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THE PRISONER SETTLEMENTS

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1556

by

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## PREFACE

This thesis is the history of an experiment in colonisation which was also an experiment in colonial defence - the settlement of the Royal New Zealand Fencibles in a series of villages just south of the city of Auckland, then the seat of government of this country.

It does not attempt to cover any clearly delineated period, for it is the history of the fencible corps from the time it was envisaged until the time when the pensioners had become absorbed into colonial society; and although the inception can be dated accurately enough - at 1846 - the process of absorption cannot be said to have ended at any given time.

Nor does the writer claim for it any particular line of approach or point of view. It is simply a study of the settlements over a decade or so at the end of which certain conclusions emerge on the importance of the scheme and the degree of its success.

The writer's special thanks go to the following: to Professor W.P. Morrell, for his guidance and supervision; to the staffs of the Auckland Public Library and of the Dominion Archives; to Mrs. C.W. Strathern, Hocken Librarian for her patient and cheerful help; and to my wife for her encouragement, helpful criticism, and by no means least, for her typing of this thesis.

## LIST OF ABBREVIATIONS

P.P.	Great Britain parliamentary papers
Cmd	Command number (This refers to the old series)
H. of R.	House of Representatives
L.C.	Legislative Council
V. & P.	Votes and proceedings
A. to J.	Appendix to Journals
A.P.C.	Auckland Provincial Council
A. & P.	Acts and proceedings
D.A.	Dominion Archives

The following abbreviations are Dominion archives numbers

G.3	Military despatches from the Secretary of State. December 1842 to November 1854.
G.18	Letters from Officer Commanding New Zealand Fencibles to Governor Grey. April 1851 to February 1853.
G.25/3	Despatches from Governor Grey to the Secretary of State. 4 May 1847 to 27 June 1849.
G.25/4	Ditto, 2 July 1849 to 30 August 1851
G.34	Letters to the Officer Commanding New Zealand Fencibles. August 1851 to May 1853.

The following are the writer's abbreviations for Dominion Archives material which is not numbered.

C.S.I.	Colonial Secretary's Inwards Correspondence, 1847-
C.S.O. 1847	Colonial Secretary's Out letters (Military) 1846- 1851
C.S.O. 1848-56	Colonial Secretary's Out letters (Pensioners) 1848-1856.

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## CHAPTER I

THE BACKGROUND.

In July 1844 relations between pakeha and northern Maori, which for years had been smouldering, finally burst into flames when Hone Heke dramatically cut down the pole carrying the British flag at Kororareka, thus opening what came to be known as the Northern War. Heke soon proceeded from the symbolic to the more concrete act of revolt. The town of Kororareka was sacked, and as its penniless and haggard inhabitants landed on the beach at Auckland, a panic spread over the city. 'This terror, apparent to the friendly Waikato tribes, increased when the people heard that Heke was to attack Auckland next full moon. Out settlers, dreading war of races, congregated about Auckland; several colonists left the country and property could be bought at a nominal price. Brittomart barracks were entrenched and two blockhouses built; a militia ordinance was hastily passed, and three hundred men were trained to arms. Fort Ligar, an earthwork near the Roman Catholic chapel, was thrown up, and the windows in St. Paul's Church were barricaded.'<sup>1</sup>

Behind the events at Kororareka lay a period of growing dissatisfaction amongst the Maoris. The decline in Kororareka's trading fortunes and the uncertainty of its prospects after the transference to Auckland of the seat of government caused anger

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1. Thomson. The Story of New Zealand. Vol.II ppl05-6.

in the northern tribes. Resentment against the government's demanding a share from land sales under the ten shilling and penny an acre proclamations added to the unrest. Following the publication of these two regulations the Maoris around Auckland, those most affected by it, 'conceived that a friendly display of their strength would produce a beneficial influence on the Governor's mind. In order to strike this moral blow a feast was celebrated in the immediate vicinity of the town, and crowds of warriors intimated to the Governor that unless the law were modified there might be a general rising of the people.'<sup>2</sup> As the warriors congregated on the fern plain between Mt. Hobson and Mt. St. John an uneasy feeling spread over the town.

In the south of the island relations were no better. The Wairau Massacre had caused deep resentment at the Company's settlements, where the names Te Rauparaha and Rangihaeata would be anathematised many times before they ceased to plague the strait area.

Underlying the restlessness throughout the North Island was the contempt in which the government had come to be regarded by the Maoris. Unable to argue through strength, it had been forced to appease through weakness. The military force at the disposal of early governors was pitifully small - in 1842 it consisted of one hundred and fifty soldiers of the 80th regiment.

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2. Ibid. p89.

Fitzroy without money and troops, more intent on doing what appeared just than what was wise, had alienated the settlers and lost the respect of the Maoris who were steadily reaching the conclusion that the settlers could be freely harassed and the authority of the government defied with impunity.

Then came the Northern War. Heke must have entered into it confidently. Kororaraka had been a resounding success for him and amongst the northern Maoris his name took on a certain glamour as his exploits were magnified. Two unsuccessful expeditions against his pas, moral victories for the wily chief and his associate Kawiti, completed the debacle.

The turning point, however, was near. 'Out of evil often comes good - Captain Fitzroy's bankrupt finances brought large grants of money and the destruction of Kororaraka large bodies of troops.'<sup>5</sup> The unfortunate Fitzroy was recalled, and in his place came Sir George Grey. 'Thanks to the war, Grey's instructions whilst still containing the old familiar phrases, also enjoined him to require and enforce implicit subjection to the law.'<sup>4</sup> This time he was to be given the means to achieve it.

Stronger then, in men, money, and materials but also in character and purpose, the new Governor took decisive action. On a Sunday morning in January 1846 a body of Wynyard's troops

3. Ibid. pl23.

4. Morrell, W.P. British colonial policy in the age of Peel and Russell. pl27.

crept into Kawiti's temporarily unguarded Ruapekapeka pa, took charge, and then drove the Maoris into the bush, thus virtually ending the Northern War. Heke and Kawiti promised to live peaceably and the north settled down to a period of quiet.

Meanwhile in the south violence had again broken out when some of Rangihaeata's men murdered an old farmer and his son in the Hutt Valley. The battle of Boulcotts Farm followed, and then the murder of more settlers. It was Wellington's turn for alarm.

Grey adopted characteristically forceful measures. He had Rauparaha, whom rightly or wrongly he suspected of complicity in Rangihaeata's rebelliousness, seized and held in restraint. Rangihaeata himself was put to flight, and a subordinate chief was hanged for assisting him. The Governor's methods were seriously questioned and widely condemned, but they were effective. Apart from some later violence at Wanganui the south too was at peace, and by the end of 1846 Grey was the acknowledged master.

Grey, although he recognised the importance of military strength to New Zealand, did not stop at military defeat, but embarked on a constructive native policy. Its basis was his own personal influence; its aim was to secure the cooperation of the natives in the maintenance of peace and good government and to assist in every way their physical, moral, and spiritual advancement. Above all it was essential to understand the

Maori people and win their confidence: and Grey applied all his extraordinary personal gifts to the accomplishment of the task.<sup>5</sup>

Grey had been fortunate. Previous Governors had been the victims of a colonial policy the keynote of which was retrenchment. Peel himself regarded colonies as a liability and under him Treasury expenditure on the Empire was pared down to a minimum and the principle that the land fund of a colony should contribute at least the greatest part of the revenue towards its own administration and defence was strenuously adhered to. As a result Shortland and more particularly Fitzroy had found the government they were administering in sore financial straits, and the Treasury insistence on economy forced Fitzroy to adopt financial expedients which contributed to the chaos of his period of office. Grey, on the other hand, was the first Governor to have anything approaching a strong backing to his governorship.

For New Zealand, as for the rest of the Empire, 1843 was a turning point in another way, since in that year not only did one Grey restore a welcome peace and order to the country, but another and more illustrious Grey came into Russell's ministry as Secretary of State for the Colonies, bringing to his office those qualities of industry, sympathy, and discretion which distinguished its holder from his predecessor, the public figure,

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5. Ibid. p319.

Stanley. Himself a statesman given wide powers to shape a policy by a sympathetic head of government, Earl Grey was fortunate in having able statesmen in the colonies in whom he could repose a high degree of confidence and to whom he was prepared to entrust considerable powers.

Better times were ahead for New Zealand.

## CHAPTER II

THE OUTLINE.

## 1

It was under the circumstances outlined in the previous chapter that Governor Grey addressed the Lieutenant Governor of New South Wales in a dispatch of May 5, 1846, in which he stated that although New Zealand was at that moment in a state of tranquillity and there was no immediate prospect of upheaval, nevertheless any reduction in the military force would probably encourage the more adventurous chiefs to rebel.<sup>1</sup> He claimed that a force of 2,500 men was necessary, of whom 1,000 would be reserved for the defence of Auckland. Grey confirmed his estimate in communicating a copy of this dispatch to the Colonial Secretary, and urged that the lack of such a force would lead to 'sanguinary and expensive, yet petty, wars.'<sup>2</sup> On the other hand, within a few years, this force might be reduced to a single regiment in favour of a local, and largely native police force.

Earl Grey, the new Colonial Secretary, replied in November of the same year.<sup>3</sup> Because Britain was faced, he stated, with equally pressing demands for troops from other parts of the

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1. G. Grey to Lt. Governor N.S.W. (5 May 1846) Enclosure 2 to:-  
G. Grey to Stanley (14 May 1846): P.P. 1847, xii, (Cmd 763)
  2. G. Grey to Stanley (14 May 1846): P.P. 1847, xii, (Cmd 763)
  3. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xiv,  
(Cmd 763)

Empire, it would not be possible to supply the whole of the force sought from the regular army. Nine hundred men would be sent from New South Wales, while a force of very different character would be formed in England for the purpose and sent direct to Auckland. This force would be designated as the Royal New Zealand Fencibles. The nature of this force and the reasons behind its formation were explained in a further dispatch of the same date.<sup>4</sup> Those comprising the force were to be men discharged from the army, either with or without pensions, to be drawn from the force of 15,000 such soldiers that had been organized for service in England three or four years previously under a system which, according to the War Office, 'had been found to answer so well at home'.<sup>5</sup>

Earl Grey admitted that the pensioner soldiers would not be able to undertake all the functions of a regular force, and that 'long marches and fatiguing exertions' would be beyond them. But as a garrison force for strategic posts, the pensioners would be no less useful than the regular army.<sup>6</sup> He recommended, therefore, that they be stationed in the vicinity of Auckland for the defence of the capital city. Then, when the occasion demanded, the more mobile regular force

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4. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv (Cmd. 763)
  5. War Office order to staff officers of Pensioners (29 November 1846) New Zealander (15 May 1847)
  6. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv (Cmd. 763)

could be released for service at a distance from the city, while the pensioners took over its defence.<sup>7</sup>

Thus the pensioners were to be in effect, 'part-time' soldiers, in arms only when the permanent troops were called away. For the rest of the time they were to satisfy another pressing need of a young colony, namely the need for agricultural labour.<sup>8</sup> Here then, in the dual nature of the pensioner force, lies both the essence of the scheme and its novel character. On the one hand it was an attempt to strengthen the defence of the colony, or at least an important part of it, and, of course, this was its primary aim. But as Earl Grey explained, the colony did not need a large standing army so much as a body of men which could be quickly and easily mobilized for the suppression of any uprising which might occur.<sup>9</sup> Therefore, the pensioners might benefit the colony in the civil sphere by increasing the supply of available wage labour. Looked at from another angle, it was a scheme of colonization which would benefit both the Mother country and the colony, the former by relieving her of several hundred men and their families who might otherwise become a burden and an embarrassment, the latter (for the scheme was far from being merely a way of 'shovelling

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7. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv, (Cmd. 763)

8. Ibid

9. Ibid.

out paupers<sup>1</sup>) by providing her with the military force and the agricultural labour she needed.

The dual nature of the pensioner force created problems and some confusion about jurisdiction, which will be dealt with later. But the scheme was an ingenious attempt to cater both for the peculiar circumstances of the colony and also for the interests of Great Britain.

## 2

The conditions of enrolment were drawn up within a fortnight of the Colonial Secretary's first dispatch on the subject.<sup>10</sup> The men comprising the force were to be no older than 48 years, at least five feet five inches in height, and of robust constitution. Good character and industrious habits were to be prerequisites. Enrolment was for a term of seven years. Pensioners would receive a free passage to New Zealand for themselves, their wives and families, having received an advance of pension on embarkation to buy, under the direction of their officer, the necessary outfit for the voyage, and once in New Zealand each pensioner was to be put in possession of a two-roomed cottage with an acre of land attached, one quarter of

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10. War Office circular (4 December 1846) New Zealander  
(14 August 1847)

which was to be cleared at the public expense before the arrival of the corps. He was to receive a further advance of pension on taking over his cottage and acre, to be applied, again under the direction of his officer, in providing himself with articles of furniture, cooking utensils, stock and other necessary items. All advances of pension thus made were to be repaid by the application of the whole pension while on board ship, and one third of it after landing, until the debt was cleared. The cottage and acre were to take the place of the annual payment and enrolment money of £2 which enrolled pensioners received in England. They were to be occupied rent free provided the pensioner fulfilled his military obligations and abided by the rules and regulations laid down for his guidance. These regulations demanded regular attendance for military exercises on twelve days annually, and on every Sunday for muster under arms at church parade.

It was strongly emphasized by Earl Grey that the acre allotments were not to be in the nature of farms sufficient alone to support the pensioners. Rather, he said, they should 'answer the purpose of gardens'. He considered it desirable that they should continue to be wage-earning labourers, as they had been in England, until by their own industry they had accumulated enough money to buy sufficient land to maintain

themselves independently.<sup>11</sup> This intention of the Home authorities, however, apparently did not coincide with those of some of the pensioners, for, if we are to believe one of them 'a number of pensioners came here for the express purpose of cultivating the land on their own account, and not to hire themselves as day labourers'.<sup>12</sup>

After seven years, the cottage and acre were to become the private property of the pensioner. If he preferred it, however, he might take instead 25 acres of uncultivated land at a place to be decided on by the Governor.<sup>13</sup> If he had no choice in the matter and the government demanded his cottage and allotment, he was to receive 50 acres.

Undoubtedly the provision of a cottage and acre was the clause which was most attractive to pensioners. During the investigations of the House of Representatives Pensioners' Petitions Committee in 1856, almost every pensioner witness emphasised that the prospect of his acquiring a home and some land had been one of the strongest reasons for his joining the force.<sup>14</sup>

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11. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv, (Cmd 763)
  12. James White, pensioner, in letter to editor Southern Cross (26 February 1848)
  13. The amount of land for which the cottage and acre might be exchanged voluntarily was later increased to 50 acres, in the case of the last two detachments to reach New Zealand (May and December 1852) and was therefore increased to the same amount by Governor Grey for all detachments. Col. Sec. to Major Kenny (29 December 1853): D.A., C.S.O. 1848-1856.
  14. V. & P., II. of R., 1856: D-23.

At the conclusion of his term of service, the pensioner would become an independent settler, under no military obligations beyond those of every other colonist. Should he prefer, however, not to stay in New Zealand after the seven years, he himself would have to pay his passage back to England. Thus the scheme aimed at permanent emigration.

Regulations were also laid down to govern the rates of pay pensioners should receive on duty, the procedure to be observed on the death of a pensioner before the expiry of his term of service, and several other minor matters.

An interesting clause, and one which later evoked some discussion, was that which made each pensioner subject to the provisions of the Mutiny Act and Articles of War, but at the same time stated that 'all minor offences may be punished by such fines or by expulsion from the force, as the Governor of the colony for the time being may direct'. It was not long before Governor Grey was seeking clarification of his powers in relation to the force.

Finally, it was provided that the government would undertake to employ the pensioner on public works, at the rate of pay of one shilling and six pence daily, for the first year, if private employment could not be obtained within a radius of five miles of his cottage - beyond which distance he was not permitted to go.

If the government required his services on the public works, he was to receive the current rate of wages being paid in the colony for that work. In this way, the pensioners were to be safeguarded against any initial hardships they might suffer before they found jobs in the colony.

## 3

The conditions under which the officers of the pensioner corps volunteered were on similar lines to those offered to the rank and file, though more attractive as befitting their status and responsibilities. It was proposed to send out six officers (one for each detachment) of whom the senior would act as commanding officer, while the junior officers would perform the duties of adjutant and quarter master, in addition to the charge and payment of their respective companies.<sup>15</sup> Rates of pay were to be the same as in England. Each officer was to receive a four-roomed unfurnished house, the commanding officer a six-roomed house. In addition, officers would receive grants of land, a subaltern thirty acres, a captain forty, and the commanding officer fifty, one quarter again to be cleared at the public expense.

One concession for which the men themselves would later

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15. L. Sullivan to Staff officers of pensioners (3 February 1847):  
D.A., G3.

have been grateful, was that, should these houses not be completed when the officers reached New Zealand, they were to receive compensation 'at such rate as would be paid for similar accommodation there' until the houses were ready for occupation.<sup>16</sup>

As with the pensioners, the officers were to become full possessors of their houses and allotments after their seven years' service. But in addition, each was to receive a grant of land equivalent to that granted a regular officer one rank higher in New Zealand.<sup>17</sup>

It was also stated that as the officers' duties in connection with the pensioner force itself could not be expected fully to occupy their time, they would be liable to undertake the duties of Inspector of Militia, Inspector of Public Works, or Colonial Magistrate, if so required, for which services they would receive at least £50 per annum.

In other respects, the conditions were generally equivalent to those laid down for the rank and file.

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The response to the project was a keen one. So many

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16. The rate was fixed as follows:

Field officer - £120 per annum  
 Captain - £ 96 per annum  
 Subaltern - £ 72 per annum

A daily ration, fuel and lighting allowances were also given.  
 Col. Sec. to Major Gray (10 December 1847): D.A., C.S.O.  
 1847.

17. e.g. a captain would receive a major's grant, a lieutenant a captain's, and so on.

candidates offered themselves that the conditions were altered, the War Office narrowing the field of selection by ruling out those pensioners who were over forty-five years of age, or who had more than five children.<sup>18</sup> In March 1847, Earl Grey informed the Governor that the list of candidates for the force had been completed, and that a vessel had been taken up to sail in the first week of April with the first body of pensioners.<sup>19</sup> This first group was to comprise mechanics, sappers and miners who were to be employed in building houses for the remainder of the corps. The next detachment was to sail in about two months' time. In the same dispatch, the Colonial Secretary included a copy of a plan and section of the type of house recommended for use in the settlements. The iron work necessary for the cottages was to be sent on the ship chartered to bring out the advance party. Earl Grey stated, however, that he did not wish to fetter the Governor's discretion if he thought that the type of cottage proposed was not well adapted to the colony, though any alterations the Governor might make should naturally be within the limits permitted by the ironwork<sup>20</sup> a statement,

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18. L. Sulivan (War Office) to Staff officers of pensioners (6 March 1847): D.A., G3.
19. Earl Grey to G. Grey (8 March 1847): D.A., G3, xiii (Military)
20. Governor Grey did alter the plans, in such a way, he claimed, as to save £48,000. The chief alteration, it appears, was to construct 'double-unit' cottages. G. Grey to Earl Grey (11 November 1847): D.A., G25/5, cxvi.

incidentally, which, as a metaphor, sums up Grey's policy towards his Governors.

With the first party due to leave shortly, then, Earl Grey urged the Governor to lose no time in collecting the materials necessary for the building of the cottages, and to see that the land selected for the settlement was cleared, so that the first party might be able to proceed immediately with the cottages.<sup>21</sup> The Colonial Secretary also had recommendations to make about the location of the force. He realised that it might not be possible to place the whole force in one village. In this case, it was desirable that there should be three villages, as this would enable two officers to be placed at each. These villages should not be more than two or three miles apart, so that the whole force might easily be assembled, so that one commanding officer might supervise, and so that one medical officer might be able to carry out all the medical superintendence of the force. Any wider dispersion, said Earl Grey, would lead to the necessity of separate establishments at a considerable expense.<sup>22</sup>

Another recommendation made by the Colonial Secretary was that the land chosen for the settlements should be of good

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21. Earl Grey to G. Grey (8 March 1847): D.A., G3, xiii (Military)

22. Ibid.

quality. 'The greater portion,' he wrote, 'of the men selected for this corps being practical agriculturalists, they naturally attach great importance to that part of the agreement which assigns them grants of land.' Therefore, if any inferior land should unavoidably be mixed up with the land selected, it should be granted to the pensioners in addition to the one acre to which they were entitled.<sup>23</sup>

Finally, Earl Grey proposed that a certain portion of the land adjacent to the military settlements should be set aside, over which the pensioners might have preemption rights for three years, in the proportion of five acres for privates, ten acres for non commissioned officers, and fifty acres for officers. The price to be paid for this land would be fixed by the Governor. This important provision was prompted by Earl Grey's fear that this land might otherwise be bought up by speculators, with the result that the pensioners, if they wished to expand their holdings, might be forced to pay high prices for the land, for the increase in value of which they themselves had been responsible.<sup>24</sup> The land jobbing and speculation which had plagued Auckland's early history lent point to this recommendation.

This, then, completed the structure of the arrangements by which the pensioners were to become land owners. The terms

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23. Ibid.

24. Ibid.

were indeed generous. Earl Grey's provisions, however, had been made without an intimate knowledge of local circumstances, and imposed a rather heavy burden on the Governor. For the literal carrying out of his recommendations, a large area (roughly between three thousand and four thousand acres) of unsold land of good quality in the immediate vicinity of Auckland was required - certainly a tall order.

## CHAPTER III

THE PROSPECTS.

Let us now examine the prospects for Earl Grey's scheme as they appeared at that stage.

Earl Grey conceded one point at the outset. 'I am aware that hitherto discharged soldiers have not proved good settlers.'<sup>1</sup> In Canada, according to Lord Durham, the experiment of pensioner emigration had been a tragic failure.

The most striking example however, of the want of system and precaution on the part of the government, is that of the old soldiers, termed commuted pensioners, of whom nearly three thousand reached the colonies in the years 1832 and 1833. Many of them landed in Quebec, before the instructions had been received in the colony to pay them the sums to which they were entitled on their arrival, and even before the Provincial government knew of their departure from England. Many of them spent the amount of their commutation money in debauchery, or were robbed of it when intoxicated. Many never attempted to settle on the land which was awarded to them; and of those who made the attempt, several were unable to discover whereabouts in the wilderness their grants were situated. Many of them sold their right to the land for a mere trifle and were left within a few weeks of their arrival in a state of absolute want. Of the whole number who landed in the colonies, probably not one in three attempted to establish themselves on their grants and not one in six remain settled there at the present time; the remainder generally lingered in the vicinity of the principal towns, where they contrived to pick up a subsistence by begging and occasional labour. Great numbers perished miserably in the two years of cholera, or by diseases engendered by exposure and privations, and aggravated by their dissolute habits. The majority of them have at length disappeared. The situation of those who survive calls loudly for some measure of immediate relief; it is one of extreme destitution and suffering. Their land is almost entirely useless:

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1. Earl Grey to G. Grey (24 November 1846): P.P.1847, xv, (Cmd 763)

they cannot obtain any adequate employment either as farm labourers or as domestic servants. At the commencement of every winter, therefore, they are thrown upon the charity of individuals. In the Upper Province their situation is equally deplorable; and numbers must have perished from absolute starvation if they had not been fed by the Provincial government. I confidently trust that their pensions may be restored; and that in future, whenever the Government shall interfere directly or indirectly in promoting the emigration of poor persons to these colonies, it will be under some systematic arrangements calculated to prevent the selection of classes disqualified from gaining by their removal, and to guard the other classes from the misfortune into which they are now apt to fall through ignorance of the new country and the want of all preparation for their arrival.'<sup>2</sup>

Lord Durham's picture was grim. But what was most unpromising for New Zealand was not his account of the privations suffered by the emigrants, but his description of the pensioners as a class 'disqualified from gaining by their removal'. The collapse of the pensioner emigration scheme in Canada was undoubtedly due, at least to a great extent, to inefficient control or even to a basically unsound policy. These need not be reproduced. But the implication of Durham's commentary was that no scheme of pensioner emigration, however well devised or efficiently conducted, would succeed, simply because military pensioners would not, could not, become colonists.

