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BRYCE v. RUSDEN:

THE VINDICATION OF A COLONY

by

W. Ross Clendon.

A long essay submitted in partial fulfilment of the requirements for the degree of Bachelor of Arts with Honours in History at the University of Otago, Dunedin, New Zealand.

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John Bryce (left)

Courtesy of the Rolleston Collection, Alexander Turnbull Library.

George William Rusden (right)

Courtesy of the Turnbull Library Wellington.
Captain John Bryce
of the Kai Iwi Cavalry 1868.
Courtesy of the Harding Denton Collection,
Alexander Turnbull Library.

Sir Arthur Gordon
Courtesy of the Schmidt Collection, Alexander Turnbull Library.

Bishop Octavius Hadfield
Courtesy of the Alexander Turnbull Library.
John Bryce was Minister of Native Affairs in New Zealand during the early 1880’s. Perhaps the first noteworthy point about him is his comparative obscurity, but when his name is recognised it is usually in connection with the leading role he played in the invasion of the Maori village of Parihaka in 1881. Later generations have come to regard that episode as cause for regret and even shame on the part of the pakeha, and as evidence of the harshness and injustice which seem to have characterised so much of the colonists’ treatment of the Maoris. Some of Bryce’s contemporaries, especially those in England, also saw the Parihaka affair in this light, none more so than George William Rusden. His History of New Zealand, published in 1883, was a savage and lengthy indictment of the colony’s native policies over forty years, in particular of those policies pursued by John Bryce. Some of the aspersions made by Rusden against "the bully of Parihaka" were to result in the libel action of Bryce v. Rusden which was fought in London in 1886.

When John Bryce sailed for England to vindicate his good name before a British Judge and jury, he had behind him the moral support of his fellow colonists in New Zealand. They saw Bryce as being on a mission to defend not only his own honour but also the honour of
the colony as a whole; his cause was theirs also.

This essay attempts to demonstrate the extent to which Bryce was regarded as a spokesman for all the colonists in New Zealand, and an effort has been made to determine just how successful he was in removing a stigma from the colony. It is also hoped that in the course of the essay some better understanding may be reached of John Bryce as a man and as a colonist and not merely as the plaintiff in the action. For, as both his detractors and his admirers would concede, John Bryce was a man who probably came closer than any of his political colleagues to typifying the ordinary colonist of his day. He was, in fact, the settler personified.
ABBREVIATIONS

AJHR  Appendices to the Journals of the House of Representatives.
CO 209  Colonial Office Records relating to New Zealand, on microfilm in the Hocken Library, Dunedin.
encl.  enclosed.
GBPP  Parliamentary Papers of Great Britain.
ibid.  in the same place.
micro.  on microfilm.
NZPD  New Zealand Parliamentary Debates.
N.Z. Times  New Zealand Times.
ODT  Otago Daily Times.
op. cit.  in the work mentioned.
passim  from place to place.
T.A.P.S.  Transactions of the American Philosophical Society.
INTRODUCTION

The role played by the Treaty of Waitangi in the acquisition of British sovereignty over New Zealand has come to assume an important part in the country's political mythology. The drama that was enacted on the lawns of the British Residency overlooking the Bay of Islands on 6 February 1840 has special appeal in a world which has become increasingly sensitive to racial inequalities and to the legacy left by past racial injustice. It has become a source of quiet pride for most New Zealanders to think that their land was founded in a way which was 'unique' – not by the subjugation of the native race by the alien, uninvited European as was so often the case elsewhere, but rather as the result of the freely given consent of the Maori chiefs who, in return for ceding their sovereignty to the Queen, were promised the rights and privileges of British subjects.

In the twentieth century, some writers, realising that the Treaty has been more honoured in the breach than the observance, have reacted against the hypocrisy of those who would continue to honour Waitangi Day, and have denounced the Treaty as a sham or a prop. To them

2 e.g. Anthony D. Molloy, "The Non Treaty of Waitangi," Landfall 98 (June 1971).
the Treaty is nothing more than a symbol of smug self satisfaction on the part of the European for what he has gained and of disillusion on the part of the Maori for what he has lost. Legal experts, too, have helped to undermine the status of the Treaty by claiming that the native chiefs were incapable of exercising the sovereignty they purported to cede, and thus the Treaty was not valid under international law.

Such criticism, while partly justified, can, however, be taken too far. For whatever the doubts over its legal validity or its later observance, there can be no doubt that the spirit with which the Treaty was conceived and signed did indeed make the acquisition of New Zealand a departure from earlier British attempts at colonization where it was known a native race would be encountered. The individuals immediately responsible for the acquisition of New Zealand were imbued with the humanitarian spirit which characterized so many of the greatest and most influential men of their age. Chief amongst them was James Stephen, permanent Under-Secretary for the Colonies, but his determination to protect the Maoris was fully shared by the long line of Secretaries of State for the Colonies under whom he served. These men, in turn, had the strong backing of the two great Missionary Societies with interests in New Zealand – the forces of Exeter Hall – and support was also voiced by such loose aggregations of opinion as the evangelical Clapham Sect. Further important support came from the politically influential Aborigines Protection Society
founded in 1837. For its members the establishment and development of the new Colony in the Antipodes was to be one of their first and greatest interests. What all these men had in common was a humanitarian and fiercely idealistic spirit and a fervent hope that the Colony of New Zealand might serve as an example to the world of how men of different races could live together in equality and harmony.

This hope was to be quickly shattered. The process of colonization led inevitably to a demand by the new settlers for land. As this demand grew, so Maori fears grew and their resistance to further sales stiffened. Although the Treaty of Waitangi might have guaranteed to the Maoris the undisturbed possession of their lands "so long as it is their wish and desire to retain them," their unwillingness to alienate the land led to growing tension and eventually to war. This conflict between Maori and pakeha was to be mirrored by an equally irreconcilable conflict between the colonial settler and the humanitarians or philo-Maoris in England. It was a conflict between those who were devoting their lives to the economic and political development of a new land and those who believed that the welfare of the native race should over-ride all other considerations. Each group found it impossible to comprehend the attitude of the

3 See Keith Sinclair, "The Aborigines Protection Society and New Zealand; A Study in Nineteenth Century Opinion" (M.A. thesis Auckland 1946), passim.
other. What the humanitarians denounced as greed and theft, the settlers looked upon as progress and development and the means of creating a new and better life in a new land. They had not travelled half way round the world only to be thwarted by a few savages and their interfering, impractical and ignorant protectors at "Home."

For over twenty years the Colonial Office strove vainly to live up to the promises made at Waitangi in 1840. But in 1863 they surrendered control of Native Affairs to the Colonial Government. The difficulties of supervising a native programme from 12,000 miles away, combined with the obligation they felt to confer self-government on the British settlers, now numerically superior to the natives, gave them little alternative. Nevertheless, they abdicated their control with some degree of anguish and betrayal. This feeling was not lessened by the years of strife and bloodshed which followed in New Zealand. The Colonial Office made clear where its sympathies lay; in particular, the New Zealand Government was left in no doubt that its policy of land confiscation to help pay the costs of the war and to punish "rebel" Maoris was one of which the Home Government strongly disapproved and would have arrested had they still controlled native affairs. In the minds of the Colonial Office officials and of all the philo-Maori class in England there was no doubt as to who was to blame for the wars. The causes of the conflict had "abundantly exhibited the real character of the colonizing
In New Zealand a few colonists including such eminent men as the Chief Justice, Sir William Martin, Bishop Selwyn and Archdeacon (later Bishop) Hadfield, sided with the philo-Maoris in England and corresponded with them and kept them informed. But this group, although influential, was decidedly in the minority. The great majority of colonists considered the charges of the philo-Maoris completely unjustified. In their view, the European dealings with the Maoris had been fair and even generous. The colonists had prospered through their own enterprise and hard work and not through unjust aggression towards the Maoris. That they were fighting the natives was true; but they did so "not ... for aggrandizement or territory, but for the preservation of their homes, their lives, and the lives of those nearest and dearest to them." In the settlers' view, the Maoris, in general had always been paid a fair price to part with the land. In fact, rarely, if ever, in the world's history had a stronger race dealt more humanely or acquired less by force or fraud than had the European race in their transactions with the Maoris of New Zealand.

At no stage, however, did the settlers question the assumption that their own European culture was best and was the one that must prevail. They never doubted that the native culture was bound to be supplanted, being too widely separated from the European to admit of adjustment or compromise. The Maori, therefore, would have to

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4 Otago Daily Times, 16 February 1886.
conform to the settlers' culture if he were to survive in the future colony. For those settlers who doubted the Maoris' ability to adapt, the extinction of the Maori race seemed a distinct possibility. As the Maori population continued to decrease steadily year by year, they came to regard what was happening as the inevitable consequence of an inferior or backward race coming into contact with a civilized and superior one. Many, therefore, came to agree with Dr. Featherston, the Superintendent of Wellington, when he stated in 1856 that their duty towards the Maoris as good compassionate colonists was simply "to smooth down their dying pillow. Then history would have nothing to reproach them with." 5

On the whole, there is no reason to doubt that most colonists attempted to act reasonably, fairly and honestly towards the Maoris, or at any rate, certainly there is no reason to suppose that the great majority were deliberately oppressive or unjust. If they had any fault it was narrow mindedness, but narrow mindedness was just as common amongst their Exeter Hall critics and other opponents as well. The colonists may sometimes have made mistakes in their treatment of the Maoris, but their difficulties and lack of experience made them deserving of more sympathy and understanding than their critics were willing to concede. It was especially galling for men who had experienced at first hand the ferocity and savagery of the

5 I.L.G. Sutherland (ed.) The Maori People Today p.28.
natives to hear the so-called experts in England lay all blame for the fighting at the feet of the pakeha and excuse or justify the actions of such 'criminals' as Te Kooti who swooped down upon isolated communities and murdered innocent men, women and children in cold blood.

For some long suffering, much maligned colonists the constant abuse and complete lack of understanding from their English critics became almost too much to bear. In the three years after 1868 feelings ran so high and opinion towards Great Britain became so bitter that in some quarters it was expected that New Zealand would break all ties with the Mother Country and secede. After 1871, however, there was a steady improvement in relations between England and her furthest colony. The Maori wars had come to an end; 'the fire in the fern' for the moment, at least, appeared to have been quenched. After a decade of racial strife a new era of rapid economic development and soaring optimism was now about to begin. When the fighting died down, so too did the criticism in England of the colony's Native policy. During the seventies the colonists' wounded pride was given time to heal. The love and affection which New Zealand felt for England was restored and strengthened. New Zealand took pride in the strength of her loyalty and in the closeness of the bonds between Mother country and daughter colony. She also took pleasure in being styled the 'Britain of the South' for it implied recognition that her people were closer to the British in outlook and behaviour than in any other of her colonies. Criticism of New
New Zealand's native policies in England was now much less frequent and for a time it appeared such criticism might die out altogether. But events at Parihaka in southern Taranaki after 1879 ensured that this was not to be the case.

Parihaka in 1879 was the biggest Maori village in the colony with over 2000 inhabitants. Its chief, Te Whiti, was the foremost Maori figure in New Zealand at that time. "Half prophet and half politician," he wielded a power and influence which extended far beyond the immediate confines of his village, and which caused hundreds to trek to Taranaki to hear his monthly meetings. To them he prophesised that the day would come when the white colonists would depart, leaving the Maoris to rule as in by-gone days. Whether that day should ever come or not, Te Whiti was determined, at least, to retain those lands which were still in Maori hands and to resist further encroachment by the pakeha. Te Whiti was above all, however, a man of peace. His religious convictions and political realism alike both led him to counsel his followers against the use of force to resist the inroads of the pakeha.

If circumstances had been different, Te Whiti, despite the distrust in which he was held by many colonists, would probably have been left in peace as indeed he had been throughout the seventies. But as that decade neared its end, the colony began to enter into a recession. The

6 Otago Daily Times, 2 July 1883.
Government was short of revenue and it was also under growing pressure to make more land available for settlement. Especially was this the case in Taranaki which had always been one of New Zealand's feeblest and most depressed provinces. The settlers there had for years been looking with ever more covetous eyes on the thousands of untitled acres which surrounded Parihaka. In 1878 the Government, acting under the combined pressure of settlers' land hunger and its own need for revenue, sent surveyors to open up the Parihaka block for European settlement. That they were legally entitled to take such action they had no doubt. Under a proclamation issued in 1865 a huge area of southern Taranaki including Parihaka had been confiscated on the grounds of the rebellion of its Maori owners. The Parihaka confiscation, however, had never been enforced and the Maori owners believed that the Government claim had been abandoned. When the surveyors entered upon his land Te Whiti therefore launched a campaign of passive resistance. Survey pegs were uprooted, fences built across the roads constructed by the survey parties, and the land on neighbouring European farms was ploughed up in protest against the Government's action. For three years Te Whiti waged his campaign against these efforts to steal his people's land. Nothing the Government might do to stop the campaign seemed to be of any avail. They attempted to persuade, to cajole, to force Te Whiti to let the survey proceed, but the chief, probably realising that his mana would suffer should he make the slightest compromise,
seemed only to become more obstinant. The Government passed what on the surface, at least, were a series of draconian laws which suspended *habeas corpus* in Taranaki and made it possible to imprison Maoris indefinitely without trial. The costs of keeping hundreds of Maori ploughmen and fencers in prison, and of maintaining hundreds of Armed Constabulary in the district, together with the failure of all attempts to conciliate Te Whiti, finally forced the Government's hand. On 5 November 1881 a Government force of 1600 men was sent to Parihaka to arrest Te Whiti and end Parihaka's role as the centre of Maori disaffection in New Zealand. Te Whiti, true as always to his pacifist beliefs, offered no resistance. Instead he sent two hundred children, singing and dancing, to welcome the invaders. By turning the proceedings into a farce Te Whiti had managed to extract at least a moral victory from the situation. But the real victory, inglorious as it was, belonged to the Government. Te Whiti's lands could now be unlocked.

Te Whiti's prolonged resistance to these attempts to deprive him of his lands had not gone unnoticed in England, where the Government's actions were harshly condemned and held up as further evidence of settler greed and cruelty. The attention which had been focused on the

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7 cf. "This Parihaka business . . . was discussed and talked about all over the civilized world almost;" Sir John Gorst in *Bryce v. Rusden* 1886, Transcript of the Trial, p. 258.
conflict between pakeha and Maori at Parihaka thus served to renew the conflict between those who on the one hand shared the settler viewpoint and, on the other hand, those who were of the philo-Maori school. These two antagonistic views, so sharply defined by the Parihaka issue, could be said to be personified by two of the men who were intimately involved in it. On the one hand there was John Bryce, the Native Minister at the time of the invasion of Parihaka. Without doubt, his was the settler viewpoint.

The son of a Glasgow carpenter, he had come to New Zealand with his family in 1840 at the age of seven and later had carved a farm out of the bush nine miles from Wanganui. Bryce was a self-educated, strong-willed and uncompromising man who, upon entering politics as the member for Wanganui, had immediately won respect for his earnest sincerity and integrity. "Honest John Bryce" was widely recognized as a man of the firmest convictions. "My friends call me obstinate and pig-headed," he declared. "I call myself firm."

He became Native Minister in 1879 and endeavoured to follow what he described as a "bold and confident" or "vigorous" policy in dealing with the Maoris. He had first and foremost the interests of the settlers at heart, but this was not to say that his dealings with the Maoris were not fair and just in his own conception.

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9 *New Zealand Times*, 23 April 1883.
of those terms. Like most of his fellow settlers he believed that the "natives . . . [had] been treated with a degree of justice and humanity never before displayed by the dominant race in the history of colonisation."\textsuperscript{10}

During his tenure of office the defiance of Te Whiti and his followers was the main issue in native - and, indeed, in national - affairs. From the outset, Bryce's view had been that the Government should take a firm or vigorous line. Te Whiti he regarded as a dangerous "fanatic"\textsuperscript{11} "far gone in insanity,"\textsuperscript{12} and the only way to ensure a permanent peace in Taranaki was to assert the authority of the Queen throughout the district. In this there should be no delay. His Cabinet colleagues, however, preferred a more conciliatory or moderate stance. For instance, they appointed an independent Commission to allocate adequate reserves in the hope that Te Whiti could be won round. Bryce found himself forced to implement a policy which in his own judgment he considered wrong. Such a situation was intolerable to a man of so forthright and uncompromising a nature as John Bryce undoubtedly was. Accordingly, in January 1881, he resigned from the Cabinet. Nine months later, with the Government's policy in the meantime having been an obvious failure,

\textsuperscript{10} Bryce to The Kai Iwi Cavalry, reported in Otago Daily Times 31 July 1883.

\textsuperscript{11} Bryce's memorandum, 20 December 1880, GBFP C.3302/ p. 102.

\textsuperscript{12} NZPD, 17 October 1879, xxxii, p. 358.
Bryce was reinstated as Native Minister to implement the vigorous policy he had been advocating all along. It was he, mounted on a white horse, who led the invading force into Parihaka, had the Riot Act read to the peacefully assembled multitude, and then proceeded to arrest Te Whiti, forcibly disperse most of the inhabitants and destroy much of the village including the sacred meeting house.  

Such a policy was, of course, anathema to the philo-Maoris, and no man personified that group better than did Sir Arthur Gordon, who became Governor of New Zealand at the end of 1879. He has been described as "one of the outstanding colonial governors of the latter half of the nineteenth century," but his abilities were definitely more suited to being the Governor of a Crown Colony rather than of a colony with responsible government such as New Zealand. Gordon had the humanitarian's concern for the welfare of all Her Majesty's native subjects; he was, in fact, "the Native People's Guardian." He had a barely concealed contempt for those groups which he believed were trying to exploit the native peoples he sought to protect. His sympathy for Te Whiti immediately led to a mutual antipathy developing between him and his Ministers, especially John

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12. Tohu, Te Whiti's leading disciple, was also arrested.


Bryce whom he came to regard as his "bitterest personal enemy in the Colony." The invasion of Parihaka was conveniently (and, in Gordon's view, deliberately) authorized while he was absent from the colony on a visit to Fiji. His arrival back in the colony only hours after Bryce had left for Parihaka convinced Gordon that his ministers had played a "shabby trick" on him.

Gordon left the colony midway through the following year "profoundly disgusted by the treatment of the Maoris." The colonists were glad to see him go. His appointment had been a disastrous mistake, a "deplorable blunder" which they hoped would never be repeated. But while the colonists in New Zealand could condemn and deride Gordon's foolish and dangerous views, they could not escape the fact that those views were shared by a large number - probably most - of the people back in England. The settlers knew that when Gordon returned to England his allegations of settler greed and cruelty would be called him "a gospel-grinding nigger-lover" ... D. Scott, The Parihaka Story, p. 66.


16 Gordon to Granville, 21 April 1886, CO 209/246 No. 8792.

17 Gordon to Gladstone, 6 May 1882, P. Knaplund (ed.) "Gladstone-Gordon Correspondence," op. cit. p. 86.

18 Evening Post, 12 January 1883.

avidly and unquestioningly accepted as true by those whose attacks were already raining down so heavily upon the colony.

As had been the case in the past, the attacks and aspersions being made on the colonists in the English press and by many prominent individuals in England relating to their treatment of the Maoris were regarded as totally unjustified. As in the past they caused anger and indignation. But more and more it also caused hurt and bewilderment in the colony to realise that such shocking charges could be believed by those in England against their fellow countrymen.

