

helpful, as would comment on the intersection between iwi claims and growing awareness of environmental degradation.

Nevertheless, Sorrenson's essays highlight the importance of the quiet voice reporting on careful research. By laying out the story of land alienation accurately and carefully, without overuse of emotive adjectives, Sorrenson's work gains moral as well as historical authority. By concentrating on being a good historian, Sorrenson counters periodic criticism made at history conferences by radical young academics, concerning biased justification of colonialism. His work has thereby empowered the indigenous people of this land while helping us better understand the motivations of its white settlers in a fair-minded and clear-headed way. Such careful scholarship assists redress of Treaty breaches in an effective manner. It also sets an example to be followed by all historical practitioners, whether inside or outside the academy, as well as history students in Aotearoa/New Zealand. What more could any historian want?

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Prendergast: Legal Villain? By Grant Morris. Victoria University Press, Wellington, 2014. 260pp. NZ price: \$40.00. ISBN: 9780864739377.

In *Prendergast: Legal Villain?* Grant Morris provides a thorough accounting of the career and contribution of James Prendergast, New Zealand's second-longest-serving Chief Justice. If Prendergast is remembered at all today it is for his infamous dismissal of the Treaty of Waitangi as 'a simple nullity' in the 1877 *Wi Parata* decision. Morris argues that such a reduction of his subject to a 'one-line quotation' is both inaccurate and unfair. As first Attorney-General (1865–1875), and then Chief Justice (1875–1899), Prendergast played a leading and influential role in the development of the New Zealand legal system.

After an unsuccessful stint at the Victoria goldfields, Prendergast (who had been born in England in 1826, and educated at Cambridge University) arrived in New Zealand in 1862. He quickly became a leading figure in the thriving Dunedin legal community alongside such luminaries as Julius Vogel, William Richmond and Robert Stout. Within two years of his arrival, Prendergast became Acting Provincial Solicitor for Otago. Two years later he was appointed its Crown Solicitor. Prendergast's meteoric rise continued with his elevation first to the Legislative Council, and then (in October 1865) to the position of Attorney-General.

The decade Prendergast spent as Attorney-General was 'pivotal' in the development of the New Zealand legal system as settler politicians set about creating 'a new society through legislation'. 'Prendergast was at the forefront of this movement', playing 'an integral role' in the formulation of no less than 926 Acts over the course of his tenure (p.71). In 1867 alone, Prendergast directed the drafting of a number of important criminal statutes, including the Accessories Act, the Coinage Offences Act, the

Forgery Act, the Larceny Act and the Malicious Injury to Property Act, while also overseeing the production of such legislative landmarks as the Bankruptcy Act, the Armed Constabulary Act, the Native Schools Act and the Māori Representation Act (which created the four Māori seats in Parliament). A similarly impressive array of legislation was authored in 1870, including the Land Transfer Act (which introduced the Torrens system of land title registration to New Zealand) and the Immigration and Public Works Act (which enabled Vogel's massive programme of economic development).

In assessing Prendergast's long tenure as Chief Justice, Morris regrets the overwhelmingly negative focus upon the judge's decisions concerning Māori (including most notoriously *Wi Parata*) to the almost complete disregard of his judicial work in other areas. Morris sets out to redress this imbalance, assessing Prendergast's strengths and weakness as a judge, and weighing his contribution in areas such as criminal and property law. An efficient and cautious adjudicator, Prendergast was 'a solid judicial decision-maker' whose 'judgments improved as his career progressed' (pp.123, 137). While the *Wi Parata* (1877) judgment (delivered in association with William Richmond) was 'unconvincingly argued', later judgments such as *Marie v McKay* (1897) and *Doyle v Edwards* (1898) (which, like *Wi Parata*, both concerned land law) were 'succinct and intelligent.' Morris concludes that Prendergast 'was a successful Chief Justice' with a wide ranging and lasting impact that should not be reduced to one weak decision 'delivered at the beginning of his career' (p.136).

