

1875.

## NEW ZEALAND.

PETITION ON BEHALF OF THE EARLY SETTLERS  
IN NEW ZEALAND.

*Presented 30th July 1875, and ordered to be printed.*

(TOGETHER WITH EVIDENCE TAKEN BY THE PUBLIC PETITIONS COMMITTEE AND REPORT.)

To the Honorable the Speaker and Members of the House of Representatives  
in Parliament assembled.

THE PETITION OF THE UNDERSIGNED ON BEHALF OF THE EARLY SETTLERS AND PIONEERS OF  
COLONIZATION IN NEW ZEALAND, HUMBLY SHOWETH,—

1. That the systematic colonization of these Islands was commenced by the New Zealand Company in 1839–40.

2. That for some years after that date the Pioneer Settlers were placed at a disadvantage, owing to disputes which had arisen between the Imperial Government and the New Zealand Company, and more particularly in the case of the Cook Strait settlers, who were unable to get possession of the lands for which they had paid the Directors of the Company.

3. That in addition to this they had to contend with formidable Native difficulties, arising out of the circumstances of the country, and seriously impeding the work of colonization.

4. That from time to time they had to take up arms in defence of the European settlements against Maori aggressions, and for the maintenance of peace and good government, thereby losing their time and wasting their resources, to an extent ruinous in some cases and serious in all.

5. That during this early period of settlement the pioneers of colonization in the North Island were unable, with very few exceptions, to make that material progress which their enterprise and courage entitled them to; and that in many cases the families and descendants of these pioneer settlers are suffering to the present day from the effects of the drawbacks, obstructions, and difficulties so encountered by them.

6. That the circumstances under which the settlements in the South Island were founded, at a later date, were of a totally different character; and that, with the exception of Nelson, none of these settlements had to contend either with Native difficulties, or with disputes between the Government and the New Zealand Company.

7. That in the case of the Otago and Canterbury settlements, the fostering care of the Government was extended to the immigrants who had peaceable possession of a valuable estate, at a time when the settlers of the North Island were struggling on against dangers and difficulties of no ordinary magnitude, which materially retarded their progress.

8. That at the time of the arrival of the preliminary expedition of the New Zealand Company at Cook Strait the condition of the colony was as follows:—“The British settlers in New Zealand scarcely numbered 1,000 in all, of whom about 500 were settled in the Northern Peninsula and about as many on Cook Strait at Banks Peninsula and further south. The Church of England missionaries had settlements at the Bay of Islands and a short way inland, and in the valley of the Thames. The Wesleyan missionaries had stations on the Hokianga and Kaipara. Whalers and sealers had founded the irregular settlements in the central and southern parts. In addition to these, who might be reckoned settlers of some standing, a growing belief that the British Government contemplated a settlement in New Zealand had attracted a number of land speculators from Sydney.”—(“Hand Book for New Zealand,” 1843, page 65.)

9. That the events marking the early progress of the colony occurred in the following order:—The first practical founders of the colony sailed from Gravesend in September, 1839; the first emigrant vessel, the “Aurora,” arrived at Port Nicholson on the 22nd January, 1840; and the first Governor of New Zealand arrived at the Bay of Islands about the end of January, 1840. The history of New Zealand as a British colony may be held to have commenced from the proclamation of British Sovereignty in these islands by Governor Hobson, in May, 1840. The islands continued a dependency of New South Wales till May, 1841, when they were proclaimed a separate colony under an independent Government.—(“Hand Book for New Zealand,” 1843, pages 65–69.)

10. That the Treaty of Waitangi, dated the 12th day of February, 1840, which assumed on the part of the British Crown the right of regulating the disposal of public lands in New Zealand, contained an article which practically put an end to all private transactions with Natives, and pursuant

to which enactments were passed and proclamations were issued by the Governor forbidding the settlers who were then arriving in the country from dealing in any way with the Natives for land, under pain of heavy statutory penalties.

11. That by this means the pioneers and systematic founders of the colony were deprived of the opportunity (since enjoyed by an alteration in the law) of acquiring land from the aboriginal natives of the country, and were as a consequence compelled in many cases to take and occupy land of an inferior description.

12. That, owing to disputes which had arisen between the Natives and the New Zealand Company, and to the subsequent action of Governor Hobson, the founders of the Nelson settlement were unable to obtain the town site originally intended, whilst their leader, Captain Wakefield, R.N., together with several of their most prominent men, were murdered by the Natives at Wairau (June, 1843).