These ignorant and untruthful charges led the colonists to resent even the slightest suggestion that they may occasionally have been in the wrong. Impartial criticism even, if it was in the least adverse, could scarcely be endured. "There is, indeed, no subject on which (the colonists) are more sensitive (than interference with their native affairs)" wrote the Otago Daily Times.20 That this was so was borne out by the constant campaign waged by the press in the colony to combat the "cruel and baseless slanders"21 which had led "tens of thousands of persons in England (to believe) that the record of the settlement of New Zealand is one of crime, oppression and gross injustice to the Maoris."22

20 Otago Daily Times, 14 March 1883.
21 Evening Post, 16 March 1886.
22 Ibid.
The most common reaction to these slanderous attacks was to issue an indignant denial of all the charges they contained. Never in the records of modern colonization had any native race received such fair treatment from white men as the Maoris had in New Zealand. One had only to compare the treatment of Aztecs and Peruvians by Cortez and Pizarro, of the South African tribes by the Dutch, of the negroes in Haiti and the Moors in Algeria by the French, of the Indians by the Americans in their western states, of black men in the West Indies by the sugar planters in bygone times, of the aborigines in Australia, of the inhabitants of Central Asia by the Russians, "and New Zealand may fairly claim to have discovered a method of colonization incomparably more just and humane, one accompanied by far less of robbery and ten times less of bloodshed than any of them all." 23

Frequently, more subtle means were employed to deny the charges made against the colonists. A belief in the wickedness of the white settlers and in the inherent goodness of the Maori were realised to be two sides of the same coin. If British readers could not be convinced completely of the colonists' good behaviour, then perhaps the desired effect could still be achieved if they became less convinced of the inherent goodness of the Maori. Frequently in the monthly summaries of news for Europe which many of the leading papers published there would be small articles, fairly innocuous by themselves, but which together would help contribute towards a picture for readers at "Home" of

23 Evening Post 16 March 1886.
the natives as simple and superstitious people whose often outlandish behaviour was regarded with a commendable tolerance by the white settlers.\textsuperscript{24}

The failure to make any noticeable impression on English public opinion, however, was evidenced by newspapers resorting frequently to personal abuse of the detractors of New Zealand. Thus the \textit{Evening Post} branded the "fanatics of the so-called philo-Maori class" as "the worst and most dangerous foes of the decaying race they profess to befriend."\textsuperscript{25} These philo-Maoris were the victims of a "diseased imagination" for whose statements the only justification was "an impenetrable panoply of prejudice."\textsuperscript{26} For the most part they had never set foot in New Zealand, and yet, as another paper pointed out in a mixture of anger and frustration, "the assertion of any empty-headed ignoramus of the Sir Arthur Gordon stamp, who had never had the opportunity of knowing for himself . . . [was] at once taken in preference to that of men thoroughly conversant with the natives, their land tenure,

\begin{itemize}
\item \textsuperscript{24} e.g. "The Maori King Tawhiao has been for some time engaged in what is called a royal progress from town to town in the central parts of the Northern island. This royal progress consists of short journeys from public house to public house, where the dignified savage, clothed in no sort of glory except that fictitious kind bestowed by the ignorance of Exeter Hall, gets gloriously drunk, and indulges in the most bestial immorality." \textit{New Zealand Times}, News of the Month, 20 April 1883.
\item \textsuperscript{25} \textit{Evening Post}, 3 February 1883.
\item \textsuperscript{26} \textit{Evening Post}, 16 March 1886.
\end{itemize}
their customs, laws, religion and mental culture from close contact with them for half a lifetime."27

Of course, this was not true in all cases. Much of the ammunition fired off against the colony by the Missionary Societies, especially, was supplied by their own missionaries working among the Maoris in New Zealand. For this reason the information of these men, who in some respects comprised a fifth column within the colony, was often the most damning and damaging of all. In order to blunt the allegations of those "imbecile church dignitaries"28 who groaned over the imaginary wrongs the native race had suffered in New Zealand, some plausible explanation was necessary in order to explain why such charges should be made if they were not true. The one that was most frequently resorted to was that the missionaries, or, at least, those who criticised the settlers, had never really lost their feelings of bitterness for the European settlers who had destroyed whatever chance there had been of establishing a missionary theocracy in New Zealand. And once settlement began they had regarded with horror the presence of laymen who would teach the Maoris the value of their land, and "emancipate them from clerical thraldom."29 As far as these missionaries were concerned, nothing was too bad to send to England as to the motives and actions of the "pestiferous settlers."30

27 New Zealand Times, 21 April 1883.
28 New Zealand Times, 17 February 1883.
29 Evening Post, 16 March 1886.
30 Ibid.
It seemed, however, to be a losing battle. New Zealand had to contend with not just the accusations of a few outspoken individuals but with the prejudice of the English press as a whole, or at least a large section of it. As the New Zealand Times sorrowfully pointed out, the "organs of public opinion in England have very little sympathy with the colonies in this part of the globe."\(^{31}\) Te whiti might have been about to plunge the whole of the North Island into war, and yet in England the operation against Parihaka was assumed without question to be the result of colonial greed and, in some circles, further evidence that the colonists were intent on "rapidly killing off"\(^{32}\) the Maoris.

When all reasoned argument appeared unsuccessful, the colonial press occasionally in desperation took the offensive. For instance, it pointed out how the Maori land difficulties were very similar to the ones being faced by the British in Ireland.\(^{33}\) The only difference was that the New Zealand colonists' attempts to grapple with the problem had been successful while the British ones obviously had not. This use of the tu quoque argument, however, hardly seemed to put the English attackers off balance at all. Other attempts to disarm their critics with a suitably facetious or incisive remark invariably

\(^{31}\) New Zealand Times, 18 April 1883.


\(^{33}\) e.g. New Zealand Times, 15 February 1883; 21 April 1883; 13 July 1883. Evening Post, 15 January 1883.
proved equally unsatisfactory. Sometimes the colonists could tell themselves that the real cause of the prejudice of so much of the English press was not the failings of the settlers in their dealings with the Maoris but was rather their marvellous success in every other sphere. Their success, deduced the New Zealand Times, must seem "to many specimens of John Bullism to be something like what the vulgar little boys would call 'teaching your grandmother to suck eggs.'" The constant attacks upon the colony could therefore be dismissed simply as the product of jealousy and envy.

But any consolation which such unconvincing arguments gave the colonists could only be slight, any boost to their ego only temporary. What the colonists wanted was not to be envied, but to be loved. They wanted the sympathy and affection they felt for the people from whom they derived their origin to be returned. They wanted to be regarded, even though they were now on the other side of the world, as members of the national family, as kith and kin, separated by 12,000 miles of ocean but united by indissoluble bonds of kindred and of feeling. At the very least it rankled, and for some it was a source of deep and abiding sorrow, to realise that many of their countrymen at "Home" so readily lent an ear to stories of the colonists' cruelty and greed in their dealings with the Maori and were prepared to believe that Englishmen, in changing their skies, were capable of changing their

34 New Zealand Times, 18 April 1883.
Yet what could be done? The disclaimers and contradictions, the reasoned arguments, the fulminations and the wild attacks of the New Zealand press had only a tiny audience beyond the shores of the colony. They could never really expect to make any real impact on public opinion in England. The colonial press could "write their heads off" in defence of the colonists, they could "swear till they were black in the face"\(^{35}\) that their conduct towards the Maoris was humane and fair. But almost before they began, they realised they were fighting a losing battle. For what hope had they in defending themselves against charges made from the Episcopal bench and from the Governor's library? The likes of a Governor Gordon or a Bishop Hadfield would be believed in England, while they would not. The colony, it seemed, might be maligned with impunity. To the colonists there appeared no real way of fighting back.

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\(^{35}\) *Evening Post*, 15 January 1883.
CHAPTER II

A LIBEL ON THE COLONY

By the beginning of 1883 the colony of New Zealand felt generally that the state of Native Affairs was highly satisfactory and that a debt of gratitude was owed to the Native Minister, John Bryce. His policy at Parihaka had proved eminently successful. Taranaki was now quiet and the first 100,000 acres of the confiscated land had already been surveyed. It was true that Te Whiti and Tohu had now been in captivity for over a year without trial, but they were being treated more as guests than as prisoners of the Government. The Parihaka Maoris had been very liberally treated with all the reserves recommended by the West Coast Commissioners being granted to them except for 5,000 acres which the Government had felt compelled to subtract as a warning to other potential trouble makers that disobedience of the Government could not go unpunished. The Parihaka Maoris with the land that remained to them were still to be counted amongst the richest natives in the country. Bryce himself was of the opinion that the Government had perhaps been a bit too generous. Enough land had been returned to them to enable them and their descendants to keep themselves in affluence and idleness.¹ Most of the difficulties with

¹ J. Bryce, Evening Post, 24 May 1886.
the Maoris in the past, he believed, could be traced to
the policy of successive Governments of petting and pam-
pering the Maoris a great deal more than was for their
own good. While he was Native Minister he sincerely
hoped that nobody would ever be able to say the same a-
bout him.

John Bryce was without doubt the most popular
Minister in the Government. With the country still in
the trough of depression and the only remedy seen to be
in a policy of stringent retrenchment, his Cabinet col-
leagues were grateful to bathe in the reflected glow of
his native successes. Bryce's triumphant march in April
1883 through the King Country where until then the Ngati-
maniapoto and Waikato tribes had been living in sullen
and defiant isolation, was hailed as an act of heroism
and an event of great significance for the colony's fu-
ture. Bryce was showing that no region now remained
where the queen's writ did not run, and in future no one
could expect to defy the Government with impunity as Te
Whiti had done for so long.

The exceedingly favourable state of Maori affairs
had encouraged the Government to take the magnanimous
step of granting amnesty to all those Maoris who had
once taken up arms against the Crown. In February, the

2 "In the future history of New Zealand there will
be no brighter page than that which will tell of the
pioneer excursion into that mysterious region, which
has so long and so determinedly been barred against
civilisation." Otago Daily Times, 24 April 1883.
Native Minister personally amnestied the most feared and hated of all the former rebels, Te Kooti, who for years had managed to evade his pursuers in the fastnesses of the Urewera and the King Country. Although Bryce was strongly criticised in some quarters for his action, the vast majority of New Zealanders approved of the gesture, seeing it as further evidence of the fair and generous behaviour which they believed characterised their treatment of the natives.

It was quickly evident, however, that 1883 would see no let-up in the scurrilous and ill-founded attacks upon the colony by the philo-Maori sympathisers in England. Early in the new year the news reached New Zealand that Sir Arthur Gordon had placed before the Imperial Parliament a Blue Book on the West Coast Native Difficulty and the events leading up to the invasion of Parihaka for the purpose of preparing the minds of the English M.P.'s for a long promised debate on Maori matters. The greater part of its 291 pages was devoted to a full text of the despatches written to the Secretary of State for the Colonies respecting the native troubles at Parihaka by Sir Arthur Gordon between December 1880 and August 1882. Many had not been made public before. For the most part Gordon's opinions were seen as "scandalously unfair and infamously untruthful." To back up his views Gordon also enclosed

3 GBPP C.33827 "Correspondence, etc. respecting Native Affairs in New Zealand and the Imprisonment of Certain Maoris" (House of Commons 1882).
4 Evening Post, 15 January 1883.
nineteen leading articles from the *Lyttelton Times* which was one of the few papers in the colony, and certainly the only one of note, which shared Gordon's philo-Maori views. Like Gordon, the *Lyttelton Times* believed that the Government's native policy was aimed primarily at separating the Maori from his land.5

The overall impression conveyed was the now familiar one of the New Zealand colonists in general, and their elected Ministers in particular, being a bunch of cruel, grasping and unscrupulous oppressors, poisoned with an intense longing to "exterminate" the natives and seize on their miserable remnant of remaining land. It was the story with which the colonists were now all too familiar. This latest attack was further evidence that the colonists could expect no respite in the campaign which their detractors in England were now so unrelentlessly waging against them. In fact, as the *Evening Post* ruefully reflected, Sir Arthur Gordon had "furnished them with a wealth of material on which they may draw 'ad libitum' for texts during the next ten years or more."7 Following

5 They [the Maoris] have committed the one sin which of all sins cannot be forgiven by our present rulers: they have refused to give up the inheritance of their fathers. *Lyttelton Times*, 9 November 1881.

6 Gordon specifically quoted his Colonial Treasurer Harry Atkinson as having expressed a hope the Maoris would be exterminated. See *AJHR*, 1883, A-4 No. 20, p. 18. For Atkinson's rejoinder see *AJHR*, 1883, A-4 No. 20 encl. 32.

7 *Evening Post*, 15 January 1883.
directly on the arrival of the Blue Book in New Zealand had come the first reports of articles in English newspapers commenting on the despatches. In one, the *Mail Gazette* expressed its disgust and shame at the fact that such policies as were pursued by the colonial Government in New Zealand could be committed with the approbation of men who "speak the English language, bear the English name, and ought to be the heirs of great English traditions of reverence for the written laws."8

It seemed clear that the effects of Sir Arthur Gordon's short Governorship would continue to be felt for a considerable time to come. While in New Zealand the colonists had treated Gordon "without courtesy and without honour, ignoring him whenever it was possible, and when it was not acknowledging his presence brusquely and with disdain."9 Realising the comparative helplessness of a Governor in a responsibly governed colony to alter the policies of his responsible advisers, most colonists regarded Gordon as a source of irritation rather than any real danger to the colony. But many now came to realise for the first time how they had greatly underestimated the impact, if only indirect, that Gordon had been and still was capable of making. By the publication of his despatches he had ensured that his ghost

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8 *Ibid.* (i.e. *Evening Post*, 15 January 1883.)
would be felt in New Zealand long after he had left her shores. Moreover, the tangible evidence of Gordon's attempts to vilify the colony which the Blue Book had provided now led many to see his malign influence working in other more subtle ways. For instance, in May, one paper darkly hinted that the reasons for New Zealand faring so badly in the recently released "birthday honours" could be traced to "Sir Arthur Gordon's well-known influence with his old friend, Mr. Gladstone." Truly, the colony owed Sir Arthur Gordon much.

The gravity of the charges laid in the Imperial Blue Book, however, would soon pale almost into insignificance in comparison with the damning nature of the accusations published in a three volume work of 1800 pages which purported to be a *History of New Zealand*.

The author, George William Rusden, had until recently been the clerk of the Victorian Parliament but had since retired and returned to England where his *History* was completed and published early in 1883. The son of a clergyman, Rusden had emigrated to New South Wales as a boy and had spent the whole of his active life in the public service in Australia. Beginning as an inspector of schools, he later became Under Secretary of State

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10 Evening Post, 29 May 1883.

for the Colony of Victoria and finally from 1856-1882 clerk to the Parliament of that colony. His decision to undertake the writing of a history of New Zealand was influenced principally by the urgings of Anthony Trollope who visited the Australasian colonies in 1872. When Rusden commenced the work in 1875 he had not yet visited New Zealand and was forced to rely mainly on official documents, newspapers and parliamentary debates. Before the work was completed he was to make two short visits to New Zealand. The first of these was for three weeks at the end of 1878 part of the time being spent as the guest of Sir George Grey who was then Premier of the colony. His second visit came about as a direct result of the invitation he received in February 1881 from the newly arrived Governor, Sir Arthur Gordon, who had heard through Sir George Grey that Rusden was working on a history of New Zealand. The two men were not strangers to each other. Rusden had met Gordon when the latter had passed through Melbourne on one occasion and they had corresponded intermittently since then. Both men had in

12 Bryce v Rusden p. 264.

13 Bryce v Rusden p. 270; Sir George Grey provided Rusden with considerable assistance in gathering material for his book. The Grey Papers contain 21 letters from Rusden written between 1876 and 1883.

14 Gordon to Rusden, 5 February 1881, Rusden Papers; Microfilm reel of those papers relating to New Zealand at Trinity College, University of Melbourne, at the Alexander Turnbull Library, Wellington.
common their deeply held humanitarian beliefs and love for native races.

When Rusden paid his second three week visit to New Zealand in July 1881, he confined his researches at the Government Office entirely to that period prior to 1868. Until this visit he had probably intended to finish his history at that date. But during that short stay he appears to have made the decision to extend the history right up to 1881. His history he intended as a portrayal primarily of the contact and conflict of the two races in New Zealand - the stronger European one and the weaker native race. His aim was to show how the tragedy which had befallen that weaker race was largely the result of the ruthless and oppressive rule of the European settlers. In July 1881 the colony was still convulsed in the Parihaka difficulty and the utter lack of sympathy that the majority of the colonists felt for Te Whiti and his followers must have been seen by Rusden as evidence that the leopard had not changed his spots - that the New Zealanders' determination to dislodge Te Whiti from his lands was no different from that greed which in 1860, for instance, had led to the Waitara dispute and a decade of war with the natives. Those wars had badly decimated the Maori race. The present policies of the Government offered no promise of any improvements for the Maoris in the years to come. In fact, to Rusden it almost appeared as if the settlers would welcome the prospect of the entire Maori race being wiped out. By bringing his history right up
until 1881 he would show to the people in England the tragic plight of the natives in New Zealand in the hope that they might yet be able to shame or force their countrymen in the colony to amend their ways while there was still time.

It is not clear to what extent this decision was influenced by his host on that second visit, Sir Arthur Gordon. Sir Arthur would later claim that he had "strongly dissuaded" Rusden from extending the history a further twelve or so years so as to cover the native troubles in Taranaki on the grounds that it would turn his work from "a history into a political party pamphlet."15 Some doubt must be cast on this assertion by the fact that upon his return to Australia, Rusden received considerable assistance from Gordon in obtaining the material necessary to cover those later years. But even if Gordon did actively counsel such a course, it is fair to conclude that Rusden would have needed little urging had the idea to continue his history up to 1881 not been his initially. In his sympathy and concern for native peoples, and in his detestation of the majority of settlers who came in contact with them, he was certainly the equal of Gordon.

During the 1881 visit, in conversations he had with his host, Rusden became fully acquainted with the history of the Parihaka difficulties, and also in relation to them, with John Bryce. At this stage Bryce was

15 Gordon to Lord Granville, 21 April 1886, CO. 209/ 246 No. 8792.
no longer in the Cabinet having resigned in January when
his colleagues refused to accede to his demands that they
should follow a vigorous policy in Taranaki. Bryce was
now a backbencher, but it remained to be seen how long it
would be before he returned to office. Support for his
views was obviously growing in Parliament and in the
country at large as each day passed with no evidence that
Te Whiti's intransigence was weakening. Gordon realised
this and his abhorrence of what he regarded as Bryce's
strongly anti-Maori sentiment was matched only by his
fear of what should happen if Bryce was ever invited to
resume office as Native Minister. In his conversations
with Rusden, Gordon could not have failed to convey to
his visitor the intense dislike he felt for Bryce and
the impression, which was accurate enough, that Bryce
epitomized for Gordon everything about the settler men-
tality which he despised.

That Rusden left New Zealand after this second
short visit with an indelible picture of John Bryce
firmly stamped on his mind is clear from the letters he
subsequently wrote to Walter Mantell, the Legislative
Councillor with strong pro-Maori sympathies, who provided
Rusden with the greatest assistance in supplying the ma-
terial which Rusden needed to compile his history. On
21 October, Rusden wrote to Mantell of the "agony" he
had felt at hearing that Rolleston had stepped down as
Native Minister in favour of "the uncouth ignorant but
self-sufficient Bryce."\textsuperscript{16} Shortly after the invasion of Parihaka the following month, Rusden appealed to Mantell to tell him all he knew of that "reptile" Bryce; "If you can sharpen the arrows of my scorn so as to penetrate his hide the deeper, tell me how," he pleaded.\textsuperscript{17} Mantell was unable to be of any assistance in this respect, but Sir Arthur Gordon, who presumably received a similar request, was eventually to provide some information on Mr. Bryce's "antecedents" which in its damning and shocking nature must have surpassed Rusden's wildest hopes. Even he would later have to admit that the gravity of the charges had left him, "rather startled,"\textsuperscript{18} notwithstanding the fact that they related to the "brutal" bully of Parihaka, for whom even then hardly one good word could be said.

Gordon's note on Bryce's "antecedents" written almost three months after Bryce had ridden into Parihaka to arrest Te Whiti, concerned an event which had taken place nearly fourteen years earlier in late 1868 during the Maori wars. Those had been perilous and fearful months when native insurrection had set the whole of the central North Island aflame from coast to coast. The constant suspense had not been made any easier to bear by the lack of sympathy and understanding for their plight which the

\textsuperscript{16} Rusden to Mantell, 21 October 1881, Mantell Papers, Folder 370, Alexander Turnbull Library, Wellington.

\textsuperscript{17} Rusden to Mantell, 27 November 1881, Mantell Papers, Folder 370.

\textsuperscript{18} Bryce v. Rusden, p. 286.
colonists received from the Colonial Office and from a large section of the British public. Early in November a thrill of horror and fear ran through the colony at news of the surprise attack on the inhabitants of Poverty Bay by Te Kooti and his fanatical followers. At the end of a night of blood and terror 33 white men, women and children and 37 Maori lay massacred amidst the smouldering ruins of their homes. Meanwhile, on the other side of the island in the shadow of Mount Egmont, resistance to the pakeha had centred around the cannibal chief, Titokowaru. From his well fortified pas he sent out raiding parties to attack and plunder the scattered and defenceless farms of the European settlers, most of whom had abandoned their homes and fled in terror of their lives to the comparative safety of Wanganui or New Plymouth. Attempts to quash the wily chief had so far been in vain. At the very time that Te Kooti was creating havoc on the east coast, an unsuccessful attack on one of Titokowaru's forest stockades led by Colonel Whitmore had resulted in 21 members of the Government force being killed and another 26 injured.

