

NOTES

SOME AMENDMENTS TO VOLUME I OF BAGNALL

THE PUBLICATION OF ANY MAJOR BIBLIOGRAPHY will prompt interested users to collect amendments and additions. The more important the bibliography the more likely it is to generate such activity. The 1980 publication of the pre-1890 volume of the *New Zealand National Bibliography to 1960*, edited by A.G. Bagnall¹ and deservedly known by his name, has proved invaluable to New Zealand historians and librarians. It is a tribute to the magnitude of this achievement that only minor amendments are necessary.

Any work of this size draws heavily on its predecessors, and it is inevitable that some of that material will contain inaccuracies resulting from lack of information. Some of the minor errors in v.1 of Bagnall (there are no major errors) derive from the mistakes of its predecessors, which can be corrected by additional evidence. A few cases are presented here.

New Zealand: a Poem (Bagnall no.1444)

This thirty-page booklet, published by L. and G. Seeley of 169 Fleet Street, London, in 1842, was ascribed by T.M. Hocken² to W.C. Cotton, who came to New Zealand in late 1841 as domestic chaplain to Bishop G.A. Selwyn. It is dedicated to the Reverend Edward Coleridge of Eton College (Selwyn's close friend from his schooldays) and is signed 'An Etonian'. The dedication is dated 'Dec. 1841'; a prefatory note indicates 'the object of these verses is to record for a congregation the last sermon of a beloved Pastor'. The sermon in question is that of 31 October 1841, when Selwyn was farewelled by his congregation at the church of St John the Baptist, New Windsor. The congregation included at least forty friends of Edward Coleridge and Selwyn.³

The poem has three parts: a description of New Zealand and account of the missions, a paraphrase of the sermon, and an account of Selwyn's voyage to and arrival in New Zealand. All the information about New Zealand is taken from William Yate's book *An Account of New Zealand*, which had been published by L. and J. Seeley in 1835.⁴ The information is duly footnoted.

The Fildes Collection in the Victoria University of Wellington Library has a copy of the poem bound with Yate's book. Tipped in at the end of the volume is a leaf of manuscript, obviously an extract from a letter. It seems to be in the same hand as the signature 'Susan St A Sheppard' on the front fly-leaf, and has a pencil ascription 'Sara Coleridge' in a similar but not identical hand. Susan Sheppard has not been identified.

The extract begins:

I was pleased Mr. T. had left behind a remembrance of himself in the

shape of a Poem, which I found on perusal extremely characteristic of his genius in perhaps its most interesting aspect and continues, discussing the poem in terms typical of Sara Coleridge's published letters. A similar hand has pencilled 'R.E.A. Townsend' below the dedication signature 'An Etonian'. Sara Coleridge, sister-in-law and first cousin of Edward Coleridge, wrote a number of letters to Mrs Richard Townsend, of Springfield, Norwood; the 1873 *Memoirs and letters of Sara Coleridge* prints none earlier than 1850, but these are in terms suggesting a reasonable intimacy of some duration.

R.E.A. Townsend is probably Richard Edward Austin Townsend (1801?-1858) who, in 1838, published some verses, *Visions of the western railways*. Nothing else is known of him. It has not been possible to confirm the authorship of the note in this copy, but it seems to provide more evidence for Townsend being the 'Etonian' than is available for Cotton, who sailed for New Zealand on December 26, 1841, after delays of more than a fortnight.

The laws of England. Ko nga ture o Ingarani (Bagnall no.3093)

In 1858 the Government of New Zealand published a digest of English law, prepared for the benefit of the Maoris, with the two texts in parallel. It was dated from the Native Secretary's Office in April 1858. T.M. Hocken and H.W. Williams following him attribute this work to Sir William Martin, the Chief Justice of New Zealand until 1857, when he retired from ill-health.⁵ However, Dr. Robert Stout, whose collection of New Zealand books is in the Victoria University of Wellington Library, annotated his copy of Hocken⁶ as follows:

Not by Martin but Fenton

Tr. into Maori by T. Smith (Ref. in McLean Paper archives G/25 Apr. 1858)

see also Fenton's evidence PP 1860 F3 and Gorst: Gen Report: PP1862 E9 sect. 2 p.11

Cf. Gore Browne PP 58 E5 p.7

and see Fenton 7.XI.57 PP 60 F3. 142

Each of these references is an addition made later than the one preceding it.

The Fenton mentioned in the annotations was Francis Dart Fenton (1821-1898), who was Native Secretary in 1856 between periods as a Resident Magistrate (in 1854 and again in 1857). In 1865 he became Chief Judge of the newly established Native Land Court.

The most important of the published references cited by Dr Stout are those to Fenton's evidence and to Gore Browne. The crucial text of the former is in the Minutes of Evidence taken by the Waikato Committee, published as Part 2 of the Committee's Report. It reads: 'I . . . was engaged by the Government in compiling the book called *Laws for the use of the natives* . . . [compiled] entirely [by myself] subject to the correction and revision of the Attorney-General. Mr. Smith translated it.' The Attorney-General at this time was Frederick Whitaker, who held that office from June 1856 to July 1861. Mr Smith was Thomas Henry Smith, an official interpreter.

The other important reference is in a memorandum by the Governor Thomas Gore-Browne, dated 28 April 1857, which was printed in 'Correspondence explanatory of the relations between his Excellency and his responsible advisers in reference to Native Affairs'.⁸ The text reads: 'The Governor has directed Mr Fenton to prepare a rough draft of a code embracing the above cases [of legal issues] in as concise a form as possible.'