13. That, speaking generally, the Government of the day made no effort to protect the interests of the pioneers, who, with very few exceptions, were impoverished, and their energies wasted, whilst they were daily exposed to the aggressions of hostile tribes; their position in 1846 being fairly described in the appeal made by the landowners to the New Zealand Company, as follows:—

“We have seen armed bands of Natives for three days taking possession of the most populous agricultural district in the settlement (Port Nicholson), driving the settlers into the town and then plundering and destroying all their property. We have seen houses destroyed, crops burned, and recently we have to mourn over the murder in open day of some of our industrious settlers. For months and years the whole settlement, including the town (Wellington) itself, has been kept in a state of perpetual alarm and insecurity, the whole community has been obliged to arm and defend the lives of themselves and families. In short, there are few who are not irretrievably ruined. Many have left the colony, in several instances so utterly destitute as to have been compelled to accept some menial office on board the vessel in which they returned. Of those who remain, many are without the means of leaving, and even if they had the power to return, how vain would be their attempt, with funds exhausted and connections broken, to regain their original position at home..”

14. That at the outset of the systematic colonization of the country the settlers, particularly those located at Cook Strait, suffered from the persistent hostility of the Government to the New Zealand Company; in support of which statement may be quoted a despatch from Governor Hobson to the Secretary of State for the Colonies, dated from Government House, Russell, Bay of Islands, 25th May, 1840, to the following effect:—

“Coincident with the report of the Messrs. Williams, dated Port Nicholson, I learned, not only from the *New Zealand Gazette*, but from other authentic sources, that the settlers who had located there under the New Zealand Association had formed themselves into a Government, had elected a Council, appointed Colonel Wakefield president, and had proceeded to enact laws and to appoint magistrates. This intelligence demanded my immediate attention, and I trust the course I have adopted in this exigency will meet your Lordship’s approval.

“Without one hour’s delay I called on the Commanding Officer of the troops to despatch thirty men to Port Nicholson, and appointed the Acting Colonial Secretary, Mr. Shortland, J.P., in whose firmness and discretion I have the utmost reliance, supported by Lieut. Smart, J.P., of the 28th Regiment, commanding the mounted police, with five of his men who are constables, to proceed with the detachment, for the conveyance of which I have chartered the barque ‘Integrity.’ Availing myself of the universal adherence of the Native chiefs to the Treaty of Waitangi, as testified by their signatures to the original document in my presence, or to copies signed by me in the hands of those gentlemen who were commissioned and authorized to treat with them, I yielded to the emergency of the case arising out of the events at Port Nicholson, and, without waiting for Major Bambury’s report, proclaimed the sovereignty of Her Majesty over the Northern Island. Actuated by similar motives, and a perfect knowledge of the uncivilized state of the Natives, and supported by the advice of Sir George Gipps, previously given, I also proclaimed the authority of Her Majesty over the Southern Island on the ground of discovery. I have the honor to enclose printed copies of these two Proclamations, together with the copy in manuscript of another Proclamation that I thought necessary to address to those who had illegally assumed authority to form a government at Port Nicholson.

“According to my opinion, unaided by legal advice, the proceedings of the Association at Port Nicholson amount to high treason. They have usurped the power of Her Majesty, in establishing a Constitution and in appointing magistrates. Taxes are said to have been levied, and most unjust as well as illegal exercise of magisterial authority has been practised.”

15. That the Pioneer Settlers to whom these strictures refer never had any other object in view than their own protection—an object which was fully realized, inasmuch as good order was maintained and the rights of property protected in a manner perfectly satisfactory to the people.

16. That the Pioneer Settlers were generally subjected to much annoyance by the hostile action of the Government, and had to endure much disappointment and delay, a state of things which continued down to the year 1848, when the New Zealand Company’s colonizing operations in the North Island were discontinued.

17. That so far from being guilty of “high treason,” as Governor Hobson believed, the conduct of the Pioneer Settlers is thus correctly described in “The New Zealand Portfolio,” by Mr. H. S. Chapman:—

“No body of colonists ever had larger claims upon the sympathies of their fellow-countrymen, than the first settlers under this Company—none a better title to the fostering aid of the Government. It was a bold adventure theirs, to trust themselves, with no better protection than the proud consciousness of their own good intentions, among a set of untamed savages, inhabiting a part of New Zealand scarcely known to Europeans, and where their favourable reception by the denizens of the soil was at that time extremely problematical. This circumstance alone was calculated to create an intense interest in their favour in all well-regulated minds, which has been not a little augmented by the air of romance which characterized their enterprise, and which modern times have seldom furnished. But their claims upon the fostering care of the Government rest on more substantial grounds. For several

months after their arrival, they were left without the semblance of Government; yet order was preserved among them in the most admirable manner purely by their own good conduct under the trying circumstances in the midst of which they were placed."

