduced none. The truth is, he had the Maoris well "in hand." He could govern them and lead them towards civilization; and he did so. Very probably this was mainly owing to his personal qualities; his knowledge of their character: his nobleness of spirit and intention: even the romance and enthusiasm which lay in his character & responded to theirs."

He concluded:-

> "perhaps.. he unconsciously attributed too much to his regulations, too little to his own personal qualities. But a merely conceited man would have done just the reverse." [996]

There have been moments in Grey's life surely when we have been brought up short by just how little we know Grey or his contemporaries. Merivale's assessment, from an entirely calm and sober-minded public official denies us the mythical Grey. Where is the lying blaggart, who has

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[995] Collier p. 64.

[996] Merivale, 21 August 1858 on Despatch CO 209/ 145 no. 43.

equally offended gentlemanly and scholarly sensibilities? Merivale's verdict implies that Grey was a more modest man than we expect, and perhaps insecure, and lacking in radical confidence.

The Rees biography, which de Kiewiet reported was really an autobiography, laid the tracks for Grey's early life and education back in 1892. Grey's familial and social contexts have been entirely misunderstood. We have had to re-establish Grey's *Bildung* and wrench it at last off the Rees' rails and Grey's own version of his life.

To the extent that Grey was not spending these later years justifying himself, he was not answering the questions that modern scholars would ask. De Kiewiet's statement that the biography was autobiography receives corroboration perhaps from a book of political economy by William Lee Rees, *From Poverty to Plenty* which the author dedicated to Grey, acknowledging Grey's influence, and which argued for an agrarian economics.[997]

This work is inscribed to one who wise counsels have so often aided me to attain results at which I have arrived, and who will recognize in its pages many tokens of the familiar interchange of thought between us during the past fifteen years; to whose sympathy and encouragement I owe more than I can express, and to whom every effort made for the happiness of men, especially of men of his own race, is an effort in a sacred cause. To a great statesman, profound thinker, and sincere philanthropist, brave in the field, wise in council, true to his country, loyal to his Queen, and, above all, a humble servant of the Great Master, this book, with all reverence and affection, is dedicated …[998]

The French Physiocrat school of the 18th century provided the basis of Grey and Rees' agrarianism. William Rees was a barrister and late 19th century New Zealand politician. [999]His novel *Sir Gilbert Leigh* contains an appendix entitled "The Great Pro-Consul" reviewing Grey's personality and politics, his work on Political Economy is dedicated and beholden to Grey, and he went on to write with his wife, the "authorised" biography for Grey's 80th birthday year.

The former Liberal government minister William Pember Reeves [1000]set the classic image of "Good Governor Grey" that prevailed in New Zealand schools until the 1960s. Yet Reeves' wider body of work yields discernment so long as it is read carefully and not just for his paean to New Zealand colonization, *The Long White Cloud*. In his *Dictionary of National Biography* entry, Reeves compared Grey to Thomas Jefferson. [1001] As a political economist of colonization himself, Reeves proposed that from personal knowledge and sound judgement. It is one of the most helpful yet neglected comments about George Grey that has ever been made. Grey as an anti-classical political economist may be compared with anti-"classical" agrarians like Jefferson, or with the

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[997] Rees, William Lee, *From Poverty to Plenty, or The Labour Question Resolved*; London, Wyman and Sons, 1888.
[998] Rees, W.L., ibid. p. i.
[999] Brooking, Tom, "Rees, William Lee, 1836-1912" *Dictionary of New Zealand Biography*. URL: http://www.dnzb.govt.nz/
[1000] Reeves, William Pember, *The Long White Cloud* , London, Allen and Unwin, 1899.
[1001] Stephen, Sir Leslie., and Lee, Sir Sidney (eds), *Dictionary of National Biography: From the Earliest Times until 1900* Vol. XXII Supplement, p. 786 bottom of left column for the initials "W.P. R." .

Harringtonians or Charles James Fox.[1002] The former governor's critique of Political Economy, his engagements with the land tax policy of the American economic thinker, Henry George, and his turbulent involvement with the political radicalism of New Zealand, Australia and South Africa, with the emerging State Socialism of New Zealand, with the emergent Christian Socialism, perhaps make up the meaning of the last three decades of his life for us.

1868-98 are years in which Grey is highly labile, abundantly commenting on himself and everything, freed from the constraints of official silence that he bore in the Colonial Service. One could say that Grey bore the Mask of Napoleon. Grey owed a bronze copy of Napoleon's deathmask. [1003] As we have learned, Grey and his wife visited St Helena and the emperor's graveside in 1840 just before the *Retour des cendres*. That Kawau Island was Grey's Elba, was a standing joke. The compulsive reinventions of his previous life, whether in the House of Representatives, pamphlets, or on the hustings or through ghost-written texts or texts imbued with his presence, stand comparison with Napoleon's "For the Record" autobiographical work, in Les Cases' *Memorial de Sainte-Helene*. [1004]

Interestingly for a man with so controversial a marriage, his latter years reveal him as a male feminist. His ministry between 1877-79 was committed to developing the female suffrage, and he admitted journalists from women's magazine to the Parliamentary Press Gallery. He appeared on female suffrage platforms in London as late as 1895 when he returns to Britain. Cartoons appear that show his audience with the Queen Victoria in 1894 interrrupted by angry New Zealannd women's leaders, demanding him "back", as he kneels before the monarch, holding out her yarn as she knits. There is a rich connection here with the radicalism of Shelley's youth- Schreiner wrote an introduction to Mary Wollstonecroft's "A Vindication of the Rights of Woman"- Wollstonecroft the wife of the radical philosopher William Godwin was the mother of Mary Shelley the wife of the poet Percy Bysshe Shelley.

Freed from the Colonial Service, Grey tried to do and be several things. He became a businessmen and sat on boards, just like FitzRoy had done. He was interviewed San Francisco in late 1870 about a trans-Pacific steam service he was involved in developing. He attended Ethnography conferences and Royal Geographical Society meetings. It is perhaps a shame that he did not dedicate himself to full-time ethnograohc scholarship, to do the kind of research that Edward Tylor was engaged upon. What got in the way was that he involved himself in politics.

Grey contributed to the tradition of Irish neo-Harrington thought. He reconnected with Ireland. Uninhibited by a governorship or the regulations of the Colonial Service after 1868, Grey was able to speak his mind. Back in London he published a pamphlet in 1869, [1005]which provoked the ire of Lord Granville, that supported Irish Home and land tenure reform. Granville Leveson-Gower, 2nd Earl Granville (1815-1891) was a great Irish landowner. He was also a close friend of Gladstone's, - in fact his Secretary of state for Foreign Affairs. Grey called for an Irish land redistribution in a pamphlet that was purportedly about Irish constitutional issues. The linkage though between land tenure and and representative government is a totally Harringtonian one.

[1002] Bord, Joe , *Science and Whig Manners:- Science and Political Style in Britain, c. 1790- 1850* , Cambridge 2009 pp. 125-126 .
[1003] Rees, W.L. and Rees, L., *Life and Times of Sir George Grey* p. 461.
[1004] Les Cases, Emmanuel, comte de *Memorial de Sainte-Helene* Garnier, Paris 1961.
[1005] Grey, George, *The Irish Land Question,* Hall and Foster Printers, London 1869.

Grey's hatred at the Anglo-Irish Ascendancy had not abated since his disgust at the Tithe War suppression over 35 years before.

Grey's pamphlet in fact preceded constitutional pamphlets by the Irish Protestant Political Economist and Home Ruler Isaac Butt, (1813-1879) on the same subject, but his was written after Butt's book on the subject. Butt was the founder of the Home Government Association in 1870 and of the Home Rule League in 1873. An Irish Protestant, and a barrister, he had been active in Dublin political circles from the mid 1830s, when Grey had been in Ireland. What Grey had to offer Butt was an established constitutional track-record out in the Empire.

Butt an interesting Irishman for Grey to collaborate with. Butt was in fact a Conservative. During the period of their acquaintance, Butt was not an MP- he had been Member for Youghal 1852-65 and then would be Member for Limerick 1871-79. He was greatly affected by the Fenian uprising of 1867, yet also interested in the Canadian and American federations. What Grey contributed was a constitutional model for Home Rule. Ireland was to become a province, like the provinces in his New Zealand and South African schemes. The moment might have seemed opportune because Irish and British readers would have recently witnessed the launching of the first true British federal system, the Dominion of Canada under the British North America Act 1867.

Beginning his pamphlet *Irish Federalism! Its Meaning, Its Objects and Its Hopes*
Butt acknowledged:-

> "Even so recently as last year, Sir George Grey proposed the concession of such a constitution as the only remedy for Irish disaffection, and influential English journals expressed their cordial concurrence in his views." [1006]

The temporary influence of the Grey-Butt proposals were not inconsiderable. [1007] What Grey argued was how one "province" of Ireland could remain in union with Great Britain, while the rest of Great Britain would not further divide into federal units. In the 1874 General Election 59 Federalist Home Rulers were elected to Westminster. [1008] Butt "won" the General Election in Ireland. Their influence fast abated:-

Butt's imperial sentiments were not representative of the spirit of Irish nationalism [1009]

The reason why the Butt-Grey plan failed after this early success was that the Irish public rejected Anglo-Irish Protestant hegemony over Irish Catholic nationalism. They did not regrad themselves as "West Britons". Grey regarded himself as as such, in as much as he was Irish. Charles Stuart Parnell (1846-1891) succeeded Butt as the Home Rule leader, though a Protestant also, because he accepted that Irish nationalist feeling was anti-imperial. Grey could have won an Irish seat in

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[1006] Butt, Isaac, *Irish Federalism! Its Meaning, Its Objects and Its Hopes*; John Falconer Dublin 1870 p. 4.
[1007] Lyons, F.S.L., *Charles Stewart Parnell*, Collins, London 1977, pp. 42-43.
Foster, R.F., *Modern Ireland 1600-1972* ,Allen Lane Penguin Press, London 1988, p. 398.
[1008] McCaffrey, Lawrence J. , "Irish Federalism in the 1870s: A Study in Conservative Nationalism" in *Transactions of the American Philosophical Society* v. 52 part 6 1962 p. 22.
[1009] McCaffrey, ibid p. 49.

1874 at least, if he had stayed in Great Britain. He was showing so much virulence towards imperial authorities, that he would have been able to enter into the spirit of Irish agitation.

During his sojourn in England between 1868-1870, Grey gave plenty of indications that he was contemplating a British life, though he seems to have acted as an unofficial agent for the New Zealand Government, before Agents General were properly appointed. He stood for the seat of Newark on Trent in 1870 at a by-election as an independent Liberal. It was a double-Member seat, for which the ex-Governor had the effrontery to stand against the "interest" of the 6th Duke of Newcastle. 1870s Britain was still a place where noble interests could still presume on a seat, as if the Reform Acts had not been passed and abolished the rotten boroughs. It was against the candidate of the 6th Duke of Newcastle he stood against, the son of the 5th Duke with whom he had got on well when that duke had held the seals as Colonial Secretary. Taking on Lord Granville and the Duke of Newcastle indicates that Grey was in an increasingly frustrated and hostile mood. None of the forebearance and benefit of the doubt which he had been given in 1854 and 1859 was given him in 1869.

He attended and contributed to anthropological conferences and Royal Geographic Society meetings. Like many retired generals and governors and politicians, he got involved in business interests. Grey had made a fortune as a governor. He had particularly done well out of the South African copper boom. He became the Pacific Agent for the Macarthur Company, a Belfast-based trading company. He got involved with a company that was attempting to run a shipping line across the Pacific. Pacific interests then ending up predominating. He found British winters gruelling.

Perhaps it is a shame that Grey did not stay and win an Irish seat that year and instead was back on Kawau Island, at Mansion House, planning a political career in New Zealand. This period about 1870 was Grey's last opportunity to be an "imperial" statesman, even as a thinker, or an influence, if not one of the great magnates of power. He could have stayed and contributed to the definition of social evolutionist Anthropology and helped establish it as a scientific discipline. Edward Barnett Tylor (1832-1917) published his landmark *Primitive Culture* in 1871.

Grey chose a colony instead, New Zealand, his favourite country, much as he originally did choosing Western Australia and Albany over 41 years before. And that choice was characteristic of this unusual man who identified with the foundation of new countries, with civic life, and with frontiers and the problems their indigenous peoples presented. His "identity", as we might call it, right back to his 16th and 17th century ancestors as we have seen, was that of a settler.

It was characteristic that he returned to New Zealand via California in early 1871 after crossing the United States, with General William Tecumseh Sherman, on the Transcontinental Railroad. He was not an Englishman to identify with the Georgian or with the telluric or the ancient for its own sake. In New Zealand he had found the last of the frontiers- the last, the loneliest and the loveliest- as Kipling described it. New Zealand seems to have largely satisfied his desre for a home. A Harringtonian imagination seems never to have deserted him. New Zealand, or any colony, was a place where one did civic life, war and scholarship, in the service of the new polity, much as an ancient Greek dedicated himself to his new colony, and assumed its identity, or a 17th or 18th century Briton emigrated to America. It was of such men that the philosopher Anthony Ashley Cooper, (1671-1713) the 3rd Earl of Shaftesbury, was thinking in his famous "wheels within wheels" reflection in his 3 vv *Characteristics of Men, Manners, Opinions, Times* of 1711:-

Hence other Divisions amongst Men. Hence, in the way of Peace and Civil Government, that love of Party and Subdivision by Cabal. For Sedition is a kind of cantonizing already begun within the

State. To cantonize is natural when the Society grows vast and bulky; and powerful States have found other Advantages in sending Colonys abroad, than merely those of having Elbow-room at home, or extending their Dominions into distant Countrys. Be they ever so well constituted, the Affairs of many must in such Goverments turn upon a very few; and the Relation be less sensible, and in a manner lost, between the Magistrate and People, in a Body so unwieldy in its Limits, and whose Members were so remote from one another and distant from the Head.