The Canadian scheme, therefore, had failed, according to Durham, for two major reasons: in the first place because the scheme was badly conceived and incompetently executed; in the second place, because those sent out were unsatisfactory

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2. Durham report (ed. Lucas) v2, pp.257-9.

colonizing material.

The Colonial Office, however, did not accept Durham's verdict as final. Profiting, no doubt, by the unhappy experience of the Canadian experiment, it devised a number of safeguards against a repetition in New Zealand of that failure. Earl Grey admitted, as has been seen, that discharged soldiers had not proved good settlers, but he considered that this had arisen because 'men accustomed during the greater part of their lives to be constantly under the care of their officers and to be left very little dependent upon their own forethought and providence, have been sent into our colonies under no superintendence whatever, and left to shift for themselves under circumstances altogether novel to them, and under difficulties with which they were little fitted to contend'.<sup>5</sup> It was for this reason that officers in permanent pay were to be sent out with the Fencibles, and were to exercise a large measure of control over them. Moreover, the fact that the men would have to continue to labour for wages for a number of years would provide a certain continuity with their former way of life, and avoid too abrupt a break with their past, to which they might find difficulty in accustoming themselves.

Earl Grey took guidance from the history of British North America in another way. The danger from Indians had necessitated the grouping together of villages in the New England states,

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5. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv, (Cmd 763)

and this agglomeration of settlements, he believed, had contributed greatly to their success.<sup>4</sup> It was a serious defect, he considered, in the state of society in most of the recently established British settlements, that the population was more scattered than it was in Britain, and than it had been in the New England states. In Canada the size of the grants to pensioners - 100 acres for a private, 200 for a sergeant - had been conducive to this state.<sup>5</sup> Therefore the pensioners and their families were to be grouped in villages, as near Auckland as possible. This would, in the first place, provide more security for them and at the same time render the pensioners more readily available for military duty. Moreover, this arrangement would be more convenient from the religious and educational viewpoints.

Lord Durham had deplored the way the pensioners had squandered their commutation money. His criticism of the thoughtless manner in which the payment of this money was carried out has been confirmed by one more recent authority.<sup>6</sup> Sometimes men were paid all their commutation money in advance, spent it, and then refused to leave. Others waited months in Canada for payment, drifting steadily into misery, crime, and absolute poverty. The maximum period for which a man could

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4. Ibid.

5. Cowan, Helen I. British emigration to British North America, 1783-1837. p.196.

6. Cowan, op. cit. pp.197-8.

commute his pension was four years, and by commuting, he surrendered all claim on the government. In 1836 the Upper Canadian Legislative Council and Assembly petitioned the Colonial Office for the pensions of the destitute to be restored. Their plea was refused. 'It was their opinion that the pensioners had received all that was due to them from their country - their commutation.'<sup>7</sup>

The commutation principle, therefore, was rejected in the New Zealand plan. The pensioner would have a constant source of income, but no great amount which could be squandered leaving him penniless. Where an advance of pension was to be made, it was for a specific purpose and its spending was to be supervised by an officer.

By these means, then, the Colonial and War Offices sought to avoid the mistakes made in Canada, and to ensure, this time, that pensioner emigration did not fail through their mismanagement or indifference. For indifference there had been. 'From the first the purpose in view in the settlement of Chelsea pensioners appears to have been to devise a means by which soldiers existing in the British Isles with difficulty on a meagre yearly pension, could establish themselves in the colonies at a small cost to the government. That such an object unqualified by worthier motives did not succeed in obtaining settlers suitable for the American

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7. Ibid. p.200. It was stated in the New Zealander (15 September 1847) that the pensions of a number of the men were later restored. The authority for this is not known, and no mention of such restoration is made by Miss Cowan.

provinces is not surprising.'<sup>8</sup> The New Zealand scheme represented on advance not only in the technique of colonization but also in the official attitude towards it. The plan bears the stamp of a more generous interest in the welfare of the men which is in character with the prevailing new theories. The pensioner would come from the ship to a cottage and allotment. He would be assured of labour for at least a year with the public works, with the likelihood of having a demand for his labour from private employers. He would enjoy an equable climate, and a social life amongst men of his own age, interests and experience. He would still be subject to a sufficient degree of military discipline to protect both the general public and himself. His foreseeable future was assured.

But Lord Durham's objections went deeper, touching what he considered to be a fundamental weakness in any plan for pensioner emigration. No amount of supervision, however efficient, he implied, could turn discharged soldiers into suitable colonists. There must have been many who shared this view, as the current opinion of the soldiery as a class was singularly unfavourable. The Spectator, for example, in an article evoked by the proposal of the scheme, listed the three qualities it considered the most essential in a good colonist, namely, habitual temperance, habitual industry, and

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8. Cowan, op. cit. pp.195-6.

habitual self-reliance, of which qualities the class as a whole had none. Next to convicts, it held, the pensioners were the worst possible type of emigrant.<sup>9</sup> William Fox, an unsparing critic of the scheme, wrote that 'with the single exception of convicts, it would not be possible to select a worse class for emigration than old broken-down soldiers, stiffened into military habits, or only relaxed by the vices of barracks and canteens. Nor are their families likely to be much better than themselves.'<sup>10</sup>

The dismissal was sweeping enough, but at least the regulations had been framed to ensure that only those who were physically capable of benefiting were selected to emigrate. There appears to have been no such restriction in the earlier plan.<sup>11</sup> The shortcomings of the men had been recognised and taken into account in the drawing up of the scheme. Whether the transition from military to pioneering life could be effected in seven years remained to be seen. Whether the control and discipline necessary for the welfare of the old soldiers was compatible with the freedom and independence which were regarded by many as indispensable in the colonist, could only be found by experience.

But the project had much to commend it. As the New Zealander

9. Spectator (6 March 1847) quoted in New Zealander (15 September 1847)

10. Fox. The six colonies of New Zealand. p.44.

11. Cowan, op. cit.

said 'if people so substantially aided, then, do not become productive and useful colonists, it is not the plan ... that must be censured, but the means adopted by the local authorities in carrying it out - or an extraordinary unworthiness in the pensioners themselves'.

## CHAPTER IV

THE FIRST DETACHMENTS: ARRIVAL AND LOCATION

The first detachment of pensioners, under Captain Kenny arrived from London by the Ramillies on 5 August, 1847.<sup>1</sup> During the next eight months a further five companies arrived at fairly regular intervals. Earl Grey, as has been seen, had promised an advance party to help prepare for the pensioner force proper. Instead, the party of sappers and miners (and then only thirteen of them) came with Captain Kenny's detachment.<sup>2</sup>

The voyage from England must have been an ordeal for many of the pensioners and more especially their wives and families. The second company reached New Zealand in the Minerva, after what was described as a 'very favourable passage', having been at sea only ninety-four days, despite the fact that one woman and six children died during the voyage.<sup>3</sup> Lieutenant O.W. Gray's division arrived off the Clifton in January 1848, after a tragic voyage during which there had been forty-six deaths,<sup>4</sup> chiefly amongst the children, and as a result principally of small pox and typhus fever.<sup>5</sup> Influenza caused twelve deaths

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1. New Zealander, 7 August 1847
  2. Ibid.
  3. New Zealander, 9 October 1847
  4. New Zealander, 26 January 1848
  5. Wakefield, Edward Jermingham, A handbook for New Zealand (London 1848) p376

amongst Lieutenant Hickson's company and their families who arrived in May 1848.<sup>6</sup> The Governor personally inspected every ship which brought pensioners and expressed satisfaction at the way the emigration was conducted. He did suggest, however, that more should be provided of those kinds of food suitable for young and delicate children.<sup>7</sup>

The composition of the force is interesting. It showed a strong preponderance of Irishmen and to a lesser extent, Roman Catholics. Figures taken in 1851 for the first battalion<sup>8</sup> show that over two thirds of the men came from Ireland,<sup>9</sup> and while no figures are available for the second battalion, lists of names made for different purposes suggest a similar bias. One fifth of the first battalion came from England and a handful of Scots completed the force. The most obvious reason for the large proportion of Irishmen in the fencibles lies in the economic condition of their country. In 1845, it will be remembered, the greatest potato famine in her history had struck Ireland and begun to drive thousands to emigrate to the United States, Britain herself, and the Empire; and since there is no reason to suppose that the pensioners suffered any less

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6. New Zealander, 17 May 1848.

7. G. Grey to Earl Grey (4 August, 1848): P.P. 1849. xv, (Cmd 1120)

8. The whole pensioner force had been organised into two battalions in 1849.

9. Lt. Col. Wynyard to G. Grey (29 March 1851) D.A., G.18, cccxlviiii.

severely than other sections of the population, the large number of Irishmen in the corps can be said to represent one facet of that emigration.

The trials of the immigrants were not over once they reached the shores of the colony. Earl Grey had given the Governor instructions in November 1846 to proceed at once with the carrying out of the preparations for the arrival of the first companies. He was ordered 'immediately to determine upon the site and plan of these villages'.<sup>10</sup> This injunction had been repeated in the following March.<sup>11</sup> Allowing, then, between three and four months for the first dispatch to reach New Zealand, Governor Grey had roughly four months in which to carry out his instructions. Yet when the first detachment arrived, not even the site of the first village had been decided upon. For six weeks Major Kenny's men and their families remained on board the Ramillies before moving into their temporary barracks on shore,<sup>12</sup> and waited another similar period before moving to the site of their village.<sup>13</sup> Most of the other companies suffered in the same way from these delays before being located.

The reason for the first delay was Grey's vacillation over the site. It was at first generally understood that Onchunga

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10. Earl Grey to G. Grey (24 November 1846): P.P.1847, xv (CMD763)
  11. Earl Grey to G. Grey (8 March 1847): D.A., G3. xiii.
  12. Southern Cross, 4 November 1847.
  13. New Zealander, 17 November 1847.

had been chosen.<sup>14</sup> According to the New Zealander, sawn timber was contracted for and the cottages were about to be built, when it was made known that a settlement further away from Auckland had been decided on and the Onehunga project abandoned.<sup>15</sup> In the meantime, many of the pensioners had already made agreements with Auckland employers. The surveyor-general was dispatched in the government schooner to examine the northern coastline in search of a defensible position. Several possible sites were visited, as far north as Keri-Keri. This led to a further complication. The likelihood of having a garrison town established within his sphere of influence, aroused the ire of the veteran Heke. The old chief let it be known that he would regard the arrival of the pensioners in certain specified districts as a declaration of war.<sup>16</sup> Fortunately, the issue was never joined as the surveyor-general and his staff were recalled before any definite plans had been made.<sup>17</sup> Whatever the reason for it was, the northern project was abandoned. The reversion to the original choice, Onehunga, was something for which the pensioners could be grateful. It is doubtful whether, thrown abruptly into a rugged 'frontier' existence under the threat of an immediate campaign against the Maoris, they would have survived.

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14. New Zealander, 16 October 1847.

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

At least the eventual character of the scheme would have been vastly different from that envisaged by the Colonial Secretary, by the War Office, and by the men themselves. Some of the older settlers, too, were alarmed by the idea of placing Captain Kenny and his men at Mahurangi, and their opinions of the project were summed up in the nickname they gave to that town - Killkenny.<sup>18</sup> It is difficult to see what Grey could have hoped for in even contemplating a site in such a region. Certainly the choice of it would have run counter to every order and recommendation given by his superiors on the subject. The outcome of this indecision was only uncertainty and discomfort amongst the pensioners, loss of time, and also a loss of available timber which exasperated contractors had shipped off to other settlements.<sup>19</sup>

Once the permanent site had been chosen, however, the erection of the huts could proceed, and during October 1847, two large temporary sheds, each one hundred feet long, were built as temporary accommodation.<sup>20</sup> These sheds can have provided little better living conditions than those on board ship. Captain Kenny, at least, was apprehensive. In a letter to Governor Grey, written after he had visited Onohunga and seen the huts, Kenny expressed his fear that 'unforeseen circumstances'

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18. Southern Cross, 16 October 1847.

19. Ibid.

20. New Zealander, 16 October 1847.

would cause them to be occupied for a longer period than anticipated unless 'very active measures' for the building of the cottages were taken.<sup>21</sup> He hoped, moreover, that under no circumstances would the buildings be occupied as winter quarters. Finally, and as respectfully as possible, Kenny implied that there had been a breach of the agreement. The pensioners, he said, expected the conditions of enrolment to be literally fulfilled, and one of these conditions was their immediate possession of their cottages.

Grey had his answer. 'The Governor' wrote the Colonial Secretary, 'cannot find in the terms entered into with the pensioners that one of the most important conditions is, as stated by you, that on their arrival they should be placed in immediate possession of their cottages, the word immediate not being mentioned in any papers which have reached His Excellency.'<sup>22</sup> This may have been the case, but the argument is nevertheless feeble. The precise wording of the papers is surely less important than the sense of them. In the conditions of enrolment supplied to the pensioners, it was stated that 'on arriving in New Zealand each pensioner will be put in possession of a cottage of two rooms',<sup>23</sup> and in a dispatch from the Colonial Secretary

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21. Kenny to G. Grey (21 October 1847): D.A., C.S.I., 47/3046.

22. Colonial Secretary to Kenny (2 November 1847): D.A., C.S.O. (1847)

23. Appendix I.

of March 1847, Grey had been instructed to see that the ground was cleared at the village site so that the engineers could proceed to work. 'Unless this be done, it would scarcely be possible that the necessary buildings should be completed before the main body reach New Zealand.'<sup>24</sup> The men can scarcely be blamed for inferring that the Home government's intention was that the cottages should be ready for occupation on their arrival.

Whether the cottages could have been made ready for occupation, however, whatever the Colonial Secretary's intentions, is doubtful. Delay, said Governor Grey, was inevitable in the circumstances of the colony.<sup>25</sup> The supply of timber was barely adequate even for the local demand. Only a handful of carpenters could have been obtained for government employment (and, he might have added, the party of engineers intended to swell this force had not come in advance). He had decided, therefore, that temporary barracks should be erected on the sites of the villages so that the men could at once take jobs and also help in the building of their own cottages. The land selected for the villages, he claimed, had been carefully chosen, and was naturally cleared, fertile and within easy reach of abundant water supplies. The pensioners would have no difficulty in

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24. Earl Grey to G. Grey (8 March 1847): D.A., G.3, xiii.

25. G. Grey to Earl Grey (30 October 1847): D.A., G.25/4, cix.

finding employment and therefore, concluded Grey, 'no settlers ever encountered such few hardships as these men and their families will have to undergo; so that no just grounds of complaint on their part exist'. That the pensioners' lot at that stage was easy compared with that of many other pioneers is beyond question. But that just grounds for complaint on their part did exist if the terms under which they had enrolled had not been fulfilled, was just as certain.

Captain Kenny and his men moved to their temporary quarters at Onehunga in mid-November. Though Kenny had misgivings over the sheds, he can have had none about the choice of Onehunga as the village site - a choice which met with general approval. The pensioners were there stationed on the main road to the Waikato, and so from the viewpoint of defence, in an excellent position to defend Auckland should the need arise. Moreover, there were many farmers already in the district who could employ pensioners. <sup>26</sup> The New Zealander, only too glad to be able to approve of one of Grey's measures in regard to the pensioner force, was enthusiastic. 'The site for the future village is upon the left of the road leading down to Forbes' Inn, upon the shore of the noble bay of Manukau, and is within six miles of Auckland. It will be the entrepot of the trade which is carried

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26. Southern Cross, 6 November 1847.

on in the interior, throughout the immense tract of country, watered by the great rivers of the Piakau and the Waikato, and the harbour is the shipping port of the Western Coast of the Northern Island. The soil is excellent, water abundant and easily procured and firewood plentiful in the noble forests which skirt the shores of the bay.<sup>27</sup>

It was vastly different, however, with the second site chosen for pensioner settlement - Paparoa, or, as it soon came to be known, Howick.<sup>28</sup> The second and third detachments under Captain Smith and Captain McDonald reached Auckland in October 1847. A week after their arrival, the Governor visited the Tamaki district and 'after having carefully examined the locality'<sup>29</sup> fixed upon a site for their location, to which the men moved after a month. They were joined in December by the fourth detachment under Lieutenant Servantes.

Grey's choice evoked an outcry from the Southern Cross. A number of strong objections to it were put forward. From the viewpoints both of the pensioners' welfare and of Auckland's defence, Howick was a bad choice.<sup>30</sup> The first objection was the distance between the proposed village and the city. The 'twelve to sixteen miles' intervening included the Tamaki river, itself

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27. New Zealander, 17 November 1847.

28. After Earl Grey's earlier title and ancestral seat.

29. New Zealander, 20 October 1847.

30. Southern Cross, 6 November 1847.

a mile wide at the crossing place and often turbulent enough to prevent boats crossing it. There was only a handful of settlers in the vicinity of the site, so that for almost all the men employment could be had only by going to Auckland, which would be to the detriment of their settlement. Indeed, it was claimed, the pensioners had already tasted the pleasures and, no doubt, the vices of the capital owing to the management which had kept them so long in the boats, as the paper was at pains to point out. As for the defence of Auckland - for this the Howick pensioners would be useless, again because of the town's isolation. So bad, indeed, was the chosen site, that it was suggested the pensioners themselves might need protection by the colonists as the settlement was in a valley surrounded by hills and completely indefensible by land or sea, as well as being out of the view of any other settlement, and so liable to be razed unnoticed in an uprising. It was even suggested that the government's title to the land was doubtful, as both natives and an early settler were claimants to it. Generally, the interests neither of the pensioners nor of the city had been consulted. <sup>31</sup>

The Southern Cross was prepared to advance a reason for Grey's choice. The pensioners, it claimed, had been sent there

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31. Ibid.

to act as land traps 'for the wretched purpose of inveigling the public to become purchasers.'<sup>32</sup> In this way, the Government had profited by the example of the New Zealand Company and hoped to sell town and suburban allotments.

The same paper persisted in its criticism. After referring to the expense which would be entailed through that settlement, it stated that to Aucklanders, the Paparua scheme was the more preposterous since there was an abundance of available land adjoining the outskirts of the town.<sup>33</sup> The Maoris alone, it was stated, had a thousand or fifteen hundred acres which they were prepared to sell.

The criticism prompted Grey to send an explanatory dispatch to the Colonial Secretary, in which he stated that, in the tract of country within a seven-mile radius of Auckland, only three thousand six hundred acres were left unclaimed, of which one thousand acres were agriculturally useless.<sup>34</sup> The remaining two thousand six hundred acres, Grey said, were not sufficient to fulfil the Home Government's requirements, and anyway, lay in scattered blocks. Even within a radius of twelve miles, he claimed, little land remained unclaimed by the penny an acre purchasers. No reference was made here to the native land,

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32. Ibid.

33. Ibid., 20 November 1847.

34. G. Grey to Earl Grey (11 November 1847): P.P. 1848, vii (Cmd 1002)

which enclosed Hobson's Bay, apart from its inclusion in the accompanying map, the implication being that the land was not available. Later, C.W.W. Ligar, the Surveyor General, confirmed this by saying that frequent approaches had been made to the Maoris on the subject, but without success. <sup>35</sup> The Southern Cross's allegation that Government pressure was brought to bear on the Maoris to prevent their selling the land, so that dispatches might be sent to England saying that the land was unobtainable, <sup>36</sup> seems to have little point.

Grey admitted that his main reason for submitting this explanation was the attempt of some of the land claimants, by exciting discontent amongst the pensioners, to force the Government into buying their land, doubtless at exorbitant prices.<sup>37</sup> They were doing this by trying to wrest the terms of Earl Grey's dispatches into 'a positive engagement that the pensioners should be stationed in the immediate vicinity of Auckland'. A concession to the claimants, he argued, would be regarded as proof of weakness on the Government's part, and new and more clamorous demands would have followed.

The reply of the Southern Cross, when it came, was pungent. The Governor, it stated, could have taken the land claimed by the

35. G. Grey to Earl Grey (4 August 1848): P.P. 1849, xvi  
(Cmd 1120) Encl.

36. Southern Cross, 26 February 1848.

37. G. Grey to Earl Grey (11 November 1847): P.P. 1849, vii  
(Cmd 1002)

ten shilling and penny an acre purchasers.<sup>38</sup> 'The dispatch conveys the impression that Governor Grey was scrupulously delicate in interfering with the lands of these parties - all of which is positively untrue.' It was pointed out that a number of men had just recently had their lands taken from them. The most telling objection put forward to Grey's arguments was the fact that the villages of Onehunga and Panmure stood on the very ground that the Governor had said was unavailable.<sup>39</sup> Certainly the Governor had not attempted to explain how he had been able to locate pensioners at Onehunga, in the midst of land he had written off as unavailable.

The suggestion that the pensioners had been sent to Howick to act as 'land-traps' to entice settlers and land purchasers into that region is the key to their location, though Grey's motives hardly deserve the censure and suggestion of dishonest and underhand methods made by his enemies. The Colonial Secretary in one of his earliest dispatches on the subject, had told him that it was important that 'the sites of military villages should be so placed that the greater part of the adjoining lands, of which the value will of course be very greatly increased by the formation of these settlements, should be still in the possession of the Crown, since it is calculated that, by the sale of these lands a considerable

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38. Southern Cross, 6 July 1849.

39. Panmure, of course, had not been selected when Grey wrote his November dispatch.

part of the expense incurred may be hereafter recovered.<sup>40</sup> The instruction was explicit enough, and Governor Grey's position was somewhat difficult, faced as he was with the injunctions to acquire land in the immediate vicinity of Auckland, but also in an area where the government still held large portions of unclaimed land. The two instructions were hardly compatible. Had Grey chosen to buy the valuable land owned by the Maoris, the price would doubtless have been high, while at the same time no income could have been expected from sales of adjacent land, already claimed, to help defray the cost of the scheme. To have bought this land would have been to disregard Earl Grey's constant anxiety over the cost of the scheme, and his frequent exhortations to economy.

Grey chose Parnure and Otahuhu as the sites for the next two villages. The fifth detachment under Major John Gray, the commanding officer of the corps, arrived in Auckland in January 1848, and between May and July was assigned to Parnure. Eight miles from Auckland, Parnure was the site of an old Maori pa.<sup>41</sup> The land, once of good quality, had been exhausted by the Maoris but was recovering by the 1840's. It was well sheltered and employment was readily obtainable from the many farmers in the neighbourhood.<sup>42</sup>

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40. G. Grey to Earl Grey (24 November 1846): P.P. 1847, xv (Cmd763)

41. Anglo Maori War. 19 October 1848.

42. Ibid.

The sixth detachment arrived in May 1848, under Lieutenant Hickson, and after three months' delay, was placed at Otahuhu, the fourth and last of the pensioner settlements to be established. Nine miles from Auckland on the road to the Waikato, Otahuhu, from the pensioners' point of view was a less attractive site for a village. The locale was described as 'bleak and comfortless', and was in an area of poor soil.<sup>43</sup> From the military angle, however, Otahuhu had more to commend it. Situated on the narrow neck of land between the Manukau harbour and the Tazaki estuary, it constituted a barrier to any sudden eruption of the Waikato Maoris northward.

Otahuhu completed the series of military settlements. Other detachments would arrive in 1849 and 1853 but the men were to be dispersed amongst the existing villages. The four towns formed an irregular cordon southward around the capital, an effective barrier, at least in theory, against incursion from the troublesome Waikato. The Governor painted an attractive picture of the sites he had chosen. 'I think it right to inform your Lordship that the positions in which the several villages are placed are extremely fertile and picturesque; that with the exception of one village, they have all direct and easy water communication with Auckland; that they occupy important natural positions and are all arranged along a line of defence which

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43. Ibid.

completely shuts Auckland in, and commands the passes to the town from the southward portion of this island.<sup>44</sup> Whether it was merely lack of local knowledge which caused him to describe Howick as being only nine and a half miles from Auckland<sup>45</sup> is a question which cannot be answered. Events would show, however, that his satisfaction with the sites was not shared in all quarters.