The previous month the settlers in the Kai Iwi district immediately to the west of Wanganui had raised a Voluntary Cavalry Corps for the defence of that district against the threatened invasion of Titokowaru. John Bryce, then thirty five years of age and a farmer at Brunswick nine miles from Wanganui, was the lieutenant (later captain) of the 66 member corps. Robert Maxwell was the second in command, immediately under Bryce. The
Kai Iwi Yeomanry Cavalry was to be in existence for only ten months but during that brief time its members, with their intimate knowledge of the area and with the safety of their own families and property at stake, played a significant role in defeating the hostile forces which threatened to engulf them. Fourteen years later, details of one of the minor skirmishes in which they were involved would be drawn to the attention of Sir Arthur Gordon by Bishop Hadfield, one of the half dozen friends he had had in the colony. Hadfield in turn claimed to have learnt of the affair shortly after it occurred from Dr. Featherston. Gordon immediately forwarded the information to Rusden.

"On the 1st of December, 1868," he wrote, "the pah of Tauranga Ika in which Titokowaru was at that time living four miles south of the Waitotara, was being besieged. A number of women and children - young children - came out of the pah and began to gather food. No men at all were with them. A party of mounted men from among the besiegers, headed by Mr. Bryce and Mr. Maxwell, rode among them, and on their flying, pursued and cut them down. Dr. Featherston, then Superintendent of Wellington, expressed his horror in the strongest terms to the bishop [Hadfield]. Major Kemp, who was fighting on our side, was greatly

19 Wanganui Weekly Herald, 21 August 1869 - extract included in pamphlet on the Kai Iwi Cavalry in Alexander Turnbull Library, Wellington.


21 cf. Gordon to Hadfield, Hadfield Papers, Vol. 4, 5 August 1882. "The months that I have spent in New Zealand . . . have been the most miserable of my whole life, and their memory is only lightened by the recollection of a few kind friends like yourself, and half a dozen others at most."

22 Featherston had died in 1876.
disgusted, and said he would not have joined us had he supposed we were capable of doing such things. Hence the strong antipathy between Bryce and Kemp. The pah was taken the following day, and Maxwell was killed in the attack, which the bishop supposes to have been the cause why the matter was never further gone into. Bryce's name among the Maoris is Bryce the murderer." (23)

When Rusden immediately wrote back seeking confirmation of the story, Gordon had to admit that further enquiries on his part to Bishop Hadfield had revealed several inaccuracies in his original account. The skirmish had not, in fact, taken place on the 1st December but several days earlier. And Maxwell's death which he had reported as occurring on the day following the attack had not been until four weeks later at the time of the final successful assault on Tauranga Ika. But, as for the rest, Gordon could vouch for its accuracy.

To accuse someone, even in a private letter, of taking part in the murder of defenceless women and children, is not something that most men would do lightly. Nor would they repeat the charge to a person they knew was engaged in writing a book without first making painstaking efforts to ensure that it was true. But Sir Arthur Gordon apparently did not see the necessity for making anything but the most cursory enquiries and then only from one man. The bitterness and humiliation he felt at the treatment he had suffered in New Zealand, along with his antipathy for the policies which had been

carried out in his name, had affected his judgment and discretion. He was prepared to accept blindly any story, no matter how incredible, which seemed to confirm the jaundiced and hostile views he held of all his Ministers, especially John Bryce. He did not seem to question the propriety of making such damaging accusations against a man who, however much he disliked him personally, was nevertheless still one of his responsible advisers, and who had no opportunity of refuting what was being alleged.

To Rusden, as well, the story, however startling it had appeared at first, must on reflection have seemed to be quite in character with the man he now so thoroughly detested. After seeking confirmation of the story from Gordon, he made no further investigations but simply filled it out with suitable literary embellishments and filed it away for later use in his campaign against a man whom he saw as the incarnation of brutal tyranny and oppression. In his own mind he now had no doubt whatever that the swaggering tyrant of Parihaka was capable of committing almost any atrocity.

In mid 1882 Rusden, upon his retirement, returned to England to complete his book. He made frequent use of the services of the New Zealand Agent General in London, Sir Francis Dillon Bell, whenever there was any parliamentary debate or official paper he thought he ought to read. Dillon Bell, who himself had twice been Native Minister in the early 1860's, was obviously blithely unaware of the fact that he was acting as an
accessory in the compilation of one of the fullest and most carefully documented indictments which had yet been made against the colonists whose interests in England he was now representing. Dillon Bell, in cooperating so fully had been "very civil," Rusden wrote to Mantell, but when he saw what had been written about the colonists in general and about himself in particular, Rusden smugly predicted that "he will be somewhat set on edge."24

The completed three volume work was finally published in London early in 1883, and the first copies and reports of the book reached New Zealand a few weeks later. The reaction in the colony was immediate and unmistakable: "You have raised a howl of indignation," Mantell wrote to Rusden, "never did outraged virtue scream more loudly."25 The Evening Post bitterly denounced it as "one of the most scandalous libels on a community that has yet been penned even as to the much-abused European colonists of New Zealand."26 The paper went on to inform its readers that the book had launched savage attacks on every public man who was not identified with what it termed "the Arthur Gordonian view of the Native question." The Athenaeum plaintively complained that owing to its obsession with native

24 Rusden to Mantell, 25 August 1882, Mantell Papers, Folder 370.

25 Mantell to Rusden, 14 July 1883, Rusden Papers (micro.).

26 Evening Post, 19 May 1883.
matters, "little mention is made of the solid foundation of society, of the progress and prosperity which have characterized our settlements in the South Pacific." The Otago Daily Times described it as a "most disappointing work . . . which is little more than a laboured attempt to prove the colony in the wrong in all its dealings with the native race, especially since the institution of Responsible Government." One of the Evening Post's correspondents, reverting to the argumentum ad hominem method of rebuttal, branded Rusden as "one of those unfortunates afflicted with 'cacoethes scribendi' who makes books merely for the sake of making them." The New Zealand Times, of all the New Zealand press, was almost alone in attempting to view the book in a dispassionate and objective light. It believed that the reviews of most of its contemporaries in which they "bespattered (the) book with the most lavish abuse, . . . and liberally cursed the author" would only lead thoughtful, educated readers in Britain to cynically sneer - "The old, old story, no case; abuse the plaintiff." The paper, therefore, devoted four columns to examining some of the more serious charges made by Rusden.

27 Otago Daily Times, 5 October 1883.
28 Otago Daily Times, 12 May 1883.
29 Evening Post, 21 May 1883.
30 The New Zealand Times, 4 June 1883.
It did state its belief first, however, that the title, "History of New Zealand" was somewhat misleading as "it does not really form a history of the colony, but is devoted almost exclusively to a most detailed and exhaustive account of our dealings with the Maoris." Some of those dealings, it was clear, gave cause for regret and even shame. Rusden had been right in pointing out that the capture of Te Rauparaha by Grey in 1846 had been a flagrant breach of trust. On the "rape of the Waitara" Rusden had also been correct. The colonists had been in the wrong, or as the Times somewhat ingenuously put it, "We were naughty." The paper was also prepared to concede that more recently, in the handling of the question of the Princes Street Reserve in Dunedin and also in the allocation of reserves around Parihaka, the Government had not been without fault. But such events had been rare and in the reviewer's opinion were not enough to refute the fact that "from first to last our treatment of the Maoris has been thoroughly humane." He therefore found himself bound to agree with those other reviewers that Rusden's frequent resort to "Billingsgate abuse" and furious diatribes against so many revered and honourable colonists was quite unjustified, and the patient and extensive research embodied in the work was marred by the bitterness and marked anti-做起a bias of the author.

Nowhere was that bias or bitterness more savagely expressed than in Rusden's assessment of John Bryce. Whenever his name was mentioned - and it was mentioned
often, at least in volume three - Rusden seemed unable to refrain from adding a word of insult or abuse. Callous, coarse, cruel, cowardly, vile, evil-minded, half-educated, marauding, narrow, obstinate, autocratic - no epithet was too bad to be applied to the bully of Parihaka. The most damning references to Bryce, however, were not found in these individual words of abuse, but rather in the allegations made against him in two separate but related passages, both of which had their origins in those charges made in Sir Arthur Gordon's letters of the previous year. It was these passages which were to become the basis for the libel action of Bryce v Rusden.

In the first Rusden wrote . . .

The literary cravers for blood were soon to be gratified on the west and east coasts by events of which some were not officially reported; nor told in Mr. Gudgeon's "Reminiscences of War." Lieutenant Bryce, who was in after years a Native Minister, distinguished himself. Some women and young children emerged from a pa to hunt pigs. Lieutenant Bryce and Sergeant Maxwell of the Kai Iwi cavalry, dashed upon them and cut them down gleefully and with ease. This incident will be looked for in vain in Mr.

32 Ibid. p. 195.
33 Ibid. p. 404.
34 Ibid. p. 402.
35 Ibid. p. 422.
36 Ibid. p. 401.
37 Ibid. p. 422.
Gudgeon's book, which records a "rash and unfortunate affair," in which, subsequently (28th December), Sergeant Maxwell, riding up to Titokowaru's pah, Tauranga-ika, was shot. But the treatment of the children was not unknown. Dr. Featherston, the Superintendent of the province of Wellington, expressed his horror. Rangihiwiniui [Kemp] declared that he would not have joined the local forces if he had thought them capable of such acts. He earned thereby the hatred of Bryce, who long afterwards, when Native Minister, dismissed Rangihiwiniui from office. Bryce earned among the Maoris a title which clung to him. They called him Kohuru (the murderer). (38)

Except for the phrase, "gleefully and with ease," which Rusden probably thought justified by artistic licence, and for the inference Rusden made that Kemp's comments in 1868 were directly responsible for his dismissal as a Government official twelve years later, the account differed in no major respect from the gist of Gordon's note. The second objectionable paragraph, however, owed almost nothing to Gordon directly, but was rather a typical product of Rusden's vivid and lively imagination:

Of the Native Minister, Mr. John Bryce, member for Wanganui, a few words must be said. By laudable industry he had raised himself from humble origin to comparative importance. His father, a tradesman, was shipped to New Zealand amongst the immigrants for defraying whose passages Lord John Russell contracted to allot land to the New Zealand Company. The future Native Minister was in early life a cow-boy. No honest employment is contemptible, and amongst the labourers and handicraftsmen who maintain the state of the world there are as good and admirable persons as anywhere can be found in the halls of luxury. There are also

as cruel creatures reared in the purple as any
who are housed in huts. The occupation of a
cow-herd gives scope for the humane and for the
brutal. If the lad be kindly he will reclaim
an erring cow in kindly manner. If he be in-
human, he will inflict as much torture as he
can by hurling stones at the eyes of the patient
beast which unwittingly offends him. His admir-
ers have not cared to record much of Mr. Bryce's
boyish days, but his conduct as Native Minister
justifies the inference that he was of the in-
ferior order of cow-boy. He was self-opinionated,
shrewd, and callous. He would have been incapable
of comprehending a charge that he was wanting in
manliness or generosity. He was at Wanganui when
the inhabitants piteously appealed to England for
help against Titokowaru, and by his own exploits
with his Kai Iwi troopers near Tauranga-ika a-
gainst little children he had earned the title of
Kohuru (murderer) among the Maoris. (39)

Bryce's reaction to these comments was quite in
keeping with his forthright nature and fiery temperament.
Speaking at a banquet given in his honour at New Plymouth
after his triumphant march through the King Country,
Bryce branded Rusden as "a liar, a slanderer and a cow-
ard."40 "He thinks he has the right to smite his breast
and thank God he is not as other men are," he sarcastical-
ly remarked, adding that other men might well thank God
that they were not as he was. Not for a moment did Bryce
hesitate in deciding to take action against Mr. Rusden in
England. Indeed, he originally intended to institute
criminal proceedings, and only reluctantly abandoned the
idea after learning of the expense and time such a

39 G.W. Rusden, History of New Zealand, Vol. III,

40 Otago Daily Times, 26 April 1883.
prosecution would involve. The alternative, therefore, was to institute proceedings by way of a civil action and this Bryce announced in July he would do forthwith. In a speech in Parliament in which he denied all the charges made against him in Rusden's book, he gave his opinion that the work was more a reflection on the colonists of New Zealand than a malicious attack on himself. "What Rusden is trying to do," he told Parliament, "is to prove that the New Zealand colonists are villainous in their entirety, and when he refers to me he merely does so to show that the colonists are so entirely vile to the core that they will select persons of that kind to administer their affairs." Later that same month, in replying to an address of sympathy from the Kai Iwi cavalry for the calumnies cast upon his good name, Bryce reaffirmed his view that "his Rusden's object seems to be to prove that his countrymen, when they became New Zealand colonists, changed their nature and principles, and became all that is wicked and base."

This, too, was how his fellow colonists saw it, and this was what was to impart the strong public interest to the trial which Bryce had now promised to proceed

41 17 July 1883, NZPD, xliv, p. 612.
42 12 July 1883, NZPD, xliv, p. 520.
43 Otago Daily Times, 31 July 1883.
   Evening Post, 31 July 1883.
with. Rusden's attack on John Bryce was not on the man per se but on what Rusden regarded, as was evidenced by his work when read in its entirety, as a fair specimen of the New Zealand colonist in his dealings with the Maoris. He was the sort of man whom the colonists delighted to honour and entrust with the management of Native Affairs. His policy was consistently harsh, cruel and oppressive, and yet it was warmly supported by the colonists who liked it all the better for its harshness and cruelty. The libel on Bryce was a libel on the whole colony. That this was so was obvious from the way the newspapers applauded Bryce's decision to sue, from the way some of their readers wrote suggesting public subscriptions be taken up on his behalf to help meet the expense, or from the motion moved in Parliament by J. B. Whyte, member for Waikato, that a sufficient sum be placed upon the Estimates for the purpose of helping Mr. Bryce in his prosecution of Rusden.

Of all those who voiced their opinions publicly on Bryce's decision, only one - Sir George Grey - tried to dissuade the Native Minister from going ahead with his plans. Describing Rusden as a "great lover of the Native race, . . . a man of goodness of heart," whose judgment

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44 Evening Post, 21 May 1883.
Evening Post, 26 June 1883.
Otago Daily Times, 10 August 1883.

45 17 July 1883, NZPD, xliiv, p. 612.
Otago Daily Times, 19 July 1883.

46 10 July 1883, NZPD, xliiv, p. 440.
had gone astray, Grey had hoped that Bryce's generosity of character would have led him to despise the whole thing, and forget the matter. But it was not in Bryce's nature to forgive easily. On the other hand, he was not the sort of man to allow public money to be spent upon his case. His independent and self-sufficient spirit led him to request Mr. Whyte to withdraw his motion and he subsequently vowed that he would accept not one penny in public aid, or at least not "while I have strength to break stones even at 4s a day." For him the trial would above all be a personal crusade to uphold his honour as a former soldier and as a gentleman. But for the colonists it would be something more. In their eyes it was an unprecedented opportunity to rebut those vile slanders which for years had blackened the good name of every one of them. For them the vindication of John Bryce would be the vindication of an entire colony.

47 12 June 1884, NZPD, xlvii, p. 125.
CHAPTER III

BRYCE v RUSDEN

There was never any doubt in John Bryce's mind — or, for that matter, in the mind of the whole colony — that the action against Rusden should be fought in England rather than in New Zealand. That a colonist should take his grievances before an English court was a highly unusual — and, of course, very expensive — step to take. As the legal writer of the *New Zealand Times* pointed out there was no reason why the action could not have been proceeded with in New Zealand even though the defendant was now resident in England. But as far as Bryce was concerned there was little point, and there would certainly have been little satisfaction, in refuting charges before fellow colonists who had never for a moment believed those charges. What Bryce wanted, and what his supporters wanted too, was for those calumnies to be refuted not only on as wide a stage as possible but also before an audience who might have been gullible enough to believe them.

The wheels of justice were to prove very slow in turning. Bryce had given as one of his reasons for rejecting taking criminal action against Rusden the fact

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1 *New Zealand Times*, 12 May 1886.
that it would take too long. Little did he realise then that, in his recourse to civil proceedings, almost three years would elapse between the date he first learnt of the libels against him and the time he would finally confront his traducer in a court of law. There were many in the colony who doubted that Bryce would ever get to court. The verdict could by no means be guaranteed to go in Bryce's favour especially as it would be dependent on an English jury. Many of Rusden's sympathisers doubted whether Bryce would go on with his action. Hadfield thought he might allow the matter to drop, and William Swainson, New Zealand's first Attorney General and another well known philo-Maori, believed that Bryce would be "well advised to let sleeping dogs lie." Rusden, too, seems to have been sceptical as to whether Bryce was really serious. Privately he admitted that the euphoria he had felt immediately after the publication of his book had been quickly dampened by the threat of the "lifted rod of Mr. Bryce." But publicly he maintained a jaunty air, and appeared unconcerned at the possibility that Mr. Bryce might begin formal proceedings against him. The

2 17 July 1883, NZPD, xliiv, p. 612.

3 "I very much doubt whether Bryce will move in the matter. He would hardly be wise to do so." Hadfield to Mantell, 28 November 1883, Mantell Papers, Folder 290.

4 Swainson to Rusden, June 1884, Rusden Papers (micro.).

5 Rusden to Mantell, 2 July 1883, Mantell Papers, Folder 370.
London correspondent of the Evening Post told his readers that Rusden "'pooh-poohs' the idea of either Mr. Bryce or any other of your politicians hauling him over the coals for libel." He added that Rusden was glorying in having exposed to the British public "the infamies of Parihaka." 6

Early in 1884 Bryce entered a claim against Rusden for £10,000 damages for libel, citing those two most objectionable passages, the one accusing him of "cutting down women and children gleefully and with ease," and the other describing him as "an inferior order of cow-boy." At this stage the matter could still have been settled out of court. The book's publishers, Chapman and Hall, on learning that the charges for libel had been laid, immediately withdrew the book from further sale. 7 Rusden, however, refused to back down. In June, he rendered it practically certain that the case would be fought out to the bitter end by entering a plea of justification. Adding insult to injury he then himself entered a counter-claim against Bryce for £2,000 for falsely and maliciously calling Rusden a liar, a slanderer and a coward, and another claim for £2,000 damages for loss of sale of the book.

By June 1884, battle had been joined. It would, however, be more than twenty months before the adversaries met in court. First of all evidence had to be gathered

6 Evening Post, 13 September 1883.
7 In February 1884; Bryce v Rusden, p. 315.
and to this end a Commission was set up in England by order of the Queen's Bench Division of the High Court of Justice. Two Commissioners, one representing the plaintiff and the other the defendant, were to arrive in New Zealand in May 1885 and in various sittings in the Supreme Court building at Wanganui and in Parliament Buildings in Wellington during the next five months they would take evidence on oath from all those survivors of the 1868 affray - both pakeha and Maori - who could be traced and whose evidence either party considered would be helpful for his case.

For Bryce those months of waiting must have filled him with anxiety and unease. What had seemed such a simple and straightforward case was turning into a nightmare. The day the case would reach court was still a long way in the future, and already the costs were soaring astronomically. He had had to engage lawyers in New Zealand, and pay for the expense of the Commission with all its attendant costs of witness fees and interpreters' payments. But this he knew was only the beginning. It now seemed clear that he himself would have to travel to England to fight the action and give evidence. There he would have to engage new counsel to represent him in the English court. And

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8 He employed the Auckland firm of Whitaker and Russell. Frederick Whitaker was Attorney General at the time of the Parihaka incident, and had succeeded Hall as Premier in 1882. Both Whitaker and his law partner, Thomas Russell, figured prominently and unfavourably in Rusden's "History."
all this with no certainty of winning. By New Zealand standards Bryce was comparatively well off but the costs involved were ones which not even a wealthy man would take lightly. If Bryce were to lose he would likely be burdened with Rusden's costs as well. Thus, as well as his honour, his fortune too was at stake. His initial burst of enthusiasm was gradually replaced with feelings of profound misgivings as to whether indeed he was wise to proceed further with his action. Many of his friends were now actively counselling him to drop the case. No reasonable man could believe the libels made against him, but what guarantee was there that a jury in England would comprise such reasonable men. The determination and obstinacy with which Rusden was fighting the case in obvious expectation of winning seemed clear evidence to Bryce that he was relying upon a jury made up of Englishmen "bitterly imbued with a morbid hatred of their own countrymen." As every New Zealander knew, there were a lot of such Englishmen about.

Nor, indeed, was there any evidence that their numbers were getting any less. For in the long months of waiting before the matter came to court the attacks and aspersions cast on the colonists by their detractors in England showed no sign of abating. Rusden's book, although withdrawn from sale after less than a year, had

9 Wanganui Chronicle, 20 May 1886.
received wide publicity and been given much praise in various quarters. The *Spectator*, for instance, described it to its readers as a "trustworthy" work, which no one could read without "a shudder of shame and disgust." It doubted, however, whether the book would have any effect over the colonists' future behaviour towards the Maoris; for in its view the *History* was probably "destined to cause descendants of present colonists to be ashamed of their foregoers, than to induce those now alive and in power to alter their ways." On another occasion, the *Evening Post* 's London correspondent informed his New Zealand readers of the hardly surprising news that Sir Arthur Gordon "cordially endorses Mr. Rusden's views re the treatment of Maoris by Europeans and recommends the *History* as a standard work on the colony."