'Tis in such Bodys as these that strong Factions are aptest to engender. The associating Spirits, for want of Exercise, form new Movement and seek a narrower Sphere of Activity when they want action in a greater. Thus we have wheels within wheels. And in some National Constitutions, notwithstanding the Absurdity in Politicks, we have one Empire within another. [1010]

The original image is derived from the vision of Ezekiel in the Book of Ezekiel in the Bible. The actual application is influenced by the example of that great conquistador and colonist, "Satan" in John Milton's version in Paradise Lost. In his Commencement Day speech at Oxford in 1815 on the even of Waterloo, young Thomas Arnold suggested that a colony might be a refuge for "disappointed men". Grey tried to overcome his disappointment at Great Britain and its Establishment by making most of New Zealand between 1871-1895, as an empire within another. Grey was a very chagrined man.

Back in New Zealand 1871-74, Grey rebuilt and refurbished Kawau Island and its grounds. He brought back his adopted daughter, Annie Thomas, his late brother Sir Godfrey Thomas' natural daughter by an Irish servant girl. [1011] She married Seymour Thorne-George, Grey's estate manager, a young man whose back injury prevented him from following the Army career for which he had been trained.

A deputation of "Young New Zealanders" led by John Sheehan approached Grey in late 1874 inviting him to enter New Zealand politics. The "Young New Zealanders" were alluding to the "Young Ireland" movement of Charles Gravan Duffy (1816-1903) by their title. Duffy had been convicted of sedition for his articles in *The Nation*, which he edited. After his release he emigrated to Australia, where he held office as premier of Victoria 1871-72. The "Young Maori" movement of the 1890s was also to be in this nationalist lineage. Grey became Superintendant of the Auckiland Province, and was elected to the House of Representatives in 1875.

By entering colonial polities, Grey did the virtually unthinkable. He went and formed a government in the country where he had once been governor. This is a rare proceeding in any age. In the United States, John Quincy Adams became a Congressman after he had served as the 6th President of the United States. A head of state had become a representative in a legislature. In the 21st century the WWII child-king Simeon II of Bulgaria (reigned 1943-46) served as Prime Minister of the same country under the name of Simeon Sakskoburggotski or Saxe-Coburg-Gotha between 2001-5.

In the 20th century British Empire Colonial and Dominions Offices responded to this hazard by forbidding Governors and Governors General to settle in the countries they were appointed to. Charles Bathurst, 1st Viscount Bledisloe (1867-1958), who served as Governor General of New

[1010] Ashley-Cooper, Anthony 3rd Earl of Shaftesbury *Characteristicks of Men, Names, Opinions, Times* Part III section 2.

[1011] Sir Godfrey Thomas, 8th Baronet Thomas of Wenvoe died 1862. He had lived and worked with Grey in South Australia and New Zealand.

Zealand 1930-35, loved New Zealand with the same nostalgia that Grey had, that the British Prime Minister Anthony Eden would, who spent 10 months in New Zealand after resigning as Prime Minister in 1957. After doing much for New Zealand national identity and race relations, Bledisloe was forbidden however to reside in New Zealand. Founding the first Waitangi Day commemoration in 1934, purchasing and gifting the Treaty house and Treaty grounds to the nation, recognizing the kingship of the Maori king, the donor of the Bledisloe Cup, Bledisloe had doubtless worried the Dominions Office at the extent of his identification with his one and only colony. Shades of Grey obviously still haunted them.

By his election to office as Superintendent of the Auckland Province in March 1875 and to the New Zealand House of Representatives, that year, Grey had violated all constitutional conventions of the time. No law or regulation prohibited a former governor entering the politics of a colony. Convention did. Yet no convention existed that prevented a governor or colonial official from entering the British Parliament as an MP. Gerald Strickland, 1st Baron Strickland and 6th Count of Catena (1861-1940) served a Governor of Tasmania (1904-9), Western Australia (1909-13) and New South Wales (1913-17), before returning to his home colony of Malta and entering politcs. He managed election to the British House of Commons, before entering the House of Lords. He became Prime Minister of Malta (1927-32), just as Grey became premier of New Zealand.

In any case, Grey and the current Governor of New Zealand, George Augustus Constantine Phipps, 2nd Marquess of Normanby (1819-90) had an appalling feud, that does credit to neither man while Normanby held office in Wellington (1874-79). The son of the Lord Normanby under whom as Colonial Secretary the Treaty of Waitangi had prepared and authorized in 1839, his tenure of New Zealand was to be unpleasant because of Grey. The Colonial Office backed him solidly. It was doubtless improper of the Governor however to invite Opposition leaders to Christmas Dinner in 1877, when Grey had just become premier. But between 1868- 1892- the Governors of New Zealand retained a watching brief over their ministries, as best they could, even after the dyarchy proper between them and their ministers had ended.

One could refer to Grey's final period of power as premier of New Zealand as "The Eight Hundred Days". He spent almost two years in office- 725 days. To get eight hundred days- add onto the two years the weeks of suspense after he left office, when a Greyite ministry with Grey as a shadow-shogun was in the offing- and the months from June 1877 until October 1877 when Grey was an effective Leader of the Opposition, hounding the ministry out of office.

The Grey ministry 13 October 1877-8 October 1879 billed itself as a radical Liberal government. It has usually been written about as part of the epilogue to Grey's career. Described at the time as "the self-destructing ministry", for the conduct of public business it was the worst government that New Zealand ever had. Only Sir Joseph Ward's 1928-30 government and its continuance under George Forbes between 1930-31 come close. The Ward-Forbes government shared many features with the Grey ministry of 50 years before. In both cases an elder statesman with a political legend came back to office in old age. Ward was the "Financial Wizard" of the Liberal government and Prime Minister 1906-12. Grey had been "the Governor". Both governments were the result of turbulent demotic Auckland politics. Briefly Auckland business interests and radicals allied behind Grey. In the case of Sir Joseph Ward, the kookier and flashier and more popularist aspects of Auckland politcs, produced a whole new political party, and put Ward into office. Auckland politics are Gotham City – demonstrating the oxymoron that Auckland is New Zealand's metropolis but also its most provincial city. Both the Grey and the Ward governments however hit the rocks with world depressions. The Grey government struck the rocks of the Bank of Glasgow bank-crash of 1878. The British Empire suffered a decade-long depression, and credit contraction.

In 1929 Sir Joseph Ward struck the War Street Crash. He died just weeks after resigning from office on the ground of ill health.

Not only is the Grey ministry usually discussed as an unfortunate footnote to Grey's career, and as a failure, it is always treated as somehow unique and attributable to Grey's own awful personality and chaotic management style, in his mature years. This is bad history. The Grey ministry of 1877-1879 belongs to a cluster of colonial ministries of the 1870s about the Pacific that attempted similar programmes and came to grief in similar ways. The Grey ministry closely resembled the British Columbia ministry of Amor de Cosmos (formerly Bill Smith of Nova Scotia before changing his name by deed poll in California) between 1872-74, and the second ministry in Victoria, Australia, of Graham Berry between 1877-80.

Comparison with these equally unfortunate governments serves to minimalize the effect of Grey's own behaviour. Paranoid and vindictive as Grey's behaviour often was, the behavioural range of colonial politicians was fairly wide. These governments all claimed to represent the rights of "the common land" for the public. Both the Berry and Grey governments passed land taxes, penalizing larger land holders, while reducing Customs tariffs. In Grey's case, this was classic Harringtonianism. "Property" per se was not sacred, but malleable. Pressure on the great landed estates was to build up and culminate in the Liberal Government's "estate" bursting from 1893 onwards. Maori land confiscations as we have seen took place in the 1860s. In southern Africa, Grey was to prepared to ignore the grazing rights of Nguni peoples, and prefer even sheep to cattle as grazing animals, despite the speeches he later made against sheep farming and graziers in New Zealand, on the grounds of the apparent higher social development of white sheep farmers compared with African pastoralists.

The reduction of Customs duties was a classical liberal "free trade" policy but it violated the interests of colonial industry. Late 19th century New Zealand and Victoria had become industrial centres. Expertise had been imported. Machines ranging from locomotives to gold dredges were produced. The dredges were destined for Brazil and Russia. Such industrial interests required tariff protection agsinst British products. Farmers however wanted the cheapest prices for farm machinery. De Cosmos concentrated on the three "F's" of farming, forestry and fisheries for British Columbia, while promoting the Intercontinental Railroad and the dry-dock for the Royal Navy at Esquimault. Like New Zealand Liberal Lands party Minister John Mckenzie (1839-1901),[1012] he concentrated on converting indigeous lands, from what he saw as a form of mortmain, into lands for settlement.

These three premiers, de Cosmos, Grey and Berry were all ardent colonial nationalists, British "race" nationalists and yet had an ecumenical sense of the British Empire. Amor de Cosmos' declaration that he was born a British colonist but did not wish to die a tadpole, has to be reconciled with his enthusiasm to accommodate the Royal Navy at Esquimault.

All three governments ended in utter farce- and not just Grey's. Both de Cosmos and Grey were unable to sustain political significant relationships. Robert Stout resigned from Grey's ministry. Grey himself threw a chair at his Colonial Treasurer John Ballance during an argument. In this way he lost the support of men who were to become premiers of the coming generation. Stout, who came from the Orkney Islands, and put himself through Otago University when it opened, was premier 1884-87, and then Chief Justice for a record period of 1899-1926. John Ballance, who

[1012] Sir John Mckenzie was Minister of Lands 1891-1900 in the Ballance and Seddon governments.

came from Ulster, was to found the Liberal government of 1891-1912 and serve as premier 1891-93 before dying in office. These men were very much the people whom Grey claimed to represent in the 1870s- the self-educated and socially mobile, escaping the class system of Victorian Britain. Grey evidently found it easier in theory than in practice to work with such mature and confident self-made men born about 1840. His relations with "gentlemanly" South Australian and New Zealand colonists of the 1840s and 50s ranged from reserved to hostile. That went with the job. He was able to work constructively with both gentlemanly and entirely mercantile men at the Cape.

I think something has to be said for B.J.Dalton's estimate of Grey's policy in New Zealand of the 1860s. Dalton is the historian who has offered the most negative assessment of Grey to date. He suggested that the much-famed first New Zealand governorship was perhaps just as much a mess as the second. While one should disagree agree with that assessment, one does wonder whether the tensions and anguish and temper of Grey in the 1870s are prefigured and current in the New Zealand 1860s. The feud with Cameron betrayed a trend that became constant right up until when Grey supported Richard John Seddon for the New Zealand prime ministership against Stout in 1893, when appealed to as the Liberal's elder statesman. Grey becomes a man who lives for vendetta. Robert Stout (1844-1930) had been Grey's acolyte. A self-made Orkney man, and the first student at Otago University, he was originally the kind of settler whom Grey claimed the colonies were for. He became an object of obsessive hatred for Grey. Grey evidently found the socially mobile easier to admire in the aggregate or in theory, and was less able to sustain personal relations with confident young men, who threw off his hegemony, and made him feel redundant. Their lack of gentility was to be his constant *ad hominem* reproach, while he himself kept company with "fast" and even demi-mnde company at times.

Previously Grey in the 1840s and 50s took a dislike to a person and persecuted them, as he did the missionary Henry Williams or his deputy, Lieutenant Governor Eyre of New Munster in New Zealand. He avoided conflict however with social and official equals and with superiors. Again, South Africa had strained him immensely and broken self-censorship during his exercise of power there. Grey about the age of 50 became a very different man. The New Zealand Parliamentarian Henry John Tancred had called Grey a "terrible and fatal man" back in 1862. [1013] Stout however became premier of New Zealand 1884-87, and Chief Justice (1899-1926).

If Grey and Amor de Cosmos were unsual men, to whom alone the failure of their ministries can be attributed, well what about the case of Graham Berry? Born in Twickenham and self-educated, Berry was a self-educated prosperous merchant and literary omnivore. Though energetic and intelligent, he was emotionally and socially "normal" for colonial society, as neither de Cosmos nor Grey were. Yet in February 1878 he laid off his entire civil service to ensure its survival against a recalcitrant Legislative Council. And then in 1879 he sailed off to London in an unsuccessful attempt get the constitution of Victoria amended.

These governments can be called "pre-Georgite" radical liberal polities. Henry George was the Californian economic thinker who devised a land tax policy that fuelled political movements that depended on the homesteader and small farmer voters. Both the Berry and Grey governments placed a land tax on large estates.

"Liberty" was in the air nonetheless at this time. These chaotic little governments caught whiff of something, and barked at it. The morning when Grey was calling on the new Governor in 1879, Sir Hercules Robinson, to finally resign as premier, Lord Acton was in Venice with William

[1013] Tancred 6 January 1862, Gore Browne MSS Alexander Turnbull Library.

Gladstone's son and daughter. As they sat in the moonlit Piazza, he confided to them that his greatest desire was to write a history of human liberty.

This liberty of course was liberty for white British settlers, in a fulfilment of British time, at the expense of other peoples. The New Zealand Government under Grey as premier revisited his old interests in the Pacific Ocean. Julius Vogel had divulged the vision of a "Dominion of the Pacific" for New Zealand in the 1870s. This was a time when for shipping tonnage, Sydney and Auckland were almost neck and neck. The Dominion of the Pacific was as old as the missionaries' fantasies of Christianizing the Pacific Islands from New Zealand, as old as Governor Hobson's sub-imperial project for New Zealand, as Grey's 1840s despatches speculating on the use of Maori allies anywhere from Fiji to Tahiti. Grey's scope was no less wide in the late 1870s and in the 1880s. Under him New Zealand Government expressed interest in 1879 in annexing modern Vanuatu, the former New Hebrides. Grey advised Malietoa Laupepa to accept the American need for a coaling station at Pago Pago on Tutuila. New Zealand was doing its own diplomacy. One of the more farcical moments though was when Grey tied up the number 2 South Atlantic cable with 10,000 word monster telegrams of advice on the Zulu War in 1879.

Finally Grey was unable to pull a rabbit out of the hat on Maori policy. Maori were too astute to let him. He was incapable of obtaining decisive results in negotiations with those Maori leaders who did not come under the writ off the New Zealand government. The stand-off persisted in Taranaki with Titokowaru and the prophet Te Whiti refusing access to survey parties on their land. Grey approved Sheehan's plan to open up the Waimate Plain to settlement. The ministry needed to win votes on the North Island's "West Coast", ie Taranaki, and in Hawke's Bay, if it was to stay in office. A movement of civil disobedience and passive resistance began than culminated in the deployment of the New Zealand militia against Te Whiti's settlement of Parihaka in 1881. Negotiations began with the King, Tawhiao, in 1878, that were inconclusive. Grey however as of old remained personally patient face to face, as he could not with the settler peers who made him irate. Tawhiao at one stage referred to Grey in the third person as -

> the dog that lapped blood at the edge of battle.

