

THE HOUSE OF LORDS 1837

Presented by Royal Command Vol VIII Accounts and Papers 1838

The Hidden Agenda For
He Wakaputanga o te Rangatiratanga o Nu Tireni 1835
Contents of this information in a Letter from James Busby to Colonial Secretary of New South
Wales 16th June 1837

It must be known that the House of Lords and James Busby's **true intention, true agenda** in 1837 was to enact a government that would be the Confederated Chiefs (Tino Rangatira o Nga Iwi); however **in reality** it would most necessarily be the protecting power.

James starts by saying.....any additional expenditure, with the view of giving increased efficiency to my office as at present constituted, would be altogether fruitless; nor would the Act of Parliament to which his Excellency refers, if the powers it was intended to impart should be limited to the controlling of British Subjects. What is wanted is a paramount authority, supported by a force adequate to secure the efficiency of its measures.

There seems to be good reason to doubt whether their wars were less sanguinary before fire-arms were introduced. The use of intoxicating liquors and tobacco are less questionable evils; and though their direct influence cannot, I think, be stated as at all remarkable, they are in all probability, the original cause of diseases. Venereal diseases are another means of undermining the constitution of the multitudes... which are in operation for depopulation of the country.

But I will proceed at once to submit the outline of a plan of government, which I humbly venture to think would give as great a degree of peace and security to all classes of persons in this country as is enjoyed by the inhabitants of the majority even of civilised states.

The Plan.....It is founded upon the principle of a protecting state, administering in chief the affairs of another state in trust for the inhabitants. The Chiefs who were parties to the Articles of Confederation and Declaration of Independence in October 1835, together with those who have subsequently adhered to it, include, with very few exceptions, the whole of the chiefs of influence in the northern parts of the island, and the adherence of the remainders could at any time be procured.

The flag has also been formally recognised by the British Government as the flag of an independent state.

The Articles of Confederation having centralised the power of sovereignty exercised both *de jure* and *de facto* by the several chiefs, and having established and declared the basis of a constitution of government founded upon the union of these powers, I cannot, I think, greatly assume that the congress of chiefs, the depositing of the powers of the state as declared by its constitution, is competent to become a part to a treaty which is a foreign power, and to avail itself of foreign assistance in reducing the country under its authority to order; and this principle being once admitted, all difficulty appears to me to vanish.

The appearance of a detachment of British troops, in fulfilment of a treaty with the confederated Chiefs, would not be a taking possession of the country, but a means of strengthening the hands of its native government.

The Chiefs would meet annually or oftener, and nominally **enact the laws proposed to them**; but in truth the present race of Chiefs could not be entrusted with any discretion in the adoption or rejection of any measure that might be submitted to them, moral principle, if it exists amongst them at all, being too weak to withstand the temptation of the slightest personal consideration. And even the very children who are reared under the care of the missionaries are swept off in a ratio which promises, at no very distant period, to leave the country destitute of a single aboriginal inhabitant.

The congress would, in fact, be a school in which the **Chiefs would be instructed in their duties** required of them and the **authority confided to them as conservators of the peace** in their **separate districts**, to which they would also carry the knowledge of the laws enacted during its sittings.

As **conservators of peace a small salary** would be given to them, and this, together with the distinction conferred by the employment would secure beyond all doubt the entire devotion of the Chiefs to the wishes of the resident. A medal containing the name of each Chief and the district which is authority extended, would be another highly esteemed distinction. A payment of no more than **\$1000 pounds a year for Chiefs** with a more considerable salary for Leading Chiefs, to be elected in congress, with the sanction of a resident for the purpose of acting with him as a native council and executive authority, and providing also for the **accession of more distant tribes**, who would hasten to join the confederation with its objects should become understood and whose adherence it is indeed under any circumstance, highly necessary to procure as a **bar to the interference of any foreign power**.

They do not conceive that there would be the slightest danger of any law which should be submitted to the Chiefs being unpalatable to them; that the most simple and obvious principles of natural justice and equity require only to be stated and explained, in order to form a code which would meet every case for many years to come.

To those acquainted with the status of a New Zealander Chief, it may perhaps appear improbable that he would give up his own proper rank and authority, and become what would be, in fact, little better than **an instrument in the hands of the British resident**. But the truth being that the New Zealand **Chief has neither rank nor authority** but what every PERSON above the condition of a SLAVE, by which they may **despise or resist with impunity**.

But the conduct of the Chiefs in their individual capacity would of course be regulated by the laws enacted by themselves as a collective body, and provisions might be made for punishing by a pecuniary mulct, by a temporary suspension from office as a conservator of the peace, or by a **degradation from the rank of Chief of congress** of any Chief who should fail in the duties required of him.

Whatever laws His Majesty's Government should consider suitable for the protection and control of the King's subjects would be proposed to, and, as of course, become acts of legislature of New Zealand. Whatever courts of judicature His Majesty might deem necessary would be established under the same sanction.

Whether the British settlements in this country have as yet attained sufficient importance to require the establishment of a **supreme court of civil and criminal jurisdiction** may be doubted; but when the necessity of providing for the administration of justice amongst the

natives, consequent upon the establishment of a government, and the enactment of laws is considered, the question assumes a different aspect.

The **missionaries** would prove an invaluable and almost indispensable adjunct to the judge of the criminal court, by **acting as assessors** in all cases in which natives should be concerned. Thus would the way be prepared for confiding to the people the trust of jurymen, in like manner as to the Chiefs of congress that of legislators, **when a generation should arise sufficiently enlightened and virtuous to the capable of those high functions.** His Majesty's Government, the resident would be able to avail himself of all the aid which the information and experience of the whole body of missionaries and of settlers generally could afford.

I have requested that a meeting of them and their Wesleyan brethren might take place at my house, in order to consult whether it might not be prudent for them to induce the **Chiefs to take the opportunity afforded by the delivery of the King's message to petition His Majesty for assistance in reducing their country to order and establishing in it an efficient government.**

I cannot conceive any object for which the smallest number of men could be indeed to unite in resisting the government unless in the administration of justice; and so great and manifest a blessing would, even under the least perfect system of government and judicature, prove to the distracted inhabitants of this country that the most influential men amongst them would succeed in inducing few indeed to resist its exercise. **His Majesty to issue a special commission for this purpose to persons not connected or likely to be connected with this country.**

After the present claims should be disposed of, it would be necessary to declare all purchases void, of which sufficient notice had not been given to the Government, in order that the real proprietors of the land might be ascertained. Humanity would also require that **certain districts should be fixed in perpetuity in the native proprietors,** and that it should be **enacted that all claims to the possession of such lands be foreigners, howsoever acquired, should be absolutely null and void.**

It would only, perhaps be necessary for the British Government to issue a small loan, chiefly for several necessary public buildings and immediate expenses in advance of the revenues of the New Zealand Government, to be repaid by instalments when these revenues should be realised.

I may go further and submit that this would seem the instinct of natural justice as exemplified by the reference which the Chiefs made to the King of England in their declaration of independence. **They prayed that His Majesty would continue to be their parent, and that he would become their protector.**

Source: The House of Lords, presented by Royal Command, Vol VIII Accounts and Papers 1838.