18. That the progress of the colony during the early stage of its existence was due entirely to the energy and perseverance of its practical founders, who now by themselves, or their descendants and representatives, venture to claim from the Legislature similar consideration to that already extended to the Naval and Military Settlers and Volunteers in return for services rendered to the colony; a claim, in fact, resting on the broad ground that they were "the sappers and miners for the present army of colonists, who are now reaping the benefits of that advanced guard."

19. That it is not intended to press the claims of any particular class or body of pioneers, but to apply generally on behalf of all who settled in New Zealand and became *bonâ fide* colonists prior to the foundation of the settlements of Otago and Canterbury, and who may now be disposed to claim the grant.

20. That the petition is made on behalf of persons scattered all over the colony, whose views have been ascertained by letter and otherwise, and who consider that, for the reasons and on the grounds herein set forth, they have a strong claim on the consideration of Parliament.

21. That at a public meeting held, pursuant to advertisement, at the Oddfellows' Hall in Wellington, on the 17th day of June, 1875, where upwards of 300 pioneers from all parts of the colony were assembled, the undersigned being chairman, a resolution was passed affirming the justice of the claim now put forward, and fixing the year 1848 as the limit, in point of time, to the recognition of "pioneer" settlement in New Zealand, in terms following, that is to say,—

"That the Pioneer Settlers, and members of their families now in the colony, and who arrived prior to 1st January, 1848, are entitled to free grants of land; and that a memorial to both Houses of Legislature be prepared for presentation embodying these views, praying that claims may be investigated and satisfied."

22. That inasmuch as the Naval and Military Settlers have received from the Colonial Government, under the authority of the General Assembly, grants of land, and up to a recent period the Volunteers also, the Pioneer Settlers of New Zealand, who, in addition to the drawbacks and difficulties referred to above, had also from time to time to perform military duty in various parts of the North Island and in the settlement of Nelson, believe that they have an equal claim to the consideration of the Government.

23. That your Petitioners pray for a full inquiry into and investigation of their case, at such time and in such manner as the House may direct.

And your Petitioners will ever pray, &c.

GEORGE CRAWFORD,  
Chairman of Public Meeting.  
J. H. WALLACE,  
Secretary.

---

## MINUTES OF EVIDENCE.

---

FRIDAY, 15TH OCTOBER, 1875.

Mr. J. H. WALLACE, being in attendance, made a statement to the following effect:—

There are a number of the early settlers of the colony who came out here to improve their condition, but a great many of them have not, up to the present time, been able to make that progress in the colony which they otherwise would have made had the early days of the colony been more advantageous for their progress. They had to contend with a great number of disadvantages, the principal being the continued differences existing between the New Zealand Company and the Government. The difficulties that existed to the final settlement or adjustment of affairs between the Company and the Government were of such a nature as to completely retard the progress of the early settlers: in fact a great number of them, including some influential colonists, contemplated leaving the country in consequence. Many of them did so. Many of the purchasers of land from the Company benefitted by the arrangement between the Imperial Government and the Company, but the settlers generally who were not purchasers from the Company, and were the persons more particularly referred to in the petition, were the parties who, in his opinion, are entitled to the consideration of the Government. Then, with regard to the position in which the settlers were placed—a great number of them were purchasers of land at that time, and they selected their lands in the Manawatu district, but those selections remained unsatisfied, and, in point of fact, the persons had never been able to use the lands selected. With regard to clause 3 of the petition—"That in addition to this they had to contend with formidable Native difficulties, arising out of the circumstances of the country, and seriously impeding the work of colonization"—the settlers as a body on both sides of Cook Strait, and the settlers throughout the North Island, had to encounter innumerable difficulties created by the appointment at that time by the Government of what were called Native Protectors. The result was, that the early settlers had no opportunity whatever of acquiring land from the Natives, either by purchase or by lease. Before the separation of the colony from New South Wales, when Sir George Gipps had the management of affairs, it was held to be almost a crime to interfere in any shape or way with any of the Native lands, and Sir George Gipps issued instructions to Lieut.-Governor Hobson by which early settlers desiring to purchase lands in this district had to select lands round about Wellington, and were not allowed to