This is important testimony as to how uneasy indigenous people could feel with Grey, once his policy had became clear to them. The modern Xhosa legend that he was Nonqawuse's lover and made her *his* oracle, reveals the awareness that Grey was more than a "creep"- he seemed vampiric and demonic to them. [1014]

The ice was broken though despite deadlock between Grey and Tawhiao in Grey's premiership. By 1881 the King had agreed to keep the peace. To attend these negotiations deep in the bush, Grey had resorted in his late 60s to the horse-riding and bushman existence of his earlier days in New Zealand, at some detriment to his health.

The conduct and character of Grey's Native Minister John Sheehan also weighed heavily against the Grey ministry. The Napier lawyer was quite a favourite with Grey. He was none the less quite a dissipated character. People as wide-ranging as the Maori resistance leader Titokowaru commented on this, as did Sir William Fox, who referred to the ministry's river-boat excursion up the Whanganui River as that "foetid voyage" . A mauling fortnight's long debate of confidence in

[1014] Collier p. 181 - for a description of Grey's "vampire-moods". "Vampiric" is used advisedly then, to suggest a common insight that both indigenes and settlers discerned and interpreted through their own cultural resources.

the Grey government in July 1879, and a defeat of 33 to 47 in a confidence vote, at least gave Grey the dissolution from the new governor Sir Hercules Robinson which the Marquess of Normanby had denied him.

Grey clung on with a care-taker government in which his old friend William Gisborne, his clerk in Adelaide 36 years before, served as Lands Minister. Grey in fact did well in the ensuring General Election. He had placed Fox in the position of seeming illiberal, or opposed to liberal reforms. Grey had stated that apart from a Loan Bill and Supply, his ministry would otherwise only be introducing an Electoral Bill, a Representation Bill and a Chinese Immigration Bill. Grey was not devoid of political nous- by this means he has repackaged his radical programme as if it were uncontested. Fox was left insisting that the Opposition would support him on Supply and the Loan Bill. Back in 1877 Whitaker had tried to steal Grey's thunder by prorposing manhood suffrage. Two years later however, when it came to the crunch, the Opposition refused to make such an undertaking.

The result was that Grey and his adherents did well in the election of September 1879. In October, it seemed he could have formed a formed a new government, when the new premier John Hall lost his first vote of confidence. Just when it looked like the Hall ministry was about to go out the revolver door, the prospect of another Grey premiership, or even as leader of a Liberal caucus suddenly too much for the Members. Hall for his part at least understood that his ministry had to adopt a liberal programme. Grey had for his part had at least succeeded in creating a radical liberal programme, and taking it to the point of no return.

Too much criticism has perhaps been made of Grey's rhetoric and vanity in the 1870s and 1880s. Australian historian Alan Atkinson has written illuminatingly and convincingly about the oral cultures and language experiences of early colonists. Atkinson insists on how the public still relished the pomp and artifice in oratory and dramatic production, and at significant moments, whether the hustings or the scaffold. Grey aimed to gratify the public expectation of performance:-

Eighteenth-century European life was governed by living speech, less than that of previous centuries, but more than that of the ages to come. Oratory was an art loved by the poor, especially if the language was rich with pomp and artifice. Within an oral culture a speech laden with stereotypes and with formulaic themes will always be a matter for admiration. [1015]

The public wanted to see a theatre of politics, to see personal power dramatised in a soliloquising hero. Whether as premier- on the come-back, or posing as an indignant outcast, Grey provided a one-man tragic spectacle of pride and defiant fall. Between 1875-1895 Grey was provide continual spectacles of "pomp and artifice", gratifying to many audiences, as he was not able to do while a governor. The lies and exaggerations he indulged in as an orator are of a different performative order from those he told in public despatches as a governor.

At times he was to turn on and project a veritable "agon", as he was vilified and shamed by his enemies and appealed to his audiences. The irony of the situation is obvious:- one man has the lime-light on his for all "history" and everyone else to be politically virtuous and self-effacing within the mechanism. But note that it is meant to be mechanism or government and not "custom". So when Grey intoned to an Auckland crowd:-

[1015] Atkinson, Alan *The Europeans in Australia:- A History* v. I "The Beginning", Oxford University Press, Oxford p. 221.

I am not myself, I am not myself – I am one of those few men whom Providence has permitted to view their whole life through the nation's eyes

- the Auckland crowd did not mock him like good Kiwi (or rather British) blokes- they loved it. Crowds demanded encores for his standard *Unborn Millions* speech, taken from Goethe's *Faust*, when Faust is a colonial governor in Batavia, building gigantic canal systems, and asks for this moment of power to stay, because it is so satisfying, that he will not let go of. That for those who know the story is the moment when Mephistopheles believes he may claim Faust's soul.

Although it was difficult, Grey managed to live on and rebuild his reputation, even after that catastrophe. South Africa as we have seen took a great toll on his health over 1858-59. In New Zealand in 1863 his health seems to have been gravely affected as well. Grey lapsed into a black depression over the summer of 1879-1880, indulging in misery and self-pity. On Kawau Island he locked himself up in his bedroom for days on end, a situation only relieved when his niece sent her young children to him. His bearing was changed, and his lost the physique that he had had from young manhood. Even his day to day dress grew shabby and eccentric.

The 1880s Grey was both more radical than before and more Lear-like, vindictive and negative and destructive. James Collier the Parliamentary Librarian who knew him in those years referred to a "deep moral degeneration". Grey with his diminishing following has been accused of making an effective Liberal Party impossible in those years. He certainly vengefully dedicated himself to settling scores with Stout and Ballance. This self-corrosive malice has to be set against the fact that it was perhaps impossible for anyone to form a purely Liberal government in New Zealand's 1880s, when liberalism as a doctrine or ideology had been so successfully disseminated and become the predominant political language, thanks to Grey and his adherents, that any government of that period professed it and coopted features of a liberal programme.

It is part of the energy of the man that despite the hatreds and resentments that consumed him, such was his commitment to civic life that he was able to pursue constructive projects in his wilderness years. As an agent of the Macarthur Company based in Belfast, he developed a campaign against German colonization in Samoa, to which he recruited R.L. Stevenson, after that writer had established his Vailima plantation in 1890. This Auckland "stake" in Samoa culminated in the New Zealand occupation of German Samoa in 1914, the League of Nations and United Nations mandates, and now the Samoan New Zealanders who make such a contribution to early 21st century New Zealand.

Grey increasingly engaged in writing projects- republishing anthropological writings from the 1850s, and working on collaborative projects with William and Lilian Rees. William Rees was a Napier lawyer who became the founder of the Auckland Star Evening newspaper. Between them they produced their common response to Henry George, *From Poverty to Plenty; or, the Labour Question Resolved* of 1886, and the Grey biography in his 80th birthday year of 1892. Grey also constantly published pamphlets on public questions from his major speeches and addresses. More and more though he was a radical modernizer in an archaic cause. His vision of colonization dated from the 17th century and from James Harrington after all, his radicalism dated from the 1830s. He informed Froude in 1885 of his abiding enthusiasm for "peasant" proprietors. [1016]His latest conclusions on ethnographic thought at that time were that the indigenous peoples of the Pacific were Japanese in origin. [1017]In that respect he anticipated the results of modern archaeology and

[1016] Froude p. 226.
[1017] Froude p 277.

anthropology and genetic research better than contemporariies who attributed Indian and Aryan and Middle Eastern origins to Maori and Polynesan peoples. Taiwan is now regarded as the original homeland for Austronesian or Malayo-Polynesian peoples, and the Ryukyu island chain connects that island to Japan.

Most importantly, James Anthony Froude visited him on Kawau Island in 1885, and published his "Oceana" in 1886, which was a Harringtonian review of the British Southern Hemisphere colonies, and their radical democracies, culminating with his sojourn with Grey, the only person in this political travelogue apart from the author. He noted Grey's decline however- the "sportsman" who used to have bulls beaten through the bush, for him to shoot at close a range as possible down the bush tracks, could no longer do so, from long-sightedness, for which he would wear no spectacles. Grey belonged to the values of the age of Queen Charlotte, George III's consort, in values and decorum, if not her actual generation, for she had refused to allow guests at the royal table wearing glasses. Collier alludes to a grave illness in 1884 which could have killed Grey:- at least that is how the following words might be taken:- -

> In 1884, at a time of great trial and possible calamity, he began to conduct religious worship at Kawau on Sunday mornings. [1018]

The words could refer to one of Annie's pregnancies as she eventually became a mother of seven children. She had more children afterwards, however. It was more likely Grey himself. In any case- whether he or his niece was the patient, Grey was seriously shaken. 1884 was also the year whenGrey started to read the New Testament at Greek at 5 o'clock in the morning. As Collier puts it:-

During his West Australian explorations, when more than once death seemed imminent, he fell back on religious consolations, and almost fifty years afterwards, he did the same thing.

Victorians referred to death and grave illness were referred to by innuendo, like sex. The almost 50 years later near-death experience would have been the illness in 1884, which is hardly ever discussed. The illness and near-death experience of late 1890 was a public event. The 1884 illness, at 72 years of age, began to change his mode of life.

Religious faith is best dealt retrospectively for Grey. It is conspicuous in his young manhood and old age. The former New Zealand Parliamentary Librarian James Collier in 1909 described Grey as having ceased to believe in an afterlife for a long period of his life, then some hope of it was apparently renewed in him as he grew quite old. His church-going had become "irregular". During his second governorship, he assisted with the construction of Old Saint Pauls in Wellington, and helped buy the land, ensuring that he was given the style of "Proconsul" on the Latin foundation brass.

In South Africa he had been friendly with the Bishop of Natal, John William Colenso, [1019]who was confimed in his see by the Judicial Committee of the Privy Council in 1863 when Bishop Gray of Cape Town deposed him. George Grey was to identify with "Social Gospel", liberal and heterodox Anglicanism. On Kawau Island Grey held prayers from out of the Book of Common Prayer, the

[1018] Collier p. 223.

[1019] A defender of both polygamy and polygenism, Colenso is proof that not all polygenists promoted that view to subjugate Africans. A valiant defender of African rights, Colenso was also an antagonist of Grey's enemy Sir Theophilus Shepstone.

Union Jack spread across a table, a wooden cross and open Bible placed upon it. I would suggest then that Grey had in fact become a Unitarian like the Massachusetts Transcendentalists. Collier found Grey's interest in the sermons of Dr Theodore Parker (1810-60) surprising. [1020]Parker was part of the grouping that included Ralph Waldo Emerson, Nathaniel Hawthorne, Henry Ellery Channing, Margaret Fuller, Bronson Alcott. They were mainly Unitarians, non-Trinitarian Christians, who accepted the German school "higher criticism" of the Bible, - the Tubingen school of Friedrich Schleiermacher (1768- 1834) and David Strauss (1808-74) and Ludwig Feuerbach (1804-72). The Bible was inconsistent and historically untrue in places.

The problem with the Bible was no longer the fact that miracles apparently over-rode the laws of Nature, but that much of it seemed inconsistent or out-right wrong. People had not yet learned to read it hermeneutically. It was also apparent that books of the Bible may have had several authors, and were written and edited over centuries. How then could one say that the Holy Spirit had produced an inerrant Scripture? Not only was Parker deeply beholden to Germany for his theology, but he owed much to Carlyle, which alone would have made Grey deeply interested in him. God however mattered greatly, to Parker, and the other Unitarians as the ultimate reality, and was to be sought by means of reason and inner illumination. God was to be experienced intuively and personally. In Emerson we get the sense that this world is a shadow. The Bible for all its faults contained great truths, no matter how culture-bound the expressions. These American Unitarians then were "illuminists".

We must not misunderstand these movements into Unitarianism and "Theism" as relaxations of religious feeling from rigour, into greater laxity from repression, - that people like Grey were "saying good to all that" and becoming disinterested. On the contrary, great agony of conscience and decades of mental torment and scrupulosity often accompanied these conversions or transitions, like a great travail of the Spirit. They were not just "lapsing" or "opting out". "What do I believe?" was the very cornerstone of British and American " identities" at this period. Hypocrisy was not just a social sin, it was a personal reproach from the conscience. Someone who publicly broke with the "orthodoxy" of their society lost friends and underwent ostracism. Unlike his predecessors as New Zealand goverbors, Hobson and FitzRoy, Grey "conformed" and did not confound Anglican opinion by attending Methodist services. Nor did he break with the Anglican Church. In fact the Dean of St Pauls and the assistant Bishop of London who buried him in 1898 were impeccable proponents of the "Social Gospel".

Had Grey ever been an Evangelical, of the kind Boyd Hilton wrote about in his famous book *The Age of Atonement*? Froude thought so. [1021]Old Testamental Grey's God might have been, yet there no trace in him however of a redeeming Saviour with whom one had a personal relationship. Liberal Anglicans were not on the whole evangelicals, which did not mean though that they did not slip into practices that looked "evangelical" or associate socially with them. His early patrons James Stephen the Permanent Undersecretary of the Colonial Office and Lord Glenelg were regarded as "Clapham sect" evangelicals. Grey had rather slipped into Utilitarian beliefs. His childhood might have been strongly "evangelical". His step-father the Rev. Sir John Thomas chose two Irish Protestant wives. But the religion of Frances Ram and Elizabeth Vignoles would have been of an older –Church of Ireland- sort.