The humanitarian groups in Britain continued to focus their unwelcome attention on the colonists in New Zealand. The Aborigines Protection Society especially was very active at this time, becoming the "chief means of ventilating 'the groans of the Maori' in Great Britain." The Society often put pressure on the Colonial Office to seek explanations from the New Zealand

11 *Evening Post*, 13 September 1883.
Government, and Bryce's reply to one such enquiry in 1884 in his capacity as Native Minister is evidence of the degree to which the colonists were still sensitive to public opinion in England. In 1884 the Society acted as hosts during the much publicised visit of Tawhiao the Maori King and his party to Great Britain. The Maoris had come to present a petition to the British Government listing the infractions of the Treaty of Waitangi and praying that the Government intervene on their behalf and rescue them from the maltreatment that they were receiving at the hands of the settlers.

In June 1885, the Otago Daily Times devoted an editorial to an article which had recently appeared in the British paper "Truth" written by the paper's owner, the radical M.P. Henry Labouchere, in which he had expressed the opinion that although the colonists may "think themselves Englishmen, they [did] not think like Englishmen upon any subject under the sun... The tone of the colonial mind [was] essentially un-English." As preposterous as this idea was to the colonists in New Zealand, they could not hide from the fact that many of their countrymen back in England did hold such a view. Nowhere was this borne out more than in the way Englishmen regarded the colonists' behaviour towards the Maori. It was a

13 Bryce to Derby, ADHR, Ses I 1884, A-1; No. 19 encl. I. p. 11.
14 Otago Daily Times, 17 June 1885.
view which was shared even by informed and intelligent men who should have known better, and worse still, by men whose decisions directly affected the colony. For instance, Colonel Stanley, Secretary of State for the Colonies, obviously suffered from such delusions and it was he who had disappointed many budding imperialists in the colony by refusing to allow Fiji to be annexed to New Zealand in 1885. In giving Dillon Bell the reasons for his decision, he had reportedly said that the Imperial Government had entered into obligations with the native race of Fiji, and that they could not think of transferring those dark-skinned subjects of the Queen to the tender mercies of a colony which had so bad a record in its dealings with the Maori race.15

Normally the colonists could console themselves with the belief that their detractors were foolish and ignorant men. But when a Secretary of State for the Colonies could make such an "unjustly disparaging statement" about New Zealand, the colonists must have wondered whether indeed there was anyone in England who truly understood them.

It must have been an apprehensive and far from confident John Bryce who at the end of 1885, upon the completion of the work of the Commission, sailed for

15 Otago Daily Times, 16 February 1886. Also Evening Post, 16 March 1886.
England to defend his honour. Once there he had further experience of the law's delays. Knowing the hearing would not be heard for several weeks, he left for a month's holiday in Europe, spending Christmas in Paris and then travelling south to Italy to warmer and more hospitable climes. Upon his return to London the news was as gloomy as the weather. Rusden seemed to be employing deliberate delaying tactics, demanding security for costs from the plaintiff and going as far as to apply (unsuccessfully as it turned out) for the appointment of a second Commission which would have involved Bryce's return to New Zealand and afterwards a second visit to London. No firm date had, therefore, yet been set for the trial. Further bad news was the fact that Bryce's leading counsel, Sir Far­ rer Herschell, had been appointed Lord Chancellor and could no longer act for him. He had returned the brief but not the hundred guineas which accompanied it, some­ thing which Bryce considered "very unfair and wrong" but which he was really in no position to argue about. In his place Bryce engaged the services of Sir Henry James Q.C., M.P., one of the most eminent and successful counsel of his day. James was to lead and would be assisted by

16 While in England he was to keep a diary, a tran­ script copy of which is in the Alexander Turnbull Library, Wellington.
17 Wanganui Chronicle, 20 May 1886.
18 Diary of the Hon. John Bryce, 7 February 1886.
19 A former Attorney-General, James had declined the Lord Chancellorship before Gladstone offered it to Her­ schell: The Illustrated London News, 20 March 1886.
Mr. Murphy, another C.C. with Mr. Faine acting as Junior.

Whatever his own frustrations, Bryce could draw some consolation from the fact that Rusden was also having difficulties as the result of the recent change in Government. When he had engaged his two counsel one, Sir Richard Webster, had been Attorney General and the other, Sir John Gorst, the Solicitor General. With the recent change of Government, Webster, who had held the higher political office and was thought to be the more brilliant spokesman of the two, had been forced to yield as leader to Gorst who was his senior in the profession. Bryce received this news with quiet satisfaction, having heard that Gorst was "not thought to be quite up to the mark." 20 In actual fact Gorst was probably the best leader Rusden could possibly have had. He was personally in sympathy with his client and had an intimate knowledge of Maori affairs in New Zealand from first-hand experience. For this was the same John Gorst who in 1860 as a young man had gone to New Zealand and after spending three years there had returned to England to inform the English public of the "conquests" and the aggression of the New Zealand settlers. His letters and articles in English papers and the publication of his book, The Maori King, were reported and denounced in the colonial press for two years. 21 As with Rusden, this

20 Diary of the Hon. John Bryce, 9 February 1886.
abuse had served only to harden his views on the singularly immoral nature of the settlers' treatment of the Maoris.22

The weeks of waiting for the case to be heard dragged on. Finally on 4 March 1886 the trial opened in the Queen's Bench Division of the High Court of Justice before Baron Huddleston and a special jury. The case was to arouse enormous interest in England. As the Times of London later pointed out, it was unusual - "probably unprecedented" - for a Colonial Minister to take his wrongs to that country and to seek redress in an English court of law for a libel on his character.23 An immense amount of evidence had been gathered; the finest legal minds had been engaged. The stage was set for an epic battle.

This, indeed, was what it was to prove. Bryce, no doubt alarmed at the escalating costs, had had hopes of keeping the trial as brief as possible. Sir Henry James, in opening the case said that even at that late stage, if an ample apology was made and explanation given, his client was ready to accept it on certain terms and to settle out of court. But neither then nor in the course of the trial was any apology forthcoming. The trial

22 In the last chapter of The Maori King Gorst stated his belief that all Maori districts should be freed from the colonists' jurisdiction and returned to direct Imperial control. This view he still held in 1884; Gorst to Derby, 18 July 1884, CO 209/244, p. 247.

Gorst was an active member of the Aborigines Protection Society. He corresponded with Rewi Maniapoto and it was he who introduced Tawhiao to Lord Derby, the Colonial Secretary, during the Maori King's 1884 visit to England.

23 Times, 13 March 1886, extract encl. in Bryce v Rusden p. 507.
which Bryce later claimed (with some exaggeration) "ought not to have lasted more than a day and a half"24 was to go on for eight whole days, with daily accounts of the proceedings being published in much of the English press. The responsibility for turning what could otherwise have been a fairly short trial concentrating on the 1868 incident at Handley's Woolshed into an eight day examination of the whole of New Zealand's native policy rested solely with the defendant's counsel. Gorst himself had no doubts that the contest he was fighting for Rusden was "really a political contest."25 He told the jury that Bryce was not there to vindicate his own private character, but rather to vindicate the entire New Zealand colony. "He comes here (to London) to represent the conquering race,"26 Gorst emphatically stated. How else could one explain the fact that he had travelled 12,000 miles when the case could have been fought more conveniently and more cheaply in New Zealand? How else could one explain the fact that the colonists had proposed to pay the expenses of his action? And had not Bryce himself said in Parliament that the attack was not on him per se, that Rusden bore no malice against him, but that he had been intent on "traducing the character of the colony?"27 Thus, whether or not Bryce had ever intended the

24 Wanganui Chronicle, 20 May 1886.
26 Ibid. p. 260.
27 Ibid. p. 260.
trial to be a defence of his fellow settlers or, just him-
self, the line of defence adopted by the opposing counsel
would give him no real choice in the matter. The whole
 colony was being placed on trial.

The trial began with Bryce's counsel briefly out-
lining the libels to the jury before Bryce himself was
called to the witness box. Then followed a detailed ac-
count of the events which had taken place that day in
1868 when Bryce was alleged to have cut down women and
children gleefully and with ease. An expedition of
sixty-six men, all cavalry soldiers, had set out west-
ward from Woodall's Redoubt, nine miles from Wanganui,
under the command of Sub-Inspector Newland with Captain
O'Halloran and Lieutenant Bryce being second and third
in command respectively. Their duty was to deliver des-
patches to the small settlement of Wairoa, twenty eight
miles away, which had been completely isolated for five
weeks. The mission was accomplished without once sight-
ing the enemy. However, on its return the cavalry party
passed within two miles of the Tauranga Ika pa where at
that time Titokowaru and up to 1,000 of his warriors were
living. Close by where they were riding at this point
was the abandoned farm of a settler by the name of Hand-
ley. The farmhouse had been burnt but the woolshed was
still standing. The cavalry came within sight of Hand-
ley's woolshed undetected and saw from a distance of over

28 Now Waverley.
half a mile a number of natives in and around the shed. Bryce was to testify that in his judgment there could have been thirty or forty Maoris altogether, but he admitted it was very difficult to estimate accurately. It was not clear whether they formed a hunting or a war party, though from a distance it did appear that none was armed. When the decision was made to attack the party, Bryce was well back towards the rear. The action was short and sharp. On closer inspection it had been verified that none of the Maoris was armed or at least if they were there was no resistance on their part to the cavalry's attack. Instead of confronting their attackers they fled through the swamp and fern back in the direction of the pa. Their cries quickly aroused the pa's defenders and a band of armed men immediately set out to meet the cavalry who thereupon speedily fell back and resumed their journey back to Woodall's Redoubt. They were followed for a short time, a straggling fire being kept up for two or three miles.

Bryce testified that throughout the entire action he had never once drawn his sword except when the attack was all but over and then he brandished it to add effect to his order for the men to fall back. Bryce swore he had seen no women present but admitted seeing one Maori who could only have been twelve or thirteen years of age. As far as he was aware the boy had not been injured.

Several minor matters were then summarily dealt with. Firstly, Bryce denied that his dismissal of Kemp
was due to any animosity between them which had arisen as a result of the affair. He had been dismissed over the issue of a disputed boundary line on some land which Kemp had been commissioned to buy for the Government. Evidence given by Kemp before the Commission in New Zealand was read to the court to support Bryce's assertion. Finally, the matter of the term "kohuru" or murderer was briefly raised. Bryce claimed that he had never heard this name applied to him until Rusden's book appeared except on one occasion when in a letter to a Wellington newspaper an anonymous writer had claimed somewhat enigmatically that the only road to notoriety was "to do the deed and earn the name Mr. Bryce earned in 1860 from the Maoris - Te Kohuru." Bryce claimed that at that time he was as baffled as everyone else as to what the letter was alluding to. The letter had appeared five weeks after Bryce's invasion of Parihaka and to put the letter in its proper context the matter had to be briefly mentioned to the jury. Bryce in a few short sentences described Parihaka as the haunt of "criminals," presided over by a "fanatic," where the law was set at defiance. Bryce's action in invading Parihaka and breaking up this centre of disaffection had remedied a state of affairs which had been "exceedingly dangerous" to the colony.

29 This letter, written under the nom de plume of "Ipse Dixit" was published in The Evening Post, 12 December 1881.

30 Bryce v Rusden, pp. 31-32.
Sir Henry James' examination of his client which had been completed with this brief reference to the Parihaka episode, had lasted less than half a day. The cross examination of Sir John Gorst which followed it was to extend over three full days. Not until the end of the third day would he even touch upon the matter of the incident at Handley's woolshed. Instead he launched immediately into a long discussion on the Parihaka invasion, on Bryce's role in it, and on the events which had led up to it. "The substantial libel," he told the jury, "is that Bryce's conduct as Native Minister proved him to be cruel." 31 The most serious charge made by Rusden was, in Gorst's opinion, that Bryce when Native Minister had shown he was an inferior order of cow-boy and the charge could only be refuted or confirmed by examining Bryce's conduct in the field of native affairs. Concentrating on the Parihaka incident of 1881 Gorst nevertheless succeeded in conveying to the jury a general history of native affairs from as far back as 1860 - a history filled with bloodshed, with land confiscation, and with arbitrary and tyrannous legislation which recently had rendered the Maoris liable to imprisonment without trial for indefinite periods. It was a history of oppression and violence which had culminated in the invasion of the peaceful village of Parihaka, the arrest and imprisonment without trial of its pacifist chief, the forcible dispersal of

31 Bryce v Rusden, p. 228.
its inhabitants and the destruction of its sacred meeting house. No individual act of cruelty towards the Maoris was too minor or unimportant to be mentioned if it could be used to provide further evidence of the tyranny and injustice of the colonists' native policies. Bryce faced the question with patient fortitude as indeed he had to. He regarded it, however, as most unfair and quite irrelevant to the real libel. "Parihaka," he wrote in his diary, "had nothing to do with the case really." He nevertheless rebutted all the allegations fully and to the best of his ability. But after two days of cross-examination Bryce was forced to admit sorrowfully that Sir John Gorst was definitely making progress "in impressing the jury with the wickedness of the Pakeha."

On the last day of the cross-examination Gorst referred fleetingly to the Handley's woolshed incident. He was able to produce for the benefit of the court a report which had been made by Sub-Inspector Newland on the very day of the action which stated that eight Maoris had been killed with sabre, revolver or carbine and a number of others had been wounded. Sergeant Maxwell was singled out for having sabred two and shot one of the enemy, and for having been conspicuous throughout the affair. The only others mentioned by name were Captain O'Halloran and Lieutenant Bryce who "were prominent in the affair, and set their men a gallant example." The report which had been

32 Diary of the Hon. John Bryce, 6 March 1886.
33 Ibid.
published throughout the colony at the time and subsequently printed in the Appendices to the Journals of the House of Representatives had never been repudiated or contested by any of those involved. Any embarrassment Bryce may have felt from now being confronted with this report he did not show. He reaffirmed his role in the affair which he had given earlier, adding this time that he could remember having seen from afar the action of Sergeant Maxwell in cutting down two men.

When Gorst completed his questioning, the evidence of two of Bryce's former Cabinet colleagues, Sir John Hall and Mr. Richard Oliver, was taken, at no great length. They both stated that they had never heard of any of the charges made against Bryce by Rusden until they had read his book. They then briefly described the circumstances leading up to the Parihaka invasion and both stated their belief that action against the fanatical Te Whiti and his followers had been imperative if war was to be averted in the colony. They regarded Bryce's action as having been completely successful especially as it was accomplished without a drop of blood being shed. Their testimony completed, the evidence taken on commission on behalf of Bryce was then read. This completed the case for the plaintiff.

Sir John Gorst opened the defence with a lengthy speech which he devoted mainly to Parihaka in an effort.

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34 Sub-Inspector Newland to Colonel Whitmore, 27 November 1868, AJHR, 1869 A-3, No. 7, p. 12.
to show that that incident in particular, and Mr. Bryce's administration as a whole, justified the general terms in which Bryce was spoken of in the book. Towards the end, he turned his attention to the Handley woolshed affair. In the light of information which had only become available since the publication of the book, it now appeared that there were three errors of fact in Rusden's account. The first of these was Rusden's statement that the party had been composed of women and children. Gorst now conceded that there were no women present. The second mistake was that Lieutenant Bryce had personally taken part in the charge and the third was that Mr. Bryce had dismissed Kemp from office on account of comments Kemp had made after the incident.

But, Gorst went on to add, none of these errors gave the plaintiff any real right to complain. That Rusden should assume Bryce took a leading part in the affair was entirely reasonable from a reading of Newland's unpudiated despatch. And although Bryce's dismissal of Kemp may not have been related to the comments made by him in 1868, from the Commission's evidence there was no doubt that he had made those comments. And, finally, although women may not have been killed, children certainly had been; the overwhelming mass of evidence, both from some of the cavalry soldiers and from the Maori witnesses appearing before the Commission, seemed to have proved this conclusively. A number of small and helpless boys had been injured and two had definitely been killed.
"... it was a cruel and wicked atrocity, such as, happily, seldom has disgraced the history of the British people." 35

After the evidence taken on commission for the defendant (including that of Bishop Hadfield) had been read to the court, Mr. Rusden entered the witness box. During his two days of testimony, whatever sympathy his counsel had succeeded in winning for him in the first five days of the trial was steadily eroded. It was seen that Rusden had based his account of the incident at Handley's woolshed largely on hearsay. It was bad enough that on this flimsy, uncorroborated evidence he had been prepared to brand Bryce as a murderer of women and children, a murderer, furthermore, who committed such atrocious and despicable acts "gleefully and with ease." But what was even worse was his later refusal to withdraw those serious allegations even when ample evidence had been produced which seemed to justify such a step. Far from apologising to Mr. Bryce, he had persisted in maintaining that what he wrote was true, and when Mr. Bryce, after failing to obtain a retraction from Mr. Rusden, had taken legal proceedings against him, Mr. Rusden had entered a counter-claim against the genuinely injured party. Even now, having heard the evidence of eighteen witnesses - both Maori and pakeha - who had taken part in the skirmish, he showed an obstinate refusal

35 Bryce v Rusden, p. 256.
to back down, and while admitting a few minor errors of fact, persisted in his assertion that the alleged libel was still true in substance. His counsels' and his own repeated claims that he had been motivated by no feelings of malice no longer seemed tenable. More and more Rusden appeared as biased, irrational and pig-headed. He was a person who was so filled with a sense of his own righteousness that he could traduce an honest and upright man with the grossest libels without any sense of guilt or regret. He did not even feel any need to make an apology for what he had said.

Upon the completion of Rusden's evidence Sir Richard Webster summed up for the defendant and was followed by Sir Henry James, counsel for the plaintiff, who addressed the jury with a speech which Bryce described as the best he had ever heard. Baron Huddleston's summing up took three and a half hours. Rusden had pleaded three grounds of defence. The first was that of justification—that all he had written was true in substance and in fact, if this was not accepted by the jury he claimed as a second defence that what he had written was a matter of public interest and, even though wrong in several respects, was a fair and bona fide comment on Mr. Bryce in his public capacity. Thirdly, he claimed that it was also a defence to have written what he had, honestly believing it to be true, without malice, and in his capacity as an

36 Diary of the Hon. John Bryce, 12 March 1886.
Baron Huddleston had no hesitation in rejecting the third ground of defence, stating that its implications, should it be allowed, would be too far-reaching. The jury was therefore left to consider two questions: whether the libel was true and whether it was bona fide comment on matters of public interest. As Huddleston went on to consider the evidence presented, it was apparent, however, that the two questions were really narrowed to one because after a week of testimony there could be no doubt that statements had been published by Rusden which were not true.

When the jury retired to consider its verdict Bryce's counsel, if not Bryce himself, must have been quietly confident as to the outcome of their deliberations. Nevertheless, few in the court room could have expected that Bryce's efforts would be crowned with such a substantial and convincing victory. For within only fifteen minutes of their retirement the jury returned with their verdict. They had found for the plaintiff and damages had been set at £5,000. Rusden had suffered a crushing defeat.
CHAPTER IV

THE HERO OF THE HOUR

When the news of Mr. Bryce's success was telegraphed to New Zealand it was received "with a thrill of joy from one end of the country to the other." Nowhere was the news greeted more warmly than in Bryce's home town of Wanganui where the triumphant conclusion of the case against Mr. Rusden was gladly hailed in the "full expectation that the hymn of victory would be taken up by every respectable journal throughout New Zealand." This, indeed, proved to be the case. Even the Lyttelton Times, which in the past had been the bitterest opponent of the former Native Minister's policies, was forced to concede the justice of the decision. But it did feel bound to remark that in its view the damages were excessive, being "far in excess of any amount which we can call to mind as having been fixed in any previous libel case." But elsewhere the "excessive" or at least ample nature of the exemplary damages was cause for rejoicing all the more for

1 New Zealand Times, 15 May 1886.
2 Wanganui Chronicle, 15 March 1886.
3 Lyttelton Times, 15 March 1886.
they served to emphasise just how fully Bryce had been vindicated by the English jury.