go outside the Port Nicholson district, as it was then called. The consequence was that a great number of settlers round about here selected very inferior selections, and were still upon them. Of his own personal knowledge, he knew that many hard-working, deserving settlers had never been able to recover from the position in which they had been placed by the Government of the country. With regard to paragraph 4 of the petition—"That from time to time they had to take up arms in defence of the European settlements against Maori aggressions, and for the maintenance of peace and good government, thereby losing their time and wasting their resources to an extent ruinous in some cases and serious in all"—all the settlers were called upon to do military duty. They were kept night and day in the performance of these duties: in point of fact, the best part of the settlers' time was wasted through Native difficulties, previous to the Wairau massacre. No compensation was given to the settlers for those military duties, though since those days Provincial Governments in the North Island had under the various Volunteer Acts given grants of land to Volunteers. A great number of these early settlers considered they had a strong claim upon the Government on that score, and had expressed it in a great variety of instances. Clause 6 of the petition stated, "That the circumstances under which the settlements of the South Island were founded at a later date were of a totally different character, and that, with the exception of Nelson, none of these settlements had to contend either with Native difficulties or with disputes between the Government and the New Zealand Company." With regard to the South Island, it was a perfectly well known fact that about thirty million acres of land there were purchased for a very trifling sum—some £7,000 or £8,000. There the settlers were put in undisturbed possession of their lands, while the settlers in the North Island were continually struggling, and some of them might be said to be struggling now, against Native difficulties in the acquisition of land. For these reasons, those who interested themselves in this matter—and the interest that had been taken was very large—considered that the first settlers were entitled to the consideration of the Government. Clauses 8 and 9 were merely historical statements. With regard to clause 10—"That the Treaty of Waitangi, dated the 12th of February, 1840, which assumed on the part of the British Crown the right of regulating the disposal of public lands in New Zealand, contained an article which practically put an end to all private transactions with Natives, and pursuant to which enactments were passed and Proclamations were issued by the Government forbidding the settlers who were then arriving in the country from dealing in any way with the Natives for land, under pain of heavy statutory penalties"—the Treaty of Waitangi had been rigidly maintained by the Government until 1862. During that period the early settlers referred to in the petition could only take advantage of the selections open to them; and he considered that they and their families had thus been hardly dealt with, and were therefore entitled to the consideration of the Government. Clause 12 of the petition stated, "That, owing to disputes which had arisen between the Natives and the New Zealand Company, and to the subsequent action of Governor Hobson, the founders of the Nelson settlement were unable to obtain the town site originally intended, whilst their leader, Captain Wakefield, R.N., together with several of their most prominent men, were murdered by the Natives at Wairau." The Government were so hostile to the Company at this particular time that when Captain Wakefield came out with the Nelson shipment he wished to have made a selection in the South Island on Banks Peninsula, but Governor Hobson peremptorily refused to allow him to make his settlement, except somewhere in Cook Strait. The result was that Captain Wakefield had to take the whole of his batch of immigrants, after the ship lying in Port Nicholson for three weeks, and to fix upon a place in Blind Bay, which is the present Nelson. Otherwise he would have gone south, and founded a more flourishing settlement there. Therefore he (the witness) considered the Nelson settlers had suffered from the hostility of the Government of the day. They were more or less ruined by it. Clause 13 of the petition said, "That, speaking generally, the Government of the day made no effort to protect the interests of the pioneers, who, with very few exceptions, were impoverished and their energies wasted, whilst they were daily exposed to the aggressions of hostile tribes, their position in 1846 being fairly described in the appeal made by the landowners to the New Zealand Company." That appeal was repeated in the petition, and was given there because the language, which was that of Dr. Featherston, was so suitable. With regard to the position of the Natives, at the period referred to in the 13th clause, the various settlements throughout the North Island were in such a state of confusion that it was a great question with a number of the respectable settlers whether they should remain any longer in the island. A good many had left, and there was an expedition contemplated by Dr. Evans to go to South America. Everything was getting so unsatisfactory, and the hostility of the Government to the settlers was such, that no progress could be made. The bulk of the settlers who remained here at that particular time had to contribute largely from their means to make the by and main roads, for which they never received any consideration. He considered they had strong and just claims upon the Government for those services, which had never been acknowledged in any except in the ordinary complimentary way. The petitioners asked for something more substantial. With regard to the 19th paragraph, which says—"That it is not intended to press the claims of any particular class or body of pioneers, but to apply generally on behalf of all who settled in New Zealand and became *bonâ fide* colonists prior to the foundation of the settlements of Otago and Canterbury, and who may now be disposed to claim the grant"—this comprised the whole of the North Island and Nelson, but there were a great number of the early settlers now scattered over all parts of New Zealand. He had brought a number of letters (produced) from different parts of the colony to show the interest that was taken in this matter. Of course, a great many of the early settlers were now in prosperous circumstances, and they would not require anything—he did not think they would make a claim: but, as he had before observed, a great many of the early settlers were entitled to do so, and, in point of fact, stood in great need of some consideration. The 21st paragraph stated, "That at a public meeting, held pursuant to advertisement, at the Oddfellows' Hall at Wellington, on the 17th day of June, 1875, where upwards of three hundred pioneers, from all parts of the colony, were assembled, the undersigned being chairman, a resolution was passed affirming the justice of the claim now put forward, and fixing the year 1848 as the limit in point of time to the recognition of pioneer settlement in New Zealand, in terms following, that is to say, 'That the pioneer settlers and members of their families, now in the colony, who arrived