James Collier the New Zealand Parliamentary Librarian who wrote his own biography of Grey, and knew him as an elderly Member of the House of Representatives insisted that what was

[1020] Collier op. cit., p. 223.
[1021] Froude, Oceana p. 229.

wanting in Grey, who was rather interested in Unitarian and Massachusetts Transcendentalist thinkers, was:-

> what Christians call the Cross of Christ- the gaining of eternal life through death to self and the world. That profound perception of the law of sacrifice and the darkening of "the Father's" face, or of the world and the cosmos, to the innocent wronged one generates a deeper theology than [Dr Theodore] Parker in his optimism ever knew. It is also the supreme lesson which men of Grey's stamp never learn. [1022]

It suffices to say for now that the Clapham sect and Liberal Anglicans belonged to different times place and generations and had different projects, that did nonetheless overlap and contribute to a British Christian humanitarianism between the late 18th and early 19th centuries. Grey kneeling in the dust at prayer with Maori need not be construed as uniquely "evangelical". The sense of being at "church", in common with Maori believers, is also adequately explained by the Liberal Anglican background he came from. Grey was capable of devastating humility, and yet also of insensate pride. Perhaps both an evangelical upbringing and young adult mentoring by Liberal Anglicans enabled ths chameleon-like man, to pray like an evangelical, and yet believe and think like a Liberal Anglican. And yet Church of Ireland practices in his family background are sufficient to explain many characteristics of Grey's religiosity, without resort to Boyd Hilton's people.

The post-Kawau Grey rebranded himself as a social and religious prophet. Christ was still a "teacher" – if he knew that his "Redeemer liveth" he kept it to himself, but his Gispel was the social gospel, his faith a civic religion, and his church the universal brotherhood (and sisterhood) of humankind. Rage and vindictiveness persisted, but Grey got better and better at being the "prophet". "Goodness"- surprisingly, became one of the attributes his contemporaries saw in him during the 1890s. To Olive Schreiner he was "great" and "good", in New Zealand schoolbooks he became forr generations of school children until the 1970s "Good Governor Grey". The 1890s was a period when Ruskin and Tolstoy had a high reputation as prophets, outside of the clergy and established churches. Grey did not lack a sense of the times in his extreme old age.

After Froude's visit in 1885, Grey's international reputation revived. Kawau Island was sold on 15 May 1886. Grey and the Thorne George family went to live on St Leonards Ave in Auckland. After another near –death experience in late 1890, he attended the Australian Federal Convention of 1891 as representative of New Zealand, Quixotically championing "one man one vote" against Sir Harry Parkes and and Sir Samuel Griffiths. He went on one of his whistle-stop speaking tours, and was acclaimed in his old colonial capital, Adelaide, where crowds pulled and pushed his tram, in scenes reminiscent of when his carriage was drawn to the wharves by citizens of Cape Town in 1859. This was settler demotic "glory" such as the likes of Simon Bolivar knew in South America. Grey, that otherwise "heartless man", was speechless emotion.

He sought time alone to be at his infant son's grave in the Adelaide settlers' graveyard. This visit served other purposes- the troubled radical South Australian politician, Charles Cameron Kingston liked to be associated with Grey as much as Richard Seddon did in New Zealand. Grey had come a long way from when he told a deputation of Adelaide settlers, that they would be taxed first and represented afterwards. Or had he?

[1022] Collier, James Sir George Grey Governor, *High Commissioner, and Premier:- An Historical Biography* Whticombe and Tombs, Christchurch, Wellington and Dunedin 1909; p. 223.

Kingston and Seddon were to form their first governments in 1893. Grey was personally hostile to Ballance as New Zealand's premier 1891-93 and was relieved when he died and could be replaced by "King Dick".

Another speaking tour of Australia took place in 1893. Rudyard Kipling found Grey "very old, very wise, with a gentleness that comes from a certain kind of strength". A photo exists of their interview, possibly taken at Hobart. Grey was already transforming into a calmer man, more at peace with himself, the Lear of Act V of King Lear, not the maniac raving on the heath. After trying to find a cure at spas in New Zealand for a constant cough and for rheumatism, he have his family the slip in March 1894 and sailed to Britain by way of Suez all of a sudden. This was a journey like dying itself. Gladstone had resigned as Prime Minister from his last government and been replaced by Lord Rosebery.

Received by the Queen and made a Privy Councillor, lionized for a few years, before a series of minor strokes afflicted him, reconciled (to appearances at least) with Lady Grey, appearing on speaking platforms and before the House of Commons Select Committee on Samoa, reconciled with the Colonial Office, and intriguing away on South African affairs with the Schreiners and Moltenos until 1896, he lived his own apotheosis as an imperialist and colonizer. The Privy Councillorship is an interesting distinction for the Queen to have awarded him. He had remarked to Froude in 1885 that the title "Right Honourable" rather than hereditary distinctions were sufficient recognition for colonal services. Perhaps he was making his point and had persuaded the Queen and Lord Rosebery of it. [1023] Opposed to Imperial Federation, he nonetheless regarded the Crown and Privy Council as common insitutions for Britain and the settler colonies. Dementia overcame him in 1897. He died on 19 September 1898 just after Lady Grey had died on the 5th.

Grey's death in 1898

Grey's funeral at St Paul's on 20 September 1898 was a grand though costly affair as Seymour Thorne George and Annie found out when they were sent the bill in Auckland. The Colonial Office had applied to have Grey buried in "The Empire's parish church". Canon Henry Scott Holland officiated, the Oxford University Professor of Divinity and founder of PESEK (Politics, Economics, Socialism, Ethics and Christianity) and of the Christian Social Union in 1889. Scott Holand, a student of T.H. Green's, was the original "Red" Reverend. The recently Bishop of Stepney Arthur Winnington-Ingram, a cleric on the make, who would become Bishop of London in 1901, read the lesson from the famous text of 1 Corinthians 13.

Though I speak with the tongues of men and of angels, and have no charity, I am become as sounding brass, or a tinkling cymbal. 2 And though I have the gift of prophecy, and understand all mysteries, and all Knowledge and though I have all faith, so that I could remove mountains, and have not charity, I am nothing. 3 And though I bestow all my goods to feed the poor, and though I give my body to be burned, and have not charity, it profiteth me nothing. 4 Charity suffereth long, and is kind; charity vaunteth not nor is puffed up.

It hard to think of a greater indictment of George Grey, a more profound rebuke at a Last Judgement or final reckoning. He did know the languages of men and angels. He was a superb mathematician and linguist. He did understand many mysteries of Science, anthropology and of Magic, and did have the gift of prophecy. He was physically brave. He did give his body up even

[1023] Froude, Oceana p. 277.

though it may be burned. He did feed the poor, according to his lights, and on his terms in the Xhosa famine. Yet he did vaunt and he did puff himself up. He did not suffer, as Charity would.

Perhaps his sin in power, his crime, was one that Shakespeare understood. He was one of those who could say with King Lear, that they:-

> take upon's the mystery of things
> As if we were God's spies. [1024]

It would be fitting to conclude this search for his sense of himself and his age's yearning for 'the Great Man' with some megalomaniacal hi fi. As the crest of Grey's arms featured a unicorn charging into the sun, I shall conclude with Australian poet Christopher Brennan (1870-1932), whose verse may capture the Romantic mysticism of Grey's generation and his aspirations:

> *My heart was wandering in the sands*
> *a restless thing, a scorn apart;*
> *Love set his fire in my hands,*
> *I clasped the flame unto my heart.*
>
> *Surely, I said, my heart shall turn*
> *one fierce delight of pointed flame.*
> *and in that holocaust shall burn*
> *its old unrest and scorn and shame.*
>
> *surely my heart the heavens at last*
> *shall storm with fiery orisons*
> *and know, enthroned in the vast*
> *the fervid peace of molten suns.*

From *The Forest of Night* n. 37.[1025]

[1024] *King Lear* Act V sc. Iii.
[1025] Christopher Brennan, *Verse of Christopher Brennan*, in A.R. Chisholm and J.J. Quinn, eds, Sydney, 1960.

Bibliography

A:- Primary Sources

A 1 Unpublished Primary Sources

Arquivo Nacional da Torre do Tombo, Portugal.

Colonial Office Papers, National Archives.

Grey to Lord John Russell, 4 June 1840, CO 201/304 , enclosing "*Report upon the best means of promoting the civilisation of the aboriginal inhabitants of Australia"* fos . 247 – 263a.

Colonial Office Despatches CO 209 series:-

CO 209/ 45, CO 209/ 46, CO 209/ 51, CO 209/ 52, CO 209/ 63, CO 209/ 93, Co 209/ 135, CO 209/ 145, CO 209/ 154, CO 209/ 155, CO 209/ 165, CO 209/ 167.

New Zealand Company : Canterbury Papers, Canterbury Museum, Christchurch, New Zealand.

Dillon, Hon. Constantine, *Letters,* Alexander Turnbull Library, Wellington.

Grey MSS, Grey Collection, Auckland Public Library, Auckland.

Papers of Henry George, 3rd Earl Grey, Durham University Library.

Grey to Earl Grey, 13 December 1851, *Papers of Henry George Grey, 3rd Earl Grey*, Durham University Library, GRE/ BOO/ 6A/ 10-36.

Papers of Edward Bulwer Lytton 1st Baron Lytton, Hertfordshire Archives and Local Studies, County Hall, Hertford.

A. 2 Published Primary Sources

Great Britain Parliamentary Papers.

Report from the Select Committee on Aborigines (British Settlements) Together with Minutes of Evidence 4 February – 20 August 1836 No 538.

Report from the Select Committee on Aborigines (British Settlements) Together with Minutes of Evidence 1837 No. 425.

Correspondence Relative to New Zealand 1840 No. 238.

Correspondence Respecting the Colonisation of New Zealand 11 May 1841 No. 311.

Papers Relative to the Affairs of New Zealand 1844 No. 556.

Papers Relating to New Zealand 14 March 1845 No. 131.

Papers Relative to New Zealand 22 April 1845 No. 247.

Papers Relative to New Zealand 11 June 1845 No. 369.

Papers Relative to the Affairs of New Zealand 1846 No. 712.

Papers Relative to New Zealand 21 May 1846 No. 337.

Further Papers Relative to the Affairs of New Zealand 29 June 1846 No. 448.

Further Papers Relative to the Affairs of New Zealand 26 August 1846 No. 690.

Papers Relative to the Affairs of New Zealand 1847 No. 763.

Further Papers Relatives to the Affairs of New Zealand June 1847 No. 837.

Papers Relative to the Affairs of New Zealand December 1847 No. 892.

Further Papers Relative to the Affairs of New Zealand 1848 No. 899.

Further Papers Relative to the Affairs of New Zealand November 1848 No. 1002.

Further Papers Relative to the Affairs of New Zealand July 1849 No. 1120.

Further Papers Relative to the Affairs of New Zealand 1850 No. 1136.

Further Papers Relative to the Affairs of New Zealand 14 August 1850 No. 1280.

Further Papers relative to the Affairs of New Zealand 7 August 1851 No. 1420.

Papers Relative to the Proposed Constitution of New Zealand 3 May 1852 No. 1475.

Papers Relative to the Constitution of New Zealand 20 May 1852 No. 1483.

Further Papers Relative to the Affairs of New Zealand 10 April 1854 No. 1779.

Correspondence Relating to the late Governor Mr Enderby 1854-1855 1855 No. 369.

Further Papers Relating to the Affairs of New Zealand 30 March 1855 No. 160.

Further Papers Relative to the Kaffir Tribes July 1855 No. 1969.

Correspondence regarding the recall of Sir George Grey and his reappointment as Governor 1860 No. 216.

Further Papers Relative to the Affairs of New Zealand July 1860 No. 2719.

Correspondence and Papers Relating to New Zealand 8 July 1869 No. 307.

Great Britain Parliamentary Debates.

New Zealand Parliamentary Debates.

Appendices to the Journals of the House of Representatives.

Delagoa Bay:- Correspondence Respecting the Claims of Her Majesty's Government. Presented to Both Houses of Parliament Harrison and Sons, London 1875.

Official Record of the Proceedings and Debates of the National Australian Convention, held in the Parliament House, Sydney, New South Wales, in the Months of March and April 1891 Government Printer, Sydney 1891.

Rules and Regulations for Her Majesty's Colonial Service, W. Clowes and Sons for Her Majesty's Stationery Office, London 1843 .

The Recall of His Excellency Sir George Grey K.C.B. Governor of the Cape of Good Hope: Correspondence respecting the Recall of Governor Sir George Grey, K.C.B. from the Cape of Good Hope and his Subsequent Reappointment to the Government of that Colony –reprinted from Papers ordered by the House of Commons to be printed 17 April 1860; Willis and Southeran, London, 1860.

Bendysshe, T.,(trans.) *The Anthropological Treatises of Johann Friedrich Blumenbach* London 1865 [1776].

Bell Kenneth N., and Morrell W.P. , *Select Documents on Colonial Policy 1830-1860*, Clarendon Press, Oxford 1928 .

Brodhead John Romeyn and E.B. O'Callaghan, (eds.) *Documents Relative to the Colonial History of the State of New-York: Procured in Holland, England, and France*, Weed, Albany New York, 1858.

Doughty, Sir Arthur G. (ed), *The Elgin-Grey Papers 1846- 1852*, J. Patenaude, Printer to the King, Ottawa 1937, 4 vols..

Godley, J.R., Charlotte Godley (ed) , *Letters from Early New Zealand* Whitcombe and Tombs, Christchurch 1951 .

Kennedy, W.P.M., *Statutes, Treaties and Documents of the Canadian Constitution* Oxford University Press, Oxford 1930.

Labaree, Leonard W., and Bell Jnr., Whitfield J., (eds) *Papers of Benjamin Franklin*, v. 5, Yale University Press, New Haven and London 1962.

Lambton, John George 1st Earl of Durham, in Sir Charles Prestwood Lucas (ed.) *Lord Durham's Report on the Affairs of British North America*, Clarendon Press, Oxford 1912.

Lucas, Sir Charles Prestwood (ed.) *; Lord Durham's Report on British North America* Clarendon Press, Oxford, 1912 [1839].

McIntyre, W. David, and Gardner, W.J., *Speeches and Documents on New Zealand History*, Clarendon Press, Oxford 1971.

Padover, Saul K., *The Complete Jefferson – Containing his Major Works Published and Unpublished, Except His Letters*, Duell, Sloan & Pearce, New York 1943.

Reise des Oesterreichischen Fregatte Novara um die Erde 1857, 1858, 1859 Kaiserlich-Konigliche Hof-und Staatdruckerei, Wien, 1864.