The *Evening Post* was particularly jubilant. In its view the *Bryce v Rusden* libel case formed "an important episode in the history of New Zealand." For over forty years the colony had been victimised by the most cruel and baseless slanders. These fictitious charges had been industriously circulated for the most part by well meaning but nevertheless very ignorant people in England who allowed themselves to be swayed by the emotional but unfounded views of the Aborigines Protection Society and those critics from Exeter Hall. Despite their repeated endeavours nothing the colonists might do or say had seemed able to stem the tide of hostile opinion in England which continued to flow unabated. Rusden's "History" had afforded the very first opportunity of bringing the charges against the colony under the notice of a court of law. That book had cast grave aspersions on the entire colony but in particular on one of its most popular and respected leaders, John Bryce. And it was he who had grasped the opportunity presented by that slanderous work and, undeterred by difficulties which would have daunted most ordinary men, he had placed his faith in England justice and an impartial English jury and that faith had not been misplaced. To John Bryce the colony "owed a debt of gratitude for he had

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4 *Evening Post*, 16 March 1886.
represented not only himself but the people of New Zealand." It was their character which had been vindicated as well as his. There could be no doubt that the result of the trial would prove most beneficial to New Zealand interests generally. It would upset many grave prejudices against the colony, and would raise it and its settlers in public estimation. Rarely had any colonist done better service for his country or more thoroughly deserved the gratitude of his fellow settlers than had Mr. Bryce in prosecuting Mr. Rusden.

These were the sentiments that were re-echoed throughout the colony. Mr. Bryce had "rendered the colony a signal service," enthused the Otago Daily Times. The verdict had been an acquittal for the colony as well as for Mr. Bryce. It had thrown discredit upon all the rest of the accusations which Mr. Rusden had brought against the colonists of New Zealand and would condemn his History completely. The New Zealand Times received the news of Bryce's victory "with feelings of deep gratification," Mr. Bryce had been libelled more as a representative man than as an individual and therefore while congratulating him on his victory they also "re­joiced most heartily" that he had thereby succeeded in vindicating the character of his fellow colonists as well. His cause had been theirs also.

In all the jubilant outpourings of the New Zealand

5 Ibid.
6 Otago Daily Times, 15 March 1886.
7 New Zealand Times, 15 March 1886.
press in the colony's hour of victory there was little evidence of the magnanimous victor extending a conciliatory hand to the defeated foe, against whom such a crushing judgment had just been recorded. After so many years of foul insults and vile accusations from so many quarters the colonists could evince little sympathy for any man who had taken part in the campaign against them, especially one who had depicted New Zealand colonists as monsters of inhumanity revelling in the murder of innocent natives and their defenceless women and children. Mr. Rusden, though he might be stricken in years and now broken in fortune, had merely got what he deserved. He had shown himself to be foolish, biased, negligent, rash, careless, and a petty relater of malicious gossip. He was even described as "indolent," a rather surprising charge to use against a man who had spent eighteen hundred pages on covering New Zealand's relatively short history. Calling for special ridicule was Rusden's pretence to be a serious historian rather than a prejudiced political propagandist. "He had attempted to figure in peacock-suit as an historian," wrote the Evening Post, "but was obliged to confess that after all his feathers were but those of a daw." Once stripped of his borrowed plumes he had stood "naked, shivering and shrinking beneath the

8 New Zealand Times, 18 May 1886.
9 Evening Post, 19 April 1886.
10 Ibid.
11 Ibid.
lash of the law."

In view of the reaction which news of the verdict had provoked in New Zealand, it was to be expected that Mr. Bryce would be accorded a warm and hearty welcome upon his return to the colony. Few, however, could have anticipated the triumphant welcome he was, in fact, to receive from his fellow colonists.

Bryce began his return voyage to New Zealand two weeks after the end of the trial. He had been away from New Zealand for six months, and an added incentive for an immediate return was that Parliament was to resume early in May. His ship, the Tainui, reached Auckland on 9 May and stopped over for a day before continuing on to Wellington. While in Auckland there was time for a reception to be held for Bryce at the Chamber of Commerce at which he was presented with an address signed by a number of Auckland's leading citizens. It expressed the satisfaction felt in Auckland at the outcome of the trial and the admiration with which they had viewed the determined way in which Bryce had overcome the many difficulties and obstacles he had encountered in his bid to bring Rusden to court. The address concluded with the recognition that "the colonists of New Zealand are deeply indebted to you for demonstrating the untruthfullness of some of the reckless calumnies which have affected not only yourself as an individual but . . . the colonists generally of
New Zealand."12

Bryce then proceeded on to Wellington where on his arrival the citizens welcomed him home as they would a conquering hero. John Bryce, the settlers' victorious champion, was "quite the idol of the hour."13 He was returning to New Zealand's shores "in a halo of well merited gratitude and glory."14 Citizens organised in his honour a reception and a banquet where the speeches re-echoed the sentiments expressed by the colonial press at the first news of the successful outcome of the trial two months earlier. The capital, as indeed the whole colony, rang with praise for John Bryce. Repeatedly it was stressed that this praise was influenced by nothing of a political nature. Mr. Bryce was being honoured as a man and as a colonist rather than as a politician, though there was no doubt that the overwhelming majority had supported him in that latter role as well when he had served the colony so ably as Native Minister.

Immediately upon his arrival in Wellington Bryce was escorted to a civic reception held at the City Council Chambers. "The crowd was so great . . . that it was difficult to see all who were present,"15 but among those

12 *Evening Post*, 11 May 1886.
13 *Otago Daily Times*, 13 May 1886.
15 *Evening Post*, 14 May 1886.
who did attend were the Mayor and five City Councillors, at least a dozen Members of the House of Representatives who were assembling in Wellington for the opening of the new Parliamentary session the following week, together with at least forty of Wellington's leading citizens. The ceremony was brief and informal in recognition of the fact that Bryce would be eager to get home to Wanganui to see his family and friends. A more adequate expression of the capital's appreciation would be made on his return. There was time, however, to read an address which, when it had been bound in vellum and signed by all those who wished to do so, would be presented to him at a later date. When Bryce had left for England to confront his traducer, the address stated, 16 his mission had been regarded as a colonial one. The progress of the case had been watched with keen interest and the verdict was greeted with a universal feeling of satisfaction throughout the whole colony with all political parties rejoicing that justice had been done. In short, it had been generally recognised as a great triumph. The short but emotional meeting finished as it began with loud and sustained applause for the guest of honour.

The warmth of the welcome Bryce received in Wellington was, if anything, surpassed on his return to Wanganui. A crowd of one and a half thousand was on hand to greet him when he arrived. A platform had been specially built for the welcoming ceremony at which the Mayor read

16 New Zealand Times, 21 May 1886.
and afterwards presented yet another illuminated address. Then, "amidst loud and continuous cheering," Bryce stepped down from the platform, and, accompanied by the Mayor, entered a private carriage awaiting him, from which the horse was immediately unharnessed by some of the gentlemen present, who quickly attached ropes, and Bryce was thus drawn in triumph along the Quay and up the Avenue to the Rutland Hotel, accompanied by the crowd. Flags and banners were hanging out everywhere along the route, streamers of bunting stretched across the Avenue in the most conspicuous places, and close to the fountain a large sign proclaiming "Welcome" had been erected.

That same night a banquet was held in Wanganui in Bryce's honour at which people from as far afield as Rangitikei and New Plymouth, including a great number of the Kai Iwi cavalry, were present. Mr. Bryce was received with deafening applause. In proposing the toast, the Mayor praised Bryce's efforts in vindicating his own and his country's honour. It had been common lately "to traduce the colonists of New Zealand and to represent them as money-grubbers and oppressors of the natives," but by his action Mr. Bryce "had largely removed such an impression from the minds of the British public."18

On returning to Wellington yet another reception was given for Bryce, this time an official banquet attended by over two hundred persons, including over thirty

17 Wanganui Chronicle, 20 May 1886.
18 Ibid.
members of both Houses of Parliament. Amongst the latter were the Premier, Sir Robert Stout, and Bryce's successor as Native Minister, John Ballance, and a number of others who were opposed to Bryce politically but who on this occasion were happy to honour him in this way for the service he had rendered the colony as a whole.

The humble and unaffected manner in which Bryce received this flood of adulation served only to increase his popularity. "His modesty of bearing" was described by one paper as "almost unprecedented among Colonial politicians,"19 and another paper told how Bryce had been "visibly affected"20 by the address presented to him in Wellington. With all this fulsome praise Bryce invariably professed embarrassment and said how he would be ashamed if he took more credit for himself than he really deserved. He did not deny that he had some public motive in doing what he did ("mock modesty being the worst form of egotism"21) but his principal thought had always been to defend the honour of his wife and family. It did make him proud, however, to realise that in rescuing his family from a "heritage of shame," he had also had the good fortune to be able to render some assistance to the colony as a whole.

In Parliament, too, Bryce's triumph did not go

19 Otago Daily Times, 18 May 1886.
20 New Zealand Times, 21 May 1886.
21 Ibid.
In opening the Address in Reply debate in the Legislative Council, the Hon. Mr. Barnicoat expressed his great pleasure that as the result of the recently announced verdict "the character of an honourable man and that of the colony has been nobly and successfully vindicated."22 In the House Mr. Bevan extended his congratulations to Mr. Bryce who at great personal sacrifice and expense had defended his character before the world from most shameful slanders. "In vindicating his honour, he had also vindicated the honour of the colony."23 One view widely voiced at this time was that John Bryce would be a worthy recipient of a knighthood in the forthcoming Queen's Birthday honours list, in recognition of his services to the colony.24 The subsequent failure of the authorities in England to heed this suggestion was widely regretted, and the hope was expressed that the unfortunate omission of Mr. Bryce's name would be rectified in the near future.25

It is difficult to determine just how much all these highly emotional outpourings and expressions of

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24 Otago Daily Times, 15 March 1886, Wanganui Chronicle, 25 May 1886, New Zealand Times, 24 May 1886. There had been earlier calls for a knighthood to be conferred on Mr. Bryce in recognition of the services he had rendered the colony as Native Minister. cf. Otago Daily Times, 5 November 1883; Otago Daily Times, 21 May 1884.
25 e.g. New Zealand Times, 27 May 1886.
jubilation were, in fact, justified by the reaction the trial provoked in England. All the New Zealand reports of the trial emphasised how great its coverage had been in the English press, the Times of London over a period of eight days having devoted several columns to the case. There is no doubt that behind the obvious gratitude that the colonists felt towards Bryce for what he had done, it was implicitly assumed that the stigma which had been unjustly attached to the colony had indeed been removed by the verdict. A similar verdict returned by a New Zealand jury would not have got nearly the same response as was elicited by the English verdict. The New Zealand public obviously believed that their own interest in the case and in its outcome was no less great than the interest with which the trial had been followed at Home.

Whether this was in fact the case is doubtful, but in the New Zealand context, at least, what perhaps is most important is not what opinion people in England after 1886 actually did hold of their fellow countrymen in New Zealand, but rather what opinion New Zealanders thought their kinsmen at Home held of them. In the latter case there is clear evidence that most colonists no longer believed that a sizeable number of people in England were hostile to them on the grounds of their cruelty and oppression towards the natives. The views expressed at the news of the Bryce v Rusden verdict show clearly that many believed a new era of better understanding and closer ties would result from it. Even the
more pessimistic Lyttelton Times, while not quite sharing these rosy expectations, did nevertheless concede that although it was "difficult to say what the people in England think about us," it did seem that the English had "ceased to regard us with dismay or abhorrence, and now look upon us with mere indifference." This was not particularly flattering to the colonists but at least it was "an advance in the right direction." 26

It is true that agitation by the humanitarian groups in England against the New Zealand colonists did not cease abruptly after March 1886. But New Zealand's attitudes towards such attacks did change. The last despatch sent to England by Bryce when he was still Native Minister as a result of enquiries by the Aborigines Protection Society demonstrated vividly the degree to which New Zealanders and their Government were still sensitive to English opinion. 27 But by 1887 John Ballance, Bryce's successor as Native Minister, demonstrated how this extreme touchiness had given way to a new feeling of self confidence or at least a feeling of indifference towards those slanders which continued to be bruited in England.

When the Colonial Office, as a result of receiving letters from the Aborigines Protection Society relating to more of Tawhiao's grievances, sought an explanation from the New Zealand Government, Ballance curtly replied that

26 Lyttelton Times, 13 March 1886.

27 Bryce to Derby, AJHR, Ses. 1 1884, A-1, No. 19 encl. 1 p. 11.
"In the colony the communications between native malcontents and so-called philanthropists in England are viewed as a question purely of supply and demand. There is a demand in England for native grievances and it is not difficult to obtain the necessary supply."\(^{28}\) In this particular case he would not even deign to reply to such absurd charges, but instead gave forewarning that in future "only charges of a definite nature \(\text{would}\) be considered worthy of notice."

To what extent the colonists were justified in thinking that public opinion in England towards them had changed is difficult to state categorically. But there seems no doubt that England did come to regard her daughter colony in a more sympathetic and kindly light in the course of the 1880's. Partly, of course, this was due to the growing affection in England for the empire as a whole, of which New Zealand was only one small part. But to some extent at least it was probably also due to the sharp reduction in hostile criticism of New Zealand's native policies which had taken place in England in the course of the decade. Such a reduction had probably been inevitable if for no other reason than the fact that evidence of European cruelty and greed was definitely becoming scarce. The settlers were continuing to make large inroads into those areas still retained by the Maoris but in a less blatant...

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28 Ballance to Holland, 25 March 1887, CO 209/247 No. 9516.
and certainly less dramatic way than had been the case with the invasion of Parihaka in 1881. It was not the stuff with which headlines could be made or emotions readily aroused. Thus, once the memories of Parihaka had begun to fade, it was probably inevitable that the number of attacks on the colony in the English press should decline. But having said this, it is probably nevertheless true that the trial of *Bryce v Rusden* almost certainly played an important and positive role in diminishing the hostility felt towards the colonists by their countrymen at Home.

For the publicity which Bryce's crusade to defend his honour had received in England had not only been extensive but on the whole had been very favourable for New Zealand as well. Admittedly there was some die-hard opposition, such as the *Pall Mall Gazette*, which refused to alter its views and considered the jury's decision a "truly preposterous verdict."\(^29\) There were other papers such as the *Evening News*\(^30\) and also the magazine *Punch*\(^31\) which also expressed their reservations at the outcome. But their objections were evidence not that they doubted the libellous nature of Mr. Rusden's charges, but rather

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29 *Pall Mall Gazette*, 13 March 1886, encl. in Rusden Papers, (micro.).

30 *Evening News*, 13 March 1886, encl. in Rusden Papers (micro.).

31 *Punch*, 20 March 1886, encl. in Rusden Papers (micro.).
that they believed such decisions might discourage the writing of any history where some of the chief actors involved were still alive. "The moral of the case," Punch told its readers, was "not to write a history before the history is ready to be written," ... but once all the characters involved were dead, "then out with paper and ink and say what you like." Punch found it most thought-provoking to consider what might have happened to many of England's great historians if the mighty dead had suddenly become the mighty living. Froude "would have been broken by damages," and "Macaulay would have been banished to New Zealand," which, if not a fate worse than death, was, in the opinion of the editors of Punch, something obviously deserving of far more dread than the mere prospect of being rendered bankrupt.

But if Punch and a few others commiserated with Rusden for incurring such a heavy penalty, the rest of the London press welcomed the verdict and congratulated Bryce on his success. The Times, recognising that an obvious libel had been committed, considered the damages ample though not excessive. As to the wisdom of the conduct of Mr. Bryce when Native Minister, the paper regarded the verdict as "neutral." But there was no doubt that their own sympathies now lay more with the Government than with Rusden, at least as far as the action against Te Whiti was concerned. The evidence of Mr. Bryce

32 Times, 13 March 1886, encl. in Bryce v Rusden p. 505.
and Sir John Hall had been proof "that vigorous measures had to be taken to avoid another Maori War." Sir John Gorst's picture of Te Whiti as a lover of temperance and intensely religious had been but part of the story; "he was the centre of what might have proved a dangerous situation." The Saturday Review congratulated Mr. Bryce for having "triumphantly vindicated his character [and] contributed to the general knowledge of New Zealand politics." Neither the Daily Chronicle, nor the Standard regarded the damages as excessive, the latter paper contributing them in part to the resentment felt by the jury towards the "irresponsible attacks of Exeter Hall" and other "such mischievous persons." The newspaper Truth also expressed the view that the awarding of exemplary damages to Bryce had given a "satisfactory ending [to] the New Zealand libel case," which coming from a paper which less than a year before had described the colonial mind as "essentially un-English" was a welcome change of outlook indeed. The St. James Gazette also believed that the news of the verdict would be generally received with satisfaction. In its view, the treatment of the natives had not been so ill-judged as Mr. Rusden had suggested. In fact, as far as it was possible to form an opinion from the interchange between Mr. Bryce

33 Saturday Review, 20 March 1886 encl. in Bryce v Rusden, p. 510.
and Sir John Gorst, it seemed that Bryce was "an honest, energetic, and straightforward person of whom England... retains so few for the management of affairs at home."37

The generally favourable reaction of the British press does seem to reflect a considerably less jaundiced view of New Zealanders than had been the case so often in the past. Moreover, this changing attitude of the press also seems to have been shared by the British public as a whole. This, at least, was certainly the opinion of Sir Francis Dillon Bell who, as the representative of New Zealand's interests in London for six years,38 was probably in a better position than anyone else to gauge the changing temper of English public opinion. According to Bryce, Bell, although sympathising with Bryce for the obvious libels made against him by Rusden, "had regretted exceedingly that he had taken the action."39 He had believed, like so many of Bryce's friends back in New Zealand, that Rusden could rely on the latent hostility that at least some members of the jury would probably harbour for oppressive and greedy colonists to ensure that Bryce did not win his case. In fact, there was a distinct possibility that the case could rebound to New Zealand's disadvantage since Rusden's expected acquittal would serve to reinforce the anti-settler sentiment which

37 St. James Gazette, 13 March 1886, ibid. p. 515.
38 He had been appointed in December 1880 to succeed Sir Julius Vogel.
from his own experience Bell knew was firmly entrenched in the minds of many Englishmen. One therefore has little difficulty in believing Bryce's assertion that when meeting Bell after the announcement of the verdict he had "found him in ecstacies." And before he returned to New Zealand Bell told Bryce that "a great change had taken place as to the estimation of the colonists of New Zealand by the British public." 40

There is no reason to believe that the delight Bell exhibited was feigned, nor that the assertion that opinion in England had been changed by the trial was mere flattery or harmless but wildly exaggerated praise for Bryce. In mid 1883 in a letter he wrote to the New Zealand Herald Dillon Bell had said that "Perhaps the most difficult task I have had in England has been to defend the good name of my fellow-colonists against aspersions incessantly made (against them concerning their treatment of the Maoris)." 41 But by the end of 1886, in a private letter to the Premier, he was able to report that "The principles which have guided successive Governments and Parliaments in their relations towards Te Whiti and his people are now well understood in this country, and the aspersions which used to be so often and so unjustly cast upon the good name of the Colony in its treatment of the Native race will never again, I think, be heard in any reputable quarter here." 42

40 Ibid.
41 Reported in the Evening Post, 24 July 1883.
42 Bell to Stout, 1 December 1886, F.M. 5/6; 86/1571. In the Government Archives, Wellington.
Never again would the great Missionary Societies launch concerted attacks against the colony as in the past. And after the brusque and pointed refusal by Bal­lance in 1887 to answer the charges passed on to the Col­onial Office by the Aborigines Protection Society there were to be no further irritations from that direction either. After that date, the Society "made no more ef­forts to influence New Zealand development."\(^43\) For all these changes the case of Bryce v Rusden undoubtedly bore some responsibility. Dillon Bell in London seems to have had no doubt about this. In his view the colonists had good cause to feel grateful to Mr. John Bryce. The wildly enthusiastic way in which the colonists wel­comed their hero home had illustrated just how deep that gratitude was.

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Upon the announcement of the verdict Rusden had immediately announced his intention to lodge an appeal. At a hearing shortly afterwards leave was given for the appeal provided that it was restricted to the question of excessive damages. This precluded any possible appeal on the grounds of the judge's misdirections to the jury, and therefore any chance that the verdict might be reversed.