Dr Stout's final reference to Fenton is part of a correspondence with the Colonial Secretary in November 1857 concerning his return to the Waikato, in which he indicates that he has had to 'defer completion of the last part of the Book of Laws' and says that the 'Civil Part' is to be settled with the Attorney-General.⁹ The Gorst reference¹⁰ is in very general terms.

A less explicit reference which was missed by Dr Stout occurs in Sir William Martin's evidence to the Committee,¹¹ in which he says 'until the appearance of the book called "Nga Ture" [the natives] had received but little instruction' in English law.

Tragedies in New Zealand (Bagnall no.4951)

George Rusden's account of the libel suit Bryce versus Rusden was his response to John Bryce's publication of the trial report.¹² The case arose out of passages in Rusden's *History of New Zealand* which referred to the young John Bryce's involvement in an episode at Nukumarū during the Land Wars of the 1860s. Rusden's account criticises the judge, Huddleston, whose summing-up was the basis for Rusden's rejected application for a new trial. It appears that Petherick's manuscript bibliography of Australia and Polynesia, now in the National Library of Australia, notes that about 300 copies were printed (by Richard Clay & Sons in London); most of the printing was shipped to Trinity College, Melbourne, 'to be kept for some years — till the next century'.¹³

Victoria University of Wellington Library has two copies of this work. A copy in the Fildes collection, bought in 1923 from Angus & Robertson, is annotated 'Confidential, J. Murray Jr'. It is as described in the entry. The second copy inserts extra printed leaves at two places.

At the beginning, tipped in just after the title-page, is a fold with three pages printed, headed 'Notabilia'. This indexes certain comments and dicta by Huddleston and the judges in the application for a new trial. At page 54 there is a leaf headed 'Addendum, 1892', with directions made by Huddleston in two cases of late 1889 which contradicted Huddleston's direction in Bryce versus Rusden. The single leaf has a printer's colophon: McCarron Bird & Co., Printers, 479 Collins-Street, Melbourne. The fold has no colophon.

The ruin of the turf (by Kosmos) and *A defence of the totalisator* (By Gemini) (Bagnall nos.3039 and 2092)

These two pamphlets by “‘Kosmos” (Contributor to “‘Field”, “‘Land and Water”, &c.)’ and by ‘Gemini’ are both undated. The pamphlet by Kosmos was reprinted in Sydney in 1888. The pamphlet by Gemini has been dated [1879?], and that by Kosmos has been dated [1885?]. The Gemini pamphlet is a reply to Kosmos and must therefore follow it. The Gemini pamphlet is printed by MacKay, Bracken & Co. This firm existed from late 1878 to late 1881 or possibly 1882.¹⁴

According to the historical note in the Report of the Royal Commission on Horse-Racing, Trotting and Dog-Racing in New Zealand,¹⁵ the totalisator was invented in 1880 and the Gaming and Lotteries Act 1881 introduced the first system of licensing. The Parliamentary debates in 1880 and 1881 confirm this; the brief discussion in 1880 has no mention of the totalisator, and when mentioned in 1881 and in the 1882 debate on possible repeal the totalisator is viewed as a new method of gambling.

In the Author’s note to the pamphlet by Kosmos reference is made to the ‘new betting automaton’, and both in the text (at p.11 and at p.18) and in the Author’s note to the Jockey Clubs’ acceptance of the totalisator is referred to as having been made without any significant previous experience. The Author’s note also refers to a doubt about legality, which had been overcome. The legal issue was clarified by the 1881 Act. The newness of the machine suggests late 1880 or early 1881 as the most probable time of writing, and this agrees with the limits for the Gemini pamphlet, late 1878 to late 1881.

Victoria University of Wellington Library has a copy of the Kosmos pamphlet bound with a number of other pamphlets from late 1878 and 1879 in a volume which was bound in or after May 1881, and before the end of 1885. This tends to confirm a date for the Kosmos pamphlet of about 1880.

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NOTES

¹ A.G. Bagnall, *New Zealand national bibliography to the year 1960*, v.1 (2 v. Wellington, 1980). V.2-4 cover the years 1890-1960 and were published between 1969 [i.e. 1970] and 1975; v.5 with additions and amendments to volumes 2-4 is in press.

² T.M. Hocken, *A bibliography of the literature relating to New Zealand* (Wellington, 1909), p.101.

³ H.W. Tucker, *Memoir of the Life and Episcopate of George Augustus Selwyn* (2 v., London, 1879), i, 78.

⁴ Bagnall no.6205; the ‘J.’ was probably a misprint for ‘G.’.

⁵ Hocken, p.192, and H.W. Williams, *A Bibliography of Printed Maori to 1900* (Wellington, 1924), no.291.

⁶ Victoria University Library accession number 177,241.

- ⁷ *Appendix to the Journals of the House of Representatives*, 1860-F3, part 2, p.1.
⁸ *Appendix to the Journals*, 1858-E5, p.7.
⁹ *Appendix to the Journals*, 1860-F3, Part 2, p.142.
¹⁰ *Appendix to the Journals*, 1862-E9, section 3, p.11; Dr Stout has section 2 in error.
¹¹ *Appendix to the Journals*, 1860-F3, Part 2, p.71.
¹² Bagnall no.724.
¹³ Quoted in the notes to Bagnall no.4951.
¹⁴ G.H. Scholefield, *A Dictionary of New Zealand Biography* (2 v., Wellington, 1940), entry under Thomas Bracken, and the imprint of Bagnall no.4828.
¹⁵ *Appendix to the Journals*, 1970-H51, p.18-19.

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