Sewell, Henry *Journal* W. McIntyre (ed) 2vv., Whitcoulls, Christchurch 1980.

Theal, George McCall *Records of South-Eastern Africa* William Clowes, London 1903.

A 3 Newspapers and contemporary Journals (with Years of Publication and dates of cited references.)

The Colonial Intelligencer; or, Aborigines' Friend" Aborigines' Protection Society v. IV nos III & IV June and July 1852. Submission to Pakington signed Thomas Hodgkin and Chamerovzow.

Lyttelton Times, Christchurch Public Library, New Zealand, 1852:- 24 July 1852.

South Australian Register, South Australian Archives, Adelaide, 1842:- 10 September 1842.

The New Zealand Spectator and Cook's Strait Guardian, Wellington, New Zealand National Library, 1848, 1849, 1850, 1851, 1852, 1853:- 9 September 1848, 24 September 1853.

B :- Bibliography of Sir George Grey's Publications.

Grey, George , *Journal of Two Expeditions of Discovery in North-West and Western Australia during the years 1837, 1838 and 1839.* T. and W. Boone, London 1841, 2 vv..

Grey, George , "On the languages of Australia, being an extract of a despatch from Captain G. Grey, governor of South Australia to Lord Stanley" , *Journal of the Royal Geographical Society* v. 15 (1845) pp. 365-367.

Grey, George, *Report upon Promoting the Civilization of the Aboriginal Inhabitants of Australia*; 4 June 1840 Mauritius in the Irish University Press Series of *British Parliamentary Papers*-Correspondence and other Papers Relating to New Zealand 1835-1842" in *Colonies New Zealand* v 3 pp 43-47 in the *G.B.P.P*. series or pp 165- 169 in the IUP volume, no 17 Lord J. Russell to Governor Hobson 9 December 1840.

Grey, George, *, A Vocabulary of the Dialects of South Western Australia*, 2nd ed. T. & W. Boone, London 1840.

Grey, George, ; "Report" (1840) in *Journals of Two Expeditions of Discovery in North-West and Western Australia, During the Years 1837, 1838, and 1839, Under the Authority of Her Majesty's Government. Describing Many Newly Discovered, Important, and Fertile Districts with Observations on the Moral and Physical Condition of the Australian Inhabitants*; T. and W. Boone, London 1841.

Grey, George,, *Anthropological Review* v. VII No. XXVII Asher & Co, London 1869, pp. 418-419 reported comments exchanged at a British Association Conference.

Grey, George, *Journals of Two Expeditions of Discovery in North-West and Western Australia during the Years 1837, 1838 and 1839 under the authority of Her Majesty's Government: describing many new discovered, important, and fertile districts: with observations on the moral and physical condition of the aboriginal inhabitants*; T. and W. Boone London 1841 2 vv. .

Grey, George, *The Irish Land Question*, Hall and Foster Printers, London 1869.

Grey, George, "On the Social Life of the Ancient Inhabitants of New Zealand, and on the National Character it was likely to form" in *Journal of the Ethnological Society of London* v I 1869 .

Grey, Sir George, *Nga Moteatea:- me nga hakirara o nga Maori* ; Wellington, printed by R. Stokes, Wellington 1853.

Grey, Sir George, *Polynesian Mythology and ancient traditional history of the New Zealand race as furnished by their priests and chiefs*, London, John Murray 1855.

C:- Secondary Sources

C 1 Books

Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland University Press, Oxford University Press, Auckland 1977.

Adelung, Johann Christoph, and Vater, Johann Severin, *Mithridates, oder Allgemeine Sprachenkunde mit dem Vater Unser als Sprachprobe in bei nahe funfhundert Sprachen und Mundarten* , Berlin 1806-1817 4vv.

Agnew, Rev David C.A., *Protestant Exiles from France: or the Huguenot Refugees and their Descendants in Great Britain and Ireland*, Reeves and Turner, London 1871.

Akenson, Donald Harman, *A Protestant in Purgatory:- Richard Whately, Archbishop of Dublin* , The Conference on British Studies and Indiana University at South Bend, Archon Books, Hamden, Connecticut, 1981.

Anquetil-Du Perron, Abraham Hyacinthe; *Zend-Avesta, ouvrage de Zoroastre. Traduit avec des remarques & plusieurs traits par m. Anquetil du Perron*; Paris 1771 2 vv. .

Arminius, Jacobus , *Jacobi Arminii Veteraquinatis Batavi, SS. Theologiae Doctoris & Professoris in Academia Leydensi, Disputationes XXIV* , Thomas Basson, Leyden 1609.

Arnold, Thomas , *Introductory Lectures on Modern History delivered in Lent Term, MDCCCXLII with The Inaugural Lecture delivered in December MDCCCXLI*, Longmans, Green and Co., London 1874 [1842].

Arnold, Thomas, *History of Rome:- From the End of the First to the End of the Second Punic War.* T. Fellowes; Rivingtons; B.B. and H.H. Hodgson, J. Bain; Simpkin, Marshall and Co; and Bickers and Son, London 1869 [1838-1843].

Ashley-Cooper, Anthony 3rd Earl of Shaftesbury *Characteristicks of Men, Names, Opinions, Times* Part III section 2.

Ajzenstat, Janet, *The Political Thought of Lord Durham* , McGill-Queen's University Press, Kingston 1988.

Austin, John, *The Province of Jurisprudence Determined* Wilfred E. Rumble (ed) Cambridge University Press, Cambridge 1995 [1832].

Bacon, Francis, *The Two Books of Francis Bacon, of the Proficience and Advancement of Learning, Divine and Human*, London 1808 [1605].

Bacon, Francis*, Bacon's Essays: with annotations*, Richard Whately (ed), Parker, London 1858.

Bagehot, Walter, *The English Constitution* , H.S. King, London 1872 [1867].

Barker, G.F.R., (revised Matthew, H.C.G.) " Labouchere, Henry, 1st Baron Taunton (1798-1869" in H.C.G. Matthew and Brian Harrison (eds), *Oxford Dictionary of National Biography*, Oxford University Press 2004, v. 32.

Bastin, John, , *The Native Policies of Sir Stamford Raffles in Java and Sumatra: An Economic Interpretation*; Clarendon Press, Oxford 1957.

Beard, Charles Austin *An Economic Interpretation of the Constitution of the United States* The Macmillan Company , New York 1913.

Belich James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland University Press, Auckland 1986 .

Belich, James *Replenishing the Earth*, Oxford University Press, Oxford 2009.

Benyon, J.A., *Proconsul and Paramountcy in South Africa: the High Commission, British Supremacy and the Sub-Continent 1806- 1910*; University of Natal Press, Pietermaritzburg, 1980.

Birch, Dinah (ed) *Ruskin and the Dawn of the Modern* , Oxford University Press, Oxford 1999.

Bohan, Edmund, *To Be a Hero: A Biography of Sir George Grey*, HarperCollins, Auckland 1998.

Bord, Joe , *Science and Whig Manners: Science and Political Style in Britain, c. 1790- 1850* , Cambridge University Press, Cambridge 2009.

Borrow, George, *The Zincali; or, an account of the Gypsies of Spain*, John Murray London 1846 [1841].

Bossche, Chris vanden *Carlyle and the Search for Authority* Ohio University Press, Athens OH 1991.

Boswell, Robert., *Mussolini* Hodder Headline London 2002.

Brent, Richard , *Liberal Anglican Politics:- Religion, Whiggery and Reform 1830-1841*, Oxford University Press, Oxford 1987 .

Brock, Michael, *The Great Reform Act*, Hutchinson University Library, London 1973.

Brookes Edgar H., *The History of Native Policy in South Africa from 1830 to the Present Day*, J.L. van Schaik, Pretoria 1927.

Brookfield, F.M., *Waitangi and Indigenous Rights: Revolution, Law and Legitimation*, Auckland University Press, Auckland 1999.

Brooks, Christopher W. , *Law, Politics and Society in Early Modern England* , Cambridge University Press, Cambridge 2009.

Bryce, James, *The Holy Roman Empire* Macmillan, London 1904 [1864].

Bryce, James, *The American Commonwealth* 2vv. The Macmillan Company, New York 1911 [1888].

Buckner, Phillip A. , *The Transition to Responsible Government: British Policy in British North America 1815-1850* Greenwood Press, Westport Connecticut 1985 .

Burke's Peerage and Baronetage and Knightage 105th edition, Burke's, London 1970.

Burke, Sir Arthur (ed), *A Genealogical and Heraldic History of the Colonial Gentry,* Harrison and Sons, London 1891-1895 2 vv. .

Burrow, John Wyon, *A Liberal Descent:- Victorian historians and the English past*, Cambridge University Press, Cambridge 1981.
Burrow, John Wyon *Whigs and Liberals:-Continuity and Change in English Political Thought* Oxford University Press Oxford

Butler, Joseph, , *The Analogy of Religion Natural and Revealed, or the Constitution and Course of Nature,* John Boyle, Aberdeen 1775.

Byrnes, Giselle (ed.), *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne 2009.

Cain, P.J., and Hopkins, A.G., *British Imperialism 1688-2000,* Pearson Educational Books, London 2002.

Cambridge History of the British Empire, v. II, John Holland Rose (ed)., Cambridge University Press, Cambridge 1940.

Cell, John Whiston, *British Colonial Administration in the Mid-Nineteenth Century: The Policy-Making Process*, Yale University Press, New Haven and London 1970.

Chamerovzow, Louis Alexis, *Man of Destiny*, London 1860, 2 vv.

Chamerovzow, Louis Alexis, *The New Zealand Question and the Rights of Aborigines,* London 1848 .

Chapman, James Keith, *The Career of Arthur Hamilton Gordon, first Lord Stanmore 1829- 1912*, University of Toronto Press, Toronto, 1964.

Clark, Charles Manning, *A History of Australia Volume III The Beginning of an Australian Civilization 1824- 1851,* Melbourne University Press, Carlton, Victoria 1973.

Collier, James, *Sir George Grey, Governor, High Commissioner and Premier:- An Historical Biography* ,Whitcombe and Tombs, Christchurch, Wellington and Dunedin 1909.

Collingwood R.G. *The Principles of History- and other Writings on the Philosophy of History* Dray, W.H., van der Dussen, W.J., (eds) Oxford University Press, Oxford 1999.

Collini, Stefan, Winch, Donald and Burrow, John, *That Noble Science of Politics* Cambridge University Press, Cambridge 1983 .

Cormack, Bredin , *A Power to Do Justice:- Jurisdiction, English Literature, and the Rise of Common Law, 1509-1625*, University of Chicago Press, Chicago 2007.

Crais, Clifton C., *White Supremacy and Black Resistance in Pre-Industrial South Africa: The Making of the Colonial Order in the Eastern Cape 1770-1865*, Cambridge University Press, Cambridge 1992.

Dale, Leigh "George Grey in Ireland" in David Lambert and Alan Lester (eds) *Colonial Lives Across the British Empire :- Imperial Careering In the Long Nineteenth Century* Cambridge University Press, Cambridge 2000.

Dalton, B.J. , *War and Politics in New Zealand 1855-1870* , Sydney University Press, Sydney 1967 .

Davenport, T.R.H., *South Africa : A Modern History*, University of Toronto Press, Toronto and Buffalo, 1977.

Davis, Richard Beale, *Intellectual Life in Jefferson's Virginia 1770-1830*, University of Tennessee Press, Knoxville 1972.

Davis, Richard P., *Irish Issues in New Zealand Politics 1868-1922*, Otago University Press, Dunedin 1974 .

de Kiewiet, Cornelius W., *British Colonial Policy and the South African Republics 1848-1872* , Longmans, London, 1929.

de Sismondi, Jean-Charles-Leonard, *Examen de la Constitution Francoise* , Treuttel et Wurtz, Paris, 1815.

de Sismondi, Jean-Charles-Leonard , *Les colonies des anciens compares a celles des modernes sous le rapport de leur influence sur le bonheur du genre humain*, Lador et Ramdoz, Geneva 1837.

de Sismondi, Jean-Charles-Leonard, *Histoire de la liberté en Italie, de sa progrès, de sa décadence, et de sa chute* , Treuttel et Wurtz, Paris 1832 2 vv. .

Defoe, Daniel, *Robinson Crusoe* , Thomas Keymer (ed) Oxford University Press, Oxford 2007 [1719].

Deleuze, Gilles and Guattari, Felix , *Thousand Plateaux: Capitalism and Schizophrenia*, The Athlone Press, London 1988 , Brian Massumi (trans).

Demetriou, Kyriakos N., and Loizides, Antis (eds) *John Stuart Mill:- A British Socrates* Palgrave Macmillan Basingstoke 2013.

de Vattel, Emerich, *Le Droit des Gens, ou Principes de la Loi Naturelle appliquée a la Conduite et aux Affaires des Nations et des Souverains*, J.-P. Aillaud, Paris 1830 [1758].

Dicey, Albert Venn, *Lectures Introductory to the Study of the Law of the Constitution* Macmillan, London 1885.

Dickens, Charles, *Barnaby Rudge* 1841.

Dickens, Charles *David Coppefield*

Dickens, Charles *Dombey and Son* Andrew Sanders (ed) Penguin Books, London 2002, first published 1848.

Dossey, Barbara Montgomery , *Florence Nightingale:- Mystic, Visionary, Healer* , Springhouse Corporation, Springhouse Pennsylvania, 2000 .

Dwyer, Philip *Citizen Emperor:- Napoleon in Power 1799-1815* Bloomsbury, London 2013.

Elliott, J.H. , *Empires of the Atlantic World:- Britain and Spain in America 1492-1830* ; Yale University Press, New Haven and London 2006 .

Faivre, Jean-Paul, *L'Expansion Française dans le Pacifique de 1800 a 1842* Nouvelles Editions Latines, Paris, 1953.

Ferguson, Adam, *History of the Rise, Progress and Termination of the Roman Republic*, W. Strahan, T. Cadell, W. Creech, Edinburgh, 1783.

de Fonblanque, Edward Barrington, *Treatise on the Administration and Organization of the British Army, with Special Reference to Finance and Supply* , Longman, Brown, Green, Longmans, and Roberts, London 1858 .