The case was eventually heard in June 1887. In return for an apology and a retraction — something that Rusden had steadfastly refused to make at the trial — Bryce's counsel said that they would put up no objections to a substantial reduction in the amount of damages payable. Their client had fought the case solely to defend his honour and not for any monetary reward. When Rusden complied with this request, damages were accordingly reduced from £5,000 to £2,531.¹

Despite withdrawing unreservedly all the imputations he had made against Bryce, Rusden remained inwardly unrepentant. Certain details in his work may have been incorrect but the substance he believed remained true. One can therefore imagine the bitterness and the inner

¹ At the end of the trial Bryce had estimated his own total costs at £2,200 of which £450 had been incurred in New Zealand: Diary of the Hon. John Bryce, 22 March 1886.
torment that he must have felt when, forced by financial exigencies to betray his principles, he had apologised in open court to someone whom he still considered a callous and brutal bully. What made this apology all the more galling for Rusden was his strong conviction that, had he been permitted a retrial, the outcome of the first trial would have been reversed. He believed that Baron Huddleston in his directions to the jury had made several cardinal errors on various points of law, and throughout the trial as a whole had displayed sufficient bias in favour of the plaintiff to invalidate the proceedings. As to the alleged mistakes on points of law, Rusden was almost certainly wrong. But it does seem fair to say that Huddleston, even before the trial began, was predisposed in favour of the settler rather than the philo-Maori viewpoint. One incident which seemed to have left a deep impression on his mind was the Wairau massacre of 1843. Mr. Thompson, the police magistrate who had been amongst those killed, had been a contemporary of Huddleston's. According to the Judge, Thompson had been "eaten up" by the Maoris, a fact which seems to have puzzled His Lordship almost as much as it had shocked him since Thompson had been "a very thin man indeed." It was

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2 These are set out fully in the introduction to the 2nd edition of his History of New Zealand.

3 Bryce v. Rusden, p. 147.
Huddleston, too, who brought Te Kooti's infamous deeds to the attention of the jury to show that if in fact children had been killed by the cavalry, the defence could not claim that atrocities had been restricted to only one side in the war. The Judge probably did sympathise with the plaintiff rather than the defendant, therefore, but whatever bias he displayed was certainly not enough to have provided grounds for striking down the jury's verdict.

The hearing in June 1887 had effectively spelt the end of the case of Bryce v Rusden. But Rusden was quick to show that, although beaten, he had certainly not been silenced, nor had he changed his views as to the colonists' treatment of the Maoris. In 1888 he published Tragedies in New Zealand in 1868 and 1881, giving his version of the trial, and also Aureretanga: Groans of the Maoris. His History of New Zealand was reissued in the same year, the libellous passages concerning Bryce having been expunged. In 1895 the second edition was to appear, this time with a preface strongly critical of the 1886 trial and the way his application for a retrial had been turned down. But never again would Rusden be able

4 "Counsel on both sides avoided this point." : Bryce v Rusden, p. 373.

5 This led to a speech in the Legislative Council by the former Native Minister, Mr. J.C. Richmond, in which he repudiated at considerable length the charges made against him in the book: 1 August 1888, NZPD, lxii, p. 338.
to provoke the same reaction in New Zealand as he had done in 1883. The colony could regard these fresh attacks with the equanimity of a victor who had sufficiently humbled his slanderer once already to ensure that nothing he might write would ever again be taken seriously.

Apart from the rehearing granted to Husden in 1887 there was to be one other more interesting and more protracted sequel to the Bryce v Husden case. In the course of the trial Bryce and his fellow colonists had learnt for the first time of the role played by Sir Arthur Gordon and Bishop Hadfield in the spreading of the libel. The jury's verdict may have fittingly punished the writer of the libels, but the fact remained that those whose "malice" had given them birth had not been reached.

There was never any serious likelihood of Bryce pressing on with any disciplinary action against Hadfield; he was protected by his years and by his cloth. But Bryce had no such reservations about seeking some disciplinary action against Sir Arthur Gordon. Gordon was now seen in many quarters as the real villain, the true slanderer of the colony, and Husden was merely "his miserable catspaw." No New Zealander doubted for a second that

6 Though one paper hoped he might be disciplined by the Primate or the Synod: *Evening Post*, 19 April 1886.

7 *New Zealand Times*, 18 May 1886, *cf. New Zealand Times*, 23 June 1886: "The wretched Husden was the poor miserable catspaw of Sir Arthur Gordon, who fooled him to the top of his bent."

... and *cf. New Zealand Times*, 20 June 1887: (Husden was) "the pitiful catspaw of more cunning and more guilty men."
Gordon had been waging a private campaign of vilification against the colony for the past six years. His role in the Rusden libel had only served to confirm what they had believed all along. Bryce now had a chance for revenge. For the next three years he was to pursue Gordon with a persistence that almost bore the appearance of vindictiveness. On the whole it was a campaign, however, that had the support of most New Zealanders. Admittedly, the \textit{Evening Post}, upon hearing rumours immediately after the trial that Bryce intended to carry the matter further, had counselled him against it.\footnote{Evening Post, 24 May 1886.} He should be content with the "great and glorious victory" which he had achieved, leaving it to public opinion to condemn and punish those who by foolish or malicious gossip had sought to slander the colonists. This view, however, found little support, least of all from Bryce. Although he had "had a bellyful of law, and \textit{didn't} want to begin another action," he felt strongly that Gordon "ought not to escape."\footnote{Diary of the Hon. John Bryce, 13 March 1886.} Instead of another legal action he would content himself – initially at least – with seeking to get the Colonial Office to publicly express its disapproval of the conduct of Sir Arthur Gordon who was now Governor of Ceylon, or better still to take some disciplinary step against him.

Gordon's conduct had undoubtedly been highly questionable. Sir Henry James, in his summing up, had delivered a scathing attack on the former Governor of New
Zealand. In Bryce's opinion, his remarks "were trenchant to a degree, every word told like the lash of a whip."\(^{10}\) Gordon, as Rusden's testimony had so plainly pointed out, had been the origin of the slander. Hadfield may have provided Gordon with the information but the latter had acted on his own initiative when he had transmitted it to Rusden. What's more, it appeared that Gordon might have deliberately misconstrued what Hadfield had actually told him. This was not as much the case with the first two letters which Gordon wrote to Rusden concerning the affair. Both corresponded fairly accurately with what Hadfield obviously believed had happened. But in a third letter which had not reached Rusden until after the publication of the book, Gordon said that he had been informed by the Bishop that five women had been killed and at least ten children.\(^{11}\) Hadfield, both at the *Bryce v Rusden* trial and in private correspondence later,\(^{12}\) had categorically denied making any such exaggerated claims.

When the book had first been published, Sir Arthur Gordon, contrary to what the greater number of colonists in New Zealand would have believed, did not wax eloquent in praise of it. "The book is much too long, and very much too abusive to be effective," he wrote to Mantell.

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10 Diary of the Hon. John Bryce, 12 March 1886.

11 *Bryce v Rusden*, p. 348.

Its length would frighten off most people, and its "vituperation disgusts readers of good taste." But while having strong reservations about the style of the book, he was nevertheless in complete sympathy with the sentiments expressed in the work. In particular, he regarded the statements about Bryce and his activities as fair comment. Even after the verdict had vindicated Bryce from the specific charges made in Rusden's "History," he continued to believe, as Rusden did too, that Bryce had played a leading part in a shameful and brutal atrocity. Not for a minute did he consider offering an apology to Bryce for his role in the publication of the libel.

Upon reading the reports of the trial in the Times, especially the remarks made by Sir Henry James as to Gordon's role in the libel, Gordon immediately wrote a thirty-one page letter of explanation to the Colonial Office. In many respects it was a masterly and skilfully balanced composition. On the one hand it expressed sincere regret at his indiscretion in transmitting information, albeit "privately," which he now conceded was unsupported by evidence on one very important point and contained exaggerated or at all events careless language as to another. But on the other hand, he made it clear that he was far from penitent about his behaviour, nor was he convinced

13 Gordon to Mantell, 6 September 1883, Mantell Papers, Folder 287.
14 Gordon to Granville, 21 April 1886, CO 209/246, No. 8792.
that Bryce had been grossly maligned by Rusden. Claiming that his letters had merely been accurate accounts of information relayed to him by Bishop Hadfield, he made it clear that when in New Zealand he had placed more reliance on the Bishop's information than on that of his former Ministers. Moreover, the evidence produced at the trial had not caused him to change his views. For instance, Gordon believed that Bryce was widely known among the Maoris as kohuru. The names and positions of Sir John Hall and Mr. Oliver had given their words weight with an English jury, but their testimony that they had never heard the expression used, and doubted it meant what Rusden claimed, was of the same value "as the assurance of a Devonshire squire that he had never heard a Gaelic nickname given by a Rosshire peasant and did not believe it meant what it was said to mean though wholly ignorant of the Gaelic language." 15 

Gordon's letter was accorded a mixed reception at the Colonial Office. The permanent under-secretary, Sir Robert Herbert, clearly sympathised with Sir Arthur. To his mind the personal behaviour and official policies of the colonial ministers which had provoked the private letter had been "a greater atrocity than his writing it." 16 Lord Granville, the Secretary of State, was content merely to note that the despatch did correct some matters of fact

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15 Ibid. (i.e. Gordon to Granville, 21 April 1886, CO 209/246, No. 8792).
16 Minute of Sir Robert Herbert, 22 May 1886, CO 209/246, No. 8792.
and did give a different colouring to the case as compared, at any rate, with some of the statements made in court. Others showed less understanding. Robert Meade thought the explanation "will hardly hold water," and the Parliamentary Under-Secretary, Mr. Osborne Morgan, considered Sir Arthur Gordon's letter "a very lame defence" to what had been "an unfortunate business from first to last." None, however, considered it was the duty of the Colonial Office to publicly rebuke Sir Arthur or to take any punitive action against him.

Thus, when on the 25 March, thirteen days after the completion of the trial Mr. Cobb M.P., at the instigation of Bryce's lawyers, asked in the Commons whether the Government intended to take any action against Sir Arthur Gordon in light of what had been revealed at the recent trial, Mr. Osborne Morgan replied that as an application for a new trial was pending, and as the matter was therefore still sub judice, the Government did not consider it could properly take any action on the matter. Mr. Cobb, however, was not to be shrugged off so easily. The following week he again put a question on the order paper, this time pointing out—quite correctly—that as the application for a new trial had been granted merely upon the question of reduction of damages, it did not in any way leave the conduct of Sir Arthur Gordon sub judice. In spite of this Mr. Osborne

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17 CO 209/246, No. 4941.
Morgan reaffirmed his earlier stance, claiming that as judicial proceedings in the case were still pending, he had to adhere to the answer he had given the week before. Privately, however, and no doubt in the hope that the issue might be dropped, he told Mr. Cobb that both he and Lord Granville believed Sir Arthur Gordon had behaved in the most discreditable manner and that Lord Granville had written to him very strongly upon the subject.

Mr. Cobb was nothing if not persistent. When Lord Granville was replaced at the Colonial Office shortly afterwards by the Rt. Hon. Edward Stanhope, Cobb once again tabled a question this time asking if any statement had been received from Sir Arthur Gordon as to the case, and if so, whether it would be published. Sir Arthur's letter had, in fact, arrived but Stanhope, following the decision already made by Lord Granville, said the correspondence was private and would not be published.

Bryce, if he wished to pursue the matter further, now had little choice but to admit the technical propriety of Mr. Morgan's reply that no action could be taken while the case was still sub judice, and abstain from taking action until the trial between himself and Rusden was finally at an end. This meant that for a full year he was forced to let the matter rest. But immediately Rusden's...
appeal had been heard the campaign against Gordon was resumed. Reports of the final settlement in the *Bryce v Rusden* case had revived memories in New Zealand of the man who had been the real source of the libel, and it was plain that much of the colonial press would be behind Bryce in whatever action he might now take against Gordon. "It would be a crying public scandal," wrote one paper, "if Sir Arthur Gordon was not called to sharp account for his connection with the affair." It simply was not consistent with their idea of justice that a man who was the greater offender should escape scotfree, while his "mis­erable tool" had been "mulcted so heavily in money and reputation." The paper then went on to add that, in its view, "no man [had] done so much . . . to weaken the ties between the Mother Country and New Zealand [as had Sir Arthur Gordon]." Nothing would now have given many New Zealanders more pleasure than to see Sir Arthur get the chastening he so richly deserved.

Three days after the final settlement with Rusden had been reached, John Bryce, through the offices of the Governor, Sir William J ervois, addressed an appeal to the Secretary of State for the Colonies, begging him to take whatever action in regard to Sir Arthur Gordon that "justice may require." "I know that he is a great man,

21 *New Zealand Times*, 20 June 1887 encl. in Mantell Papers, Folder 374.

22 Bryce to Stanhope, 21 June 1887, CO 209/247, No. 15939.
belonging to one of Britain's ruling families," Bryce wrote, "and I know that I am but a humble colonist, but," he went on to add, ... "great as he is, and humble as I am, I appeal to you, in the fullest confidence, that in your high office you will do justice, because you are the Minister of a great and just Sovereign." At the same time, Bryce once more had Mr. Cobb revert to the matter in the House of Commons, a question being tabled on 8 August. But neither the indirect pressure in the Commons, nor the self-pitying and almost fawning tone of Bryce's own despatch was able to achieve the desired result.

At the Colonial Office there was general agreement that it would not be profitable to stir the matter up again. Herbert, in particular, opposed taking any action against Gordon since he had "never felt satisfied that there was not foundation for the libel." For though he may not have cut down women and children with his own hand gleefully and with ease, "was he not in command of a party which [had] cut down children?" Accordingly, the replies given to both enquiries by the new Colonial Secretary, Sir Henry Holland, were in line with the stand taken by his predecessors. In his opinion, statements made by Sir Arthur Gordon in a private capacity when in

23 8 August 1887, CO 209/247, No. 15472.

24 Minute of Sir R. Herbert, 11 August 1887, CO 209/247, No. 15939.
a position which he no longer held, did not provide sufficient cause to justify the Colonial Secretary's interference in the case.

For most of those who were acquainted with the facts of the case, Sir Henry Holland's refusal to take action against Sir Arthur Gordon could hardly have come as a surprise. After all, Sir Arthur was, as Bryce had correctly pointed out, a member of one of England's noblest houses. As a child he had been a page boy to the Queen and his father had once been her Chief Minister. He moved in the highest political and social circles in England. Admittedly, his most powerful friends were Liberals and the Liberals were now in Opposition, but a Conservative Government, of which Sir John Gorst was a leading member, was no more likely than a Liberal one to wish punitive measures to be taken against Sir Arthur. Social influence and family connections transcended formal political alignments. Thus, as much as the successive Colonial Secretaries to whom Bryce was appealing might privately deplore Sir Arthur's conduct, they would be unlikely to publicly condemn him for it if they could possibly avoid it. For Gordon was one of them while Bryce, by his own admission, was but a humble colonist.

Most men in Bryce's position would have realised the hopelessness of their crusade and let the matter drop. But Bryce was not like other men. When convinced of the

25 George Hamilton Gordon, fourth Earl of Aberdeen, Prime Minister between 1852-55.
rightness of his cause, he could show a determination bordering on stubbornness or even pig-headed obstinacy. His long fight against Rusden had provided ample evidence of this. That drawn out and expensive battle had demonstrated a "courage and determination in the face of obstacles which would have daunted 99 out of 100 men in his position." ²⁶ In 1886 most men had doubted his chances of success, but he had proved them wrong; there was no reason why he should not do so again.

Bryce was now no longer in Parliament, having been defeated in the 1887 election which resulted in an Atkinson Ministry being returned to power. ²⁷ It was to Atkinson that Bryce appealed early in 1888 requesting him to transmit a fresh appeal to the Colonial Secretary, preferably with a minute written by him in support of Bryce attached to the despatch. When Atkinson did not immediately acknowledge the request Bryce impatiently wrote to the Premier demanding to know what had been done. ²⁸ Six weeks later Atkinson did deliver Bryce's letter to the Governor to be forwarded to London. In an attached note he had written that he and his Ministers

²⁶ Otago Daily Times, 18 May 1886.

²⁷ The Premier, Robert Stout, was also defeated. The Otago Daily Times saw Bryce's defeat as "almost as heavy a blow for the party of economy as that of ... Stout for Vogelism." The Otago Daily Times predicted that if re-elected Bryce would have been made Premier ahead of Atkinson. Otago Daily Times 3 October 1887.

²⁸ Bryce to Atkinson, 10 February 1888, Atkinson Papers, Folder 24. In the Alexander Turnbull Library, Wellington.
fully supported Bryce's appeal and hoped that the Colonial Secretary would reconsider his decision and "mark in some adequate manner" his disapproval of conduct which had undermined the respect and confidence which a Governor should inspire in a colony.²⁹

Bryce's enclosed letter followed - initially at least - the deferential tone of his letter of the previous year. To Bryce's mind it was "simply amazing" how the Secretary of State could regard with indifference the fact that Sir Arthur Gordon, while representing the Queen in New Zealand, and while Bryce was sitting with him as one of his Ministers in his own Council Chamber, had secretly, deliberately and falsely endeavoured to destroy Bryce's private character. Any reassertion that Sir Henry might make that interference in the circumstances of the case was unnecessary would, Bryce ventured to think, "cause considerable astonishment" amongst all those acquainted with the case. So far, Bryce must have believed, he had made a reasonable and rational appeal to Sir Henry's intelligence and good sense. But his last appeal had been of a similar nature and that had been disregarded. This time, therefore, he finished by showing he was not a man to be trifled with. If once more he received no satisfactory response and no steps were taken against his traducer it was likely, said Bryce, that he would feel

²⁹ Atkinson to Knutsford, 24 March 1888, CO 209/248, No. 9824.
"in honour compelled" to begin legal proceedings against Sir Arthur, "in search of that justice from an English jury which has been denied me by Her Majesty's Minister." 30

Neither blandishments nor veiled threats proved sufficient, however, to cause the Colonial Secretary (newly raised to the peerage under the title of Baron Knutsford) to change his mind. In his reply, Knutsford expressed his sympathy with Mr. Bryce, but also his satisfaction "at finding he had so entirely cleared his character from the painful charges brought against him." He then went on to add that he wished it to be fully understood that Her Majesty's Government had not, as was apparently supposed by Bryce, at any stage expressed approval of Sir Arthur Gordon's conduct. But insofar as complying with Mr. Bryce's request that some action be taken against the Governor, Knutsford expressed his view that no good would result from his now expressing an official opinion on acts which were done so long ago as 1882. He thus felt bound to adhere to the decision he had announced in the Commons the previous year which in turn had merely confirmed the view taken by his predecessors. 31

The suggestion that he might sue Sir Arthur should Lord Knutsford give an unsatisfactory reply proved to have

30 Bryce to Knutsford, December 1887, CO 208/248, No. 9824.
31 Knutsford to Jervois, 8 August 1888, ibid.
been bluff, or at least a threat which he later decided not to carry out. Bryce's desire to avoid another round of expensive and wearisome litigation in this case over-rode his desire for revenge. Nevertheless, he refused to admit defeat. Direct appeals to the Colonial Office were obviously doomed to failure, and he was not prepared to take the matter to court, but the avenue was still open to him to arouse interest in the subject in the Commons. Accordingly, in November, he succeeded in enlisting the support of Mr. Henniker-Heaton M.P., this time to try and get the correspondence relating to his quarrel with Gordon (including, of course, Gordon's letter of explanation) placed before Parliament. Heaton in a motion in Parliament thus requested the Colonial Office to make the letters available. The request was not granted. In a private letter to Mr. Heaton, Lord Knutsford, explaining his refusal to make the correspondence available, expressed the opinion that "no public interest would be served by reviving this old story," and in any case, Mr. Bryce's character had already been "absolutely cleared" in a Court of Law. Mr. Heaton's reply seemed to indicate he was satisfied with the reasons given and that he would not push the matter further.

32 23 November 1888, encl. in CO 209/248, No. 22927.
33 Knutsford to Henniker-Heaton, 23 November 1888, copy encl. in CO 209/248, No. 22927.
34 Minute by Knutsford, 24 November 1888, ibid.
It therefore must have come as something of a surprise to the Colonial Office when only two months later in February 1889, there appeared in the Parliamentary Order Paper another request from Mr. Heaton for all relevant papers on the matter to be released. Privately, he wrote to the Colonial Office expressing the hope that the request would be granted as "the New Zealand people interested [had] gone to considerable expense in sending him cable messages on the subject." This renewed request prompted Sir Robert Herbert to make enquiries from Sir Francis Dillon Bell. Bell, however, professed himself to be as mystified as the Colonial Office as to what had prompted this new agitation, but he was quite satisfied "that Mr. Heaton [had] not been put in motion by the New Zealand Government." 35 In all probability this was one last fling by John Bryce, now carrying on his crusade single-handed, to have Sir Arthur brought to justice. Like all those earlier attempts this latest and what would prove the last attempt was also unsuccessful. Lord Knutsford privately informed Mr. Heaton in a curt note that he would be unable to comply with this latest request for reasons he and his predecessors had now repeated several times. 36 In the event, Mr. Heaton chose

35 Heneker-Heaton to Knutsford, 18 February 1889, CO 209/249, No. 4102.

36 Knutsford to Heaton, 20 February 1889, copy encl. in CO 209/249, No. 4102.
not to move his original motion when it reached the top of the order paper several days later.