prior to January, 1848, are entitled to free grants of land, and that a memorial to both Houses of Legislature be prepared for presentation, embodying their views, praying that claims may be investigated and satisfied.' ” That public meeting was very crowded, and was well attended by *bond fide* early settlers of the colony. They had taken a vast interest in the movement for several years, but nothing had been done in the matter up to the present time, although a great deal had been said upon the subject. They had waited for one party and another to take the matter up, and he (witness), being one of the oldest settlers, had been deputed to bring the matter before Parliament. The result of that request and of the public meeting was the petition now before the Committee. The 22nd clause states, “That, inasmuch as the naval and military settlers have received from the Colonial Government, under the authority of the General Assembly, grants of land, and up to a recent period the Volunteers also, the pioneer settlers of New Zealand, who, in addition to the drawbacks and difficulties referred to above, had also, from time to time, to perform military duty in various parts of the North Island, and in the settlement of Nelson, believe they have an equal claim to the consideration of the Government.” With regard to the question what would be considered a fair thing for the settlers to claim, he suggested that the settlers who considered they had a claim should send in their claims to any one the Government might appoint to receive them. That could be done easily, and in an inexpensive way, by the issue of a form which the settlers should fill up, stating the date of their arrival, where they reside, the circumstances in which they are placed, and the nature of the claim they consider themselves entitled to. He knew there were many persons who had brought claims before the House upon several occasions, which had not been entered into; but if those of the petitioners were entertained, and some course such as that he had suggested were adopted, his opinion was that it would not be so formidable an affair as many persons were disposed to imagine. There was no expression of opinion on the part of the meeting as to the quantity of land that should be given to each early settler; but his opinion was that sixty acres would be a reasonable amount. That would be to each individual—man, woman, and child. The claimants had no idea what would be the number of individuals who would be entitled to or would be likely to claim. It was, however, stated at the meeting that at the end of 1848 it was estimated that 10,000 people had been introduced into the colony, but since then a great many had either died or left the country. Settlement upon the land should, he himself thought, be one of the conditions on which the claims, if entertained, should be granted. He thought they should have power to lease land granted, but not to alienate it. With regard to the limit of the period to 1848, he knew that a good many of the early settlers considered that the claims should be limited to the very earliest years of the colony—the first three or four years. There would be no objection to altering the limit, which was merely suggestive. At the public meeting there was an attempt made to make it a much later period than that named in the petition—namely, to extend it to 1853. The limitation was put at 1848 purposely to exclude the settlers of Canterbury and Otago, because they acquired peaceable possession of their lands for a small sum of money, while the settlers in the North Island have not acquired theirs in some cases up to the present time.

---

## REPORT

Of PUBLIC PETITIONS COMMITTEE ON Petition of GEORGE CRAWFORD, as Chairman of a Meeting of Early settlers in New Zealand.

THE petitioners set forth the difficulties and dangers to which they were subjected as the pioneer settlers; and state that, as grants of land have from time to time been given to naval and military settlers, and also to Volunteers, they consider that they are equally entitled to the consideration of the Government, and pray that a full inquiry be made into their case.

I am directed to report that, while the Committee fully admit the difficulties and privations to which the pioneer settlers were subjected, and sympathize with them in the trials and hardships they endured in forming the nucleus of settlements through the colony, they cannot make any special recommendation to the House on their behalf.

T. KELLY,  
Chairman, Public Petitions Committee.

---

By Authority : GEORGE DIXON, Government Printer, Wellington.—1875.

Price 6d.]