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44. G. Grey to Earl Grey (4 August 1848): P.P. 1849, xvi  
(Cmd 1120)

45. Ibid.

## CHAPTER V

EARLY STRUGGLES 1847-1848

The first settlement, Onehunga, progressed steadily. The New Zealander in December 1847 was gratified to see the transformation of the district from a 'desolate waste' to a plain 'sprinkled with smiling cottages', already a small town.<sup>1</sup> By the middle of that month ten of the projected thirty two or so cottages were completed externally.<sup>2</sup> These cottages, two storied 'double units' gave concern to one experienced soldier who saw them at this time. 'When I reflect upon human nature in general, and soldiers' wives in particular, I cannot feel sanguine as to the entire domestic peace of these Sianese households.'<sup>3</sup> Three main streets had been laid out at right angles to the beach, one of which even then was called Queen Street, as it is today.<sup>4</sup> Lieutenant-Colonel Mundy, as a soldier himself, was surprised to find more cheerfulness than grumbling in the settlement.<sup>5</sup> Three months later, however, the Southern Cross reported disappointment and dissatisfaction in the settlement, and claimed that many were still homeless.<sup>6</sup>

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1. New Zealander, 8 December 1847.

2. Ibid.

3. Mundy, Lt. Col. G.C. Our Antipodes. Vol.II p.85.

4. New Zealander, 8 December 1847.

5. Mundy, op. cit. p.85.

6. Southern Cross, 4 March 1848.

Nevertheless the more industrious had not been discouraged from fencing their allotments and bringing them under control<sup>7</sup> - for despite Governor Grey's assurance that naturally cleared land had been chosen for the settlements, forty pensioners were each awarded twelve shillings in September 1848, as compensation for clearing one quarter of an acre to which they were entitled under the conditions.<sup>8</sup>

From the beginning men had been required to work in the public employment, the best tradesmen in the company on the houses, the rest on the streets and roads.<sup>9</sup> Years later Charles Knight, the Auditor General, explained the policy adopted towards the employment of pensioners in the early stages of the settlements. He said that although the pensioners arrived at a time when the colony was becoming more prosperous, when labour was needed for the development of its resources, and when the colonists themselves, who were then in general gathered in the town, were able to pay good wages, it was nevertheless felt inadvisable to throw the pensioners fully into the labour market immediately on their arrival.<sup>10</sup> Scattered among the population, he stated, they could have done little for the

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7. Ibid.

8. G. Grey to Maj. Kenny (11 September, 1848): D.A., C.S.O. 1848-56.

9. Mundy, op. cit. p.85.

10. G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd.1420) Encl. 1.

defence of the colony. Their obligations to attend church parades also put barriers in the way of their finding permanent private employment at a distance. Moreover, at the time there was a small though increasing demand for labour among agricultur-  
 alists, who were comparatively few in number, 'so that the wages of the men, who, under these circumstances, could obtain employment, would have fallen at first exceedingly low, and an unfair advantage would have been derived from the numbers, with their families, suddenly introduced into a small community'. The men, therefore, were kept on the public works until there was a larger demand for their labour near the settlements, and were paid wages 'little inferior to the current rates'.<sup>11</sup> Thus it was reported by Lieutenant-Colonel Mundy that pensioners at Onehunga who were building cottages were receiving six shillings a day,<sup>12</sup> while in Auckland the rate varied between seven and ten shillings.<sup>13</sup> In April 1848, however, as a 'considerable number' of houses had been completed and acres handed over, Major Gray was ordered to submit the names of the men in sole possession of them, and was told that these pensioners were no longer required to serve on the public works and were therefore to

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11. Ibid.

12. Mundy, op. cit. p.85.

13. Wakefield, E.J. op. cit., p.375.

receive only one shilling and sixpence a day.<sup>14</sup> The slow rate of building operations, however, is seen by the fact that in August, 1848 only twenty men were in sole possession.<sup>15</sup>

The course of Onehunga's fortunes, however, was comparatively smooth. Despite the gloomy forebodings of the opponents of the scheme, there was little uneasiness in the village. Employment was close at hand, and once the pensioners had survived their initial hardships, which to a large measure were not of their own making, the future was theirs to make or destroy.

Major Gray's detachment which had arrived in January 1848 was at first quartered in the vacated huts at Onehunga until a site was chosen for it.<sup>16</sup> The men were then employed on the public works at Onehunga, and later on the construction of a road from Panmure to Auckland while the building of their village at Panmure proceeded.<sup>17</sup> At first raupo huts, the usual type of building adopted by country settlers in the north, were built on the site as temporary accommodation.<sup>18</sup> Although they were said by many to be comfortable, they nevertheless constituted a fire hazard; and if the sidelong references of the Pensioner Gazette can be accepted, they were by no means water proof.<sup>19</sup>

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14. Col. Sec. to Maj. Gray (8, 10, and 15 April 1848): D.A., C.S.O. 1848-56, xxlix, xxix, xxx.
15. Col. Sec. to Maj. Gray (9 August 1848): D.A., C.S.O. 1848-56.
16. Col. Sec. to Maj. Gray (2 February 1848): D.A., C.S.O. 1848-56, iv.
17. Col. Sec. to Maj. Kenny (1 February 1848): D.A., C.S.O. 1848-56, 11.
18. Col. Sec. to Maj. Gray (10 August 1848): D.A., C.S.O. 1848-56.
19. Pensioner Gazette. Vol. I, no. 1, 22 July 1848.

Certainly it was not long before their repair was under discussion.<sup>20</sup>

Lieutenant Hickson's men were eventually settled at Otahuhu. They also had a long wait before their cottages were given them. They arrived in May 1848: it was not until October that sixty raupo whares were reported to be ready for their occupation.<sup>21</sup>

But although the pensioners of Onehunga, Pammure, and Otahuhu suffered hardships and held grievances, the attention of the newspapers and the public was focussed on the trials of the unfortunate Howick. From its beginning as a pensioner settlement Howick had an unhappy history. The enemies of the Governor seized on it as an example of his folly and wrong-headedness, and dragged the misfortunes of its settlers into the limelight. It was Howick men pointed to when they wished to disparage the scheme as a whole. To many the failure of Howick was synonymous with the failure of the pensioner settlements. Even before the men had set foot in the place the Southern Cross was prophesying the most miserable fate for the venture, and its periodic surveys of the state of that settlement told a monotonous tale of misery, failure and incompetence.

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20. Col. Sec. to Maj. Gray (5 July 1848): D.A., C.S.O. 1848-56, lvi.

21. Col. Sec. to Maj. Gray (21 October 1848): D.A., C.S.O. 1848-56, c.

The three detachments, under Captain Smith, Captain McDonald, and Lieutenant Servantes, which were posted to Howick, arrived there during November and December 1847, each company having waited between four and six weeks before proceeding to the site of its village. Almost immediately it was reported that there was 'a turbulent spirit and much insubordination' abroad in the village<sup>22</sup> - a report later denied, at least as far as his company was concerned, by Captain McDonald.<sup>23</sup> The men and their families were put straight into temporary sheds where, as one pensioner put it, they were 'stowed away like herrings in a barrel'.<sup>24</sup> The sheds were described by one eye-witness in this way:

'these sheds are of the most uncomfortable description, the boards being apart in many places nearly one inch, so that dust, heat, wind and rain alternately assail the unfortunate inmates and in a few weeks more, when the winter shall be setting in these sheds will be almost if not quite uninhabitable.'<sup>25</sup>

Major Gray, the Commanding officer, himself later described the sheds as 'weather boarded, not shingled, neither wind nor water tight'.<sup>26</sup> A petition was sent by the Howick pensioners to the Governor in which, apparently, a complaint was made about the

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22. New Zealander, 27 November 1847.

23. Ibid. 1 December 1847.

24. Southern Cross, 29 January 1848.

25. Ibid.

26. H. of R., V. & P., Session III, 1855. Evidence before Pensioners' Petition Committee.

sheds.<sup>27</sup> In his reply the Colonial Secretary stated that the Lieutenant Governor would, after visiting Howick, decide on 'the most efficient method of making the habitations of the pensioners and their families as comfortable as circumstances will admit of'.<sup>28</sup> Lieutenant General Pitt's verdict when he did visit the settlement a week later was unequivocal - that the sheds were totally unfit to be inhabited during the heavy rains. The medical Officer had reported several cases of fever in consequence and Pitt predicted that much sickness would result if the men were left in such an exposed condition.<sup>29</sup> He recommended therefore, that the pensioners should be allowed to build raupo whares on their allotments and that they should be paid expenses for this work.<sup>30</sup> The winter of 1848 was a season of particularly heavy rain.<sup>31</sup> There can have been little relief from hardship and misery for the pensioners and more especially their wives and children in that first winter. Raupo whares were built by the men however, with some assistance from the Maoris.<sup>32</sup> In March 1849 there were one hundred and eighty of these houses, along with fifty weatherboard houses - the

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27. Col. Sec. to Maj. Gray (16 February 1848): D.A., C.S.O. 1848-56, ix. The writer was unable to find a copy of this petition.
28. Ibid.
29. Col. Sec. to Maj. Gray (21 February 1848): D.A., C.S.O. 1848-56, xi.
30. Ibid.
31. Southern Cross, 14 October 1848.
32. Major Gray, in evidence before Pensioners' Petitions Committee. H. of R., V. & P., Session 3, 1855.

permanent cottages.<sup>33</sup> The building of these cottages proceeded slowly, and even they, far from being welcomed by the dispirited pensioners, were denounced as constituting a breach of the agreement since single, detached cottages had obviously been intended.<sup>34</sup> And for these cottages, sweepingly condemned by the Southern Cross as 'un-English'<sup>35</sup> some pensioners waited years.

The Howick pensioners were employed in various ways. A number of men, unable to support large families by working at the settlement, were soon given leave to go to Auckland to follow their trades there, though they were required to attend Sunday parades with the garrison at Auckland.<sup>36</sup> Thus the five-mile clause in the conditions was found to be impracticable in all circumstances, and had to be abandoned in some cases.

From the beginning a number of men were employed in cultivating the officers' allotments. As far as their own were concerned, it was the same story of delay. Weeks and, in many cases, months went by before men received their acres,<sup>37</sup> the possession of which might have compensated them to some extent for their primitive living conditions. Work on the

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33. New Zealander, 28 March 1849.

34. Copy of petition to Sir G. Grey from Howick pensioners: Southern Cross, 4 November 1848.

35. Southern Cross, 4 November 1848.

36. H. of R., V. & P., Session III, 1855. Evidence before Pensioners' Petition Committee.

37. Ibid.

officers' allotments was no doubt a necessary and legitimate employment of the men. Much less justifiable, however, was their employment on Captain Smith's private property while on the public payroll - a circumstance which emerged some months later.<sup>38</sup> Eventually the pensioners did get their own allotments. The Governor, anxious over the state of the Auckland winter weather and the nature of the pensioners' accommodation, urged that they be got under cultivation as quickly as possible not only in Howick, but also at Panmure and Otahuhu.<sup>39</sup> Shortly afterwards he decided that the men should spend one weekday on their allotments.<sup>40</sup>

The remainder were employed in various other aspects of the public works at Howick, some in building houses, public buildings and wharves, the rest in putting down streets for the settlement and the road from Howick to Panmure.<sup>41</sup> The Superintendent of Roads was instructed to replace all men in his department at Howick with pensioners<sup>42</sup> and in August 1848 all public works in the Howick district were placed in the charge of the senior officer there.<sup>43</sup>

The rates of pay on the public works at Howick appear to

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38. Southern Cross, 5 May 1849.  
 39. Col. Sec. to Maj. Gray (16 June 1848): D.A., C.S.O. 1848-56.  
 40. Col. Sec. to Maj. Gray (29 August 1848): D.A., C.S.O. 1848-56.  
 41. Southern Cross, 26 February 1848.  
 42. Col. Sec. to Maj. Gray (21 March 1848): D.A., C.S.O. 1848-56.  
 43. Col. Sec. to Maj. Gray (3 August 1848): D.A., C.S.O. 1848-56.

have varied. In line with the policy explained by Charles Knight most pensioners were required to serve on the works and were therefore paid wages roughly equivalent to those offered currently in the capital. In January 1848 the rate was reported to be three shillings a day, plus firewood.<sup>44</sup> Those employed on the officers' allotments, it was reported, were receiving 'three shillings and sixpence per day with a bottle of grog besides'.<sup>45</sup> In February the men employed on the roads were ordered to receive three shillings and sixpence.<sup>46</sup> The next directive on the subject came in August of the same year when the officers were told that the Government would employ pensioners (in all settlements) at rates varying between one shilling and sixpence and four shillings, according to their trade and capacity and also to the wages in the neighbourhood.<sup>47</sup> Yet in September Captain Smith was still able to report that the average rate of wages at Howick was four shillings and sixpence.<sup>48</sup>

Then in September came the blow for which the pensioners were little prepared. The rate of wages to be paid to all public works employees in the settlements was cut down to one shilling and sixpence a day, without any explanation being

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44. Southern Cross, 29 January 1848.

45. *Ibid.* 26 February 1848.

46. Col. Sec. to Maj. Gray (21 March 1848): D.A., C.S.O. 1848-56.

47. Col. Sec. to Staff Officers of Pensioners (29 August 1848): D.A., C.S.O. 1848-56.

48. Col. Sec. to Capt. Smith (19 September 1848): D.A., C.S.O. 1848-56.

offered except that the Governor considered that the previous high rate of wages was 'no longer justifiable'.<sup>49</sup> Grey's reason for this action almost certainly lies in the anxiety being expressed by the Lords of the Treasury in England over the heavy costs which were being incurred for the settlements. Already in March 1848 Earl Grey had transmitted to him a copy of a Treasury letter on the subject of the heavy expenditure for the force and had asked the Governor to 'exercise the utmost economy' in acting upon the instructions for the location and employment of these men.<sup>50</sup> Again in June, Earl Grey referred to the excess of expenditure from Imperial funds which was anticipated.<sup>51</sup> It is probable that this dispatch reached Grey shortly before the decision was made to reduce the wages to the prescribed one shilling and sixpence. In the same dispatch was included a report from the commissariat in New Zealand, where the belief was expressed that because the pensioners had not then (October 1847) been given their cottages and allotments, a heavier cost would be placed on the Imperial treasury than expected. The Governor probably felt that even Earl Grey's liberal trust and confidence would have been strained had the payment of such high wages to a large number of men been part of this excess

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49. Col. Sec. to Staff officers of Pensioners (19 October 1848): D.A., C.S.O. 1848-56.

50. Earl Grey to G. Grey (24 March 1848): D.A., G.3.

51. Earl Grey to G. Grey (5 June 1848): D.A., G.3. xxxvi

expenditure.

The reaction from the men was not slow in coming. From the beginning the Howick pensioners had shown dissatisfaction with their circumstances and the 'turbulent spirit' reported in November 1847 had never been quieted for long. In January of the following year the men virtually homeless and unable to work on their promised allotments, were reported to be 'dispirited and apathetic'.<sup>52</sup> In February they petitioned the Governor for an equivalent in land or otherwise, as compensation 'for the supposed difference in condition between the pensioners located at Onehunga and Howick', a request which was refused by the Governor without comment.<sup>53</sup> Then, after the unhappy winter came the wage-cut. Excitement ran high at the settlement and meetings were held to discuss the development. Captain Smith in a letter to the Governor confirmed that dissatisfaction was rife at Howick,<sup>54</sup> and this report, coupled with rumours Grey had heard of drunkenness amongst the Howick pensioners, made him stress that all officers of pensioners should reside constantly with their divisions<sup>55</sup> - an order on which he insisted over the next few months. A few days after the order had been given Major

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52. Southern Cross, 29 January 1848.

53. Col. Sec. to Maj. Gray (16 February 1848): D.A., C.S.O. 1848-56

54. Col. Sec. to Maj. Gray (9 October 1848): D.A., C.S.O. 1848-56, lxxxv.

55. Ibid.

Gray was presented with a petition by some pensioners which represented the climax of the agitation at Howick.<sup>56</sup> The petition, drawn up 'at a general public meeting of the pensioners at Howick held on the Village Green',<sup>57</sup> listed the grievances under which the pensioners claimed they were labouring. In general, the pensioners sought a liberal construction of any points not directly covered in the instructions. In particular, they demanded in strong terms the current rate of wages in the colony for their work in the public employment. They claimed, indeed, that before leaving they had protested at the low rate of pay laid down in the conditions and had received an 'encouraging announcement'. The daily wage of unskilled labourers in the city was above four shillings. All pensioners, without distinction should be paid at least as much. The nature of the cottages being built was condemned as contrary to the conditions. A bitter complaint was made that no cottages had been prepared for them on their arrival and that 'at the imminent peril of life and health they ... had to pass through the ordeal of the inclemency of a first winter in a new climate in miserable wigwams, most miserably constructed'. The failure to have the allotments cleared was a grievous handicap to the men as the cultivation

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56. Southern Cross, 4 November 1848. A copy of the petition found its way into this paper, though its unauthorised publication drew a protest from the secretary of the meeting. Southern Cross, 11 November 1848.

57. From the preamble to the petition.

of these would have better enabled the pensioners to stand the shock of the reduction in wages. Moreover the advances, provided for in the regulations, which the men were to be given to help them furnish their homes, had not been made even to those who had been given their half cottages. The choice of site which placed the pensioners at a distance from employment and in an area of poor soil was also the subject of strong complaint.<sup>58</sup>

Some of the men, it appears, favoured even stronger action against the government for breach of agreement.<sup>59</sup> Some were for demanding free passages home and one such application, based on the non-fulfilment of the conditions, was curtly refused by the Governor.<sup>60</sup> Instead, however, the men 'quietly returned again to their usual employment having resolved - to use their own expression - that 'half a loaf is better than no bread''.<sup>62</sup> Nevertheless, many pensioners were reported to be leaving the settlement, despairing of their future there.<sup>65</sup> The Governor's only answer to the heightening unrest was to ask the Commanding Officer for the names of the officers at Howick, and for an assurance that they were living at the village.<sup>64</sup>

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58. Southern Cross, 4 November 1848.

59. Anglo-Maori War, 19 October 1848.

60. Ibid.

61. Col. Sec. to Maj. Gray (No date given, but during the first ten days of September 1848): D.A., C.S.O. 1848-56, lxxvi.

62. Anglo-Maori War, 12 October 1848.

63. Southern Cross, 4 October 1848.

64. Col. Sec. to Maj. Gray (14 October 1848): D.A., C.S.O. 1848-56, lxxxiv

The officers of the corps themselves, however, were far from satisfied. The reluctance of Lieutenant Hickson and perhaps other officers, to live at their villages suggests that they were not in an altogether cooperative frame of mind. Through their commanding officer they questioned their location at settlements all more than five miles from Auckland. Before coming to New Zealand their hopes had been raised of being placed within five miles of the city, hopes which Governor Grey was forced to disappoint.<sup>65</sup> His instructions, he claimed, were not consistent with their expectations. He therefore examined the case and found that these expectations were based on statements said to have been made at the War Office and by Earl Grey himself to one of the officers.<sup>66</sup> In all his instructions, wrote Grey in an explanatory dispatch to his superior, there had been no mention of such a guarantee. Once again the Governor justified his choice of sites, and pointed out that to have placed the pensioner settlements within five miles of the capital would have cost 'upwards of £40,000' if indeed it had been possible at all, and would have been to disregard the Colonial Secretary's instruction to place the villages in an area where the government owned large areas of saleable land.<sup>67</sup> A report from the Surveyor

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65. Col. Sec. to Maj. Gray (21 May, 1848): D.A., C.S.O. 1848-56, xxxvii.

66. G. Grey to Earl Grey (4 August 1848): P.P. 1849, xvi (Cmd. 1120)

67. Ibid.

General was included in the dispatch explaining again how the land was taken up about Auckland.<sup>68</sup>

The future of Howick seemed grim. 'If the present course is persisted in, we shall have paupers to support, with disease and death fast reducing their numbers.' Such was the gloomy prophecy of one newspaper when dissatisfaction in the town was at its height.<sup>69</sup> The term 'doomed village' was in use to describe it.<sup>70</sup> The Southern Cross suggested that either the five-mile limit would have to be waived for all pensioners or the settlement could only be kept alive by continuing the payment of high wages.<sup>71</sup> Each of these courses was objectionable, however; the first because it was not in keeping with the original conception of the scheme; the second because it would have meant the continuance of the large scale expenditure.<sup>72</sup> The conclusion to which the Cross came was that the position of the villages was hopeless, that any remedies were merely superficial, and that Howick must ultimately be abandoned.<sup>73</sup> The warder, too, considered that the whole settlement must eventually be transplanted.<sup>74</sup>

Another possible development which might save the settlement but which neither paper considered, was a sudden influx of farmers

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68. Ibid. Enclosure.  
 69. Southern Cross, 14 October 1848.  
 70. Anglo Maori Warer, 19 October 1848.  
 71. Southern Cross, 4 November 1848.  
 72. Ibid.  
 73. Ibid.  
 74. Anglo Maori Warer, 19 October 1848.

to the district, attracted by the presence of comparatively cheap land, abundant labour, and improved communication with the city. In June Governor Grey had reported the first sale of land at Howick, the first near one of the pensioner villages.<sup>75</sup> He claimed that the land which had sold by auction for over £250 would not have realised £5 before the arrival of the Fencibles in the area. He added that the results of the sale seemed to suggest that a great portion of the expenses incurred in sending out and locating the force could be met from this increased return from the land around the settlements.<sup>76</sup> But in the meantime there appeared to be no satisfactory solution to the problem of finding employment for the pensioners in a manner compatible with the original objects of the scheme and which would bridge the gap between their arrival and the time when they would, by the acquisition of their preemption land, become self-supporting landowners on their own account.

The first year, then, had been for many of the pensioners one of great disappointment and for some almost destitution. On the one hand Onehunga and Panmure, after early struggles were established and fairly settled, and fulfilling the objects of the scheme. Little, unfortunately, is recorded of Otahuhu,

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75. G. Grey to Earl Grey (14 June 1848): P.P. 1849, xii (Cmd 1120)

76. Ibid.

though it had its share of misfortune. Howick, at this stage, seemed a failure. The fundamental reason for the difficulties in which the settlements had found themselves was the failure or inability of the local government to carry out its part of the plan before the arrival of the corps. For although their distance from the capital had given the Howick and Otahuhu pensioners some grounds for complaint it was only with the wage-cut that the really serious aspect of their isolation - their distance from employment - became apparent. Lord Durham had seen the plight of the pensioners in Canada and had severely condemned 'the want of all preparation for their arrival'. Governor Grey had justified himself to his superiors for the want of all preparation in New Zealand, and his explanation of the delay in the building of the cottages was convincing enough, even although there appears to be no excuse for his having failed at least to choose the sites for the villages before the arrival of the force. But higher authority must also share part of the responsibility for these early misfortunes: the Colonial Office for its precipitancy in sending out the force and its failure to allow the local government a reasonable time to prepare for its arrival, and the Treasury for its niggardliness.

The Governor's confidence in the scheme, however, was unshaken. As early as March 1848, despite the dissatisfaction at Howick he was stating that 'the measure which would in (his)

belief, most completely and thoroughly settle the northern portion of New Zealand and place it beyond all chance of future disturbance would be the sending of a corps of pensioners to the Bay of Islands upon the same principle as the corps of pensioners which has been sent to Auckland'.<sup>77</sup> In the same dispatch he recommended a similar plan for Taranaki. Nothing else, he thought, would place that settlement 'in a state of complete security and assured prosperity'.<sup>78</sup> The advice was never taken.

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77. G. Grey to E. Grey (17 March 1848): P.P. 1848, xxxvii (Cmd 1002)

78. Ibid.

## CHAPTER VI

THE FORCE COMPLETED: LATER FORTUNES 1849-1853.