The last word on the subject was to go to Sir Arthur Gordon who in April 1889 learnt for the first time of Bryce's and Atkinson's attempt over a year before to have punitive measures taken against him. The letter which he immediately despatched from Ceylon upon hearing this disturbing news\(^{37}\) began by thanking Lord Knutsford for his persistent refusal to depart from the position originally assumed by Knutsford's predecessors in relation to the question. He himself had no wish to recall attention to a matter in which he had "unquestionably behaved indiscreetly" although, he quickly went on to add, "his indiscretion was neither a very uncommon nor a very heinous one." This admission of fault by no means amounted to a recognition on Gordon's part that Bryce had thereby been seriously wronged. The mere fact that Mr. Rusden may have been pronounced guilty of libelling Mr. Bryce in certain particulars had not, in Gordon's view, completely cleared Bryce's reputation. Gordon claimed that with the single exception of the assertion that women were killed in the affray, none of the points made in his note to Rusden on Bryce's antecedents had been disproved at the trial, but what had been found libellous were simply "the rhetorical embellishments and additions of Mr. Rusden's own pen."

\(^{37}\) Gordon to Knutsford, 13 April 1889, CO 209/249, No. 10809.
Gordon then launched into what was essentially a reiteration of the explanation and defence he had submitted three years earlier, adding minor details or clarifying points as he went along. At one point he felt compelled to distinctly contradict Mr. Bryce’s statement that he had been in "frequent communication" with Gordon. Indeed, in both his appeals for redress to the Colonial Office, Bryce had made much of this point, as had Sir Henry James in his summing up at the trial. The aspersions that Gordon had made against Bryce’s character would have been shocking in any circumstances, but the impression so carefully nurtured by the injured party that they had been made against a man whom Gordon confronted almost daily in the Council Chamber seemed to make those charges so much worse. It made them appear the cowardly, malicious and unmanly acts of a libeller who was too scared or too filled with spite to question Bryce directly as to the truth of the accusations he was all too ready to make behind his back. But as Gordon now pointed out, this impression was quite contrary to fact. Between Bryce’s resignation in January 1881 and July 1882 when Gordon finally left the colony, Gordon could not recollect seeing Bryce apart from one occasion when he came to Government House to be sworn in as a member of Mr. Whitaker’s Government on its succession to that of Sir John Hall in April 1881. On that one occasion when Bryce could not avoid coming into the Governor’s presence, Gordon now
recollected that "we neither spoke nor shook hands." To those officials in England who remembered what a tragic failure Gordon's Governorship of New Zealand had been, this seemingly minor and rather pathetic remark illustrated in a way that no official despatch could ever have done how utterly estranged Gordon must have become from his "advisers," and in Bryce's case how bitter was the hostility and deep the distrust that must have existed between the two men well before Gordon wrote so disparagingly of Bryce in his now notorious note to Rusden.

This last despatch was acknowledged by the Colonial Office and placed on record with the other papers on the subject. Lord Knutsford expressed the hope that no occasion for a further discussion of the subject would arise, and this hope was in fact to be borne out. By 1890, Bryce had finally conceded that his efforts had failed. From the beginning he had not been prepared to take legal action against Sir Arthur with all its attendant risks and expense, and thus there was now no other course for him to take but to concede defeat gracefully. His repeated representations to the Colonial Office had all ended in failure, and it was clear now, even to him, that he would get no satisfaction from that direction.

In any case, in 1890 Sir Arthur Gordon finally relinquished his position as Governor of Ceylon and entered into retirement. It was plainly useless to petition the

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38 Ibid.
Colonial Office further in the expectation of disciplinary action being taken against their former servant.

Bryce undoubtedly believed that all his efforts had been in vain, and Gordon had escaped without as much as giving an apology or issuing a retraction. Little did he realise, however, how dearly Gordon had paid for those few ill considered words. When the Liberals returned to office in England in February 1866 Gordon had had high expectations of being promptly elevated to the peerage. His old friend, Mr. Gladstone, had promised this honour to him and Gordon had every reason for believing a public announcement to that effect was imminent. But the revelations which came out at the Bryce v Rusden trial caused Gladstone to change his mind.39 Despite Gordon's plea that it would be very hard on him "if, in the long run, five and twenty years labourious public service is held to be outweighed by an indiscrete expression in a private letter..."40 Gladstone could not be moved. In the face of the probable disapprobation of the House of Commons at honours being granted to one who had written so improperly of one of his responsible advisers he thought it impossible, for the time being at least, to confer the title.

For Gordon this was indeed a bitter pill to swallow. He had set his heart on this honour being

40 Gordon to Gladstone, 21 May 1886, ibid., p. 95.
granted, and now it had been snatched away just as it had seemed within his grasp. His sorrow was tempered somewhat by the belief that what he had written about Bryce remained substantially true in spite of the verdict at the trial. It was therefore with much chagrin that he learnt in 1887 that Rusden in open court "had cheerfully and completely" withdrawn every imputation contained in his book upon Mr. Bryce's action in the child killings affair. "I do not know," he wrote bitterly to Rusden, "whether you are aware that your production of my letter [sic] at the original trial cost me my peerage."41 Had he in fact been mistaken all along? Not for a moment did Gordon believe this, but then what was he to make of Rusden's amazing retraction. "It would certainly seem hard," he reflected, half in anger, half in self-pity, "to have sacrificed oneself to a misapprehension."

In 1893 Gordon was eventually to receive that long awaited peerage. It was then at long last that Gladstone, once more in office, saw fit to confer a Barony upon Sir Arthur Gordon. The prize so long denied him at last was his. Certainly he had waited long enough for an honour which in 1886 he believed he had already won. The new Lord Stanmore could ruefully reflect that his minor indiscretion concerning Mr. Bryce had cost him seven years in the House of Lords.42

41 Gordon to Rusden, 23 August 1887, Rusden Papers (micro.).

CHAPTER VI

THE VERDICT OF HISTORY

Let slander strike at thy good name,
And laugh how thou didst win,
This but the penalty of fame,
The coward's javelin.

Whatever form thy fortunes take,
Thou art the people's Bryce,
The man who for his country's sake,
Did fight blind prejudice. (1)

Although Bryce was triumphantly vindicated of the libels made against him in Rusden's History of New Zealand, there nevertheless remains a good deal of uncertainty as to exactly what took place at Handley's woolshed on that November day in 1868 when Bryce had allegedly cut down women and children "gleefully and with ease." It was clear to the jury that he had not cut down women, nor children either. In fact, Bryce it now seemed had not cut down anyone at all. For saying that he had, George William Rusden was ordered to pay £5,000 in damages.

But were such heavy damages really justified? Had Rusden deserved to be inflicted with such a crushing pecuniary penalty? Obviously the jury thought so, and no one can deny that a man who is falsely maligned as a murderer

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1 From "The Battle of Parihaka," poet unknown, encl. in Rusden Papers (micro.).
of women and children is entitled to redress. But anyone who reads the hundreds of pages of testimony and evidence taken on Commission which was given during the eight day hearing cannot avoid being plagued by doubts that, although not guilty of the specific acts with which he was charged, Bryce was nevertheless implicated in a rather despicable and ignominious episode in the history of the Maori wars. The refusal of Rusden at the trial to apologise or retract those charges, and the letters of Sir Arthur Gordon to the Colonial Office later, make it obvious that both these men still believed that although incorrect in minor details the substance of the so-called libel remained true. 2

At the trial the onus of proof had been on Rusden to prove that what he had written was true in fact and in substance. This he had failed to do to the satisfaction of the jury. When faced with the mass of conflicting evidence about the affair at Handley's woolshed, the jury's main task had been to decide what had not happened rather than to reach a general agreement on what actually had taken place. The fact that their verdict was a rejection of Rusden's story did not, therefore, necessarily imply an acceptance of the version Bryce had given. In all probability the jury would have placed more reliance on the evidence of a former Cabinet Minister than on evidence 2

2 As too did Bishop Hadfield: See letters of Hadfield to Mantell, 27 May 1886 and 21 July 1886; Mantell Papers, Folder 290.
taken on Commission from unseen natives back in New Zealand. But the fact remains that it was not necessary for them to decide what actually had taken place and their verdict gives no conclusive evidence as to their views.

What really did happen that day at Handley's woolshed will probably never be known for certain. But of the many contradictory accounts the one which has the greatest ring of truth is that given by Uru Te Angina, a chief of the Ngarauru tribe who had been two miles away at the Tauranga-ika pa at the time the engagement between the volunteer cavalry and the Maoris took place. Admittedly, his is the native view of the affair and there is no guarantee that it is not as coloured as those accounts given by many of the cavalry corps. But it is a view which definitely seems more deserving of credence than the obviously exaggerated and glorified account of the affair which Colonel Whitmore received, picturing the affray as a gallant action in which eight Maoris were killed and many more injured. In the first place, Uru's version of events was supported by strong evidence, and furthermore, although the account was hardly one of which John Bryce or the Kai Iwi and other cavalry units could be proud, it was nevertheless of more help to the plaintiff than to the defendant when produced in evidence at the trial. For Uru's denial that any women had been present was to drive another nail into Rusden's coffin.

As Uru told it, the party whom the cavalry

3  Newland to Whitmore, 27 November 1868, AJHR, 1869, A-No. 3, p. 11.
encountered at Handley's woolshed had numbered only a
dozen or so and had been comprised entirely of young
boys. Their fathers, members of the Ngatiruanui and
Ngarauru tribes, were followers of the rebel Titokowaru
who was then concentrating his strength at Tauranga-ika
in anticipation of a pakeha attack. On that particular
day the boys had slipped from the pa without the know-
ledge or permission of their parents on a foraging party.
They had heard rumours at the pa that some geese were
running about at a deserted farm not far off. This prov-
ed to be the farm recently abandoned by John Handley.
The boys succeeded in catching several geese, and some of
them entered the shed to pluck the feathers off. It was
at this stage that the cavalry arrived upon the scene
and made its attack. Several of the boys fled immedi-
ately into the surrounding scrub but those inside the shed
were not so fortunate. Mistaking the rifle shots strik-
ing against the iron roof and sides for stones which they
thought the boys outside were throwing, they took some
moments to realise what was going on. When they emerged
from the shed the cavalry was already upon them and they
found themselves amongst a body of armed and mounted men.
The faster and more agile boys succeeded in escaping al-
together. Others were not so lucky .

Two were killed on the spot, and several were
more or less wounded, but these with the others
escaped the slaughter. One lad about 10 years
old was killed by a stroke from a sword that
cut his head in two halves, one half hanging
down over his shoulder; he had some revolver
shots in his chest and stomach besides. Another
lad about 12 years old was killed by many strokes
of a sword, and was much cut about and shot with carbines. Neither of the lads had arrived at the age of puberty. (4)

That two boys were killed there is little room for doubt. Even Baron Huddleston in his summing up admitted this. The boys making up the party were all named, and some were tracked down by Rusden to give evidence. Four of them, by that stage young men in their mid twenties, still had sabre wounds on their heads and backs, and in one case several missing fingers, to serve as a mute reminder of what had taken place.

The incident at Handley's woolshed was surely a shabby and shameful affair. Although nothing can be said to completely absolve the participants from all guilt, two points can be made in mitigation. In the first place, it is likely that the troopers did not realise that children were involved until they were right upon them. And even then, with the Maoris fleeing in all directions, seeking cover in the bracken and the fern, many of the soldiers with only the occasional glimpse of a darting figure may still not have realised that only children were present. Secondly, one should not forget the atmosphere of fear and bitterness which pervaded the settler community at that time. This was particularly so in Taranaki.

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4 This account was first published in a Wanganui paper, the Yeoman on 8 June 1883. It was subsequently read at the trial (Bryce v Rusden, p. 172) and Īru Te Angina also gave evidence to the Commission (Bryce v Rusden, pp. 541-49).

5 Bryce v Rusden, p. 467.
where the prospect of a Hau hau attack was an ever present fear which the local settlers could never for a moment forget. The yeomanry cavalry corps, such as the Kai Iwi Cavalry, were composed largely of farmers and their sons, some of whom knew from first hand experience how it felt to have friends or family killed and the work of almost a lifetime destroyed by what they regarded as a pack of marauding and murderous savages. When from a distance they saw the figures running about Handley's woolshed it was natural to assume that here was a band of Titokowaru's raiders intent on looting and burning yet another deserted homestead. In such circumstances men rarely act calmly and rationally. Baron Huddleston had showed how well he understood this when he told the jurymen that "Human nature, when its blood is up, is sometimes unreasonable." Another who defended the cavalry's action was T.W. Gudgeon whose earlier work had been referred to in the first of Rusden's libellous passages. In obvious reference to the event covered in the trial the previous year, he wrote in 1887:

It is very easy indeed for members of the Aborigines Protection Society, as they sit by their cosy firesides in Merry England, to try and rake up cases of cruelty against the pioneers of a new colony. If a few of those gentlemen were transported to the Antipodes, and their lives now and then placed in jeopardy, as the colonists' continually were, by a bloodthirsty, fanatical crew of savages, I doubt if even Mr. Rusden himself would wait to ascertain the ages of the enemy at his door before he fired in self-defence. (7)

6 *Bryce v Rusden*, p. 472.
As Mr. Rusden would have quickly pointed out, the Maoris foraging about Handley's woolshed were hardly akin to having the enemy at one's door, nor was the cavalry's action in dashing in amongst them one of self defence. But in spite of the unfairness of Gudgeon's analogy it remains true that factors existed in 1868 which, while not exonerating the troopers altogether from what took place, certainly do go part way towards explaining how normally decent men could make such an enthusiastic attack upon unarmed children.

Some of those men had attacked much more enthusiastically than others. For instance, the weight of evidence suggests that Sergeant Maxwell, Bryce's junior officer, cut down at least two of the Maoris with his sabre. He himself had boasted of this afterwards, and Bryce at the trial admitted that from a distance of almost 300 yards he had seen his sergeant fell two fleeing figures. But at no stage, either at the trial or elsewhere, was any evidence produced which challenged Bryce's claim that he had neither shot nor sabred a single Maori. Only in the sense that Bryce was vicariously liable for the actions of his subordinates can his name be blackened. In such a case the opprobrium can not be reserved for Bryce alone, but must attach equally, if not more so, to Bryce's two superior officers who were also present. No matter how one views Bryce's role in the affair, however, by no stretch of the imagination can one defend Rusden's account. Nothing can alter the fact that it was a shocking
and indefensible libel.

As to Bryce's role in the Parihaka episode thirteen years later, the verdict of history cannot be said to be nearly as clear cut. Without Parihaka the subject of the Handley woolshed affair would never have been revived and there would have been no trial. For as Rusden himself admitted, the mention of the woolshed incident was included in his book only because of the fact that a man who took part in it would later become Native Minister and supervise a policy against the Parihaka Maoris which Rusden considered cruel and immoral. A short survey of the man's "antecedents" would merely reinforce the allegations Rusden was making about his official actions at a later period. At the trial Bryce was vindicated as much for the role he had played at Parihaka as for the earlier incident at Handley's woolshed. This, at least, was how the overwhelming mass of opinion both in New Zealand and in England interpreted the verdict at the time. After the evidence not only of John Bryce but also of Sir John Hall and Richard Oliver, no one could doubt that vigorous measures had been called for in 1881 to avoid another war, and that Te Whiti, though ostensibly a man of peace, had really been a man of foolish delusions and a dangerous focus for disaffected and criminal elements in Maori society.

But as the years passed and Parihaka became more and more a fading memory, the defenders of Te Whiti increased in number. When the Maoris were finally wrested from their land, when the last pockets of resistance to
European penetration had at last been dealt with and the pakēha victory was finally complete, men could afford to revise their views and reflect a little shamefully that sometimes in the past their treatment of the Māori was not always as fair and just as it might have been. Even before Bryce's death in 1913 at the age of seventy, views on Parihaka widely reflected those expressed by historians such as Gisborne, Saunders, Reeves, and Irvine and Alpers. If not deserving of the bitter condemnation and contempt which Rusden had shown, the invasion of the peaceful village of Parihaka was now seen as a matter for regret, and, in some quarters, even as a subject for ridicule. That view has now become firmly entrenched. Since 1881 the pendulum has swung to the opposite extreme.

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12 e.g. Jessie Mackay wrote a parody called "The Charge of Parihaka" which finished with the lines:

> When can their glory fade?
> Oh! the wild charge they made!
> New Zealand wondered
> Whether each doughty soul
> Paid for the pigs he stole,
> Noble Twelve Hundred!

Te Whiti, no longer a half-mad fanatic, has become a man with an honoured and respected place in New Zealand's history. John Bryce, on the other hand, from the hero of Parihaka has become the arch villain.

Perhaps it is time his character was reassessed. To continue regarding John Bryce as some mastodon out of our past, as some sort of ogre deserving of "everlasting shame and contempt"13 is to forget that basically he was a sincere and honest man who won the respect and admiration of the overwhelming bulk of the settler community. To vilify him is to cast a slur on thousands of his contemporaries. Bryce's name will always be associated with the Maori village of Parihaka. His crime - if crime it be - is seen as having forcibly separated the Maoris from their land, thereby robbing them of their rightful heritage. Bryce's detractors would concede that the land around Parihaka had been confiscated almost twenty years before, but it had been as punishment for the disloyalty of those Maoris who had dared to oppose the "rape of Wai-tara." That confiscation in 1865, never initially justified and never subsequently acted upon, may in 1881 have given the Government a legal right to seize the land, but certainly not a moral one. But in Bryce's mind no such dichotomy existed between law and morality. Both his conscience and the law told him he was right.

The reasons which Bryce believed had justified

vigorouos Government action against Te Whiti and his followers at Parihaka were clearly stated by Bryce a month after the invasion in December 1881 in an election speech to his constituents. The Government had taken the action at Parihaka because "for a number of years there had been on the part of the Taranaki Maoris a growing confederation hostile to settlement in the larger sense - hostile to the actual settlement of the land, to the supremacy of the queen, and to law and order in the district."14 When Sir Arthur Gordon wrote to the Colonial Office giving an account of the invasion he expressed the view that Te Whiti's main offence had been "that he is opposed to the passing of land from Native into European hands."15 This, anyway, was the view of Mr. Bryce who had in a recent election speech dwelt on the fact that Te Whiti and his followers were "hostile to settlement in the larger sense - hostile to the actual settlement of land." The words which had followed referring to the supremacy of the queen and to law and order Gordon saw fit to leave out. Six months later when Bryce read the despatch for the first time, he wrote angrily to Gordon complaining of "treatment such as ... he ought not to have been subjected to"16 on Gordon's part. By omitting any reference

14 Bryce to Gordon, 10 June 1882, AJHR, 1883, A-4 No. 20, encl. No. 35.

15 Gordon to Kimberley, 28 December 1881, AJHR, A-4 No. 20, p. 18.

16 Bryce to Gordon, 10 June 1882, AJHR, 1883, A-4 No. 20 and No. 35.
to "the supremacy of the Queen" and the maintenance of "law and order" Gordon was conveying the impression to the Colonial Office that what was meant by settlement in the larger sense was "something founded on that greedy desire for land which has so often, and so wrongfully, been imputed to New Zealand colonists." When Gordon replied that he was "really at a loss to understand Mr. Bryce's sensitiveness," it was not a deliberate affront on his part. To his mind, when settlers said that they intended to establish the rule of law, this invariably implied the pursuit of material gain. The establishment of the one was simply an excuse to pursue the other. With this assumption, however, Bryce emphatically disagreed. To claim that one was attempting to secure law and order and the supremacy of the Queen was definitely not simply a euphemism to disguise less noble or less selfless motives. These goals were desired for their own sakes, not merely to facilitate settlement of Maori land.

To Bryce it was intolerable that Te Whiti should be allowed to set the authority of the law at defiance. He held himself up to his followers as somebody above the pakeha law. He was "not only a ruler, but a prophet, a king, a god." He told them he was going to become the

17 Bryce to Gordon, 10 June 1882, AJHR, 1883, A-4 No. 20 encl. No. 35.
18 AJHR, 1883, A-4 No. 20, encl. No. 37.
supreme ruler of the whole of New Zealand. When he sent his men to plough up the surveyors' pegs he told them they were "ploughing the belly of the Government." "I do not care for the Parliament that meets in Wellington: my parliament is at Parihaka," he told his followers. From all over New Zealand the disaffected elements in Maori society flocked to Parihaka to attend Te Whiti's monthly meetings. Murderers and criminals knew they could find shelter there, and the authority of the Crown was powerless to apprehend them. Parihaka had been allowed to become a quasi kingdom, an imperium in imperio, a place where the Queen's writ did not run. When officers of the Government wished to speak with Te Whiti, the Maori chief would not come to them; instead, they had to go and see him. They were forced to behave like subjects seeking an audience with their king. Nevertheless, they had gone. Even Ministers of the Crown had chosen to demean themselves. John Sheehan and later William Rolleston would travel to Parihaka to try to persuade Te Whiti to obey the laws of the land. To ask him, to plead with him to do as the law required of him! And Te Whiti had smugly refused. His followers had seen all,


21 D. Scott, *The Parihaka Story*, p. 64.
and chuckled at the discomfiture of the pakeha. It seemed that Te Whiti could humiliate the Government with impunity. Even when the Governor, the Queen's representative, had sent his aide-de-camp to Parihaka, Te Whiti had kept him waiting five hours before granting him an audience. The old chief had been too busy playing draughts to receive him any earlier! Te Whiti then said that he had no objection to talking with the Governor, but if Gordon wanted to see him he would have to come to Parihaka. Te Whiti would not go to Wellington.