Forbes, Duncan , *The Liberal Anglican Idea of History*, Cambridge University Press, Cambridge 1952.

Foster, R.F., *Modern Ireland 1600-1972* ,Allen Lane Penguin Press, London 1988.

Francis, Mark, *Governors and Settlers – Images of Authority in the British Colonies, 1820-1860* Macmillan, Basingstoke 1992.

Freeman, Edward Augustus, *The History of the Norman Conquest of England*, Oxford University Press, Oxford 1877 [1867-1879].

Freeman, Edward Augustus, *An Introduction to American Institutional History*, Johns Hopkins University, Series in History and Political Science 1., Baltimore 1882.

Freeman, Edward Augustus, *History of Federal Government from the Foundation of the Achaian League to the Disruption of the United States* Macmillan, London 1863 .

Froude, James Anthony; *Oceana, or, England and her Colonies* , Longmans, Green , London 1886 .

Gadamer, Hans-Georg, *Truth and Method* , Joel Weinsheimer and Donald G. Marshall (trans), Sheed and Ward, London 1989.

Gallatin, Albert , *Synopsis of North American Tribes within the United States East of the Rocky Mountains and in the British and Russian Possessions in North America* AMS Press, New York 1973 [1836].

Gascoigne, John, *The Enlightenment and the Origins of European Australia*, Cambridge University Press, Cambridge 2002.

Gilbert J.A., *An Exposition of the First Principles of Grand Military Combinations and Movements, compiled from The Treatise upon Great Military Operations by The Baron de Jomini* T. Egerton, Military Library, Whitehall, London 1825 .

Gisborne, William, *New Zealand Rulers and Statesmen 1840 to 1885*, Sampson Low, Marston, London 1897.

Goodfellow, Clement Francis, *Great Britain and South African Confederation 1870-1881*, Oxford University Press, Cape Town 1966.

Gorst, John, *The Maori King, or, The Story of our Quarrel with the Natives of New Zealand*, Macmillan, London 1864 .

Grey, Henry George, 3rd Earl Grey , *The Colonial Policy of Lord John Russell's Administration* R.Bentley London 1853, 2 vv. .

Grey, Henry George, 3rd Earl, *Parliamentary Government Considered with Reference to a Reform of Parliament* Richard Bentley, London 1858.

Grote, George, *History of Greece* Ernest Rhys (ed.) ; London J.M. Dent, Everyman's Library 1907 [1846-1856].

Grotius, Hugo , *De Belli ac Pacis Libri Tres; in Quibus Jus Naturae et Gentium, item Juris Praecipua Explicantur. Cum Annotatis Autoris ex Prostrema ejus ante Obitum. Accesserunt annotata in Epistolam Pauli ad Philiemonem, dissertatio De Mare Libero*, Joannes Fredericus Gronovius (ed), printed by Abraham a Someren, Amsterdam 1689 [1625].

Grotius, Hugo; *de Jure Praedae Commentarius,* Martin Nijhoff, The Hague 1868.

Grotpeter, John J., *Historical Dictionary of Swaziland*, The Scarecrow Press, Metuchen, New Jersey, 1975.

Gunn, Gertrude E., *The Political History of Newfoundland 1832- 1864*, University of Toronto Press, Toronto, 1966.

Hahlo, H.R., and Ellison, Kahn, *The Union of South Africa: -The Development of its Laws and Constitution,* v. 5 of George W. Keeton (ed) *The British Commonwealth: -The Development of its Laws and Constitution*; Stevens & Sons, London, Juta & Co. Cape Town, 1960.

Hailey, William Malcolm, Baron Hailey, *The Republic of South Africa and the High Commission Territories*, Oxford University Press, London 1963.

Haliburton, Gordon, *Historical Dictionary of Lesotho*, The Scarecrow Press, Metuchen New Jersey, 1977.

Hancock, W. K. *Smuts:- The Sanguine Years 1870-1919* Cambridge University Press, Cambridge 1962.

Harrington, James, *"A System of Politics"*, in John Toland (ed), *The Oceana and other works of James Harrington, Esq., collected methodiz'd and reviewed: with an exact account of his life prefixed by John Toland: to which is added an appendix containing all the political tracts wrote by this author omitted in Mr Toland's edition*, printed for A. Millar, London 1737 [1700].

Harrington, James, *The Commonwealth of Oceana*, John Pocock (ed.) Cambridge University Press, Cambridge 1992 [1656].

Hartland-Jacobs, Jessica L., B*uilders of Empire- Freemasons and British Imperialism 1717-1927* University of North Carolina Press, Chapel Hill 2007.

Hawkins, Angus, *The Forgotten Prime Minister:- the 14th Earl of Derby*, Oxford University Press, Oxford 2008 .

Henderson, George Cockburn, *Sir George Grey, Pioneer of Empire in Southern Lands* T.M. Dent, London 1907.

Herodotus, *Histories* , A.D. Godley (trans), Loeb Classical Library, Harvard University Press, 1920.

Hillmer, Norman, and Wigley, Philip G., (eds) *The First British Commonwealth: Essays in Honour of Nicholas Mansergh*, Cass, London 1980.

Hilton, Boyd, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought, 1795- 1865*, Clarendon Press, Oxford 1988.

Hincks, Francis, *Religious Endowments in Canada: The Clergy Reserve and Rectory Question- A Chapter of Canadian History*; Dalton and Lucy, London, 1869.

Hobbes, Thomas, *De Cive , the Latin version, entitled in the first edition, Elementorum Philosophiae sectio tertia de cive, and in later editions Elementa Philosophica de cive*, Howard Warrender (ed) , Clarendon Press, Oxford 1983 [1651].

Hodgins, Bruce W., Wright, Don, Heck, W.H., (eds) *Federalism in Canada and Australia:-The Early Years*, Wilfrid Laurier University Press, Waterloo Ontario, 1978.

Howell, Wilbur Samuel, *Eighteenth-Century British Logic and Rhetoric*, Princeton University Press, Princeton, 1971.

Hugo, Victor, *L'Homme qui rit* A. Lacroix, Verboeckhoven et Cie, Paris 1869.

Hulsebosch, Daniel, *Constituting Empire:- the Transformation of Constitutionalism in the Atlantic World 1664-1830*, University of North Carolina Press, Chapel Hill 2005.

von Humboldt, Alexander ; *Reise auf dem Rio Magdalena, durch die Anden und Mexico*, Akademie-Verlag, Berlin 1986 .

Hutchinson, Captain A.H., *Guide to the Army Examinations- being a compendium of practical hints for candidates with reference to schools, allowances, outfts, other expenses* Edward Stanford London 1861.

Johnston, W. Ross, *Sovereignty and Protection: A Study of British Jurisdictional Imperialism in the Late Nineteenth Century*, No 41, Duke University Commonwealth-Studies Center, Duke University Press, Durham North Carolina 1973.

Jomini, A.-H., Baron de , *Traite des Grandes Opérations Militaires, contenant l'histoire des campagnes de Frederic II*, Magimel Libraire pour L'Art Militaire, Paris, 1811.

Jomini, Antoine-Henri , *History of the Revolutionary War* translated by J.A. Gilbert in *An Exposition of the First Principles of Grand Military Combinations and Movements, compiled from The Treatise upon Great Military Operations by The Baron de Jomini* T. Egerton, Military Library, Whitehall, London 1825.

Jomini, Antoine-Henri , *Précis de L'Art de Guerre , ou Nouveau Tableau analytique des principales combinaisons de la stratégie, de la grande tactique, et de la politique militaire*, Anselin, Paris, 1837 – 1856.

Julien, Ch.-A., *Les Techniciens de la Colonisation (XIXe-XXe siecles)*, Presses Universitaires de France, Paris, 1947.

Kahan, Alan S., *Liberalism in Nineteenth Century Europe:- the Political Culture of Limited Suffrage*, Palgrave Macmillan, Basingstoke 2003 .

Kant, Immanuel, "Outlines for the Course on Anthropology" , 1776- 1784 from "Notes on Aesthetics" 15: 717-15: 840, pp 523- 528 ; in *The Cambridge Edition of the Works of Immanuel Kant* "Notes and Fragments" Cambridge University Press Cambridge 2005.

Kawharu, I.H. (ed.) , *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*, Oxford University Press, Auckland, Melbourne, Oxford, New York, 1989.

Keeton George W., (ed) *The British Commonwealth: -The Development of its Laws and Constitution*, v. 5, Halho, H.R., and Ellison, Kahn, *The Union of South Africa:- The Development of its Laws and Constitution*; Stevens & Sons, London, Juta & Co. Cape Town, 1960.

Keir, Sir David Lindsay, *The Constitutional History of Modern Britain since 1485* Adam and Charles Black, London, 1938 .

Kerenyi, Karl and Jung, Carl Gustav ; *The Science of Mythology* Routledge, London 2002 .

Kerenyi, Karoly *Prometheus :- Archaic Image of Human Existence* Princeton University Press Princeton NJ 1963.

Kerr, D.G.G., and Gibson, J.A., *Sir Edmund Head: A Scholarly Governor*, University of Toronto Press, Toronto 1954.

Kerr, Donald, , *Amassing Treasures for all Times:- Sir George Grey, Colonial Bookman and Collector*, Otago University Press, Dunedin 2006.

Kidd, Colin, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800*; Cambridge University Press, Cambridge 1999 .

Kilpin, Ralph , *The Old Cape House* T. Maskew Miller, Cape Town 1918.

King, Robert D. and Kilson, Robin W., (eds) *The Statecraft of Imperialism: Essays in Honour of Wm. Roger Louis*, Frank Cass, London and Portland, Oregon 1999.

Knaplund, Paul, *James Stephen and the British Colonial System 1813-1847*, University of Wisconsin Press, Madison 1953.

Kodalle, Klaus *Verzeihung nach Wendezeiten?* Palm und Enke, Erlangen and Jena 1994.

Kojeve, Alexandre *Introdution a la lecture de Hegel* Gallimard, Paris 1947.

Lambert, David and Lester, Alan (eds) *Colonial Lives Across the British Empire :- Imperial Careering In the Long Nineteenth Century* Cambridge University Press, Cambridge 2000

Langendorf, Jean-Jacques, *Faire la Guerre:- Antoine-Henri Jomini*, Goerg, Paris 2002.

Les Cases, Emmanuel comte de *Memorial de Sainte-Helene* Garnier, Paris 1961.

Lecky, William Edward Hartpole, , *History of European Morals from Augustus to Charlemagne*, Longmans, Green and Co, London 1910, 2 vv. .

Lewis, George Cornewall, in Charles Prestwood Lucas (ed) ; *An Essay on the Government of Dependencies* , Clarendon Press, Oxford 1891 [1841].

Lijphart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, New Haven 1977.

Lubbock, John , *The Origin of Civilization and the Primitive Condition of Man* [1870] Peter Riviere (ed), University of Chicago Press, Chicago 1978.

Lyons, F.S.L., *Charles Stewart Parnell*, Collins, London 1977.

Macmillan, W.M., *Boer, Bantu, and Briton : The Making of the South African Native Problem* Faber and Gwyver, London, 1929 .

Macmillan, W.M, *The Cape Colour Question: A Historical Survey*, Faber and Gwyer, London 1927.

Madden, Frederick and Fieldhouse, David (eds.) *Select Documents on the Constitutional History of the British Empire and Commonwealth* Volume IV: Settler Self-Government 1840-1900 – The

Development of Representative and Responsible Government, Greenwood Press, Westport Connecticut 1990.

Maine, Henry Sumner , *Ancient Law, its Connection with the Early History of Society and its Relation to Modern Ideas*, John Murray, London 1873 [1861].

Maine, Henry Sumner, *Village-Communities in the East and West* John Murray, London 1876 [1871].

Mamdani, Mahmood , *Citizen and Subject:- Contemporary Africa and the Legacy of late Colonialism*, University of Princeton Press, Princeton, 1996 .

Marshall, P. J., *The making and Unmaking of Empires:- Britain, India, and America c. 1750- 1783*, Oxford University Press, Oxford 2005.

Martin, Ged *Britain and the Origins of Canadian Confederation 1837-1867* Macmillan, Basingstoke, 1995.

Martin, Ged (ed.) *The Causes of Canadian Confederation* , Acadiensis Press, Fredericton, New Brunswick, 1990.

Martin, Ged , *The Durham Report and British Policy:- A Critical Essay* , Cambridge University Press, Cambridge 1972 .

Martin, Ged., *Canadian History:- A Play in Two Acts?* Inaugural Lecture for the Chair of Canadian Studies Edinburgh University, Edinburgh 1999 .

Martin, John Biddulph , *"The Grasshopper" in Lombard Street* , Leadenhall Press London 1892.

Martin, William, *A History of Switzerland; An Essay on the Formation of a Confederation of States*, (Grace W. Booth trans.) Grant Richards Fronto Limited, London 1931.

Matthew, H.C.G., and Harrison, Brian (eds) *Oxford Dictionary of National Biography*, Oxford University Press , Oxford 2004.

Mauss, Marcel *Forms and Functions of Exchange in Archaic Societies* Ian Cunnison (trans) Norton, New York 1967.

May, Erskine, *A Practical Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, Sir Barnett Cocks (ed.) Butterworths, London 1971 [1844].

McCracken, J.L. *The Cape Parliament 1854-1910* The Clarendon Press, Oxford 1967.

McHugh, Paul , *Aboriginal Societies and the Common Law:- A History of Sovereignty, Status and Self-Determination* ; Oxford University Press, Oxford 2005.

McHugh, Paul , *The Maori Magna Carta: New Zealand Law and the Treaty of Waitangi* Oxford University Press, Auckland, Oxford 1991 .

McIntire, C.T., *Herbert Butterfield:- Historian as Dissenter* , Yale University Press, New Haven, 2004.

McLean, G., *Governors: New Zealand's Governors and Governors-General,* Otago University Press, Dunedin 2006.

McLennan. John F., *Primitive Marriage:- An Inquiry into the Origin of the Form of Capture in Marriage Ceremonies* Routledge/Thoemmes Press, London 1998 .