## 1

The first 'wave' of pensioners had come between August 1847 and May 1848. Four more detachments were sent to this country, two in 1849, two more in 1852. Less is known of these detachments than of the earlier ones. The novelty of the scheme had passed. These men were not pioneers in the sense that the earlier detachment had been pioneers: that is, the first settlers under a novel scheme of colonization. The later detachments were of emigrants of an accepted type. From the newspapers' point of view they did not have the same news value as the earlier companies, while the continued misfortunes of Howick occupied whatever space the papers chose to give to the affairs of the force.

For the first of these companies one important change was made in the conditions of enrolment. This applied to the accommodation of the fencibles in the colony. Instead of having cottages provided for them on arrival, the pensioners were to receive an allowance of £15 each with which they were to provide their own houses. If, however, the local government could provide them with 'adequate accommodation' for less than £15, it was to do so and have the buildings ready for the men on their arrival.<sup>1</sup> Actually this practice had already been followed in

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1. Earl Grey to G. Grey (12 December 1848): P.P. 1847, xii (Cmd.1120)

the case of at least one division, Captain McDonald's, of the Howick pensioners<sup>2</sup>, but it had not formed part of any previous set of conditions. Just what type of house the Colonial Secretary expected could be built for £15 is hard to judge. Certainly the regulation in comparison with the first attractive conditions governing cottages, was to say the least niggardly.

Sir George Grey was given an almost free hand in the selection of a site in the northern province for the company and was to be guided entirely by his own judgement of the public interests. Earl Grey threw out the suggestion, however, that a settlement should be formed 'somewhat at a distance from Auckland'. But should the Governor choose to place the men at a seaport he might not find it possible at the end of seven years to grant them the cottages which they were to occupy during that time. In this case, as before, fifty acres would have to be granted. them in some other place to be nominated by the Governor.<sup>3</sup>

In the additions made to the original terms of enrolment it was laid down that as before candidates should be no older than forty five, but a further limit was imposed on the size of family a pensioner might have and still be eligible for selection (this time four children) as there was said to be much difficulty in finding a passage for larger numbers. The men were to be

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2. A.P.C., A. & P. Session II, 1854. Report of Committee on petition of third division of New Zealand fencibles (12 December 1854)
  3. Earl Grey to G. Grey (12 December 1848): P.P.1847, xii (Cmd. 1120)

sober and industrious. A special recommendation was made that preference be given to 'carpenters, masons, bricklayers, sawyers, blacksmiths, shoemakers, tailors, and all of that class whose services are most likely to be valuable in a new settlement.'<sup>4</sup> The change in emphasis here is interesting. For the earlier detachments the emphasis had been on the contribution the pensioners were to make to the agricultural labour force in the colony. This later recommendation was more in accordance with the facts, however, as not only were numbers of the men tradesmen, but the capacity of Auckland and its immediate environment to absorb purely agricultural labour of this kind was limited.

Earl Grey had one significant addition to the conditions to suggest. 'It is also to be distinctly understood that the Governor is authorised to choose for the settlement of the pensioners any place within the colony where he may think that they can be established with the greatest advantage to the public.'<sup>5</sup> There was to be no more dissension over the Governor's obligations in this respect. The Colonial Secretary's faith in the Governor was unshaken.

It was found that so many men applied for membership of the force that two companies were able to be formed, and since there

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4. F. Maule to Earl Grey (2 December 1848): Encl. 4 in:- Col. Sec. to Kenny (29 December 1853): D.A., C.S.O. 1848-1856, 1.

5. Earl Grey to F. Maule (7 December 1848): Encl. 5 to *ibid.*

was a possibility of their being placed in some remote district it was considered desirable by the War Office that the second company should be sent, in case the officer of the first company should become ill or die, when the second would be able to take command.<sup>6</sup>

The first of the two companies arrived at Auckland in June 1849, under Lieutenant J.J. Symonds,<sup>7</sup> and was placed at Onehunga.<sup>8</sup> As for previous companies, no preparation had been made for their arrival.<sup>9</sup> At first, therefore, the company was lodged in a barn at Epsom,<sup>10</sup> before being moved into a temporary shed.<sup>11</sup>

The second company under the command of Captain Haultain reached New Zealand in September after a passage during which they suffered much from scurvy.<sup>12</sup> This division too was placed at Onehunga, though Haultain himself later shifted to Panmure on the dismissal of Major Gray in 1851.<sup>13</sup> The men were employed in building their own cottages under the supervision of their officers, whose duty it was to see that the money allowed for the purpose was spent in a manner that would be 'most conducive to the interest and comfort of the pensioners'.<sup>14</sup> The building

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6. F. Maule to Earl Grey (25 January 1849): Encl.1 in Earl Grey to G. Grey (30 January 1849: P.P. 1849, xx (Cmd 1120)
  7. New Zealander, 23 June 1849.
  8. Gudgeon. 'Defenders of New Zealand' p.65.
  9. Southern Cross, 23 June 1849.
  10. Ibid.
  11. Col. Sec. to Symonds (16 July 1849): D.A., C.S.O. 1848-56.
  12. New Zealander, 20 September 1849.
  13. Gudgeon, op. cit. p.65.
  14. Report of Chas. Knight, Auditor General (25 November 1850): Encl.1 to:- G. Grey to Earl Grey (8 February 1851): P.P. 1851: lxx (Cmd 1420)

of the cottages was 'efficiently conducted',<sup>15</sup> but it was only by May 1851 that all the cottages of the two divisions were reported to be completed.<sup>16</sup> Captain Kenny found pleasure enough however, in the fact that the men were all housed before the winter had set in.<sup>17</sup> About the general progress of these companies, Kenny had this to say:-

'According to documentary evidence... the gross sum which has been expended by the Pensioners from their own funds, in making additions to the ... cottages, or rendering the same more comfortable may be set down as amounting to at least £1,000. This fact, if viewed in connexion with the amount of cash expended by the pensioners in fencing and cropping their allotments, in purchasing additional land from the Government - in acquiring stock, furniture, etc., and surrounding themselves with a variety of comforts which they never possessed before, cannot but suggest some very striking considerations in reference to the advantages which this colony appears to offer to that class of settlers.'<sup>18</sup>

A change in the organization of the corps should be noted at this stage. It was decided at the War Office that these two companies should be placed under Captain Kenny, who was to take the local rank of major. It was intended that these companies should form the nucleus of a second battalion with any companies sent out in the future.<sup>19</sup> Two battalions

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15. Ibid.

16. Kenny to G. Grey (12 August 1851): D.A., G.18.

17. Ibid.

18. Ibid.

19. F. Maule to Earl Grey (25 January 1849): Encl.1 to:- Earl Grey to G. Grey (30 January 1849): P.P. 1849, xx (Cmd 1120)

were formed, though under a different plan. The Onehunga, Panmure, and Otahuhu pensioners (i.e. five detachments) were organized as the first battalion under Major Kenny, while the three Howick detachments were constituted as the second battalion under the command of Captain Smith. The force was reformed into one battalion under Kenny at the end of 1852 for reasons of convenience and economy.<sup>20</sup>

Two more companies were sent out, both in 1852. They came out under different conditions again from those governing previous detachments. In the first place each pensioner was to be entitled at the conclusion of his term of service to fifty acres of country land, whether or not his cottage and acre were required by the government. This resulted in a similar change being made for all pensioners.<sup>21</sup> Secondly, and more important, though each pensioner was still to be given a cottage and acre, the men were not to be grouped in one settlement but were to be dispersed throughout the existing villages. When the first of these detachments under Captain Howard Hutton arrived in Auckland, Major Kenny went aboard and said that any men who were tradesmen could try to get work in Auckland.<sup>22</sup> The rest drew for what settlement they should go to.<sup>23</sup>

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20. Kenny to G. Grey (13 December 1852): D.A., G.18.  
 21. Col. Sec. to Kenny (29 December 1853): D.A., C.S.O. 1848-56.  
 22. H. of R., V. & P., Session III 1855. Evidence before Pensioners' Petition committee.  
 25. Ibid.

As Major Kenny explained this arrangement saved the expense of providing the men with new accommodation, while the officers were given an opportunity 'to observe the conduct of the men and of selecting the most eligible candidates for filling up existing vacancies'.<sup>24</sup> Thirteen men at first chose to remain in Auckland,<sup>25</sup> though four of these later elected to move to one of the settlements.<sup>26</sup> The rest were distributed as follows - twelve went to Onehunga, eight to Otahuhu, five to Panmure, and thirty six to Howick.<sup>27</sup> It was found that there were more than enough volunteers to fill the gaps in the villages and that there were about a dozen for whom there were no cottages. The solution was the formation of two local companies in Auckland. When the formation of these companies was first authorised by the Secretary at War, Kenny predicted that few from the existing settlements would choose to transfer as they had been permitted to do - unfortunately, Kenny considered, as the places of the 'i different characters' at Howick could well have been filled with Inchinnan pensioners.<sup>28</sup> The conditions authorised for these local companies were summarised in a memorandum from Major Kenny. The privilege of being in Auckland was to mean forfeiture of the right to a cottage and acre. The men were

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24. Kenny to F. Maule (29 May 1852): D.A. G.18.

25. Kenny to G. Grey (8 June 1852): D.A. G.18, *xxxix*, Encl.1.

26. *Ibid.*

27. Kenny to G. Grey (12 August 1852): D.A., G.18, *xxxvi*, Encl.1.

28. Kenny to G. Grey (8 June 1852): D.A., G.18, *xxxix*.

to attend fortnightly church parade at Auckland and were to assemble with the rest for annual exercise. If called out at any other time the men were to be under the same conditions as other detachments.<sup>29</sup>

Altogether nine men from the settlements volunteered to transfer apart from the nine Inchinnan pensioners. These eighteen men, added to the pensioners who were to be enrolled annually at Auckland of whom there were about thirty in August 1852, were to form the first Auckland Company.<sup>30</sup> It would seem that this latter group would be drawn from soldiers of the regular force whose term of service had expired.

It was eventually found that all pensioners who wished to go to the existing settlements could be placed there.<sup>31</sup> Shortly after their arrival the men were all reported to be out of work, and therefore entitled to employment on public works, though the commanding officer believed that this was probably because they considered public work more lucrative than private employment.<sup>32</sup> Despite his suspicions on this account, however, he reported shortly after that their conduct had been very good and that the greater portion of the men were living at Howick, 'well contented with their prospects'.<sup>33</sup>

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29. Ibid. Encl. 2.

30. Kenny to G. Grey (12 August 1852): D.A., G.18, xxxi, Encl.1.

31. Ibid.

32. Kenny to Col. Sec. (7 June 1852) 11. Encl.1 to:- Kenny to G. Grey (8 June 1852): D.A., G.18, xxxix.

33. Kenny to G. Grey (12 August 1852): D.A., G.18, xxxi, Encl.1.

The last detachment of forty men arrived in December 1852. Kenny was instructed to continue to place the men at the existing settlements.<sup>34</sup>

## 2.

Mention should be made here of the addition to the force of a detachment known as the Maori Fencibles.

In 1846, before the idea of the Royal New Zealand Fencibles had been put forward, Governor Grey had suggested that within a few years the force of 2,5000 regular troops he was recommending might be largely replaced by a local police force 'composed in a great measure of natives'.<sup>35</sup> Such a force, he said, he was then trying to organize with apparent success.<sup>36</sup> It would be one in every way suited to the service of New Zealand, more so, in fact, than a European force.

In April 1849 the Governor, no doubt as part of this policy, made an agreement which later received the full approval of Earl Grey,<sup>37</sup> with nine chiefs of Te Whero Whero's tribe, the Ngati-Whatua. In return for certain services the nine chiefs and seventy two of their followers were to be given six acres of land in one- and five-acre lots each at Mangere near the Onehunga settlement.<sup>38</sup>

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34. G. Grey to Kenny (5 November 1852): D.A., G.34.

35. G. Grey to Stanley (14 May 1856): P.P. 1847, xii (Cmd 763)

36. Ibid.

37. Earl Grey to G. Grey (28 January 1850): P.P. 1850, xxxi (Cmd.1280)

38. G. Grey to Earl Grey (22 June 1849): P.P. 1850, xxxviii (Cmd.1136)

The Maoris agreed to attend regularly for military purposes on twelve days each year if required to do so, and to serve in aid of the Government if ever called out. When so called out the force was to be regarded as forming part of the regular forces.<sup>39</sup> The Maoris would also receive their houses and allotments as freehold at the completion of seven years' service 'if their conduct was such as to entitle them to the indulgence.'<sup>40</sup>

The Governor was able to put forward a number of reasons for enlisting such a force. If any trouble should arise the local forces would have the cooperation and help of a body of natives accustomed to being drilled with them, attached to them and from the same locality. Their activity, their knowledge of the country and of Maori methods of fighting would compensate in some measure for the age and lack of fitness of the pensioners. The two bodies combined would constitute 'a force of a very useful description'. Moreover the value of the land they occupied would increase. Finally, Grey suggested, the plan would lead to a general improvement in Maori-European relations.<sup>41</sup>

The Maoris themselves would benefit in a number of ways. They would be placed in a fertile and valuable locality and would have a ready market for the produce of their land. Under the

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39. Ibid. Encl. 1.

40. Ibid.

41. Ibid.

supervision of British officers and clergymen they could be expected to make a rapid advance in civilisation.<sup>42</sup>

On taking possession of their land the Maoris appeared 'much pleased', reported Mr. Ligar, the Surveyor General, and were confident of succeeding.<sup>43</sup> 'It was an interesting sight', he said, 'to witness these natives taking over into their own charge the first village set apart for them, and designed in accordance with the European custom. They were delighted to find that in every particular it resembled those which have been lately laid out for the New Zealand Fencibles.

Their first care was to examine every part with the object of ascertaining and reserving the best site for a church and a place for the clergyman's residence, In the choice of these places they displayed more taste and judgement than could have been expected.'<sup>44</sup> Whether or not this concern was as genuine as Mr. Ligar appears to have supposed, the Maoris' objection to the name Mangere being given to the village must be accepted as sincere. As its meaning was lazy or laziness, they feared that it might be used against them. Eventually they chose Queen's Town in honour, as they said, of their most gracious Sovereign. The district and village, however, are still called Mangere.<sup>45</sup>

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42. Ibid.

43. Ibid. Encl. 2.

44. Ibid.

45. Ibid.

## 3.

'The settlements offer a scene of much interest. The cattle on the public commons, the well stocked enclosures of the neighbouring farmers, the orderly appearance of the villages, and the cultivated allotments, give the best assurance of the gradual extending prosperity of the community and the success of the experiment.'<sup>46</sup>

In this way the Auditor General described the villages in 1850. Onehunga, it is true, was prosperous. The first of the pensioner settlements to be established, it had been treated most generously. The men's cottages had been completed early. Indeed it had been a complaint of some of the third division that whereas they had been allowed only £15 in material to build their own cottages, the number one division had had good houses built by the government at a cost of about £60 each.<sup>47</sup> Moreover the village was now 'in the midst of a rapidly increasing agricultural population'.<sup>48</sup> The Onehunga pensioners had been the first to be removed from the public payroll, no payments having been made to them for public work after 1848. In other words, they had been the first to find regular private employment. The smoothness of Onehunga's history is the best evidence of the

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46. Report of Auditor General (25 November 1850) Encl.1 to:-  
G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd 1420)
47. H. of R., V. & P., Session III, 1855. Evidence before Pensioners' Petition Committee.
48. G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd. 1420) Encl.1.

success of the scheme, and the key to this prosperity was Onehunga's ideal position.

Panmure, almost equally fortunate in this respect, enjoyed a continued prosperity. 'The condition of the pensioners is exceedingly comfortable and independent owing to the great fertility of the soil, and the care and energy of the staff officers', wrote the auditor general.<sup>49</sup>

Knight admitted that at Otahuhu the men had had some difficulty in finding private employment and that in consequence they had been kept on the public works until their cottages were completed,<sup>50</sup> and that was not for long after the arrival of the detachment. Even after the pensioners had been eighteen months at the settlement not one permanent cottage was completed.<sup>51</sup>

The prosperity of the settlements varied inversely with their distance from Auckland. Onehunga flourished, Panmure, too, to a slightly lesser extent. Otahuhu's history was less happy. Howick, furthest from the city and largest of the settlements, was also the least successful. The trials of Howick were not the temporary discomforts of a new settlement, inevitable and painful while they lasted, but transitory. Pensioners and their families continued to leave the village. According to

49. Ibid.

50. Ibid.

51. G. Grey to Earl Grey (9 February 1850): P.P. 1850, xxxi (Cmd.1280)

one source in May 1849 it threatened soon to be deserted.<sup>52</sup> Even after four years one pensioner at least was forced to leave Howick, unable to support a family there.<sup>53</sup> Allowances to the sick were reported to be reaching a total of £90 a month,<sup>54</sup> during the second winter at Howick when doubtless the raupo houses were fomenting ill-health. In October it was affirmed that many families were 'positively reduced to utter starvation'.<sup>55</sup> Many pensioners remained without cottages. In Captain Smith's division, the second to arrive at the settlement, twenty five cottages had been given over to the men, forty four were 'in progress' - and Captain Smith's division had been at Howick over two years.<sup>56</sup> Of those who were in possession, at least one refused to live there, preferring to 'rough it' with his wife and family, without a cottage but within reach of employment.<sup>57</sup> The number of vacant cottages available for Inchinnan pensioners in 1852 suggests that there were many others who chose likewise. In February 1850, Governor Grey had sent to his superiors a return which included a variety of statistics about the settlements, hoping that Earl Grey would consider it 'as fully showing that the progress of these men towards comfort and competence has been

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52. Memorial from Auckland inhabitants to Earl Grey. Southern Cross, 19 May 1849.

53. H. of R., V. & P., Session III, 1855. Evidence before Pensioners' Petition Committee.

54. Southern Cross, 6 July 1849.

55. Ibid.

56. Statistical return, Encl. 1. to:- G. Grey to Earl Grey (9 February 1850): P.P. 1850, xxxi (Cnd.1280)

57. Letter to the Editor, Southern Cross, 6 July 1849.

quite as rapid as could have been anticipated'.<sup>58</sup> Nine months later he ordered Major Kenny, Captain Haultain, and Dr. Mahon to enquire into the causes of the 'increasing number of destitute pensioners' at Howick who required rations to be provided by the government, 'no such expense being incurred by the government at any of the other pensioner villages'.<sup>59</sup> No report appears to have been made or, if it was, it is unrecorded. Had it been made it would probably have ascribed the backwardness and destitution of Howick to its distance from Auckland and from opportunities of employment. Others (for it was a committee of officers) might have considered an important factor the habitual dependence of the old soldier which prevented his fending for himself in difficult circumstances. The pensioners themselves would have listed all their grievances arising out of the breaches of the original agreement.

Happily, however, Howick's fortunes did eventually change. The turning point came in the general boom period brought about by the gold discoveries which began in Australia in 1851, though the effects were not immediately felt. The demand for farm produce, for livestock, and for good land helped to rescue Howick from depression just as it contributed greatly to the prosperity of all agricultural settlements in the country. The Coromandel

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58. G. Grey to Earl Grey (9 February 1850): P.P. 1850, xxxi (Cmd. 1280)

59. G. Grey to Kenny (26 November 1850): C.S.O. 1848-56, xxiii.

discoveries also helped to a lesser extent, to put the settlement on its feet. Even the Southern Cross was forced reluctantly to concede in June 1853 that the town was comparatively prosperous, though it ascribed this prosperity solely to the gold rushes, in such grudging tones as to convey the impression that it had been cheated out of the fulfilment of its prophecies.<sup>60</sup> In a way Howicks misfortunes could not last. The spread of farmers into the area was inevitable, sooner or later, as the city of Auckland expanded, and this steady expansion itself must have widened markets for the products of the pensioners' land. The gold rushes accelerated a process which was bound to come with the normal evolution of the province.

The arrival at prosperity of Howick was long overdue. Its misfortunes had brought misery to many and had resulted in a number of tendencies which not only disturbed the authorities both in London and in New Zealand, but also touched a fundamental weakness in the scheme itself. It is the purpose of the next chapter to examine these tendencies.

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60. Southern Cross, 28 June, 1853.

## CHAPTER VII

PROBLEMS OF DISCIPLINE

It has been seen that the essence of the scheme for pensioner emigration to New Zealand lay in its dual character.<sup>1</sup> The pensioners were both soldiers and civilians, subject to both military and civilian law. This duality was unavoidable of course, and necessary to the fulfilment of the objects of the experiment, but problems inevitably arose from it. The very incompleteness of the military authority made the enforcement of a rigid discipline impossible; while on the other hand a considerable measure of military control was necessary to ensure that the force remained an efficient military unit for any emergency and secondly that the pensioners fulfilled the obligations they had entered into. As time passed and the natural process of assimilation of the pensioners into colonial society speeded up, the problem of enforcing the regulations increased. The first commanding officer of the force, Major Gray, had allowed a certain relaxation of discipline in the force. Major Kenny, when he succeeded to the command, worked hard to maintain discipline and hold the force together.

The unrest at Howick, it has been seen, had given rise to a number of petitions, which fact in itself constituted

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1. Chapter II.

one aspect of the problem. The War Office reaction to the publication of the biggest of these petitions<sup>2</sup> (a copy of which, printed in the Southern Cross, had been forwarded anonymously<sup>3</sup>) was one of pained surprise. Mr. Fox Maule could hardly believe that the pensioners had passed such resolutions and was surprised to find they had not pressed their grievances through their officers. 'The Secretary at War', stated Mr. Tulloch, 'can only throw out general hints for consideration on this subject; but he is anxious to make the pensioners understand distinctly that if any of their number are reported to him as having framed, or assented to such resolutions, or as pursuing a course of agitation alike unworthy of an old soldier and prejudicial to the interest of the settlement, he will feel it his duty to direct their being sent back to this country, and will no longer permit their pensions being drawn in New Zealand.'<sup>4</sup>

The War Office's attention was once more drawn to the state of discipline in the pensioner force early in the following year and this time the repercussions of official displeasure took a more abrupt form.

The Gray - Smith case arose indirectly out of the same unrest and dissatisfaction at Howick. For consolation in their

2. Southern Cross, 4 November 1848. Vide Chapter V.
3. Tulloch to ? (Probably Commanding Officer, R.M.Z. Fencibles) (1 March 1849): Encl. B to:- Kemy to G. Grey (15 October 1851): D.A., G.18.
4. Ibid.

misfortunes numbers of the pensioners had looked to drink. The Spectator had listed habitual temperance as one of the qualities which pensioners as a class did not possess.<sup>5</sup> Shortly after the arrival of the first detachments the New Zealander had lamented that many of the pensioners while waiting to be sent to their settlements, had chosen to spend 'half the day in the grog shops and the other in the lock-up house'.<sup>6</sup> Governor Grey himself, as has been seen, cited the incidence of drunkenness amongst the pensioners as a reason why officers should reside constantly with the men.<sup>7</sup> Reports of deaths of pensioners 'by apoplexy due to drinking' occurred, a fact which Captain Kenny used in April 1849 in a strenuous argument against the licensing of another hotel in Onehunga, as a pensioner had died drunk in the existing one shortly before.<sup>8</sup> General Pitt also censured 'mildly and mercifully' the 'excessive indulgence of the rum bottle, both on the part of the men and their wives'.<sup>9</sup>

The facilities for drinking granted to the pensioners were severely criticised locally, but it was only brought to the notice of the British authorities through the courts martial held on two of the pensioner officers. These proceedings caused something of a local sensation and attracted considerable notice not only in

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5. Vide Chapter III. p 25
  6. New Zealander, 27 November 1847.
  7. Col. Sec. to Maj. Gray (9 October 1848): C.S.O. 1848-56.
  8. New Zealander, 18 April 1849.
  9. Southern Cross, 2 April 1850.

the pensioner corps but in the community as a whole of which the pensioner force now formed a large part.