To this Gordon had taken no offence. But the attitude of the Maori chief infuriated Bryce; if Bryce had his way it would not be allowed to continue. New Zealand was too small to contain two separate authorities. Either that of the Queen or that of Te Whiti must prevail. When Bryce became Native Minister in October 1879 he immediately set about asserting the authority of the Crown. The idea of negotiating with Te Whiti was "perfectly preposterous." Instead he sought to bring the Maoris more firmly under the rule of settler law. He moved the Constabulary across the Waingongoro River, closer to Parihaka than it had been before. He made roads, and made them without the consent of the natives. He completed the telegraph which Te Whiti had resisted. He began the construction of the lighthouse to which Te Whiti had refused his

23 Wanganui Chronicle, 24 March 1881, encl. in Rolleston Papers, Folder 73.
consent. When Te Whiti had continued to resist, when his followers had continued to obstruct the surveyors, Bryce saw no alternative but to invade Parihaka with an overwhelming force of armed militia and arrest Te Whiti. Only with his mana destroyed could the Queen's authority be effectively asserted. When his colleagues refused to consent to such a scheme Bryce resigned. He could not continue to serve as one of Her Majesty's Ministers and continue to condone or tolerate such blatant disrespect for her authority.

To emphasise the importance Bryce placed on establishing the Queen's authority throughout the whole of her realm is not to deny that the settlement of the land by pakeha settlers was also important to him. It obviously was. In fact, for Bryce the settlement of the land was equally important because he regarded it as a necessary co-requisite for that other important goal. For in his eyes settlement and the establishment of the authority of the Queen were linked inextricably together. "The two things are so nearly connected that they might be regarded as one, because if you establish the authority of the law you are bound to settle the country." The one simply followed upon the other.

If Sir Arthur Gordon had failed to realise that this is what Bryce meant when he spoke of "settlement in the larger sense," he can perhaps be forgiven. In all

24 *Wanganui Chronicle*, 24 March 1881, encl. in Holleston Papers, Folder 73.
his long experience as a Colonial Governor he had continually been confronted with the spectacle of greedy, deceitful and often fraudulent colonists trying to prise the poor and ignorant natives unwillingly from their lands. Farihaka to him was just one further example, albeit on a larger scale, of those same forces at work in New Zealand.

In the past, the English settlers had spoken of the need to enforce the Queen's authority in her colonies, but from bitter experience he had learnt that such admirably sounding sentiments were invariably used to disguise ulterior and more ignoble motives. Why should he believe his Ministers in New Zealand were any different?

In point of fact, his Ministers, with one exception, were no different. For apart from Bryce, none felt humiliated by Te Whiti's independent stance or offended at the disrespect he was showing to the officers of the Queen. They realised he was trying to help his followers to retain the land they still regarded as their own. The Government did not want to see the Maoris turned into landless paupers and were, therefore, willing to set aside what they regarded as ample reserves. They wanted to be fair and reasonable. They set up an independent Commission; they sent officials to Farihaka to talk with Te Whiti. They rejected Bryce's calls for a more vigorous policy, gambling that their more moderate, conciliatory approach would eventually be successful.

It was, of course, a failure. Te Whiti remained as recalcitrant as ever. By the end of 1881 the country was becoming restless at the lack of success and the
ever-mounting costs. An election was approaching and an urgent solution to the Parihaka crisis became a political necessity.

The solution which the Government decided upon was to recall John Bryce who, of course, willingly complied. His reinstatement as Native Minister was recognised by Hall as a step which "would be viewed by both races as almost a declaration of war."25 Within hours of returning to office, Bryce was on his way to Taranaki. Two weeks later, at the head of 1,600 men, he led the invasion into Parihaka.

No matter how much one deplores Bryce's heavy-handedness and his lack of feeling for the Maori grievances, one must respect him for his underlying honesty of motive. One cannot have the same respect for the other Ministers whose self righteous utterances that the action was forced upon them by Te Whiti's "provocative" speeches in September and by the need to avert a bloody war were used to disguise their baser motives. Apart from Bryce the Ministry was guided more by political expediency than by principle. Their efforts to wrest the land from Te Whiti in nature closely resembled those schemes which in 1858 Gore Browne had denounced as framed to deprive the Maoris of their land "recte si possunt, si non quocunque modo" - fairly if possible but otherwise by

any means at all.

The hatred that Rusden bore for Bryce derived from Rusden's conviction that Bryce was as much a hypocrite as was "the wily Whitaker" or "the dissimulating ... hall" or in fact, as much as were any of his Ministerial colleagues. Bryce, in fact, was worse than all of them, from Rusden onwards most writers have come to see Bryce as the real villain of Parihaka. He was the one who had pushed a vigorous policy against Te Whiti from the beginning. Therefore, it has been seen as reasonable to assume that it was through his urging that this policy was finally adopted. This latter belief, however, is quite false. Native policy in the Hall Government, especially as regards more important decisions, was always that of the ministry rather than of John Bryce alone. Nowhere was this more true than in the formulation of the Government's policy towards Te Whiti. Bryce was reinstated in the Cabinet to implement a policy which had already been decided upon. As Bryce later pointed out, "When I resumed office no conditions were made or were necessary. The preparations for the occupation of Parihaka were nearly completed before I had anything to do with them." In many aspects Bryce was merely the tool of men such as Hall, Atkinson, Whitaker and even Rolleston who knew Bryce could

27 Ibid., p. 339.
29 Bryce to Alpers, 17 February 1903, Alpers Papers Folder 7. In the Alexander Turnbull Library, Wellington.
be counted on to carry out the distasteful and unpleasant task which they themselves now wanted done. Though there is no evidence that Rusden ever came to see Bryce in this light, it seems that Sir Arthur Gordon did. In that last letter to the Secretary of State in 1889 he wrote:

I have always thought of Mr. Bryce as an honest, though ignorant and narrow-minded man, but I have never felt for him any of the moral repulsion with which more than one of the abler, but less honest, men, of which he was sometimes the butt, sometimes the tool, and sometimes, on rare occasions, through sheer force of will, the master, have often inspired me. (30)

No one who met Bryce could doubt that he was basically a well-meaning and honest man. Certainly, he was no hypocrite, nor was he capable of guile. He was a man who believed utterly in the righteousness of his own actions and his earnestness and sincerity commanded wide respect. It was these qualities which made Bryce such an effective spokesman for the colony at the trial in London. His performance before the jury and the pressmen reporting the trial could probably never have been equalled by any of his colleagues. Mantell had realised this would be so even before Bryce left for England and he wrote to warn Rusden that behind Bryce would be sheltering many more guilty men:

Never forget, however, little you may believe in it, my theory that Bryce is but the stalking horse of some dozen or score of our "prominent politicians" all more grievously wrong than he, but none of whom could show...

30 Gordon to Knutsford, 18 February 1889, CO 209/250 No. 10809.
so good a record. For Bryce, whatever his shortcomings... does undoubtedly stand very high in the estimation of his fellow colonists... Now none other of that score could so well bear the sifting of his past as Bryce. {31}

In other words, the man whom Rusden had seen as representing everything bad in the colonial character also, in many respects, represented much that was good. John Bryce may have lacked the political sophistication of most of his Cabinet colleagues. For the most part he also lacked their education. But John Bryce reflected more than they did the simpler virtues of the ordinary New Zealand settler who was struggling to make his way in the newly developing colony. Even when in Parliament Bryce remained at heart a man of the soil and his honesty and openness, his dependability and forthrightness were characteristics he shared with many of those settlers he had been elected to represent. They had come to New Zealand to make a fresh start, and to their new land they were giving their allegiance and their love as well as their labour. Bryce may have been born in England, but his roots in New Zealand ran deep, much deeper probably than those of such men as Hall, Whitaker, Rolleston or even Atkinson who shared his pioneering background in Taranaki: "Such love and affection as a man may give to the country of his birth, I give to New Zealand," Bryce had stated in Parliament in 1875.32 It was

31 Mantell to Rusden, 26 September 1885, Rusden Papers (micro.).

a love and affection for his adopted land which had been forged by the hardships and tribulations which were every settler's lot. He had striven for and earned everything he had, not least his farm which he had carved from the wilderness with his own hands. Bryce understood and sympathised with the ordinary settler because, even when in the Cabinet, he remained at heart an ordinary settler himself.

Bryce's attitude towards the Maoris which Rusden so greatly deplored was one which he shared with most of his fellow colonists. At best, Bryce showed a justice rather than a generosity in his treatment of the natives; at worst, he was harsh and overbearing. Bryce's feelings on Native Affairs had undoubtedly been shaped by his own experience. In his early years in the Hutt Valley and Te Aro, when the settlers were far outnumbered by the Maoris, he witnessed the inevitable clash between the two cultures in which at that stage the Maori was more often than not the victor. As a young man establishing his home near Wanganui, he had never been far from the Maori wars. In 1868 Titokowaru's warriors had come to within twelve miles of his own farmhouse. He knew well

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33 Bryce spent his early years in the Hutt Valley where the Maoris "were the dominant power at that time." Bryce v Rusden, p. 39. In all probability his father was the Bryce who in 1844, "saw fires lit round his green barley patch, and hot embers flung into the midst in order to hasten the blaze. His potatoes were then pulled up, and the Maoris left, having threatened him with their tomahawks." D.P. Miller, Once Upon a Village, p. 38. It was about this time that the Bryce family shifted to Wellington: Bryce v Rusden, p. 39.
the tragedy which those wars had caused to many settler families.

Looking back one can see that those experiences probably warped his judgment and embittered his feelings towards the Maoris. His actions as Native Minister bear this out, and so, too, do many of his utterances. For instance, he had a deep-rooted fear of Maori "fanaticism" which he retained throughout his life. Bryce himself, however, did not regard his treatment of the Maoris as unjust or hostile, and neither did most of his contemporaries. Instead he believed he was being fair but firm. He saw the sullen isolation and disaffection of many tribes as being caused by the weak and vacillating policies followed by so many of his predecessors. His task was to "amalgamate" the Maoris with the European population. He regarded the Native Department's existence as being justified only to achieve this goal, after which it would be dismantled. During his own administration he drastically cut the expenditure and pruned the staff.

As Rusden and Sir Arthur Gordon so correctly pointed out, Bryce's native policy won widespread

34 cf. Te Whiti and his followers were "fanatics in a most extreme and wonderful degree," Bryce v Rusden p. 32, and, "Fanaticism in the Maori race . . . is of an exceedingly dangerous character." Ibid. p. 118.

35 In 1903 Bryce wrote an article for the Christchurch Press entitled, "Fanaticism in the Maori Race," 23 and 25 March 1903.

approbation in the colony. Its popularity was reflected in the high opinion held of Bryce by many Parliamentarians who were normally opposed to him in the House. Vogel, for instance, thought him "an excellent Native Minister." John Sheehan, Bryce's predecessor, admired his "iron will, firm disposition, and . . . just heart." John Ballance, who was to succeed Bryce in 1884, had approved Bryce's vigorous action against Te Whiti. In later years Bryce's policies would in some quarters be contrasted unfavourably with the more conciliatory stance which Ballance adopted when he became Native Minister. But as Bryce's supporters quickly pointed out, the conciliatory policy of Mr. Ballance was only made possible by what his predecessor had achieved.

Many colonists liked to believe that Mr. Bryce was as popular with the Maoris as he was with them. The Maoris, long accustomed to a vacillating policy, were thought to welcome the firmness and resolve which Bryce employed in his dealings with them. It was suggested


40 They (the Maoris) call him (Ballance) Ngawari - that is, he is a sweet man . . . as opposed to the word that they apply to the late Native Minister whom they call mero - that is, a hard man. Beetham, 11 June 1886, NZPD, vol. liv, p. 446.

41 Otago Daily Times, 23 January 1885.
that the Maoris looked upon Mr. Bryce "with respect and esteem," and regarded him as "a benefactor of the race."42 Those colonists who believed this were undoubtedly deluding themselves. Bishop Hadfield, who had lived among the Maoris for most of his life, said that in his opinion Bryce was the most unpopular man with the natives that he had ever known in the colony.43 F.D. Fenton, the Chief Judge of the Native Land Court, when speaking of Bryce said that he had never known a Native Minister, "who was so distrusted by the Natives - loathed is a word I have heard used, and it is not too strong."44

Bryce obviously had his faults. His treatment of the Maoris, if not deliberately harsh, was certainly unsympathetic. His personal character, too, had its more unpleasant side. Gisborne said he lacked "the qualities which characterize large and sagacious minds."45 It was widely recognised that Bryce could be "vindictive and spiteful on occasions,"46 and the relentless campaign he waged against Sir Arthur Gordon was perhaps evidence of this. He was obstinate to a degree,47 and incapable

42 Otago Daily Times, 10 December 1883.
43 Evening Post, 1 May 1886.
44 Fenton to Rusden, 28 January 1885, Rusden Papers (micro.).
46 Otago Daily Times, 30 January 1884.
47 Ibid., 13 November 1884.
of seeing two sides to any question.\textsuperscript{48} Although he made "an excellent first lieutenant" he was "too tenacious of his opinions, too exaggerated in his views, and too unsympathetic ever to become a good leader."\textsuperscript{49}

Bryce's faults have loomed large in the eyes of later generations. But in the eyes of his contemporaries his virtues far outweighed any flaws he may have had. John Bryce was a man of his times; he was, in short, the settler personified. He shared the prejudices and understood the aspirations of those colonists whose interests he was elected time and time again to represent. He served them to the best of his ability, whether by managing the colony's native difficulties, or by later going to England to help remove a stigma from the colony. Despite the slurs that might be cast against the "Bully of Parihaka" by Rusden and his successors, to the settlers he was, and would remain, "the people's Bryce."

\textsuperscript{48} Otago Daily Times, 2 June 1885.
\textsuperscript{49} Ibid., 26 September 1885.

Subsequent events were to bear this out. Bryce was to become Leader of the Opposition for a short while when Ballance became Premier. But on 31 August 1891 Bryce resigned from the House after being censured for remarks made during debate. He was too proud and stubborn to withdraw, \textit{NZPD}, lxxiv, p. 98 ff. He never returned to Parliament.
BIBLIOGRAPHY

PRIMARY SOURCES

1) Official

Appendices to the Journals of the House of Represen- tatives, 1869, 1881, 1883, 1884, 1888, 1889.

Colonial Office Records relating to New Zealand, Series CO 209; on microfilm at the Hocken Library, Dunedin.

Parliamentary Debates of New Zealand, volumes xvii, xliv, xlv, xlvii, xlviii, liv, lxii, lxxiv, lxxv.

Parliamentary Papers of Great Britain Relating to New Zealand, H.C.1882 /C.3582/ "Correspondence, etc. respecting Native Affairs in New Zealand and the Imprisonment of Certain Maoris."

H.C.1883 /C.3682/ "Further Correspondence respecting Native Affairs in New Zealand."

2) Unofficial

a) Unprinted

Alpers Papers, Folder 7.
Correspondence re Parihaka Incident Newspaper Controversy.
In the Alexander Turnbull Library, Wellington.

Atkinson Papers, Folder 24.
In the Alexander Turnbull Library, Wellington.

Ballance Papers, Folder 10.
In the Alexander Turnbull Library, Wellington.

Diary of the Hon. John Bryce, 6 Feb – 9 May 1886.
Typescript in the Alexander Turnbull Library, Wellington.

Grey Papers.
Letters from G.W. Rusden 1876-1883.
In the Auckland Public Library, Wellesley Street, Auckland.

Hadfield Papers, Folders 10a, 11.
In the Alexander Turnbull Library, Wellington.

Mantell Papers, Folders 287, 290, 370-380 inclusive.
In the Alexander Turnbull Library, Wellington.
Rolleston Papers, Folder 73.
In the Alexander Turnbull Library, Wellington.

Rusden Papers, Folders 722/1, 2, 4.
Also a microfilm reel of selections relating to New Zealand, the originals being at Trinity College, University of Melbourne. Both microfilm and papers in the Alexander Turnbull Library, Wellington.

b) Printed

Bryce, John (editor) Bryce v Rusden, 1886. A verbatim account of the trial although some of the evidence taken on commission has been omitted. (Privately printed for John Bryce in London in 1886.)


Fieldhouse, D.K. (editor) Documents on British Colonial Policy in Relation to New Zealand 1871-1902. (Canterbury University 1956)

Knaplund, P. (editor) "Gladstone-Gordon Correspondence 1851-1896: Selections from the Private Correspondence of a British Prime Minister and a Colonial Governor."

Rusden, G. Tragedies in New Zealand in 1868 and 1881. Discussed in England in 1886 and 1887. Rusden's version of the trial Bryce v Rusden and application for a re-trial. (Privately printed in London in 1888.)
3) **Newspapers**

- **The Christchurch Press**, February–March 1903.

4) **Contemporary Works**

- Gudgeon, T.W. *Defenders of New Zealand* (Auckland 1887)
- Irvine, R.F. and Alpers, O.T.J. *The Progress of New Zealand in the Century*. (Toronto 1902)
- Mackay, Jessie *"The Spirit of the Rangatira" and other ballads*. (Melbourne 1889)
- Reeves, W.P. *The Long White Cloud (Aotearoa)* (London 1898)
- " " " *Notes on the History of New Zealand: Privileged and Confidential* (Privately printed in London 1885)
- " " " *Aureretanga: groans of the Maoris* (London 1888)
- Saunders, A. *History of New Zealand Vol. II* (Christchurch 1899)
SECONDARY SOURCES

1) Published Books

Cowan, James
Published Books

Gorst, John
(The Maori King
(Auckland 1959)

Millar, D.P.
Once Upon a Village (A History of Lower Hutt)
(Wellington 1971)

Rolleston, Rosamund
William and Mary Rolleston: An Informal Biography
(Wellington 1971)

Scott, Dick
The Parihaka Story
(Auckland 1954)

Sutherland I.L.G.
The Maori People Today
(editor)
(Wellington 1940)

2) Articles

Bassett, Judith
"Sir Harry Atkinson and the Conservative Faction in New Zealand Politics, 1879-1890."

Fieldhouse, D.K.
"Sir Arthur Gordon and the Parihaka Crisis 1880-1882."

Parsonson, Ann
"Parihaka - A Triumph of Maori Spirit."

"Te Whiti - The Protector of his People."

Pottinger, C.G.
"An Echo of the Wars."
3) Unpublished Theses

Armstrong, W.R.
"The Politics of Development: A Study of the Structure of Politics from 1870 to 1890."
M.A. Thesis (Wellington 1960)

Bassett, Judith
"Sir Harry Atkinson: A Political Biography."
M.A. Thesis (Auckland 1966)

Gordon, A.B.
"The Political Parson - Aspects of the Career of Octavius Hadfield."
M.A. Thesis (Wellington 1967)

Hinch, D.W.
"General Elections in Taranaki, 1879-1884."
M.A. Thesis (Wellington 1968)

Parker, W.J.
"John Sheehan, Native Minister and Colonial."
M.A. Thesis (Auckland 1963)

Phillips, N.C.
"New Zealand's relations with Great Britain, 1868-1901: a study in empire unionism."
M.A. Thesis (Canterbury 1937)

Sealy, C.M.
"A Study of the Policy of Land Confiscation as applied to the district of Taranaki."
M.A. Thesis (Auckland 1949)

Sinclair, Keith
"The Aborigines Protection Society and New Zealand: A Study in 19th Century Opinion."
M.A. Thesis (Auckland 1946)

Thompson, G.F.
M.A. Thesis (Wellington 1967)

Ward, Alan D.
"Towards One New Zealand: The Government and the Maori People 1861-1893."
D. Phil. Thesis (Australian National University 1967)
4) **Unpublished Long Essays**

**Rylance, Patricia A.**

"Sir Arthur Gordon and the Parihaka Crisis: The Wrong Man, the Wrong Place, the Wrong Time."

B.A. (Hons) long essay (Otago 1972)