McLintock, A.H., *The History of Otago:- The Origins and Growth of a Wakefield Class Settlement*, Whitcombe and Tombs for Otago Centennial Historical Publications, Christchurch and Dunedin 1949.

McLintock, A.H., *Crown Colony Government in New Zealand*, R.E. Owen, Government Printer, Wellington 1958.

McLintock, A.H., *The Establishment of Constitutional Government in Newfoundland, 1783-1832:- A Study of Retarded Colonisation,* Longmans, Green and Co, London 1941.

Meek, R.L. *Social Science and the Ignoble Savage*. Cambridge University Press, Cambridge 1976 .

Melbourne, A.C.V., *William Charles Wentworth*, Briggs & Co, Brisbane 1932.

Mellor, George R., *British Imperial Trusteeship 1783- 1850*, Faber and Faber, London 1951.

Merivale, Herman , *Lectures on Colonisation and the Colonies* , 2nd Edition Longman,Green, Longman, and Roberts, London 1861.

Merivale, Herman, *Lectures on Colonization and Colonies:- delivered before the University of Oxford in 1839, 1840, and 1841*. Longman, Orme, Browne, Green and Longmans, London 1841.

Mill, James *The History of British India* (edited and continued by Horace Hayman Wilson) Routledge/Thoemmes, London 1997 [1817].

Mill, James; *Essays on I. Government, II. Jurisprudence, III Liberty of the Press, IV Prisons and prison discipline, V. Colonies VI. Law of Nations, VII, Education* 1824 The Bodleian Library electronic resource .

Mill, John Stuart, *On Representative Government*; George Routledge and Sons, London 1904 [1861].

Millar, John , *Observations Concerning the Distinction of Ranks in Society,* W. and J. Richardson for John Murray, London 1771 .

Milne, J.J., *The Romance of a Proconsul - Being the Personal Life and Memoirs of The Right Hon. Sir George Grey K.C.B* ; Chatto and Windus, London 1899 .

Molteno, P.A., *A Federal South Africa,* Sampson Low, Marston and Company London 1896 .

Montesquieu, baron de, Charles de Secondat; *de L'Esprit des Lois* [1748] in *Oeuvres Completes de Montesquieu,* Andre Masson (ed.) Edition Nagel, Paris 1950 .

Morrell, W.P., *The Provincial System in New Zealand 1852-1876* Longmans Green, London 1932.

Morrell W.P. , *The Provincial System in New Zealand*, 2nd revised edition Whitcombe and Tombs, Christchurch 1964 .

Morrell, W.P., *British Colonial Policy in the Age of Peel and Russell* , Clarendon Press, Oxford 1930.

Morrell, W.P., *British Colonial Policy in the Mid-Victorian Age:- South Africa, New Zealand, The West Indies*; Clarendon Press, Oxford 1969.

Morrell W.P., *Britain in the Pacific Islands,* Clarendon Press, Oxford 1960.

Morton, W.L., *The Canadian Identity*, The University of Wisconsin Press, Madison 1961.

Mostert, Noel, *Frontiers:-the Epic of South Africa's Creation and the Tragedy of the Xhosa People* Pimlico, London 1993.

Muller, F.M., , *Essai de Mythologie Comparee*, A.Durand, Paris 1859.

Muthu, Sankar *Empire and Modern Political Thought* Cambridge University Press, Cambridge 2012.

Narrieu, *History of Astronomy* London 1833.

Neville, Henry, *Plato Redivivus* Andrew Millar, London 1763 [1673].

Newman, John Henry, *Apologia pro Vita Sua* J.M. Dent, 1912 [1864].

Oakeshott, Michael, *Religion, Politics and the Moral Life* Timothy Fuller (ed) Yale University Press, New Haven 1993.

O'Toole, Fintan; *White Savage:- William Johnson and the Invention of America* , Faber, London 2005 .

Oliver, W.H., and Orange, Claudia, *The Dictionary of New Zealand Biography*, updated 22 June 2007, http://www.dnzb.govt.nz/ .

Orange, Claudia *The Treaty of Waitangi* , Allen and Unwin, Wellington 1987.

Ormsby, W.G., *The Emergence of the Federal Concept in Canada, 1839 – 1845*, University of Toronto Press, Toronto 1969.

Pagden, Anthony (ed.), *The Languages of Political Theory in Early Modern Europe*, Cambridge University Press, Cambridge 1987 .

Paley, William, *Natural Theology: or, Evidences of the Existence and Attributes of the Deity, collected from the Appearances of Nature*, Printed for R. Faulder, New Bond-street by Wilks and Taylor, London 1802.

Paley, William, *Natural Theology; or Evidences of the Existence of the Deity Collected from the Appearances of Nature*, Frederick Le Gros Clark (ed.); Elibron Classics Chestnut Hill, Massachusetts 2005.

Parker, Derek , *Outback : The Discovery of Australia's Interior*; Sutton Publishing Ltd, Thrupp Stroud Gloucestershire 2007.

Patriquin, Larry ; *Agrarian Capitalism and Poor Relief in England, 1500-1860:- Rethinking the Origins of the Welfare State* Palgrave Macmillan, Basingstoke 2007 .

Peires, J.B. , *The Dead will Arise:- Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7* , Indiana University Press, Bloomington and Indianapolis 1989.

Pike, Douglas,, *Paradise of Dissent:- South Australia 1829-1857* Longmans, London 1957.

Plato, *Laws* .R.G. Bury (trans) Loeb Classical Library, Harvard University Press, Cambridge Massachusetts 1929.

Plato *The Sophist* R.G. Bury (trans) Loeb Classical Library, Harvard University Press, Cambridge, Massachusetts 1929.

Plato, *Timaeus*, R. G. Bury (trans) Loeb Classical Library, Harvard University Press, Cambridge Massachusetts1929.

Pocock, John, *The Machiavellian Moment:- Florentine Political Thought and the Atlantic Republican Tradition* Princeton University Press, Princeton 1975 .

Pocock, John, *Barbarism and Religion* v I "The Enlightenments of Edward Gibbon" Cambridge University Press, Cambridge 1999 .

Pocock, John, *Barbarism and Religion* v IV "Barbarians, Savages and Empires" Cambridge University Press, Cambridge 2005.

Polybius *Histories* . W.R. Paton (trans), Loeb Classical Library, Harvard University Press, Cambridge Massachusetts 1923.

Andrew Porter (ed) *Oxford History of the British Empire*, v. III, Oxford University Press, Oxford 1999.

Powell, Martyn J., *Britain and Ireland in the Eighteenth Century Crisis of Empire* Palgrave Macmillan, Basingstoke 2003.

Pownall, Thomas, *The Administration of the Colonies*, J. Dodsley and J. Walter, London 1765 .

Prest, John, *Lord John Russell*, Macmillan, London and Basingstoke, 1972.

Price, A. Grenfell, *The Foundation and Settlement of South Australia*, F.W. Preece, Adelaide 1924.

Price, Richard, *Making Empire: Colonial Encounters and the Creation of Imperial Rule in Nineteenth-Century Africa.*, Cambridge University Press, Cambridge 2008.

Prichard, James Cowles, *Researches into the Physical History of Mankind* , John and Arthur Arch, London 1826 .

Proust, Marcel *Le Cote de Guermantes* Gallimard, Folio Classque, Paris 1988.

Raab, Felix, *The English Face of Machiavelli: A Changing Interpretation 1500-1700*, Routledge and Kegan Paul, London 1964.

Raffles, Sir Thomas Stamford, *The History of Java* Oxford University Press Kuala Lumpur, New York 1965 [1817] 2 vv. .

Rapin, Ami-Jacques , *Jomini et la Stratégie:- une approche historique de l'œuvre*, Editions Payot Lausanne, Lausanne 2002.

Raz, Joseph , *Authority and Interpretation*, Oxford University Press, Oxford 2009 .

Redlich, Josef and Hirst, Francis Wrigley , *Local Government in England* , Macmillan, London 1903.

Rees, William Lee, and Rees, Lily, *The Life and Times of Sir George Grey K.C.B*. H. Brett Auckland, 1892.

Rees, William Lee, *From Poverty to Plenty, or The Labour Question Resolved*, London, Wyman and Sons, 1888.

Rees, William Lee, *Sir Gilbert Leigh* ; Sampson, Low; Marston, Searle and Rivington; London 1878, 2 vv.

Reeves, William Pember, *The Long White Cloud* , Allen and Unwin London 1898.

Rcoeur, Paul *Memory, History and Forgetting* Chicago University Press, Chicago 2004.

Ricoeur, Paul *The Course of Recognition* Davd Pellauer (trans) Harvard University Press , Cambridge MA 2005.

Ricoeur, Paul *Time and Narrative* v I University of Chicago Press, Chicago 1984.

Ricoeur, Paul, in Thompson, John B. (translated and edited) , *Hermeneutics and the Human Sciences* , Cambridge University Press, Cambridge 1981.

Robinson, Ronald, and Gallagher, John, with Denny, Alice, *Africa and the Victorians:- The Official Mind of Imperialism*, Macmillan, London and Basingstoke 1981.

Roebuck, John Arthur; *The Colonies of England : A Plan for the Government of some Portion of our Colonial Possessions* ; John W. Parker, London 1849 .

Rosanvallon, Pierre, *Le Moment Guizot* Gallimard Paris 1985.

Rose, John Holland, *Cambridge History of the British Empire* : *The Growth of the New Empire 1783- 1870*, v. II Cambridge University Press, Cambridge, 1940.

Rousseau, Jean-Jacques *Oeuvres Completes* Editions Gallimard, Paris 1959-1995.

Rusden, G.W., *History of New Zealand* Melville, Mullen and Slade, Melbourne 1895.

Rutherford, James, *Sir George Grey K.C.B. 1812-1898:- A Study in Colonial Government,* Cassell & Co, London 1961.

Salmond, Dame Anne, *Between Worlds: Early Exchanges between Maori and Europeans, 1773-1815*, University of Hawaii Press, Honolulu, 1997.

Schreiner, Olive, *Trooper Peter Halket of Mashonaland* T. Fisher Unwin, London 1897 .

Schultz, Bart, and Varouxakis, Georgios, (eds) *Utilitarianism and Empire* Lexington Books, Oxford 2005.

Sharp Andrew, and McHugh, Paul, (eds.) *Histories, Power and Loss: Uses of the Past – a New Zealand Commentary* , Bridget Williams Books, Wellington 2001.

Sheehan, Bernard, *Seeds of Extinction:- Jeffersonian Philanthropy and the American Indian* , The University of North Carolina Press, Chapel Hill 1973.

Simons, H.J., *African Women:- Their Legal Status in South Africa* , C. Hurst, London 1968 .

Simpson, Jane, Nash, David, ,Laughren, Mar, Austin, Peter, Alpher, Barry (eds.) *Forty Years On : Ken Hale and Australian Languages*, Australian National University, Canberra, 2001.

Sinclair, Keith *The Origins of the Maori Wars* Oxford University Press, Auckland University Press 1961 .

Skinner, Quentin, *Visions of Politics* Volume I "Regarding Method", Cambridge University Press, Cambridge 2002.

Skinner, Quentin, *Hobbes and Republican Liberty* , Cambridge University Press Cambridge 2008 .

Smith, Adam , *An Inquiry into the Nature and Causes of the Wealth of Nations* W. Colles, R. Moncrieffe, G. Burnet, Dublin 1785 [1776].

Smith, Adam,, *Lectures on Jurisprudence* in R.L. Meek, D.D. Raphael, P.G. Stein (eds) Liberty Classics, Indianapolis, 1985 [1776].

Smyth, Sir John Bt VC MC MP, *Sandhurst, The History of the Royal Military Academy, Woolwich, the Royal Military College, Sandhurst, and the Royal Military Academy, Sandhurst 1741-1961*. Weidenfeld and Nicolson, London 1961.

Southgate, Donald "*The Most English Minister": The Policies and Politics of Palmerston* Macmillan, London 1966.

Spence, Jon, *Becoming Jane Austen*, Hambledon and London, London, 2003.

Stanhope, Lady Hester Lucy and Meryon, Charles Lewis; *Travels of Lady Hester Stanhope*; Henry Colburn, London 1846 3 vv. .

Stephen, Sir Leslie, *History of English Thought in the Eighteenth Century*; Smith and Elder, London 1876, 2 vv..

Stephen, Sir Leslie., and Lee, Sir Sidney (eds); *Dictionary of National Biography: From the Earliest Times until 1900*; Vol. XXII Supplement, Oxford University Press, London 1921-1922.

Stocking George W. Jr., *After Tylor: British Social Anthropology 1888- 1951* The Athlone Press, London, 1996.

Stocking, George W. Jr. *Victorian Anthropology* The Free Press, A Division of Macmillan, Inc. , New York 1987.

Stokes, Anthony, *A View of the Constitution of the British Colonies in North America and the West Indies, at the Time the Civil War Broke Out on the Continent of America*; Reprint, Dawsons, London, 1969 [1763].

Stokes, Eric, *The English Utilitarians and India*; Oxford University Press, Delhi 1957 .

Strong, Rowan, *Anglicanism and The British Empire c 1700- 1850* Oxford University Press, Oxford 2007.

Sullivan, J.R., *The Native Policy of Sir Theophilus Shepstone*, Walker and Snashall, Johannesburg 1928.

Sutherland, Gillian (ed) *Studies in the Growth of Nineteenth Century Government*, Routledge and Kegan Paul, London 1972.

Sweetman, Edward, *The Unsigned New Zealand Treaty* , The Arrow Printery, Melbourne, 1939.

Swinfen, D. B., *Imperial Control of Colonial Legislation 1813- 1865*, Clarendon Press, Oxford 1970.

Temple, Philip, *A Sort of Conscience -The Wakefields*, Auckland University Press 2002.

Thompson, E.P. *Customs in Common* , The Merlin Press, London 1991.

Thompson, L.M., *The Unification of South Africa 1902-1910*, Clarendon Press, Oxford 1960.

Threlkeld, L.E. , *An Australian Grammar, comprehending The Principles and Natural Rules of the Language, as Spoken by the Aborigines, in the Vicinity of Hunter's River, Lake Macquarie, & New South Wales*; Sydney, printed by Stephens and Stokes, 1834 .