In February 1849 a court martial comprising Lieutenant Colonel Wynyard, officers of the 58th Regiment, and Captain Kenny, heard charges brought against Captain Smith by Lieutenant O.W. Gray. These charges were of peculation, inciting the pensioners to discontent 'etc'.<sup>10</sup> The body of the charges was embezzlement of government money, stores, and labour, amongst other means by the falsification of the pay lists.<sup>11</sup> One aspect of the charges has already been dealt with - Captain Smith's employment on his private property of pensioners in government pay.<sup>12</sup> The charges arose out of court proceedings at Howick where Smith was resident magistrate. Smith and Lieutenant Gray were both on the bench when a case of debt was brought up, the plaintiff being a civilian and the defendant a pensioner who was also a publican. The plaintiff objected that Smith was a partner of the defendant's in the public house and therefore not in a position to adjudicate.<sup>13</sup> Gray had followed up the case from there, and during his investigation purported to have found other information about Smith which formed the gravamen of his charge.<sup>14</sup> The original question of Smith's association with the

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10. New Zealander (10 February 1849)

11. Southern Cross, 5 May 1849.

12. Ibid. · Vide Chapter V.

13. Ibid.

14. Ibid., 19 May 1849.

pensioner-publican appears to have been lost sight of in the eventual proceedings.

After a hearing which lasted a month and involved over a hundred witnesses, Captain Smith was acquitted on all charges. The upshot of the case was that Lieutenant Gray in turn was court martialed by command of Major General Pitt 'for scandalous and infamous conduct unbecoming the character of an officer and a gentleman in getting up and attempting to support, in an unjustifiable and improper manner, disgraceful charges against his senior officer... such conduct on the part of Lieutenant Gray being subversive of all discipline and subordination in the Pensioner Corps and calculated to bring discredit on Her Majesty's service'.<sup>15</sup> Part of Gray's misconduct had been to listen to reports about Smith from Sergeant Barry, the pensioner who kept 'a very ill regulated public house'.<sup>16</sup> Gray was found guilty and sentenced 'to be severely reprimanded in such a manner as the Major General Commanding the Troops in New Zealand may be pleased to direct, and further, to be removed from and rendered incapable of again serving in the Pensioner Force in New Zealand'.<sup>17</sup> Whether or not favouritism was shown to Captain Smith as was alleged with some force by the Southern Cross, is uncertain.<sup>18</sup> Certainly the

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15. Ibid, 7 April 1849.

16. Ibid, 5 May 1849.

17. Extract from Brigade Orders, reprinted in Southern Cross 5 May 1849.

18. Southern Cross, 5 May, 19 May 1849.

suggestion was vigorously rejected by Earl Grey.<sup>19</sup>

Lieutenant Gray left New Zealand in July 1849 to put his case before the authorities in England.<sup>20</sup> It would appear that he did so with good effect, as the sentence was later declared illegal and revoked,<sup>21</sup> though the officer himself never returned to New Zealand.

Lieutenant Gray was not the only officer to suffer, however. The Colonial and War Offices seemed to consider that the whole affair was evidence of a bad tone in the force. It was decided at the War Office, therefore, that Major Gray, the Commanding officer, should also be removed from the corps.<sup>22</sup> Major Gray took no direct part in the court martial proceedings but because the discipline of the force in general was his concern he was considered responsible for the slackness in the corps. From mid 1850, therefore, Major Kenny took over the command of the force. Dr. Bacot, the staff surgeon to the force, was another to receive a sharp reprimand on account of the tone of his writings in the Pensioner Gazette, 'so disrespectful... towards his local superiors and so calculated to create dissatisfaction among the pensioners'.<sup>23</sup> The officers generally were warned that unless they showed a more cordial cooperation amongst themselves

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19. Earl Grey to G. Grey (2 January 1851): D.A., G.3. lxxii  
 20. Southern Cross, 13 July 1849.  
 21. New Zealander, 3 July 1850.  
 22. L. Sullivan (War Office) to Under Secretary Colonial Office (11 February 1850): Encl. to:- Earl Grey to G. Grey (25 February 1850)  
 23. Ibid.

and gave to both the civil and military authorities the cooperation which they had a right to expect, the Secretary at War would be forced to make further changes amongst them.<sup>24</sup> Thus the War Office's displeasure at the laxity of discipline within the force was widely spread.

But it did not end there. Mr. Maule, on a careful study of the courts martial had concluded justifiably enough, that those 'painful proceedings' had originated in public houses owned by pensioners; that is, in a direct breach of the regulations originally laid down for the government of the force in New Zealand in the following terms:-

'Under no pretext whatever are pensioners to be permitted to sell spirits or intoxicating liquors of any description in houses allotted to them by the government. Should any attempt be made to do so, either in their own names or in the names of others, they will immediately forfeit the possession of the houses and ground occupied by them, and they will in like manner be liable to removal therefrom for every breach of good order tending to lower discipline or introduce immorality among the force.'<sup>25</sup>

The Secretary at War, then, it was stated, had been surprised to see that within a few months public houses had been licensed in all the settlements except Onehunga, ( and as has been seen Onehunga had two by May 1849) while Howick had three hotels - one to each sixty families. Mr. Fox Maule's displeasure (which was entirely endorsed by Earl Grey) thus fell, though less

24. Ibid.

25. Ibid. No such regulation appears, however, in lists of terms seen by the writer.

directly than on the officers, on the local government which had licensed the hotels and placed the means of dissipation within reach of the pensioners.<sup>26</sup> It was in the public houses that disaffection had been fostered, that petitions had originated and doubtless that earnings had been squandered. To provide these pensioner-publicans with livings roughly equivalent to those of the rank and file pensioners, it was estimated, each man would need to spend £6 or £7 per annum in hotels.<sup>27</sup>

It was decided by the Secretary at War, therefore, that unless there were some local reasons of which he was not aware, the licenses of these men should be withdrawn and that no public houses should in future be authorised in the villages or within two miles of them.<sup>28</sup> It was hoped that by this censure and with the assistance of these regulations the officers would be able to maintain the discipline in the corps which had been lacking.

The men themselves shared in the general reproof of the Secretary at War. 'Whenever a pensioner is proved to be an habitual drunkard, or conducting himself to the prejudice of that regularity and good order which should prevail in a Military Settlement you (the Officer Commanding first battalion) will bring his offence under the consideration of the Governor

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26. Ibid.

27. Ibid.

28. Ibid.

with a view to his removal from the force.<sup>29</sup> Sergeant Barry had already been dismissed from the force.<sup>30</sup>

Governor Grey's reaction to Mr. Fox Maule's criticism of the local government was as convincing as ever. His reply was that the licences had been granted by a commission of Justices of the Peace, consisting of three pensioner officers and the pensioner surgeon - men whom the Secretary had chosen to command the force.<sup>31</sup> The government had no authority over this commission. Moreover when the evil results of the granting of these licences had become apparent he had been instrumental in having them withdrawn.<sup>32</sup>

The Governor's purity of intention did not go unchallenged. A petition headed by the Roman Catholic priest attached to the settlements and including the names of Major Gray and Captain McDonald had been got up and had been signed by one hundred and fifty of the two hundred Howick pensioners.<sup>33</sup> The purpose of the petition was to prevent any licences being given at the settlement. The Governor, it was alleged, did not send this petition to the licensing magistrates and so 'by an ingenious device this petition was burked'.<sup>34</sup> That such a petition was raised is beyond doubt, but the reason for its being ineffectual is obscure. It seems

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29. Extract from War Office dispatch to Kenny (27 February 1850):  
Encl. to:- Kenny to G. Grey (3 November 1851): D.A., G.18, x.
30. Southern Cross, 6 July 1849.
31. G. Grey to Earl Grey (31 August 1850): D.A., G.25/4, xci.
32. Ibid.
33. Southern Cross, 30 June 1849.
34. Ibid.

hardly credible that it was ignored or stifled by the Governor for reasons of revenue, as was alleged by his inveterate enemy, Mr. Brown of the Southern Cross.<sup>35</sup>

Grey's apologia was accepted, and the Secretary at War admitted that had he been familiar with the licensing ordinance the tenor of his previous letter would have been very different.<sup>36</sup> The Governor was absolved from all responsibility and the evil results of the licensing were ascribed to the thoughtless conduct of the officers of the corps.<sup>37</sup> Major Gray was the unfortunate scapegoat. His dismissal on account of the bad tone in the corps when he himself had protested in vain against the root cause of it, seems an injustice.

The Gray - Smith case and its ramifications had revealed grave weaknesses in the discipline of the force. The question of discipline was also involved in an issue which came up in the following year. This concerned the desire of some pensioners to be released from their obligations so that they might work at a distance from the settlements. Two clauses were involved: that imposing the five-mile limit on the distance a pensioner might go for work; and that making attendance at weekly muster at church parade compulsory. A number of pensioners asked that

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35. Ibid.

36. F. Maule to Earl Grey (13 February 1851): Encl. in:- Earl Grey to G. Grey (17 February 1851): D.A., G.3, lxxviii

37. Ibid.

these restrictions be lifted.<sup>38</sup> In actual fact each of these restraints had been waived on occasions. As has already been seen Howick pensioners had obtained leave from the first to work in Auckland, and during the height of the unrest at Howick the Governor had given Major Gray authority to use his discretion when hardship might result from too strict an enforcement of the regulations on church parade.<sup>39</sup> Major Gray did so, and allowed those pensioners who were working in Auckland to attend church parades there.<sup>40</sup> Whether or not this privilege was widely known it would appear that a number of pensioners who had gone to Auckland continued to attend church parades at their settlements.<sup>41</sup> When Kenny became commanding officer, however, a stricter insistence on the letter of the regulations was introduced, natural, of course, in the circumstances of his appointment. Repeated but unsuccessful appeals were made to him by men who wanted to be totally exempted from their duties to attend parades.<sup>42</sup> In a letter to the Governor in which some petitions to this effect were sent, Kenny stated his opposition to the allowing of exemptions. Apart from the evils which the sanction of such concessions would entail on the settlements, he was of the opinion that 'where the bonds of discipline are so slight already

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38. G. Grey to Earl Grey (21 May 1850): P.P.1851, x (Cmd.1420)  
 39. G. Grey to Major Gray (1 November 1848): D.A., C.S.O., 1848-56,  
 40. H. of R., V. & P., Session III, 1855. Evidence cvi  
     before Pensioners' Petition Committee.  
 41. Ibid.  
 42. Kenny to Col. Sec. (10 May 1850): Encl.1 in: G. Gray to Earl  
     Grey (21 May 1850): P.P. 1851, x (Cmd.1420)

it would be inexpedient to depart from a strict observance of the rules and regulations which have been prescribed by the Home Authorities'.<sup>43</sup> On the other hand, Kenny granted that provision should be made for the release of men from the force along the lines suggested by one pensioner (who was unable to make a living under the existing regulations) for his own release i.e. by the repayment of all expenses incurred by the government in sending them to the colony and their enrolment in local companies, as in England. Kenny recommended that men should qualify for discharge from the force under these conditions.<sup>44</sup>

The Governor agreed that a stricter enforcement of the regulations was necessary.<sup>45</sup> From the military point of view it was essential that the men should present themselves on the appointed days of muster so that the officers could know the men would be on hand in an emergency - and such an emergency was always liable to arise in New Zealand.

He concurred also with Kenny's recommendation, however, that men should be released under certain conditions. He had found that some pensioners by going beyond the five-mile limit had got very profitable employment and high rates of wages, and because some of them had already acquired some property, they

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43. Ibid.

44. Ibid.

45. Ibid. Encl. 2.

found weekly attendance at church parade a burden. Therefore he had decided that any pensioner who so wished could obtain his discharge by repaying the cost of his own passage and that of his wife - not those of their children, however, 'who may perhaps be rather regarded as having been sent out for the advantage of the colony than of their parents'. Grey recommended that the money be used to send out another pensioner under the usual conditions. By this arrangement a number of men would be kept available for service after the expiry of the first seven years, while the colony would gain the advantage of having two pensioners available for its defence instead of one.<sup>46</sup>

Earl Grey in reply stated that Mr. Fox Maule had already anticipated the Governor's aim and had issued a circular along the same lines.<sup>47</sup> Under the War Office plan the new regulation was made more favourable to the pensioner. Not all the expenses of his removal to the colony were to be repaid by the pensioner, one seventh being deducted for each year's service he had completed in New Zealand.<sup>48</sup>

The plan provided a loophole for those men such as sawyers and bushmen, and tradesmen who saw opportunities in Auckland, who wished to work at a distance. The withholding of their

46. Ibid.

47. Earl Grey to G. Grey (1 January 1851): P.P. 1851, xi (Cmd. 1420) Sub. encl. to Encl.

48. Ibid.

pensions was not a serious burden as the value of these pensions in most cases could easily be made up by the extra wages which would attract the men away from the settlements in the first place.<sup>49</sup> Nevertheless it may be assumed that pensioners who availed themselves of this privilege at the same time forfeited their rights to cottage, acre and preemption land - a more serious penalty.

These concessions, however, were not intended by Kenny to be the prelude to a general relaxation of the regulations governing the corps. Reinforced in his determination to maintain a firm discipline by the Governor's concurrence with his views, the commanding officer began to clamp down on absences from church parade. Under certain conditions he was prepared to recommend release of pensioners from their obligations but on the question of ordinary attendance at weekly muster he was from the first inexorable, and a policy of 'tightening up' was instituted. This policy was, of course, justifiable, and perhaps Kenny had no option but to embark on it. He had been promoted to the command of the force in place of an officer whose failure to preserve a stricter discipline had led to his peremptory dismissal. Yet it was unfortunate that when the axe fell it fell indiscriminately. Major Gray had given men at Howick permission to leave the settlement to find work at Auckland

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49. For example, the pension of the man whose petition for his release has been mentioned was £6 per annum, or 4d. per diem.

and had, by his own statement, allowed those men to attend church parade in the city.<sup>50</sup> Major Kenny insisted that all pensioners should attend parades at their own settlements and this order was made retrospective. This meant that those who had been attending in Auckland, by the permission of the former commanding officer, granted with the approval of the Governor, suffered for not having fulfilled their obligations.<sup>51</sup> Their fortunes will be followed shortly.

Most of Kenny's difficulties centred at Howick. Captain Smith was tersely reminded, as it appeared that a very large proportion of the Howick pensioners were allowed to absent themselves systematically from church parade, that such a practice was undesirable.<sup>52</sup> Although he did not rule out 'occasional leave in deserving cases', the commanding officer warned Smith that care was needed in granting the privilege. By way of comparison he cited his own battalion where on an average, nine men were allowed leave each Sunday.<sup>53</sup>

The insistence on regular attendance at church parade led to a further petition from Howick pensioners in September 1851. While the petition itself does not exist, Kenny's comments on it suggest that the fifteen petitioners' main request was that

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50. H. of R., V. & P., Session III, 1855. Evidence before Pensioners' Petition Committee.

51. Ibid.

52. Kenny to Smith (No date. Probably during July 1851): Encl. in:- Kenny to G. Grey (15 September 1851): D.A., G.18.

53. Ibid.

they should be released from their obligations to attend church parade on the grounds that they could earn higher wages beyond the settlements.<sup>54</sup> Kenny, in submitting the petition, enclosed a formidable list of extracts and orders to back his opinion that the requests should not be met. They were the same questions which had already been disposed of by the War Office in 1849 in relation to the major petition of that year. Rumours of native unrest, Kenny claimed, made it doubly necessary that the force should be held together.<sup>55</sup> He apparently pursued the matter, for six weeks later he enlarged on the question of the petitioners, telling Grey that they were 'many of them, old offenders, and have generally been troublesome and litigious characters ever since their arrival in the Colony'.<sup>56</sup>

Kenny's firmness did not immediately solve the discipline problem, however. As the irregularities at Howick continued, much to his chagrin, he came to the conclusion that some evil influence was at work there and that there was a revival of previous attempts to diffuse discontent amongst the pensioners.<sup>57</sup> Kenny did not suggest who was trying to spread this trouble, but no doubt the Southern Cross was the target. Though it had temporarily drawn in its horns, the Cross in January 1850 returned

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54. Kenny to G. Grey. Ibid.

55. Ibid.

56. Kenny to G. Grey (27 October 1851): D.A., G.18.

57. Kenny to G. Grey (3 November 1851): D.A., G.18, x.

to the fray over the compulsory Sunday parades which it condemned since many pensioners were working well away from their villages and because of the attractions which the hotels offered to the men on these occasions.<sup>58</sup>

All that Kenny considered he could do under the circumstances was, with the Governor's consent, to dismiss from the force any man who continued to break the regulations.<sup>59</sup> Indeed he had already begun to do so. During July and August two Howick men were dismissed from the corps on the commanding officer's instructions after Captain Smith had given them warning,<sup>60</sup> and four more Howick men had been similarly deprived by December. Others, not only in Howick, doubtless received the same treatment. At least one Otahuhu man lost his house and allotment when Kenny took over.<sup>61</sup>

Under such a blanket decision as Major Kenny had made on the subject of regulations, injustices were bound to occur. During the years 1855 and 1858 two House of Representatives committees and one Auckland Provincial Council committee examined the claims of pensioners who had been penalised in this way.

The first committee of the House of Representatives set up on the motion of Mr. Sewell in August 1855,<sup>62</sup> brought up its report in the following month. The evidence, parts of which have

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58. Southern Cross (23 January 1852)

59. Kenny to G. Grey (3 November 1851): D.A., G.18, x.

60. Correspondence between Kenny and Smith (7 July to 8 August 1851: D.A., G.18.

61. H. of R., V. & P., Session III, 1855: Evidence before Pensioners' Petition Committee.

62. *Ibid.* (21 August 1855)

already been quoted, was merely ex parte, Major Kenny having declined to take part in the investigation on the ground that the subject of the petition concerned the military and not the civil authorities. The committee recognised this fact but its verdict was still an indictment of the government for its failure to carry out its obligations and of Major Kenny for his severity.

The committee found that 'the neglect to place the men in immediate possession of their cottages and acres' was 'the clearest breach of agreement'.<sup>65</sup> Nevertheless 'the most serious grievance and that which calls most imperatively for the interference of the Colonial Executive, is depriving them (the pensioners of cottages and acres and even placing them under stoppages to the whole amount of their passage money, for absence from parade through sickness'. On the general question of obligations, the committee suggested that 'as the Crown in the first instance failed to perform the condition under which the pensioners were enrolled; it becomes a question deserving the serious consideration of the Executive Government, whether the breach of agreement on the part of the Crown, should not exempt the Pensioners from a too strict and literal interpretation of the contract in respect of the service they were required to render'. The committee considered it could not follow the matter any further, but suggested that the subject be brought before the Executive Government. <sup>64</sup>

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63. H. of R., V. & P., Session III, 1855. Report of Pensioners' Petition committee.

64. Ibid.

Ten months later, however, Mr. Fox presented a petition from a group of the same men, in which they complained that although they had laid the committee's report before the Governor their grievances were still unredressed.<sup>65</sup> Another committee was therefore set up to examine the case.<sup>66</sup> This committee went further than the first. It resolved firstly 'that the obligation of the government to provide each pensioner with a cottage and acre on landing was a 'condition precedent' on the fulfilment of which depended the obligations of the pensioners to perform the duties imposed on them'; secondly, 'that the non fulfilment of the condition by the government compelled many of the pensioners with the consent of their officers in the first instance, to reside at a distance, which prevented their attendance on parades; and that to deprive them of their cottages and acres on the ground of such non attendance was under the circumstances, unfair towards the men'. The committee decided, therefore, that any pensioners thus deprived were entitled to compensation, and recommended to the Governor that he should award these men the right to select one hundred acres of country land in the Auckland province.<sup>67</sup> Its report in other words unequivocally upheld the complaints of the pensioners. Whether the 'condition precedent' judgement was altogether

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65. H. of R., V. & P., Session IV, 1856. (17 June 1856)

66. Ibid. (12 July 1856)

67. H. of R., V. & P., Session IV, 1856. Report of Pensioners' Petition committee (D-23) (15 July 1856)

permissible is doubtful. The principle that there were obligations on both sides, however, was well worthy of recognition.

As the compensation which the committee had recommended had to be made out of the waste lands of the Auckland province, the matter was referred to the Auckland Provincial Council.<sup>68</sup>

The Council set up its own committee which endorsed the reports of the House of Representatives committees and recommended compensation.<sup>69</sup> A Compensation Act was therefore passed by the Council in 1858 authorising the payment of £50 for Crown lands on behalf of the six pensioners named.<sup>70</sup> In the same way compensation was awarded during the session to several other pensioners who petitioned for it on similar grounds.

Only a dozen or so men were involved in these petitions. There were doubtless others, less persistent in their demands, who might have qualified for compensation had they pressed their claims.

Major Kenny, then, had tried hard, sometimes with unfortunate results, to arrest the decline of discipline in the corps. In one way, however, he was trying to arrest an inevitable process - the assimilation of the force into colonial society and the relaxation of military ties which accompanied that development.

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68. H. of R., V. & P., Session IV. (28 July 1856)

69. A.P.C., A. & P., Session VIII, 1857. Ad Interim report (17 December 1857)

70. A.P.C., A. & P., Session VIII, 1858. Compensation Act.

Nevertheless the process had been assisted in certain ways and through certain channels, as Kenny pointed out in 1856. 'It should be borne in mind that for years past the Pensioners even while serving have been taught to regard themselves as Civilians, rather than as members of a military body sent out for special duties to the Colony, while the Press of this Province, as well as those in authority, and private individuals, have countenanced a spirit of insubordination in some members of the corps which has tended to subvert military discipline and to undermine the influence of the officers.'<sup>71</sup>

The influence of the Southern Cross and for the short time it ran, the Anglo Maori War, must have fomented dissatisfaction at Howick. It requires no great imagination to visualise the effect which constant advocacy of the pensioners rights and airing of their supposed grievances by two of the leading newspapers must have had on men little used to being the centre of an important public question. Not only were their real grievances made public - and no censure can be passed on the press for doing this - but dissatisfaction was fostered by the paper; and the plight of the pensioners was often, one feels, used by the Southern Cross merely as ammunition in its long and vindictive battle against the Governor. The scrupulousness of its methods in fighting this battle was seldom a major consideration. The truth of its reports cannot

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71. A.P.C., A. & P. Session VI, 1856-7. Correspondence relative to Alleged Intended Intimidation by Pensioners at Elections, ordered to be printed 8 January 1856.

always be guaranteed. But the constant insistence that solid grievances did exist must have convinced the men themselves and added greatly to Major Kenny's difficulties.

## CHAPTER VIII

ASSIMILATION

## 1.

A natural concomitant of the loosening of military ties was the gradual assimilation of the men into their new society. The process was not an abrupt one beginning only at the end of seven years. It was the intention of those who devised the plan that the process should be one of steady evolution from military dependence to absolute freedom. The men, of course, were not required to adapt themselves to a society already so set that they could make no impression on it; indeed they came in sufficient numbers to do so. They were, however, of a very different stamp from that of their fellow pioneers. It was a stamp, moreover, which was generally considered to be of very inferior quality by earlier colonists who resented in some cases the sending out of a class of settler which did not measure up to the ideal they cherished of young married immigrants, healthy, vigorous, and hard working, men and women who had deliberately chosen New Zealand as their home and had come out to carve for themselves a living from the land. As a result the pensioners did not find automatic acceptance. The reaction of Auckland, as far as it was expressed, was unfavourable.