Morris succeeds in his 'overriding purpose' of showing 'that James Prendergast was more than just a two-dimensional historical figure, more than just a one-line quotation' (p.197). In rehabilitating Prendergast as an 'integral and influential' figure 'in the development of the New Zealand legal system', Morris nevertheless draws our attention to the darker side of the Chief Justice's legacy (p.197). While contributing greatly to the construction of colonial New Zealand, Prendergast also played an instrumental role in the associated destruction of Māori autonomy. As Attorney-General during the latter part of the New Zealand wars (from 1866 to 1870), Morris tells us, Prendergast 'was involved in some of the most oppressive legal measures against Māori in New Zealand history' (p. 61). Completely insensitive to Māori grievances, the Attorney-General advised the government that those Māori who had taken up arms had 'forfeited all claims' to legal protection or 'mercy'. He also absolved the soldiers fighting for the Crown from any legal responsibility for crimes they might have committed while suppressing the 'rebellion'.

'An "English" judge working in a colonial environment', Morris argues, Prendergast had a 'dismissive and paternalistic attitude towards Māori' (pp.123, 137). This attitude found ample expression in the *Wi Parata* decision, where Māori were described as 'primitive barbarians' and 'savages', 'incapable of performing the duties, and therefore of assuming the rights, of a civilized community' (pp.158–9). Acting in the governor's absence, Prendergast also signed – on the queen's behalf – the proclamation that preceded the government's invasion of Parihaka. In the same capacity he also provided the Royal Assent to the West Coast Peace Preservation Act 1882, which 'validated' the government's continued imprisonment of Te Whiti-o-Rongomai and Tohu Kakahi (the leaders of the Parihaka movement).

While few would question the conclusion that ‘Prendergast played a key role in separating Māori ... from their land and culture’, Morris is probably unfair in suggesting that Prendergast ‘financially benefited’ from the public actions he took against Māori as Chief Justice or Attorney-General (pp.186, 191). In 1869 Prendergast represented the Crown in the Native Land Court’s hearing of the Rangitikei-Manawatu case, which concerned the Crown’s questionable purchase of a vast expanse of land between the Manawatu, Oroua and Rangitikei Rivers. Two years later Prendergast purchased 5000 acres of land in the Manawatu at Bunnythorpe and Fitzherbert (where Massey University’s Palmerston North campus is now located), selling the land 29 years later for a significant profit. According to Morris, the Attorney-General thus improperly secured personal benefit from the ‘public action’ he had undertaken on the Crown’s behalf in the Rangitikei-Manawatu case. This might have been correct if the 5000 acres Prendergast purchased had been part of the contested block, but this was not in fact the case. Both Bunnythorpe and Fitzherbert are located outside of the boundaries of the Rangitikei-Manawatu block and were alienated to the Crown as part of the earlier, and much less controversial, Te Ahuaturanga or Upper Manawatu purchase. Of course Prendergast *did* benefit from the widespread settler practice of purchasing cheap land that the government had acquired from Māori for a fraction of its real value, but he can hardly be considered as acting improperly – at least by the standards of New Zealand’s colonial society – in this regard.

By providing a long overdue biography of one of New Zealand’s leading legal personalities, Morris has added a new dimension not only to a widely maligned historical figure, but also to our understanding of New Zealand’s colonial and legal history. We await further critical histories of our country’s business and legal elite.

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History, Heritage, and Colonialism: Historical Consciousness, Britishness, and Cultural Identity in New Zealand, 1870–1940. By Kynan Gentry. Manchester University Press, Manchester, 2015. 272pp. UK price: £70.00; NZ price: \$149.00. ISBN: 9780719089213.

In a recent Indiana Jones spin-off, a cave of Native American artefacts was claimed as a treasure trove first for the American people and second for scholars. The claim of living Native Americans over the cave was not considered. The movie highlights the continuing relevance of issues around the colonization of culture. Kynan Gentry’s book *History, Heritage, and Colonialism* is a useful new tool for explaining the motivations behind such portrayals. The book carefully unpicks the processes behind the colonization of cultural heritage. Taking into account local, national and international pressures, Gentry explores the New Zealand case study in detail, identifying recurring themes in the colonizing process. Roughly divided into