Todd, Alpheus , *On Parliamentary Government in England London* , Longmans Green and Co London 1867 [1867-1869].

Todd, Alpheus, *Parliamentary Government in the English Colonies*, Longmans Green and Co, London 1880.

Treffer, G., (ed) *Die Weltumseglung der Novara 1857-1859* Molden, Wien 1973.

Trevor-Roper, Hugh, *The Crisis of the Seventeenth Century: Religion, Reformation and Social Change*; Harper and Row, New York 1968.

Tucker, H.W., *Memoir of the Life and Episcopate of George Augustus Selwyn D.D*. 2 vv 1879 republished Hardpress Publishing New York 2012.

Uys, C.J., *In the Era of Shepstone: Being a Study of British Expansion in South Africa 1842- 1877*, Lovedale Press, Lovedale Cape Province 1933.

Van Doren, Carl, *Benjamin Franklin*, Viking Press, New York, 1938.

Venturi, Franco., "The 18th Century of Reform" in *The End of the Old Regime*, Princeton University Press, Princeton, 1989 , 2vv., trans. L Burr Litchfield.

Vernon, James, *Politics and the People:- A Study in English political culture c. 1815- 1867* , Cambridge University Press, Cambridge 1993.

Vico, Gianbattista, *Principj di Scienza Nuova d'intorno alla comune natura delle nazioni*: Concordanze e indici di frequenza dell'edizione Napoli di 1744, L.S. Olschki, Florence/Firenze 1997 [1744].

Victoria History of the Counties of England, Sussex v. II, v. IX, University of London, reprinted 1973.

Walker, Ranginui, *He Tipua: The Life and Times of Sir Apirana Ngata* Auckland University Press, Auckland 2001.

Wallace, Anthony F.C., *Jefferson and the Indians: The Tragic Fate of the First Americans* Bellknap Press of Harvard University, Cambridge Massachusetts 1999.

Walton, Edgar H., *The Inner History of the National Convention of South Africa*; T. Maskew Miller, Cape Town and Pretoria, Longmans, Green and Co, London 1912.

Ward, Alan, *A Show of Justice:- Racial "Amalgamation" in Nineteenth Century New Zealand*, University of Toronto Press, Toronto 1973.

Ward, Alan, *A Show of Justice:- Racial "Amalgamation" in Nineteenth Century New Zealand* , Auckland University Press, Oxford University Press, Auckland, Oxford 1978.

Ward, Alan, *Unsettled History: Treaty Claims in New Zealand Today*, Bridget Williams Books, Wellington 1999.

Ward, John M., *Earl Grey and the Australian Colonies:- A Study of Self-Government and Self-Interest*, Melbourne University Press, Melbourne 1958.

Weiner, B. Annette *Inalienable Possessions:- The Paradox of Keeping-While-Giving* Universty of California Press Berkeley 1992.

Whately, Richard *Elements of Logic*, Encyclopaedia Metropolitana 1826.

Whately, Richard *Elements of Rhetoric* Southern Methodist College, Nashville, Tennessee 1861.

Whately, Archbishop Richard, *Account of an Expedition to the Interior of New Holland :-edited by Lady Mary Fox* , Richard Bentley, London 1837.

Whately, Richard, *Introductory Lectures on Political Economy; being part of a course delivered in Easter Term MDCCCXXXI* , B. Fellowes London 1831.

White, Hayden, *Metahistory : The Historical Imagination in Nineteenth Century Europe*, Johns Hopkins University Press, Baltimore 1975.

Wight, Martin, *The Development of the Legislative Council 1606- 1945* in *Studies in Colonial Legislatures* in Margery Perham (ed), Faber and Faber, London 1946.

Wilson, Alan, *The Clergy Reserves of Upper Canada*, The Canadian Historical Association, Historical Booklet No. 23, Ottawa 1969.

Wilson, Alan, *The Clergy Reserves of Upper Canada: A Canadian Mortmain*, University of Toronto Press, Toronto 1968.

Wood, Allen in Mary J. Gregor (trans. and ed.) *The Cambridge Edition of the Works of Immanuel Kant*, "Practical Philosophy", Cambridge University Press, Cambridge 1996.

Woodward, Sir Llewellyn, *The Age of Reform 1815 -1870* ; Oxford University Press, Oxford 1962 [1938].

Young, Douglas MacMurray, *The Colonial Office in the Early Nineteenth Century*, Longmans, for the Royal Commonwealth Society, Imperial Studies No. XXII, London 1961.

C 2 Theses

Adams, Peter, "British Intervention in New Zealand 1830-46" Oxford (DPhil) thesis 1974.

Brent, Richard , "The Emergence of Liberal Anglican Politics: The Whigs and the Church 1830-1841", Oxford DPhil 1984 .

Hickford, Mark, "Making Territorial Rights of the Natives:- Britain and New Zealand, 1830-1847" Thesis (D.Phil.) University of Oxford 1999.

Laidlaw, Zoe, , "Networks, Patronage and Information in Colonial Governance: Britain, New South Wales and the Cape Colony, 1826- 1843", Oxford D.Phil thesis 2001 .

Pagden, Anthony, "The American Indian as Barbarian: a reassessment of some sixteenth century views on the nature of Amerindian Man and his society" Thesis (D.Phil.) University of Oxford 1980.

Sinclair, Keith, "The Aborigines Protection Society and New Zealand – A Study in nineteenth century opinion" M.A. thesis, Auckland University Library 1946.

Ward, Damen , "The Politics of Jurisdiction: British law, indigenous peoples and colonial government in South Australia and New Zealand, c. 1834-60" Oxford (DPhil) Thesis 2003.

Wilson, Jon E., "Governing Property, Making Law. Land, Local Society and Colonial Discourse in Agrarian Bengal, c. 1785- 1830" Oxford (DPhil thesis) 2000.

C 3 Academic Articles, Chapters and Lectures

Brooking, Tom, "Rees, William Lee, 1836-1912" *Dictionary of New Zealand Biography* updated 22 June 2007: - URL http://www.dnzb.govt.nz/

Dalziel, Raewyn, "Southern Islands: New Zealand and Polynesia" in Andrew Porter (ed) *Oxford History of the British Empire,* Oxford University Press 1999.

Darwin, John, "Imperialism and the Victorians:- The Dynamism of Territorial Expansion" *English Historical Review* 1997 CXII (447): 614-642.

Hempel, Karl "The Function of General Laws in History" *The Journal of Philosophy* 39 (1942)

Hercus, Louise, Simpson, Jane, "The Tragedy of Nauo"; in Jane Simpson, David Nash, David, Mary Laughren, Peter Austin, Barry Alpher (eds.) *Forty Years On : Ken Hale and Australian Languages*, Australian National University, Canberra, 2001.

Hont, Istvan, "The Language of Sociability and Commerce: Samuel Pufendorf and the Theoretical Foundations of the Four Stages Theory", in Anthony Pagden (ed.), *The Languages of Political Theory in Early Modern Europe*, Cambridge University Press, Cambridge 1987 .

Hyam, Ronald "The Colonial Office Mind 1900-14" in *Journal of Imperial and Commonwealth History*, VIII 1979, pp. 30-55.

Hyam, Ronald, " The Primacy of Geopolitics: The Dynamics of British Imperial Policy, 1763-1963" in Robert D. King and Robin W. Kilson (eds) *The Statecraft of Imperialism: Essays in Honour of Wm. Roger Louis*, Frank Cass, London and Portland, Oregon 1999.

Krisch, Nico " Europe's Constitutional Monstrosity" *Oxford Journal of Legal Studies* 25 (2005)

McCaffrey, Lawrence J., "Irish Federalism in the 1870s: A Study in Conservative Nationalism" in *Transactions of the American Philosophical Society* v. 52 .

Majeed, Javed, "James Mill's The History of British India": The Question of Utilitarianism and Empire" in Bart Schultz and Georgios Varouxakis (eds) *Utilitarianism and Empire,* Lexington Books Oxford 2005.

Martin, Ged, "Grant, Charles, Baron Glenelg (1778-1866)" in *Oxford Dictionary of National Biography*, H.C.G. Mathew and Brian Harrison (eds), Oxford University Press 2004, v. 23.

Monin, Paul, "Maori Economies and Colonial Capitalism", in Giselle Byrnes (ed.) *The New Oxford History of New Zealand*, Oxford University Press, South Melbourne 2009.

Morton, W.L., "The Meaning of Monarchy in Confederation", in *Transactions of the Royal Society of Canada* (1963) Sections I, II, and III, Series 4 v. I.

Norris, Ronald, "Towards a Federal Union" in Bruce W. Hodgins, Don Wright, W.H. Heck (eds) *Federalism in Canada and Australia:-The Early Years*, Wilfrid Laurier University Press, Waterloo Ontario, 1978.

Oliver, W.H. "The Future Behind Us: The Waitangi Tribunal's Retrospective Utopia" in Sharp, Andrew and McHugh, Paul (eds) *Histories Power and Loss: Uses of the Past – A New Zealand Commentary,* Bridget Williams Press, Wellington 2001.

Ross, R. M., "Te Tiriti o Waitangi: Texts and Translations" *New Zealand Journal of History*, 1972, 6 (2) pp. 129-157.

Simmons, David "The Sources of Sir George Grey's *Nga Muhi a Nga Tupuna*" *Journal of the Polynesian Society* 75 (2) 1966.

Snelling, R.C., and Barron, T.J., "The Colonial Office: Its Permament Officials 1801- 1914", in Gillian Sutherland (ed) *Studies in the Growth of Nineteenth Century Government*, Routledge and Kegan Paul, London 1972, pp. 139-166.

Strachan, Hew, "Soldiers, Strategy and Sevastopol" in *The Historical Journal*, 21, 2 . (1978) pp. 303-325.

Urbinati, Nadia "John Stuart Mill, Romantics' Socrates and the Public Role of the Intellectual" in Kyriakos N. Demetriou and Antis Loizides (eds) *John Stuart Mill:- A British Socrates* Palgrave Macmillan Basingstoke 2013.

Waldron, Jeremy, "The Half-Life of Treaties: Waitangi, Rebus Sic Stanibus", *F.W. Guest Lecture Otago University Faculty of Law* 11, 2 2006.

Waldron, Jeremy "The Priniciple of Proximity" - *New York School of Law Public Law and Legal Theory Research Working Papers* Working Paper No 11-08 January 2011.

Williams, David V., " Te Tiriti o Waitangi – Unique relationship Between Crown and Tangata Whenua?" in I.H.Kawharu (ed.) , *Waitangi: Maori and Pakeha Perspectives of the Treaty of Waitangi*, pp. 64- 91; Oxford University Press, Auckland, Melbourne, Oxford, New York, 1989.

C 5 Essays and Tracts

Adderley, C.B.. M.P., *Review of "The Colonial Policy of Lord John Russell's Administration", - by Earl Grey, 1853, and of Subsequent Colonial History*, Edward Stanford, London, 1869.

Arnold, Thomas, *The Effects of distant Colonization on the Parent State:- A Prize Essay Recited in the Theatre at Oxford June 7, 1815*, printed S. Collingwood, Oxford 1815.

Arnold Thomas, "The Labourers of England" in *The Englishman's Register* No. 6, 11 June 1836 which can be found in "The Miscellaneous Works of Thomas Arnold: Collected and Republished" B. Fellowes, London 1845.

Blumenbach, Johann Friedrich, *de Generis Humani Varietate Nativa*, V.A. Vandenhoeck, Gottingen 1776.

Blumenbach, Johann Friedrich, 'On the Natural Variety of Mankind' in T. Bendysshe (trans.) *The Anthropological Treatises of Johann Friedrich Blumenbach* London 1865 [1776].

Brodie, Walter, *New Zealand and the Constitution Act: Reasons against the Reappointment of Governor Sir George Gray K.T*. [sic] , London, 1861.

Butt, Isaac, I*rish Federalism! Its Meaning, Its Objects and Its Hopes*, John Falconer Dublin 1870.

Davies, Sir John , *A discoverie of the true causes why Ireland was never entirely subdued, nor brought under obedience of the crowne of England until the beginning of His Majesties happie raigne, James 1st* , printed for Richard Watts and Laurence Flin, Dublin 1761 .

Davison, John, *An Inquiry into the Origin and Intent of Primitive Sacrifice and the Scripture Evidence Respecting it; with Observations on the Opinions of Spencer, Bishop Warburton, Archbishop Magee and other writers on the same subject; and Some Reflexions on the Unitarian Controversy*, John Murray, London 1825.

Grant, Charles, *Observations on the State of Society among the Asiatic Subjects of Great Britain, particularly with respect to Morals; and on the Means of Improving it*. Privately printed, London 1797.

Jefferson, Thomas, *A Summary View of the Rights of British America* Printed by Clementina Rind, Williamsburg Virginia, Reprinted G, Kearsly London 1774.

Johnson, Robert, , *The New Life of Virginea: Declaring the Former Successe and Present Estate of that Plantation, Being the Second Part of Nova Britannia*; printed for William Welby 1612.

Martin, William, *England and New Zealanders: Part I. Remarks upon a despatch from the right hon. Earl Grey to Governor Grey. Dated December 23 1846*; Bishop's Auckland, College Press, Auckland 1847.

Molesworth, Robert, *Account of Denmark as it was in the Year 1692*, R. Urie, Glasgow 1745 [1694].

Molyneux, William, *The Case of Ireland's Being Bound by Acts of Parliament in England Stated*, August Long, Dublin 1749 [1698].

"Philo-Indicus", *Gentlemen's Magazine*, XXXIV, 1763.

Spenser, Edmund, *A View of the State of Ireland, written by way of dialogue between Eudoxus and Ireneus,* Dublin 1763 originally written 1596 published 1630.

United Service Magazine Part 1, 1831 Henry Colburn and Richard Bentley London- article by "C." on "The War Game of Prussia".

Whately, Richard, *On the Origin of Civilization: A Lecture by His Grace the Archbishop of Dublin to the Young Men's Christian Association*, Young Men's Christian Association 1854.

Whately, Richard, *Remarks on Transportation and on a recent defence of the system:- In a second letter to Earl Grey* ; B. Fellowes, London 1834.