The New Zealander had looked forward to the arrival of the pensioners, and had predicted that they would be a valuable asset

to the colony.<sup>1</sup> Nevertheless it soon became the mouthpiece of criticism of the men, just as the Southern Cross took to itself the role of exposé of their hardships and injustices. The appearance of the first detachments brought disappointment for some Aucklanders. 'They have not' said the New Zealander, 'turned out to be the healthy and able-bodied men promised in Lord Grey's dispatch; and certainly if we may go by the mark of the mouth, not at all under forty eight years of age.'<sup>2</sup> According to the Anglo-Maori Warder also the forty five year age limit did not seem to have been very rigidly adhered to.<sup>3</sup> Lieutenant Hickson's detachment of Northern Irishmen, however, were of a better stamp. 'We were greatly pleased with the general appearance of the newcomers,' wrote the New Zealander. 'The men seemed to be hale, hearty fellows, and with their wives and families likely to prove a valuable accession to our population.'<sup>4</sup>

Nevertheless the contribution the pensioners were making to the labour market was soon being questioned. 'As yet the supply of labour afforded by the pensioners has been nominally nothing; to speak generally, the parents, if not too old, are too habit ridden, and the children are too young, and ignorant from want of experience.'<sup>5</sup> Harsher criticism was again to come from

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1. New Zealander, 17 April 1847.
  2. Ibid. 18 September 1847.
  3. Anglo-Maori Warder, 12 October 1848.
  4. New Zealander, 17 May 1848.
  5. Ibid. 8 December 1847.

the New Zealander. The colonists, it claimed, wanted men able and willing to work.<sup>6</sup> In general the pensioners did not measure up to their requirements, owing to physical handicaps and years of army life. And supposing they were able, asked the New Zealander, were they willing to settle down as 'steady and persevering labourers'? 'No one acquainted with human nature could anticipate that, as a class, they would be; facts of daily occurrence prove that many of them are not. Even when they are not drunken, dissolute or otherwise immoral they shrink from the weariness of continuous exertion of any kind.'<sup>7</sup> One farmer was quoted as saying that he had employed many of the pensioners. 'I never got a fair day's work from one of them. Although they look for the highest wages they make you the least possible return.'<sup>8</sup> Much store had been set on the value the wives and children of pensioners would be in domestic service, yet here again hopes were disappointed. 'Some of the females are not qualified for the satisfactory discharge of household duties; some are not willing to submit to the restraints and effort which those duties involve; all seek for the maximum of wages with the minimum of work.'<sup>9</sup> William Swainson, a shrewd and discerning observer, also noted this fact. 'Almost the only serious drawback to New Zealand as a place of residence for ladies is the difficulty of finding

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6. `Ibid. 13 October 1849.

7. Ibid.

8. Ibid.

9. Ibid.

and keeping good servants... The families of the pensioners have not supplied the demand in the manner and to the extent it was anticipated'.<sup>10</sup>

In some quarters antagonism towards the pensioners died hard. In 1852 several Auckland Municipal Councillors, presumably responsible members of the community, or at least its chosen representatives, severely criticised a scheme which brought to the country men so little fitted for colonial life. Allegations of pilfering were made against them in Council.<sup>11</sup> In March the Council almost unanimously voted in favour of a petition to the House of Commons which condemned the pensioners as 'being in consequence of the military restrictions to which they are subjected, in a great measure unavailable as farm labourers and servants' and asserted that 'in point of age and habits they are still further objectionable.'<sup>12</sup>

Unfortunately for the pensioners they suffered in comparison with one class of immigrants whom it was intended to bring out at one stage, namely the friends and relatives of settlers. An offer was apparently made by the government to the colonists during the 1840's of some arrangements for the bringing out of such emigrants provided that the costs of passage were borne by New Zealand.<sup>13</sup> When the land fund was used to bring out the

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10. Swainson, Auckland, the capital of New Zealand, and the Country adjacent. p70.

11. Auckland Municipal Council (31 January 1852). New Zealander 7 February 1852.

12. Auckland Municipal Council (27 March 1852) Ibid, 3 April, 1852.

13. New Zealander, 3 April, 1852.

fencibles a certain resentment sprang up against them. It was this comparison between relations and friends on the one hand, and pensioners on the other - between those whom settlers wanted to bring out and those who were foisted upon them - that alienated some people from the force. For it is to be remembered that the colonists regarded the pensioners as immigrants to be measured alongside any other immigrants, and not as men brought out in the first place in response to an appeal for more troops.

## 2.

One aspect of this hostility to the pensioners was the opposition to the grant to them of full political rights, local and national.

Those pensioners who held depasturing licenses were entitled along with any other licence holders, to vote for wardens of the hundreds. In February 1849 six farmers in the Onehunga hundred vigorously protested, through the New Zealander, at the action of the nineteen pensioner license holders in their hundred who had registered a bloc vote in favour of three candidates, one of them Captain Kenny, who were non personae gratae with the eighteen others eligible to vote.<sup>14</sup> The six men, and one gathers they were leading farmers and citizens in the community, objected that the pensioners, through their ignorance of local conditions,

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14. New Zealander, 3 March 1849.

were not qualified to control the regulations for depasturing cattle, or even to vote on the matter.<sup>15</sup> 'They cannot be considered as independent settlers, they being, in fact, a portion of the military force of the country, under the control of their officers, and having from previous habits and present position, no feeling or interest in common with the settler.'<sup>16</sup> The farmers regretted that the pensioners had brought themselves into conflict with the settlers on an issue vitally affecting them both, especially as the employment given the pensioners was 'as much to serve them as from the pecuniary benefit that could be derived from the labour of such old and infirm people whose previous habits of life totally unfitted them for agricultural pursuits'.<sup>17</sup> The letter is perhaps spiteful, ill-tempered, and exaggerated, yet it represents feelings on the subject of the pensioners and their rights, likely to be exposed only in moments of stress. The New Zealander itself, in 1851, was amazed that the Howick license holders had chosen pensioners for the wardenship of their hundred, rather than 'experienced settlers and practical agriculturalists'.<sup>18</sup>

The question of the political rights due to the pensioners was fully canvassed on the publication of the Auckland Municipal Corporation charter in September 1851. Under this measure Auckland was incorporated as a borough and was divided into fourteen wards

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15. Ibid.

16. Ibid.

17. Ibid.

18. Ibid, 5 May 1851.

each of which was to return one member to a common council.<sup>19</sup> Each pensioner settlement was made a ward and in this way pensioners were given a representation on the council roughly proportional to their population i.e. they were given 4/14 of the representation whereas they comprised approximately 5/16 of the total population of Auckland and its neighbourhood. Grey explained that the system of wards was designed to prevent the commercial class of the city from gaining control of the council through its numerical superiority over the agricultural class and pensioners.<sup>20</sup>

The conferring of such liberal representation on the settlements was criticised by the Southern Cross on the grounds that 4/14 of the taxing power of the Council was conferred on the pensioner settlements whose inhabitants paid no taxes.<sup>21</sup> It was also presumed, somewhat slightly, that this power was automatically to be given to four officers, as it would doubtless be officers who represented the settlements.<sup>22</sup> The theme of the pensioner's dependence on his officer was a recurring one in the discussions of that time. The New Zealander answered that as the charter was not a temporary measure (though here of course it miscalculated) the pensioners, who were fast acquiring taxable property should not be permanently barred from political rights.

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19. Government gazette, New Ulster, vol.IV, no26 (5 September 1851)

20. New Zealander, 6 October 1851.

21. Southern Cross, 9 September 1851.

22. Ibid.

'The pensioners with their families are already settlers in the fullest sense of the term.'<sup>23</sup> The complete reversal in the policies of the two newspapers towards the pensioners which begins to take place about this time is interesting and of some significance later for local politics.

The pensioners did, in fact, elect officers to represent them in three of the wards (Panmure, Otahuhu, and Howick, where Haultain, Hickson, and McDonald respectively were chosen) and a publican in the other, Onehunga.<sup>24</sup> Captain McDonald had a close struggle against a pensioner private in his ward, a fact which illustrates the difficulties of the pensioner voter in the days before the secret ballot was insisted on. In the wardenship of Howick also there had been a close contest between the commanding officer and a private.<sup>25</sup>

The pensioner settlements were again given separate representation under the Provincial Councils Ordinance of 1852. The Auckland Provincial Council was originally to comprise sixteen members of whom one would be the representative of the pensioner settlements. Ultimately it comprised twenty four members of whom four represented the pensioners. One of the rare occasions when the two papers concurred was over the need for civil representation of the settlements, which would be 'most conducive to their independence and general advantage'.<sup>26</sup> Despite the fact

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23. New Zealander, 13 September 1851.

24. Government Gazette, New Ulster, Vol.IV, no35 (20 November 1851).

25. Southern Cross, 28 November 1851

26. New Zealander, 12 June, 1852.

that Captain Haultain had defended them loyally against the attacks of city members on the Municipal Council, it is true that there were certain obvious disadvantages in the pensioners' having an officer as their member. It is doubtful whether an officer could both command the men and at the same time be their representative in civil affairs. The dividing line between his two spheres was not sufficiently sharp. The alternative of officer or civilian did not arise at the first election, however, though the pensioners did elect a pensioner and a pensioner's son to the Council. One of the men chosen was John Williamson, editor of the New Zealander. Nevertheless, to the House of Representatives the pensioners sent Major Greenwood and Dr. Bacot, two of their own officers.

The election of the superintendent was also a very lively issue. The candidates were Colonel Wynyard, commanding officer of the 58th regiment and Lieutenant Governor of New Ulster, and William Brown, editor of the Southern Cross. Brown assiduously wooed the pensioner vote knowing no doubt that it could be decisive. And indeed it was. Over the rest of the province Brown held a slight majority, but the pensioner votes went against him by 367 to 141 and gave the superintendency of the province to the popular Colonel Wynyard. All his staunch advocacy of the pensioners' cause in the early years had not won Mr. Brown the support of the corps. More recent in their memory was his vigorous criticism of the government for giving them any voice at

all in politics. Mr. Brown had greater cause to regret their impact on local politics after he had been rejected by them.

The principle that the pensioners in their civil capacity were worthy of full representation was consistently adhered to. From the local to the national level they were given representation from the beginning. The choice of their own officers to represent them at first is hardly surprising coming as it did from men accustomed for many years to look to their commanders for leadership and to accept it implicitly when given. As these leaders still wielded considerable power within the corps and as voting was not by secret ballot, the pensioners' dependence on the officers appears natural enough.

### 5.

Considerable importance must be attached to that aspect of the whole scheme by which the pensioner was to become a landowner. Not only was a powerful incentive thus given to the full carrying out of his duties and the completion of his service according to the regulations, but also the pensioner was given a 'stake in the land'. In this way as much as any would he be assimilated into colonial society and become a permanent member of it. It would be in order, then, to examine here the nature of pensioner land ownership.

Firstly the cottage and acre allotments. It may be assumed that most of the pensioners, having satisfied the conditions of

enrolment, became the owners of these properties. A number, however, did not, for one reason or another and, as has been seen, their petitions for the redress of grievances were for years the subject of enquiry in the committee rooms of the House of Representatives and the Auckland Provincial Council, until eventually their case was won and compensation was awarded.<sup>27</sup> In March 1858 there were forty eight cottages vacant in the four settlements.<sup>28</sup> Their abandonment was doubtless due to a number of different causes. Some cottages had belonged to, or had been built for men subsequently deprived of them. Others would have been voluntarily abandoned. Death of pensioners would account for a few vacancies. Whatever the reason, they were sold, for it was stated by Governor Grey in November 1854 that men who had left their cottages empty and allotments uncultivated thereby lost their right to possess them at the end of their seven years' service.<sup>29</sup>

The alternative to automatic ownership of cottage and acre after seven years was the right to select fifty acres of country land at a distance from Auckland in a locality to be selected by the Governor. To meet the demand which was anticipated, land was set aside. Surprisingly, perhaps, no such demand took place and the Surveyor General therefore recommended that the land be

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27. Vide Chapter VII.

28. L.C., V. & P., Session V, 1858. Correspondence relative to Cottages and Allotments for New Zealand Fencibles.

29. Col. Sec. to Maj. Kenny (18 November 1854): D.A., C.S.O. 1848-56, 11.

thrown open to the public.<sup>30</sup> The main reason why no pensioner chose the alternative is probably that the prospect of embarking once more on a pioneering existence possibly more rugged than the first, deterred the veterans, many of whom by this time would be incapable of such a life even if they chose the risk which the alternative involved. There is no record, moreover, of the cottages of any pensioners having been required by the government and pensioners thus having been forced to accept the fifty acres.

There was a keen demand, however, for the preemption land. As early as July 1848 Lieutenant O.W. Gray reported that some men wanted to buy part of their preemption land, and asked for ground to be marked out where men might select allotments.<sup>31</sup> The Surveyor General was to mark out land at Parnure.<sup>32</sup> The prices were set at 2 guineas an acre at Howick, £3 at Otahuhu, £4 at Parnure, and £5 at Onehunga.<sup>33</sup> The pensioner was required to pay one third of the price of his land before he could occupy it, and the remainder in one third instalments at six monthly intervals.<sup>34</sup> This rule was soon departed from, however, for in May 1850 the Civil Secretary reminded staff officers that trouble was likely to result unless the third deposit was paid before occupation. He would in future consider no applications unless a certificate of

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30. Col. Sec. to Maj. Kenny (16 August 1855): D.A., C.S.O. 1848-56, xxxvi.

31. Col. Sec. to Maj. Gray (20 July 1848): D.A., C.S.O. 1848-56, lxvi.

32. Ibid.

33. Col. Sec. to Maj. Gray (10 October 1848): D.A., C.S.O. 1848-56,

34. Ibid, (25 October 1848): D.A., C.S.O. 1848-56, cii. lxxxix

such payment was produced.<sup>35</sup> At the same time the attention of Staff Officers was drawn to the penalty for failure to pay the second or third instalment when due. In this case the pensioner was not to be allowed to retain the land, which was to be put up for public auction, the pensioner forfeiting his deposit.<sup>36</sup>

When provision had first been made for the laying aside of land adjacent to the pensioner settlements a three-year limit had been placed on the pensioners' preemptive right over it.<sup>37</sup> This restriction however, does not appear to have been observed at any stage, and men continued to claim and obtain their preemption land throughout their period of service and for years after. F. Dillon Bell, Land Claims Commissioner suggested in a report on pensioner claims in 1861 that this abandonment of the three-year proviso was due to the fact that not all of the land was granted 'in the immediate vicinity of Auckland' as the conditions laid down.<sup>38</sup>

Despite Lieutenant Gray's report, no preemption land was made over in the first years. Charles Knight, the Auditor General, put forward an explanation for this in the report already quoted. Almost immediately after the arrival of the force the lands adjacent to the settlements were made common lands 'for

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35. Civil Sec. to Staff Officers of Pensioners (2 May 1850):  
Sub Encl. 2 to Encl.1 to:- G. Grey to Earl Grey (18 July 1850): P.P. 1851, xviii (Cmd 1420)
36. Ibid. Sub. Encl.1 to Encl.1.
37. Vide Chapter II.
38. H.R., A. to J., 1861. Report on Land Claims of New Zealand Pensioners. D-6.

the entire benefit of the respective residents and occupiers'. This, he said, had encouraged pensioners to invest what money they had in cattle rather than in land and it is true that a considerable number took out depasturing licenses. Knight's explanation may be correct but it seems just as likely that the purchase of stock was the effect of government dilatoriness in making the land available rather than the cause of its not being taken up.

It was not until April 1850 therefore, that the first payments for this land were accepted. In the following two years 128 men claimed their land and paid for it by regular instalments.<sup>40</sup> Buying continued at a steady rate throughout 1853 and 1854. Towards the end of 1854 a petition was presented to the Auckland Provincial Council by sixty six pensioners of the Third division (i.e. a Howick division) requesting that a block of land be set aside for them.<sup>41</sup> The report of the Council Committee set up to examine their case revealed that by this time suitable land for the purpose had been exhausted in the vicinity of the settlements. The committee recommended that the petitioners if they rejected the inferior land at Pannure and East Tamaki, should be given 'in the remoter district of Papakura or next available location, an increased quantity

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39. Encl.1 to:- G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd 1420)

40. Government Gazette, New Ulster. *passim*.

41. A.P.C., A. & P. Session II, 1854-5 (1 November 1854)

for the same amount of money for the original quantity'.<sup>42</sup> By the beginning of 1856 land at Rama Rama and as far distant as Karaka and Mangatawhiri was being laid out. In these districts, and at Papakura, the price of preemption land was fixed at £1 per acre.<sup>43</sup> Finally in 1858, in response to a petition from twenty one second and third division pensioners, it was decided by the Auckland Provincial Council to authorise the superintendent 'to set apart a sufficient quantity of country land for the purpose of granting to such of the pensioners of the New Zealand Fencibles who have not yet obtained preemption land, from fifty to one hundred acres, to be paid for by three annual instalments, and at a price of 10/- per acre'.<sup>44</sup> The manner in which suitable land 'in the immediate vicinity' of Auckland was exhausted shows the unwisdom of laying down detailed regulations in England without any knowledge of local circumstances.

It may be inferred, from the statistics available and correspondence on the subject, that a large proportion of the pensioners bought preemption land.<sup>45</sup> Some went further and returns of Crown land sold 'on the open market' include the names of some pensioners paying large amounts for additional land. Men able to do this were not to be despised as settlers.

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42. A.P.C., A. & P. Session II, 1854-5. (12 December 1854)  
 43. Col. Sec. to Kenny (21 January 1856): D.A., C.S.O. 1842-56, i.  
 44. A.P.C., A. & P. Session VIII 1857-8. (26 January 1858)  
 45. Some secondary authorities say all the pensioners bought their preemption land. See e.g. Gisborne, W.: The colony of New Zealand.

So the pensioners were steadily absorbed into their new society. Acceptance was difficult however, and it is questionable whether they were ever fully accepted on an equal footing by free and independent settlers. There was always something of a stigma on them, the stigma of a military past and all it implied, and of their semi-dependent status. Nevertheless the conferring of full political rights on them and the way in which the central and provincial governments saw justice done them shows that in law at least they were accepted.

CHAPTER IXTHE FINANCING OF THE SCHEME

Economic reasons had been the strongest for the formation of the pensioner corps. There was a natural desire on the part of the mother country to avoid the expense of a large, unproductive standing army which might never be needed. The scheme of pensioner emigration offered a financially attractive alternative, since the colony might reasonably be expected to bear at least part of the cost of such a scheme. Land values could be expected to rise with the presence of pensioner labour. If this occurred, with a consequent increase in government revenue, then that revenue could well be appropriated to pay part of the cost of sending out and settling the force.

To ascribe such motives to British governing circles is not to do them an injustice for 'the increased willingness of England to allow the colonies to govern themselves was coupled with an increasing unwillingness to incur expense on their account'.<sup>1</sup> Contemporary British opinion on the Kaffir war of 1851 (and indirectly on colonial defence generally) was forcibly expressed by the Times. 'Those who are anxious to have a government and a policy of their own should be prepared to take upon themselves those duties which self government and independent political existence imply. Foremost among those duties is the provision

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1. Bell and Morrell. Select documents. Chapter VI, p450.

of their own defence.'<sup>2</sup>

On the one hand, then, there was an Imperial government anxious to cut down on expenditure for colonial defence; on the other, there were colonial people who, while vigorously pressing for representative institutions, were reluctant to accept complete responsibility for their own internal defence. Friction between the two was not a surprising outcome. The sending out, location, and maintenance of the pensioner corps involved heavy expenses, expenses which were a constant anxiety to the Treasury and Colonial Office; and the allocation of the cost of the scheme was the subject of discussion and dispute for a number of years.

Earl Grey had instructed the Governor to place the pensioners where the Crown held large areas of saleable land since it was calculated that by the sale of those lands 'a considerable part of the expenses incurred' could be recovered.<sup>3</sup> Governor Grey was strictly enjoined at the outset to avoid most carefully all unnecessary expense, particularly in the building of the cottages.<sup>4</sup> Thus early the current insistence on economy in all colonial matters was made obvious.

The first report on these expenses from the Commissariat officer in charge in New Zealand, sent towards the end of 1847,

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2. Ibid. Extract from leading article of the Times (7 March 1851) p521.
  3. Earl Grey to G. Grey (24 November 1846): P.P. 1847, xv (Cmd 763)
  4. Ibid.

caused some concern at the Treasury. To the Lords Commissioners the expenses for the dwellings appeared 'much higher than necessary'.<sup>5</sup> Earl Grey concurred with them on the need to caution the Governor to the utmost economy, and to urge him to lose no time in carrying out the arrangements for repaying 'a considerable portion' of the expenses from the land fund.<sup>6</sup> In this correspondence, it will be noted, the expenses to be charged on the land fund had not been specified. From previous instructions, however, Philip Turner, Assistant Commissary General in New Zealand, inferred that the intention of the Treasury had been that Imperial funds should cover only the transport of the pensioners to New Zealand, the provision of their cottages and acres, and their payment when called out in a military capacity.<sup>7</sup> These limits to expense, said Turner in October 1847, must inevitably be exceeded, chiefly because there had been no progress in the building of cottages or the cultivation of land. The result, of course, had been and would continue to be greater dependence on government support; and although the colony would benefit from the public employment given the men, the state of its finances would not allow it to meet the outlay without the 'most liberal assistance' from the mother country.<sup>8</sup> Actually,

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5. Trevelyan to Merivale (10 March 1848). Encl. to:- Earl Grey to G. Grey (24 March 1848): D.A., G.3.
  6. Earl Grey to G. Grey. Ibid.
  7. Turner to Trevelyan (1 October 1847). Encl. to: Earl Grey to G. Grey (5 June 1848): D.A., G.3. xxvii.
  8. Ibid.

Turner's estimate of what the Imperial government was prepared to pay was misguided as events were to show.

Governor Grey was asked for a report on this excess expenditure. The fact that one was not provided is a tribute to the remarkable patience and forbearance shown by the third Earl towards the Governor. Reports on the settlements were to be asked for several times in the following years but the Colonial Secretary had to wait until 1851 before a comprehensive one was received. Governor Grey did at least send encouraging reports to the Colonial Secretary about the state of the land fund. The first sale of land near a pensioner settlement, he said in June 1848, suggested that 'a great portion' of the cost of sending out and establishing the force might be defrayed from the land fund.<sup>9</sup> Three months before he had recommended that, in view of the healthy state of the land fund in New Ulster, £5,000 from it should be spent in immigration.<sup>10</sup> Earl Grey did not immediately reply to this suggestion as it raised the general question of the disposal of the land fund and one of immediate concern viz. whether it should be used to promote emigration to a colony for which parliament was still making large annual grants. Although he considered that under the circumstances it would be quite justifiable if the mother country required this revenue to

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9. G. Grey to Earl Grey (14 June 1848): P.P. 1849, xii (Cmd 1120)  
 10. Earl Grey to G. Grey (12 December 1848): P.P. 1849, xii (Cmd 1120)

be applied 'in diminution of the expenditure defrayed by this country' he eventually decided, and the Treasury concurred with him, that 'advantages likely to accrue both to the mother country and the colony from the early resumption of emigration, will justify the application of the fund in question to that object, more especially as he sees reason to believe that the means of effecting a greater reduction of the expenditure defrayed from the British Treasury on account of New Zealand than could otherwise be accomplished will be afforded by allowing this money to be applied to emigration provided it is emigration of such a nature as to increase the security of the colonists and to facilitate an earlier diminution than could otherwise be effected of the large force of regular troops now maintained in that distant colony.'<sup>11</sup> Earl Grey, therefore, suggested that the £5,000 should be used to send out another two companies of pensioners, and so the two divisions under Captain Maultain and Lieutenant Symonds were sent, the cost of their conveyance being defrayed from the New Zealand land fund. In a letter to the Treasury, however, Merivale explained that Earl Grey, although he had no doubt that the colonial land fund would be able to bear the cost of this proposal, was applying for Treasury concurrence in his plans only on condition that if the land fund failed to live up to his expectations of it, provision should be made in

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11. Earl Grey to G. Grey (12 December 1848): P.P. 1849, xii (Cmd 1120)

the 1849-50 estimates for paying the balance.<sup>12</sup> The Lords Commissioners agreed to this arrangement. The expense of sending out the pensioners would, if necessary, be provided for in the parliamentary vote for New Zealand - but only by economising the application of this vote somewhere else.<sup>13</sup>

The cost of sending out the pensioners then, was clearly chargeable to the New Zealand land fund. The use of this fund for emigration purposes was a legitimate one and, in the prevailing climate of opinion on colonisation, was to be expected. In the case of the reinforcements which arrived in 1852, however, the Treasury and the Colonial Office made a concession by providing for the sending out of the pensioners and their families in the navy and emigration estimates, 'in consideration of the saving which was represented to accrue from the substitution of the New Zealand Fencibles for a portion of regular troops, who would otherwise be employed in New Zealand'.<sup>14</sup>

Nevertheless, it was not the expenses incurred in sending the pensioners to New Zealand which produced the anxiety in England. We have seen how cottages were provided for the first detachments only at a considerable cost, and how, as a result, a change was made in the regulations for later detachments which

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- 12. Merivale to Trevelyan (30 January 1849) Encl. 2 to:- Earl Grey to G. Grey (30 January 1849): P.P. 1849, xx (Cmd 1120)
  - 13. Trevelyan to Merivale (13 February 1849): D.A., G.3.
  - 14. Newcastle to G. Grey (18 April 1853): H. of R., V. & P., Session I 1854, Message 21.

imposed a maximum of £15 on the amount to be spent by the government on each cottage. At the end of 1848 the expenditure on cottages had reached the sum of £37,843,<sup>15</sup> while the Commissariat Chest, was being called on to pay a further sum approaching £20,000 per annum mainly for working pay to pensioners employed on public works. The size of this expenditure moved the Lords Commissioners to suggest to Earl Grey that he carefully consider before any more pensioners were sent how these heavy expenses could be defrayed and how far the colonial land fund was likely 'to hold out any reasonable prospect of the reimbursement in expectation of which the advances from the Commissariat Chest are made'.<sup>16</sup>

The concern over the heavy expenses led to a further clarification of the issue. In the course of a correspondence between the Treasury and Colonial Office the Lords Commissioners pointed out that 'the settlement of pensioners has been conducted on the expectation that all the charges of their location would be defrayed from the land fund, or from other colonial resources'.<sup>17</sup> They firmly held, therefore, that the heavy charges incurred for the cottages should not be provided for in an increase in the parliamentary estimate but must be considered as a debt from the

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15. Edward Fanshawe (Inspector General of Fortifications) to R. Byham (Office of Ordnance) (22 December 1848). Sub. Encl. to Encl. to:- Earl Grey to G. Grey (20 March 1850): P.P. 1850, xii (Cmd 1280)

16. Trevelyan to Merivale (13 February 1849): D.A., G.5.

17. Earl Grey to G. Grey (20 March 1850): P.P. 1850, xii (Cmd 1280)

colony to the military chest. 'It will be incumbent on you,' said Earl Grey, 'to endeavour to discharge that debt by economising the use of the vote and by making the best application in your power of the local revenues to the same object.'<sup>18</sup> The Governor was asked for a full report not only of the detailed expenditure for the fencibles but also on the benefits they had conferred on the country, the effect of their presence on land values and their contribution to peace and order.<sup>19</sup> Three times during 1850 and 1851 Earl Grey asked for this report. In January 1851 Sir George Grey again gave encouraging news about the state of the land fund,<sup>20</sup> and finally, in February, sent the dispatch the Colonial Secretary had been so persistently but so patiently seeking.

The Governor claimed at the outset that from the financial angle the experiment was a success.<sup>21</sup> Ignoring the question of whether or not the expenditure had been excessive he stated that the annual saving on account of the regular military and naval forces which the presence of the pensioners had permitted was so great that the scheme would shortly pay for itself. This saving, he estimated, would amount to at least £30,000 annually.<sup>22</sup> Grey was not one to err on the side of caution and conservatism in

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18. Ibid.

19. Ibid.

20. G. Grey to Earl Grey (30 January 1851): P.P. 1851, lvi (Cmd 1420)

21. G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd 1420)

22. Ibid.

presenting his case and the estimates of the same reduction by Earl Grey and Mr. Fox Maule were considerably lower - £18,000 and £16,258 respectively.<sup>23</sup>

Moreover, he said, the increase of population due to arrival of the pensioners and their families had added largely to the revenue, and had enabled the parliamentary grant in aid of the local revenue to be greatly reduced. 'It is thus evident that as a mere financial operation, even if the whole of the cost of the experiment were defrayed by Great Britain, still that a large saving will have been effected by it for the Mother Country.'<sup>24</sup>

If, however, the Government was determined that all the charges should be borne by the New Zealand land fund, then there was no doubt that the fund could bear such a charge - eventually. In the meantime, Grey suggested, the colony should not be called on to pay the whole debt. 'Much at the present moment depends upon a European population being steadily poured into New Zealand. An increase in the European population will, by strengthening our race, tend rapidly to diminish the cost of naval and military protection, whilst the increase in the revenue and general wealth of the colony will enable it to defray much more rapidly, and with much less difficulty such portion of this debt as it may be

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23. Newcastle to G. Grey (18 April 1853): H. of R., V. & P., Session I 1854. Message 21.

24. G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd 1420)

ultimately determined to charge against it.<sup>25</sup> Nevertheless he promised to make every effort at the end of the 1850-1 financial year to have six to eight thousand pounds paid from the parliamentary grant and land fund in part liquidation of the debt.<sup>26</sup>

The propriety of using the land fund to promote pensioner emigration, although unquestioned in British governing circles and by the Governor, was strongly challenged in New Zealand. The New Zealander, in fact, considered it a grave misuse of this revenue.

'It would be seen from the brief debate ... in Parliament on the 1st of June, on passing the vote for the Colonial Land and Emigration Board... that Mr. Hawes... recalled attention to the practically important fact that the amount of emigration to be calculated on by any colony during the year, would depend upon the state of the funds derived from the sale of lands in that colony. Viewing this fundamental rule in its operative relation to our own colony, we cannot indulge in very bright anticipations of its results to New Zealand, unless two conditions should be realised; first, that there should be a considerable augmentation of the land fund; and, next, that there should be a more judicious application of the portion of it appropriated to the purposes of emigration than the importation of the pensioner emigrants amongst us now is found to be. The fact is to be borne in mind that the half of the cost<sup>27</sup> of bringing out the last two divisions of pensioners has been arbitrarily, and as we conceive, unjustly defrayed out of the land fund - and so defrayed, we need not say, not only without the concurrence of the colonists, but in direct opposition to their judgement and wishes.'<sup>28</sup>

Because the price of land was low, the revenue from this source was small compared with the demand for settlers, the paper

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25. Ibid.

26. Ibid.

27. The New Zealander was not then aware that virtually the whole of the cost was defrayable from the land fund.

28. New Zealander, 13 October 1849.

continued. It was all the more important, therefore, that the fund should be used judiciously for the introduction of 'effective agricultural labour'.<sup>29</sup>

It was in the short lived Auckland Municipal Council that the most strenuous opposition to the use of the land fund for pensioner immigration was expressed. The battle began early in its career at a meeting of the council in January 1852, when two members expressed concern at the way in which the borough, with an endowment of only 16,000 acres, was saddled from the outset with a large debt, mainly on account of the pensioner force.<sup>30</sup> Moreover, Grey's claim that land values had risen because of the pensioners' presence was strongly denied. 'It was never dreamed,' Councillor Newman was reported as saying, 'that we should be called on to pay for such immigrants as these. It has all along been looked on as a bounty of the Home Government to the old veterans giving them a cottage and an acre of ground in this country. We did not want such immigrants and we should not be required to pay for them.'<sup>31</sup>

As a result of the discussion a petition to parliament was drawn up by the Council praying that no portion of the expense of sending out or locating pensioners be entailed on the revenue of the province.<sup>32</sup> Certain figures concerning these expenses were

29. Ibid.

30. Auckland Municipal Council (31 January 1852). New Zealander 7 February 1852.

31. Ibid.

32. Auckland Municipal Council (7 February 1852). New Zealander 11 February 1852.

sought, from the government, but as they could not be obtained estimates drawn up by a Council committee were substituted.<sup>33</sup>

The cost of conveyance and location was estimated at around £66,000.<sup>34</sup> The petitioners claimed that it would be wrong to charge either the land fund or other colonial revenue with this cost, and to do so with the land fund would be a direct misappropriation of that money. For the colonists had bought their lands 'upon the distinct understanding that the purchase money should be applied in ascertained proportions to road-making, public works, and emigration, and that the pensioners are not the class of persons contemplated in such arrangement'. Land values, it was claimed, had not risen. Indeed after two years of trying to sell country land at Howick for £2 an acre the government had been forced to reduce that land to the old upset price of £1.

The fencibles were not necessary to the colony's defence, it was argued; but supposing some military benefit were derived from their presence, then the Imperial government should bear all charges of a military nature. It was at any rate unjust that the whole of this burden should be cast on the purchasers of land 'who ought not to be specially taxed for the defence of the colony'.

The Council submitted, too, that the location had been

33. Auckland Municipal Council (20 March 1852) New Zealander  
(27 March 1852)
34. Auckland Municipal Council (27 March 1852) New Zealander  
(3 April 1852)

carried on extravagantly and that the colonial legislature had been prevented from protesting against this extravagance only 'by the assurance of his Excellency Sir George Grey, that the moneys were those of the Imperial Government, and that the cost was to be in no way defrayed out of the colonial funds'. Grey's action in making over proceeds of land sales and in promising to make over more, had therefore caused some amazement. As a result of these diversions of the land fund, road building and public works were almost at a standstill. The Council therefore petitioned the British Parliament that no charges whatever in connection with the pensioner force be made on the colonial land fund, and that any sums already appropriated by the Governor for this purpose should be repaid. <sup>35</sup>

To a certain extent the petitioners had justice on their side. Wakefieldian doctrine rested on the reasonable principle that the colonial land fund should be used for the introduction of labouring emigrants and to this extent the importation of pensioner labour was a justifiable charge on the land fund; but there was weight in their argument that land buyers should not have to bear alone the cost of colonial defence. Where land revenues were not high it was fair to expect as judicious an application as possible of those revenues. The payment of large sums for his land was made more palatable to the buyer if

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35. Ibid.

he was assured that his money would be used in introducing good agricultural labour and on public works which would make his property accessible. He was not necessarily to be consoled when presented with inferior pensioner labour by the fact that he was helping to defend the colony; quite apart from the necessity or otherwise of the pensioners for colonial defence, that was a charge which surely should not come out of his pocket.

On the other hand, the sweeping repudiation by the council of all obligations in respect of the corps was unreasonable. As the New Zealander (now of course the voice of moderation and the middle way) suggested, 'an equitable division of the cost incurred on their account might be made between the Imperial Treasury and the Colonial Fund'.<sup>56</sup> They suggested that the Colonial Fund should carry the cost of their conveyance to New Zealand while the cost of their location should be met from Imperial resources.<sup>57</sup>

Governor Grey emerges from this discussion in a questionable light. If the allegation be true that he had given assurance to colonial legislature that the cost of the pensioners' location would be carried by Britain then he had allowed himself to be placed in a rather equivocal position.

The Auckland Municipal Council did not live long enough to press the issue. Protest died with it. When the first House of Representatives met it asked for any correspondence between

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56. New Zealander, 31 March 1852.

57. Ibid.

the Colonial office and the Governor on the debt on account of the pensioner settlement which had not appeared in the Blue Books.<sup>38</sup> Lieutenant-Colonel Wynyard provided the House with a dispatch of April 1853 from Newcastle to Sir George Grey, in which the Governor was asked what steps he was taking to pay off the very large advances made by the British government on account of the fencibles. 'Those advances amount to a considerable sum and as it would be impossible for Her Majesty's Government to withhold such an outstanding account much longer from the cognizance of parliament, I have to express my earnest expectation that you will apply yourself seriously to its liquidation.'<sup>39</sup> In a memorandum enclosed in Newcastle's dispatch was 'a carefully revised account' of the whole expenditure incurred by the various departments at home as well as the outlay chargeable to the colony for the fencibles. It indicated that the total amount incurred on their behalf was £95,707.9s.5d. of which £17,887.7s.10d was provided for by the Imperial government (mainly for the period prior to the embarkation of pensioners and for the conveyance of the reinforcements) and £6,113.5s.5d had already been repaid from the land fund, leaving the unpaid balance of £69,706.16s.2d.<sup>40</sup> The first and last amounts when brought up to date by Wynyard, were £96,997.9s.1d and £72,996.15s.10d.<sup>41</sup> And so the cost of pensioner

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38. H. of R., V. & P. Session I 1854. Message 21.

39. Ibid. Encl.1 Newcastle to G. Grey (18 April 1853)

40. Ibid.

41. Ibid.

emigration passed into the debt of the New Zealand legislature to Great Britain.

Their records throughout these transactions do the Colonial Office and the Treasury little credit. In the first place, although no detailed allocation of cost was mapped out before the scheme was put into operation, there is nothing to suggest that the British government had intended from the outset to charge the whole cost to the colonial land fund. Earl Grey had used the expression 'a considerable part'; and from his instructions Turner at the Commissariat in Auckland inferred that Great Britain intended to pay at least the cost of conveyance and location. It was only after the heavy cost of the scheme had become apparent that the Lords Commissioners and the Colonial Secretary insisted that the colony bear the full cost - apart from a belated concession in the case of the last two detachments. Britain, moreover, had not formally renounced her obligations in colonial defence. The attitude of the departments concerned suggests that they were nevertheless being evaded.

This parsimony, moreover, redounded to the disadvantage of the pensioners themselves. The colonists' feeling that the force had been foisted upon them was heightened by this refusal to pay anything but a small part of the cost. The disgruntled discussions in council (and doubtless out of it) inevitably turned to the quality of the pensioners themselves, and as the cause of the discontent they were bound to suffer; whereas a more

liberal policy on Britain's part might have helped to reconcile the colonists to the force.

## CHAPTER X

THE VERDICT

The pensioner emigration was undertaken in an age when methods of colonization were being seriously examined and the suitability of emigrants for colonial life was an important consideration. The scheme was drafted in Great Britain with a care and thought which were intended to eliminate the possibility of failure. The previous record of pensioners as emigrants was examined; the reasons for failure were studied; safeguards against these failures were devised. Under these circumstances an attempt at a verdict is inescapable.

In the first place it must be asked whether or not the scheme fulfilled its objects. These objects, it has been stated, were primarily the adequate defence of the white population against the Maori in as economical a manner as possible; and secondly the increase of the colony's labour force.

It is difficult to estimate the value of the fencibles' contribution to New Zealand's defence, since during their term of service there was no war with the Maoris. How far this was due to the presence of the pensioner force is doubtful. There were other stronger reasons for this comparatively smooth interlude in Maori-pakeha relations. The pensioners were called out only once, and then only for a few hours. In April 1851 a brush occurred between the Auckland police and a small party of the Ngati-paoa tribe, during which a chief was knocked about and

later imprisoned.<sup>1</sup> The other Maoris, having dashed off and returned a few days later with two hundred and fifty reinforcements to obtain satisfaction, landed in arms at Mechanics Bay. Precautions had to be taken and a large force, comprising the 58th regiment with artillery and a body of sappers and miners, and the Onehunga pensioners, was prepared for an emergency, while the guns of H.M.S. 'Fly' were also made ready. The Maoris, faced by this formidable force, were given two hours in which to leave Mechanics Bay, which they did.<sup>2</sup> Major Kenny wrote a graphic description of the steps he took to mobilise the force when the attack threatened. Kenny had been in Auckland when he had received Grey's instructions.<sup>3</sup> He immediately hastened back to Onehunga. 'On my way hither I directed the pensioners with whom I fell in to join with all speed, and to arm and accoutre forthwith.'<sup>4</sup> He sent instructions to the other settlements for manning strategic positions and preventing armed Maoris from proceeding inland. He himself took the three detachments of his battalion to Auckland, and stayed there until shortly after daylight when they struck camp and marched back. The pensioners had responded with alacrity, Kenny reported.<sup>5</sup> The New Zealander also commended the speed with which they had acted,<sup>6</sup> and according to Thomson, the young soldiers in the barracks were surprised at

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1. New Zealander, 16 April 1851
  2. Ibid.
  3. Kenny to G. Grey (18 April 1851): D.A., G.18.
  4. Ibid.
  5. Ibid.
  6. New Zealander, 16 April 1851.

their rapidity of movement.<sup>7</sup>

During the month after this incident a rumour reached the Governor of an armed gathering of Maoris at Waiheke.<sup>8</sup> Kenny was instructed by the Colonial Secretary to take the rumour into consideration 'especially as regards the settlement of Howick'.<sup>9</sup>

Despite these rumblings there were thinking men in the capital who considered the pensioners unnecessary in the defence of the colony. There was no doubt about the pensioners' bravery and ability, said the Southern Cross in March 1852, yet 'notwithstanding this, we do think that the inhabitants of Auckland would have slept quite as soundly on the 17th April last had the pensioners, instead of lighting their watch fires on the heights of Parnell, been rationally permitted to smoke their pipes in quiet by their own firesides'.<sup>10</sup> In the Municipal Council, Mr. Abraham, a lawyer and city member, denied that the settlers had been alarmed during the unrest and that there had been any occasion for calling out the pensioners;<sup>11</sup> while at the same time Alderman Powditch, soon to represent the pensioners on the Provincial Council, denied the need for them in the defence of the colony at all.<sup>12</sup> This same attitude was taken in the Municipal Council's petition to the House of Commons, already mentioned. 'Your petitioners wholly deny the necessity of the

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7. Thomson. op. cit., p166.

8. Maj. Kenny to G. Grey (15 September 1851); D.A. G.18.

9. Ibid. Encl. C, Col. Sec. to Maj. Kenny (23 May 1851)

10. Southern Cross, 30 March 1852.

11. Auckland Municipal Council. Southern Cross, 30 March 1852

12. Ibid.

pensioner force as a means of defence, and on behalf of the natives your petitioners record their protest against the suggestion that the presence of the force has been and is in any way needed on their account.<sup>13</sup>

It is hard to believe that statements such as these reflect the general opinion of the province. If so Aucklanders had short memories. Sir George Grey at any rate took a more realistic view of relations between Maoris and Europeans and considered the likelihood of trouble at any time between the two good reason for insisting on the maintenance of discipline in the force. Unless a state of preparedness existed, 'a general rebellion or spirit of lawless insubordination might again manifest itself among the natives, who are readily encouraged in feelings of self confidence by any apparent success on their part, or by any appearance of want of vigour or want of means on the part of the government'.<sup>14</sup> The suggestion that the pensioner scheme was an insult to the natives must have evoked some wry smiles. Perhaps it is an unconscious tribute to Grey who had so firmly established peace and tranquillity in the north that the possibility of war seemed remote. At any rate the events of the next decade would show how far the petitioners were wrong and Grey right.

That the pensioners were never called on to fight is no proof of their uselessness. Indeed it was to consolidate the uncertain peace which Grey had established that the corps had

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13. Auckland Municipal Council (27 March 1852) *New Zealander*,  
14. *Ibid.* 3 April, 1852.

been brought to New Zealand. Had war occurred it could have suggested that the Governor's policy was a failure. That peace was maintained shows the success of that policy (at least for the time being). Had the pensioners been forced into action they would doubtless have acquitted themselves well. Reports of their periodic drill days stress their precision and efficiency. Moreover, their presence by removing the need for a militia relieved Aucklanders of the burden of their own defence and substituted a body which, it can be assumed, was at least as efficient. From the defence point of view, then, the pensioners were certainly not a failure.

The question of the pensioners' contribution to the local labour force has already been discussed in part. We have seen how pensioner labour was strongly criticised in some quarters. Although it cannot be assumed that such dissatisfaction with the pensioners and their dependents was universal (for attention would naturally be focused on the unsatisfactory few rather than on the satisfactory majority) nevertheless Charles Knight, in a fairly dispassionate survey of the scheme, recognised that 'except for their value... as constituting an enrolled militia for the defence of the province, and thus preventing the necessity of the frequent withdrawal of a large number of persons from industrial pursuits for militia training, they are not contributors in an equal degree with the ordinary labouring population to the prosperity of the colony'.<sup>15</sup> In a moderate, thoughtful article

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15. Encl. 1 to: G. Grey to Earl Grey, (8 February 1851): P.P. 1851. lxx (Cmd 1420)

the New Zealander attempted a balanced appraisal of pensioner

labour. 'It is at once admitted,' said that paper, 'that their military occupations have generally speaking unfitted the pensioners for entering on agricultural labour with the aptitude which persons directly shipped from the farm would possess; but this admission should be qualified by the facts that some of them were brought up to agricultural pursuits and in resuming them are now only returning to the business of their youth; that some passed the interval between their retiring from active service in the army and their emigration in farming; and that many of them since their location here have given demonstrative evidence that they are neither so ignorant nor so indolent in agricultural and pastoral matters as has been alleged. It is true that they are not young men; but it is also true that many of them retain vigour sufficient to render them efficient labourers.' 16

It should be repeated that not all of the pensioners became agricultural labourers. At Otahuhu and Howick in particular pensioners at first found little opportunity for agricultural work. Statistics for 1848 and 1849 show that the majority of those not employed in public works came under the heading 'mechanics and artificers'.<sup>17</sup> Their contribution to the labour market, however, was no less in that direction.

It must be admitted that neither as soldiers nor as labourers were the pensioners of first rate quality. But as their peculiar contribution to New Zealand's welfare was that they were both soldiers and labourers it is unjust to evaluate them separately in each capacity and to go no further. Earl Grey had been right in his diagnosis of the colony's needs - an easily mobilised and efficient force of men for garrison duty when needed but normally free for labour. It is doubtful whether

16. New Zealander, 3 April 1852.

17. Govt. Gazette, New Ulster, Vol.II, no1 June 1849; Vol.III, no4, February 1850.

they could have been better served than by the pensioners.

Some conclusions on the general suitability of ex-soldiers for nineteenth century emigration can be drawn from the study of the pensioner experiment in New Zealand.

There were certain obvious deficiencies in the pensioner's makeup which detracted from his value as a colonist. In the first place, his army career had not fitted him for the life of a new country by fostering those qualities of initiative and independence so highly valued in a pioneering country. 'If the pensioners,' Charles Knight wrote, 'have not availed themselves so fully and generally as they might have done of the many advantages with which the government surrounded them, in an anxious solicitude to aid the progress of a promising and interesting experiment, the fault lies in the unexpected force of their long acquired habits of dependency and the want of that energy, perseverance and sobriety which distinguish the emigrants of the United Kingdom in every colony under the British Crown.'<sup>18</sup> Even supposing the men to have had these qualities before they entered the army (and to assume that the army attracted such men in the nineteenth century is far from justifiable) an army career was calculated to dissipate them.

These defects in character and background of the pensioner

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18. Encl. 1 to: G. Grey to Earl Grey (8 February 1851): P.P. 1851, lxx (Cmd 1420)

made him, when measured alongside 'the stout, healthy immigrant, occupying his time industriously, and working his way to competency'<sup>19</sup> a colonist of inferior quality. But, as the New Zealander sensibly pointed out, the comparison was not as simple. 'In looking at the case calmly, it must be evident to every reasonable mind that the first question is, - not whether the Pensioners form the very best class of immigrants that it would be possible to introduce if we had everything connected with their selection and introduction regulated in the most judicious and efficient manner; but whether they are so much worse than those whom there was any reasonable probability of our getting.'<sup>20</sup> According to the same paper the class of immigrant which could be expected through government agency was likely to be 'of a mixed and therefore doubtful' quality.<sup>21</sup> The pensioners were at least an improvement on the class 'indiscriminately sent out under the old system worked by ship broking emigration agents at home'.<sup>22</sup>

To their credit it can be said that the pensioners formed, in the main, a law-abiding community. The fact that almost all were married men with families had a stabilising influence on the settlements - indeed it is apparent that the family unit was necessary to military colonisation, and where it did not form an integral part of such schemes their chances of success were

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19. From a speech by Councillor Abraham, Auckland Municipal Council (31 January 1852) New Zealander, 7 February 1852.  
 20. New Zealander, 3 April 1852.  
 21. Ibid.  
 22. Ibid. (31 March 1852)

greatly diminished. The other great stabilising influence was the church. Apart from their compulsory attendance at church parades, the pensioners were under the normal supervision of parish priests, each settlement having been constituted the centre of a parish to which clergymen of the two main demoninations, Church of England and Church of Rome, were attached. It is significant that the petition of Howick pensioners against the licensing of hotels in their settlement was headed by the Roman Catholic priest.

Some substantial benefits were conferred by the pensioners on the colony, and on Auckland in particular, quite apart from those covered by the two main objects of the scheme. In the first place it may be claimed that the very increase of 2,000 souls in its numbers gave Auckland a clear lead over other rival towns in the population 'race' and assured it for some years, of its place as capital city, with all the advantages that implied. There were also certain economic benefits for which Auckland was indebted to the pensioners. 'It may be said that they come amongst us as small capitalists, the expenditure of their (money) making no insignificant addition to the receipts of our shopkeepers and tradesmen.'<sup>25</sup> And, as Knight said, 'it is not in the first few years that the most beneficial results to the colony from the adoption of such a plan as pensioner immigration can be felt;

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25. New Zealander, 3 April 1852.

for the benefits yet to be derived from the families of the immigrants and the establishment of a considerable population of small landed proprietors in a country of much fertility, will be greater than any which are apparent at present.' 24 Moreover, the establishment of a series of small settlements in the outlying districts assisted in the economic development of the province by attracting farmers into the area. We have seen how a considerable dispute centred on the degree to which the presence of the pensioners had increased the value of country land in the Auckland province. What rises did occur could be explained in part at least, by the normal expansion of the province. Nevertheless the best conclusion would appear to be that some increase in value did occur.

It must not be forgotten that the pensioner corps brought with it men who were to render New Zealand valuable services apart from those they gave to the corps. Captain Haultain had a notable military career after his term of service with the fencibles, and distinguished himself at Orakau in the Waikato war. His contribution to New Zealand politics was also a noteworthy one. He served on the Municipal Council and although he took no part in provincial politics he sat in the House of Representatives and in 1865 became a member of Stafford's ministry where he was an energetic minister of defence.

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24. Encl. 1 in:- G. Grey to Earl Grey (8 February 1850): P.P. 1851, lxx (Cmd 1420)

Lieutenant J.J. Symonds in 1855 became native secretary, in 1856 resident magistrate at Onehunga and principal returning officer. Between 1858 and 1860 he represented the pensioner settlements in the House of Representatives. Later he served as a member of the Native Land Court. Captain Kenny continued to serve the country in the military sphere, and from 1853 to 1880 was a member of the Legislative Council. Major Greenwood represented the pensioner settlements in parliament from 1853 to 1857, and on the provincial council from 1855 to 1857. That the sense of responsibility and political consciousness which obviously prompted these men to undertake civil office and political careers was not confined to the officers is shown by the election, already mentioned, of a pensioner and a pensioner's son to the first Auckland provincial council.

So much for the colony; but an appraisal of this sort would not be complete without mention of the benefits which the men and their families themselves derived from their transfer to the colony. Admittedly the Howick pensioners found that they had a hard row to hoe and for a number of years lived near the breadline. Nevertheless the eventual condition of all the pensioners was on a level of prosperity well above that which they could have enjoyed in Victorian England, which was not distinguished by generosity to its poor. The political privileges they were granted were not enjoyed by their fellow pensioners in England for a generation. Most important of all, however, most

fundamental of the benefits they derived, there was, in their country of adoption, no wide gulf separating the 'two nations' - governors and governed, no pervading sense of injustice under which the poor laboured in England's 'Bleak Age'.

The pensioner emigration scheme was important not only to New Zealand. For Earl Grey it had a wider significance. 'I must... observe as to this measure, that I regarded it as one of very great importance, not merely on account of its immediate results, but also as an experiment on the practicability of combining the two objects, of providing for the military defence of the Colonies at a cheap rate, and increasing their British population and their supply of labour, by forming settlements of men under certain obligations of military service, but not retained constantly in pay or in the performance of military duty. If the experiment succeeded in New Zealand I looked forward to the same principle being applied elsewhere.'<sup>25</sup> The men, he suggested, need not be pensioners; short service soldiers, 'still in the vigour of their age,' might be used. He suggested the Australian Colonies, Ceylon, Mauritius, and Jamaica as colonies where military settlements might be placed with advantage.<sup>26</sup>

It was South Africa, however, which had the most pressing problem in European-native relations in this decade, and military

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25. Earl Grey: Colonial policy of Lord John Russell's administration. Vol. II, pp146-7.

26. Ibid.

settlements were one of the methods used to meet it. In 1847 three military villages were placed along the Tyumie River in the 'ceded territory' between the Fish and the Keiskamma Rivers.<sup>27</sup> They met a disastrous fate, for in 1850 they were burnt to the ground with the loss of forty six lives.<sup>28</sup> Nevertheless this was not the last attempt at military settlement in South Africa. In March 1855 Sir George Grey spoke to the Cape Parliament on the subject of British Kaffraria. He proposed that in view of the uncertain relations existing between the natives and Europeans in that area, 1,000 pensioner families should be settled there.<sup>29</sup> Russell, while giving Grey's outlined policy the usual approval, spoke of 'our limited body of pensioners', but referred to a grant of £40,000 'now assented to' which was to be used in sending pensioners to the eastern district of the colony.<sup>30</sup> Despite these preparations, nothing came of the project. Instead a large number of German legionaries, veterans of the Crimean War, were planted under a military village system on land confiscated from rebellious chiefs in British Kaffraria after the disastrous cattle killing episode in 1857.<sup>31</sup> The plan met with little success. Whereas almost all the pensioners who came to New Zealand were married men, the German mercenaries brought few women and children with them. 'They were neither so numerous nor so German as he

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27. Walker, E.A. A history of South Africa. p237.

28. Theal, G. McC. South Africa. p251.

29. Bell & Morrell. Select documents. p537n.

30. Ibid. Extract from: Russell to Sir George Grey (P.P.1854-5, xxxviii) pp537-8

31. Theal, op. cit. p286.

(Grey) had expected; there were far too many young officers of the Black and Tan variety.<sup>32</sup> Grey made the best he could of the situation, however. By keeping them on full military pay he kept them under military law, while at the same time he subjected them to another form of discipline by importing wives for them, mainly Irish.<sup>33</sup> Nevertheless many failed to settle down; the more restless went to fight in India.<sup>34</sup> By 1860 the rest were drifting away.<sup>35</sup>

The failure of this project did not destroy Grey's faith in the principle of military settlement in 'frontier' regions, for it was on the plan he had adopted in Kaffraria that he based his military settlement scheme in the Waikato after the Maori wars. It is not intended to examine this plan closely, but as the only other attempt at military settlement in New Zealand it deserves some mention.

The reasons for confiscating Maori land in the Waikato and Taranaki are well enough known. Part of this large area of land was set aside for the settlement of soldiers who had fought in the war and thus as an inducement to recruits, since recruits were needed if New Zealand was to play the larger part in the war that Britain was asking her to play. The declining goldfields of Victoria were the most promising source of volunteers, and

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52. Walker, op. cit. p299.

53. Ibid.

54. Ibid. p301.

55. Ibid. p312.

some thousands of miners were attracted to the war. The main terms offered may be summarised thus. A forty-five year age limit was imposed and as the usual formality, good character and health were demanded. Free passages were to be given to recruits from overseas. In New Zealand, settlements comprising at least 100 town allotments and 100 farm sections were to be laid out. The areas of farms to be given varied, according to the rank of the recipient between 400 acres for a field officer and 50 acres for a private, while each would receive a one-acre town section. Each grant was to become the sole property of its occupier after three years provided the conditions of service were satisfactorily fulfilled. The settlers were to be formed into militia units and were to be liable for service at any time and in any place in the North Island during the three years, after which they would be under the obligations of ordinary militiamen. Certain restrictions were placed on their freedom of movement during the three years.<sup>56</sup>

Four regimental towns were established, at Hamilton, Cambridge, Alexandra (Pirongia) and Tauranga, while other smaller settlements were made around Mount Pirongia and Te Awamutu.

There were certain obvious points of departure here from the pensioner scheme. The nature of the settlers and their backgrounds were quite different. The difference in length of service was

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56. Featon, J. The Waikato War. pp74-6.

significant. Most important of all however, was the nature of their occupation. The pensioners were primarily labourers, at least for their first seven years in the colony. Hence they were placed in the neighbourhood of the expanding capital city, in an area where labour was required. The Waikato settlers, on the other hand, were established as independent farmers in relatively thinly settled areas. Hence they were given larger tracts of land.

The scheme was not a great success. In general the restless men who sought quick fortunes on the goldfields of Victoria and Otago were not the stuff pioneer farmers were made of, and at Cambridge at least few became permanent settlers.<sup>37</sup> Their farms may have been larger than the pensioners' but 50 acres was hardly sufficient for the inexperienced to live off comfortably. As a stabilising factor in the Waikato the settlements were doubtless of some value, but the overall picture is one of only very limited success.

The settlement of the Royal New Zealand Fencibles, therefore, apart from being the first, can safely be considered the most successful of all such schemes during the period between the first two Reform Bills; and by the end of the 1850's when it had become possible to take a detached view, the accepted verdict was that the scheme had succeeded. Of those most intimately

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37. Vennell, C.W. Such things were.

concerned, Earl Grey, the man responsible for the plan, declared that 'the measure had entirely answered our expectations,<sup>38</sup> while Sir George Grey, the man responsible for its execution, was sufficiently impressed to urge its reproduction in other parts of New Zealand, and even in a different colony; and in lieu of this to persist with modified versions of the original plan. In 1858 the Immigration Committee of the Auckland Provincial Council, comprising men who must have seen the plan in operation, went so far as to urge a revival of pensioner immigration. 'Your Committee, sensible of the advantages which this province has derived from the location within it of the several bodies of enrolled pensioners, and believing also that the material condition of the individuals composing the force has been improved thereby, think it desirable that a further introduction of enrolled pensioners should take place into this province under the same or similar regulations to those already existing in the force. And that on condition that the cost of passage of the men and of their families should be defrayed by the Imperial Government, suitable cottages for their reception should be provided from Provincial funds and a sufficient quantity of land be granted to each.' Compare this with the indignant outcry of the Auckland Municipal Council! There can scarcely be stronger testimony to the success of the scheme than this recommendation from Aucklanders

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38. Earl Grey. Colonial policy. pl44.

themselves that it be repeated.

In the final analysis the pensioner settlement scheme must be judged a qualified success. Reservations must be made to the verdict; but the general conclusion is that the Royal New Zealand fencibles adequately played the role assigned them, helped to satisfy some of the pressing needs of the colony, and improved immeasurably their own station in life.

APPENDIX I.Original conditions of enrolment for pensioners.

The candidates for this employment must invariably be men of good character and industrious habits.

Their utmost age is not to exceed 43, and their minimum height must not be less than five feet five inches; they must be of a robust frame, and medically approved of as fit for the occasional military duties required.

The pensioners may be selected either from those who have been enrolled in local companies, or from those who have been reported fit for that duty, but not enrolled in consequence of the distance at which they reside from the head quarters of the district, or other cause.

Sergeants and corporals who have been pensioned as such, may be included in the force, in the proportion of about one sergeant and one corporal for every twenty men.

If the other qualifications of the candidates are satisfactory no objection will be made to their enrolment on the ground of their being married men or having families.

The candidates approved of will be enrolled to serve for seven years on the following terms:

They will receive pay at the rate of one shilling and three pence per day, in addition to pension, from the period they are called on to leave their homes till the date of embarkation, with conveyance at the public expense for themselves and their families to the port of embarkation.

They will receive a free passage to New Zealand for themselves their wives and their families, with rations at the public expense, in the proportions usually issued on ship board, and from which no deduction will be made from their pensions.

They will receive an advance of three months' pension on embarkation, with a further advance of one month's pension for every child, to be applied, under the direction of the Officer placed over them, in purchasing the necessary outfit for the voyage.

On arriving in New Zealand, each pensioner will be put in possession of a cottage of two rooms, with an acre of land attached thereto, one fourth part of which will be cleared and made ready for cultivation at the public expense preparatory to his arrival.

Each pensioner will, on entering to possession of this cottage and land, receive such an advance of money as may be found necessary to be applied under the direction of his officer, in providing articles of furniture, cooking utensils, stock, etc., as may be requisite.

All advances thus made from pension are to be repaid by the application of the whole pension while on shipboard, and one third thereof after landing till the debt is cleared off.

From the date of embarkation on shipboard no pensioner thus enrolled will receive pay; but on his landing in the colony he will be employed on public works, or if his labour should not be required by the public, he will be allowed to hire himself out as a day labourer, provided he does not go to a greater distance from the residence allotted to him than five miles. In case he should not be able to obtain private employment, the Government will undertake to find him work during the first year of his residence in the colony, at the rate of one shilling and sixpence per day.

The pensioners thus enrolled will continue in occupation of their cottage and acre of land without paying any rent, provided that they conform to the rules and regulations laid down for their guidance, and attend regularly for military exercise on twelve days in each year, and on every Sunday, for muster under arms, at Church parade. They will also be required to keep their cottages in repair, without any expense to the public.

This service being exacted in return for the expense which the government has incurred in settling them in the colony, no payment or enrolment money will be given for their attendance on these occasions: but should it be necessary to call them out for exercise on any other days in the year, or for duty in aid of the civil power, they will be paid at the rates established by the Royal Warrant of 7th September 1843, for enrolled pensioners, viz.-

	When called out for exercise	When called out in aid of the Civil Power.
For each Private - (per day)	2s. 0d.	2s. 6d.
Corporal	2s. 6d.	3s. 0d.
Sergeant	3s. 0d.	3s. 6d.
Sergeant Major	3s. 6d.	4s. 0d.

In the event of any pensioner thus enrolled not attending when called out for these duties, he will be liable to the penalties of desertion, in addition to forfeiture of pension.

On the termination of the seven years' service for which enrolment is made the cottage and allotment of the ground will become the absolute property of the pensioner, provided he has fulfilled the conditions of his agreement; and he shall be subject to no further military duty than may be exacted from any other settler in defence of the colony.

In the event of death before the termination of the seven years, the cottage and allotment will revert to the pensioner who may fill up the vacancy; but in the event of any improvement having been made thereon, the same shall be valued by his Officer and paid to his family out of stoppage to be made from the pensioner who succeeds him; and till the arrival of such pensioner in the colony, the family of the deceased shall be permitted to occupy the holding.

Each pensioner shall receive similar arms and equipments and those which have been issued to the enrolled pensioners in this country as also a great coat, coatee, pair of trousers, and cap, to be worn on those occasions when he is out on duty and which will be renewed once in every third or fourth year, as may be required.

Each pensioner on being enrolled shall receive the sum of one pound, to be applied under the direction of his Officer in providing him with the following articles:

- One fatigue jacket
- One pair of boots
- Two shirts
- Two pair of socks
- One stock

and which store of necessaries he shall be bound to keep up in future years without any further issue of enrolment money.

In the event of the death or removal from the force of any pensioner thus enrolled before the expiration of the period for which his clothing has been issued, it shall revert to the public, to be made available for the equipment of his successor.

A Medical Officer will be attached to the force for the purpose of affording medical aid to the force at public expense, and superintending generally the sanitary condition of the establishment.

In the case of death, an allowance of one guinea will be made to cover the expenses of funeral, etc.

As the service exacted in virtue of this enrolment will be of rare occurrence, and will only continue for a few days at a time, it will form a special condition thereof, that it is not to reckon for increase of pension: but when employed in defence of the colony, these pensioners shall, in the event of being wounded or disabled in the execution of their duty, be allowed the usual increase of pension as for wounds received in action.

Every pensioner enrolled in this force will, during the continuance of the seven years for which he is engaged, be subject to the provisions of the Mutiny Act and Articles of War; but all minor offences may be punished by such fines or by expulsion from the force, as the Governor of the colony for the time being may direct, in which the offender will be deprived of his cottage and allotment.

The periods of exercise will be fixed by the Governor of the colony for the time being; and except on the occasions of weekly muster before referred to, none of the pensioners shall be called out either for exercise or in defence of the colony, except by him or persons holding his authority for that purpose: but when so called out they shall be placed under the General or other superior officer in command of Her Majesty's forces in the colony, in the same manner in all respects, as if they formed a part of the regular forces of Her Majesty's Army.

APPENDIX IIConditions of enrolment for officers of the pensioner corps.

1st As this force is intended only for occasional service under arms it is proposed at present to send out only six officers; viz. - one for each company, of whom the senior will act at commanding officer, and the junior will perform the duties of adjutant and quarter master, in addition to the charge and payment of their respective companies.

2nd Each officer will receive the usual allowances granted to staff officers of pensioners in this country, viz. - 10s. 6d. a day for a Brevet Major or Captain, and 8s. 6d. a day for a Lieutenant, in addition to the half pay of their respective grades, with 1s. a day of command money to each. If a field officer commands the whole, he will receive 2s. 6d. a day of command money, and forage for a horse, being the same to which he would be entitled under similar circumstances in this country.

3rd A suitable house, consisting of at least four rooms and a kitchen, but without furniture, will be provided for each of these officers; and with two additional rooms for the Commanding Officer.

4th Each officer will also receive allotments of land, in the immediate vicinity of the ground on which the pensioners are located, and in the following proportions -

30 acres for a subaltern

40 acres for a captain

50 acres for a commanding officer.

One fourth of which will be sufficiently cleared, at the public expense, to admit of cultivation on the officer's entry thereon.

5th Should the house and land not be available for occupation on the officer's arrival in the colony, he will be entitled to compensation at such rate as would be paid for similar accommodation there, until they are ready to be entered upon.

6th The expense of the conveyance for the officer and his family from his residence to the port of embarkation, as also the carriage of their baggage, provided the same does not exceed double the regulated quantity for a regimental officer of the same rank, will be repaid on accounts thereof being furnished to the War Office in the usual form.

7th Each officer shall, if he require it, receive, previous to embarkation, an advance of four months' pay and allowances, together with 4s. a day, to aid in provisioning him during the voyage.

8th Each officer shall also receive the following allowances in aid of provisioning his wife and children, not exceeding five in number, viz. -

£15 for his wife

£10 for each child above 7 years

£5 for each child under that age.

9th Suitable cabin accommodation will also be provided for each officer and his family, in the proportion of not less than eight feet by ten feet of superficial extent, for himself and wife, and the same for every three children, with double the usual tonnage allowed to a regimental officer of the same rank.

10th In consideration of the advantages granted to officers and their families in respect to passage allowances to the colony, they are not to be entitled on the termination of the period of their service, or at any other period, to a free passage for themselves or their families, from the colony. If they return home, it must be at their own expense, as in the case of the pensioners.

11th On the termination of the seven years for which the pensioners are engaged, the house and ground originally allotted to the officer, will become his own property. Should he die before the end of that period they must revert to the public, to be made available to the officer who fills the vacancy; but in the event of any improvement thereon, a portion of the ground, not exceeding the half, may be sold to remunerate his representatives for the cost of such improvements.

12th In the case of the death of an officer in the colony, his wife and children will be entitled to a free passage home, on the same conditions as the wives and children of other officers dying in the colonies; and in addition to any pension or compassionate allowance to which they may be entitled, they shall, if they prefer remaining in the colony, receive a free grant of land, of the same extent as that to which the officer would have been entitled had he lived to complete his period of service, as after mentioned.

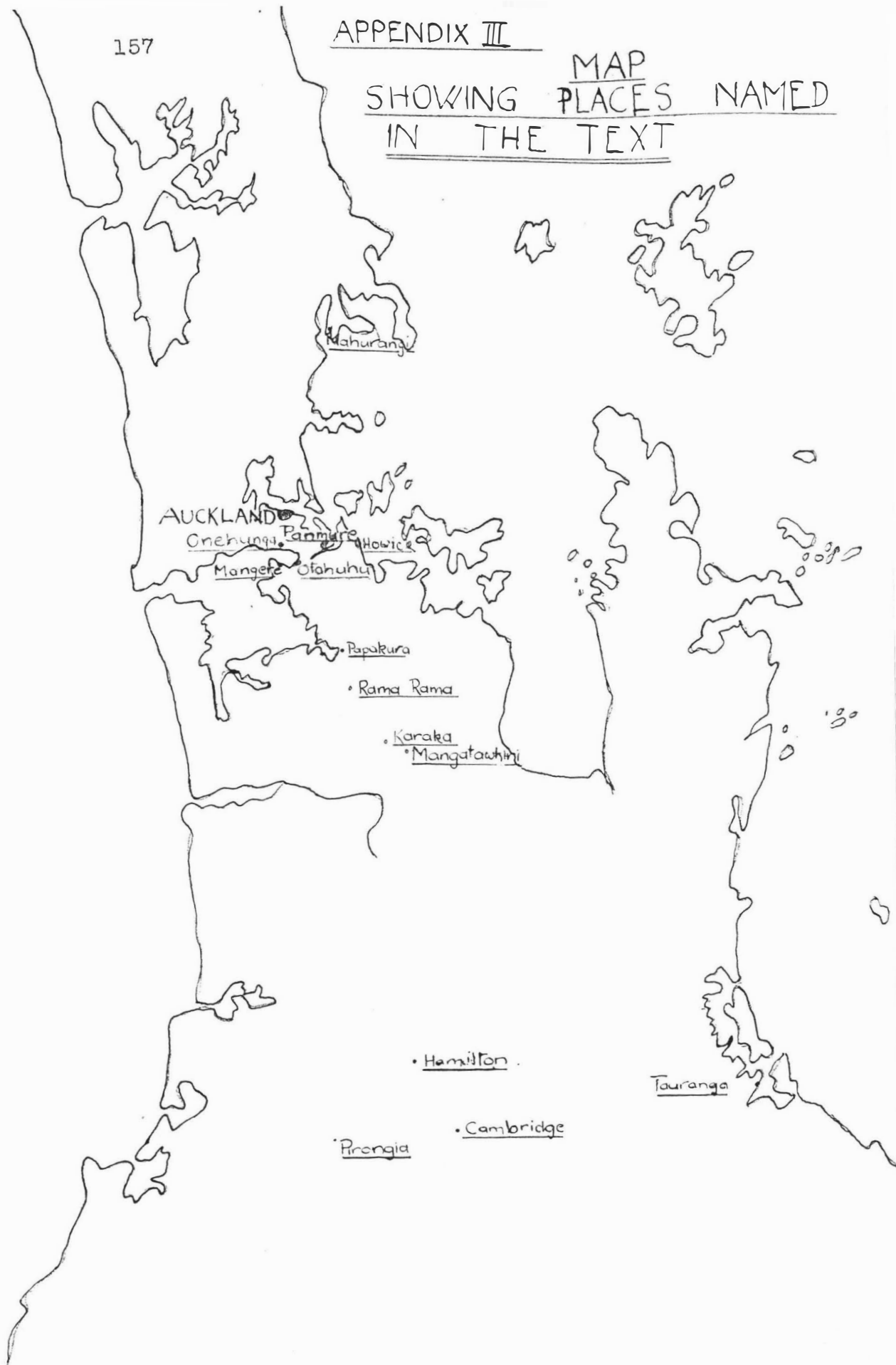
13th Every officer who, in the termination of his period of service, continues in the colony, but does not serve again, shall receive a grant of land or remission of purchase money, corresponding to what would, under the existing regulations, be conferred on an officer one grade higher in the rank, if settling in the colony, viz: a captain shall receive a major's grant, a lieutenant a captain's, and so forth, and this grant will be in addition to the allotments originally conceded to them on arriving in the colony, and which, with the buildings thereon are to become their own property on the termination of the seven years, for which the force is engaged.

14th As after the first difficulties consequent on the localities of the pensioners and providing them with employment, the duty of payment and superintendence can occupy only a small portion of the officer's time, he shall be liable to be employed in either of the following duties in the vicinity of his residence, viz:-

- Inspector of Militia
- Inspector of Public Works
- Colonial Magistrate.

In consideration of which employment he shall receive an allowance of not less than £50 a year, in addition to any travelling or other expenses necessarily connected with the duties of such appointment.

MAP  
SHOWING PLACES NAMED  
IN THE TEXT



Mahurangi

AUCKLAND  
Onehunga Panmure Howick

Mangere Ofahuhu

• Papakura

• Rama Rama

• Karaka  
• Mangatawhiri

• Hamilton

• Cambridge

Prongia

Tauranga

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