

SOLDIERS & COLONISTS

Imperial Soldiers as Settlers in Nineteenth-Century New Zealand

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Abstract

The approximately 18,000 imperial troops who arrived in New Zealand with the British regiments between 1840 and 1870 as garrison and combat troops, did not do so by choice. However, for the more than 3,600 non-commissioned officers and rank and file soldiers who subsequently discharged from the army in New Zealand, and the unknown but significant number of officers who retired in the colony, it was their decision to stay and build civilian lives as soldier settlers in the colony. This thesis investigates three key themes in the histories of soldiers who became settlers: land, familial relationships, and livelihood. In doing so, the study develops an important area of settler colonialism in New Zealand history. Discussion covers the period from the first arrival of soldiers in the 1840s through to the early twentieth century – incorporating the span of the soldier settlers' lifetimes. The study focuses on selected aspects of the history of nineteenth-century war and settlement.

Land is examined through analysis of government statutes and reports, reminiscences, letters, and newspapers, the thesis showing how and why soldier settlers were assisted on to confiscated and alienated Māori land under the Waste Lands and New Zealand Settlement Acts. Attention is also paid to documenting the soldier settlers' experiences of this process and its problems. Further, it discusses some of the New Zealand settlements in which military land grants were concentrated. It also situates such military settlement practices in the context of the wider British Empire.

The place of women, children, and the regimental family in the soldier settlers' New Zealand lives is also considered. This history is explored through journals, reminiscences, biography and newspapers, and contextualised via imperial and military histories. How and where men from the emphatically male sphere of the British Army met and married women during service in New Zealand is examined, as are the contexts in which they lived their married lives. Also discussed are the contrasting military and colonial policies towards women and marriage, and how these were experienced by soldier settlers and their families.

Lastly, the livelihood of soldier settlers is explored – the thesis investigating what sort of civilian lives soldier settlers experienced and how they made a living for themselves and their families. Utilising newspapers, reminiscences, biography, and government records the diversity of work army veterans undertook in the colony is uncovered. Notable trends include continued military-style roles and community leadership. The failed farming enterprise is also emphasised. Going further, it offers analysis of the later years of life and the different experiences of soldier settlers in their twilight years, particularly for those with and without family networks in the colony. The thesis challenges the separation between 'war' and 'settlement' by focusing on a group whose history spanned both sides of the nineteenth-century world of colony and empire.

Contents

Abstract	i
Acknowledgments	iii
Abbreviations	iv
Introduction	1
Chapter 1: Land & the Soldier Settler	11
Chapter 2: Soldiers, Wives, Children & the Regimental Family	49
Chapter 3: Soldier Settlers' Livelihoods	83
Conclusion	119
Bibliography	124

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Abbreviations

AJHR – Appendices to the House of Representatives

ANZ – Archives New Zealand

ATL – Alexander Turnbull Library

NCO – Non-commissioned officer

Introduction

On 15 July 1907, the *Taranaki Daily News* reported the death of Joseph Swan, a well-known local, “soldier, fighter and pioneer colonist.”¹ Swan was one of the more than 3,600 imperial troops that were sent to New Zealand between 1840 and 1870 who subsequently discharged from the army to build a civilian life in the colony. As a twenty-one year old in 1841, the report noted Swan had been “driven by hard times and hunger to enlist... he took the ‘Queen’s Shilling’” as a private with the 99th Regiment of the British Army.² Swan saw extensive service in New Zealand, giving his best years to the military in the colony. First, in 1845 to 1846, he fought as part of the 99th Regiment during the Northern War and skirmishes around Wellington. Then, after serving in the penal colony of Van Diemen’s Land, he transferred to the 65th Regiment and returned to New Zealand to serve through the First Taranaki War and the beginning of the Waikato Campaign. In 1864 he took his discharge with gratuity to begin life as a settler in New Zealand.³ Like many other former imperial soldiers, Swan started his new life with continued military service in the colonial forces, serving most of 1864-65 with the 3rd Waikato Regiment as the Waikato War continued.⁴ With three years of service, Swan was granted small sections of land around what became Cambridge. The property proving largely unviable he gave up the grant to pursue his options in Taranaki, working briefly as a labourer.⁵ Again, his extensive military experience saw him called into the Patea Rifle Volunteers, with whom he served at Te Ngutu o te Manu in 1868.⁶

Swan took up a land grant for his imperial military service in Taranaki and became one of the first settlers in what became Egmont Village. Like many under capitalised soldier settlers, he struggled to develop his rural section and was further hampered by inadequate roading and access to markets. However, with his much younger wife Catherine Holliday,

¹ ‘An Old Soldier’s Career: The Late Mr Joseph Swan’, *Taranaki Daily News*, 15 July 1907, p.2.

² Ibid.

³ Hugh Hughes and Lyn Hughes, *Discharged in New Zealand: Soldiers of the Imperial Foot Regiments Who Took Their Discharge in New Zealand, 1840-1870* (Auckland: New Zealand Society of Genealogists, 1988), pp.97 & 121.

⁴ John Binsley, ‘New Zealand Militia, Volunteers and Armed Constabulary, 1863-1871’, Auckland Libraries; updated 2 April 2014 <http://www.aucklandcity.govt.nz/dbtw-wpd/armedconstab/armedconstabulary.html>.

⁵ ‘Resident Magistrate’s Court’, *Taranaki Herald*, 19 November 1866, p.3.

⁶ ‘Departure of the Volunteers for Patea’, *Taranaki Herald*, 15 August 1868, p.3.

who he married in 1875, the couple were eventually able to establish a ‘modest comfort’ running a dairy herd, which supported them at least until Swan’s death in 1907.⁷

The experiences of soldiers like Swan as settlers in nineteenth-century New Zealand straddle both ‘war’ *and* ‘settlement’ history. Despite significant numbers of imperial soldiers becoming settlers in New Zealand, referred to as ‘soldier settlers’ throughout this thesis, and the large contribution they and other settlers made to the colonial forces during their actions against ‘rebel’ Māori, a divergence has emerged between the histories of European settlement in the colony and the militant acts that facilitated that settlement. Histories of the New Zealand Wars can create an impression that the wars were events separate and distinct from those of settlement, despite the absolute interconnectedness of politics, geography, and people. Soldier settlers and their families form a significant but under-examined group of New Zealand settlers. The common narrative often overlooks their transitional histories—instead, jumping from the wars to the migrations of the 1870s. In doing so, it leaves an absence of discussion around the participants of the New Zealand Wars, as if all those who saw service disappeared with the withdrawal of the last ‘redcoat’ ship in 1870, or the ceasing of hostilities in 1872.

Over the last five or so years there has been a small rejuvenation in public discussion regarding the place of the New Zealand Wars in the nation’s history. Inspired by the sesquicentennial of key battles, locally run battle commemorations and the petition from Ōtorohanga College students, the demand for a national day of commemoration has finally been recognised. The date of 28 October 2017 will see the first Rā Maumahara, a National Day of Commemoration for the New Zealand Wars. On its announcement, Māori Development Minister Te Ururoa Flavell declared, “Raa Maumahara is a sign of our maturity as a nation that we know our history – good and bad.”⁸ Although the official recognition of the need for such a day is a step forward in increasing public discussion and knowledge of the wars, it is not a sign they are generally understood. There is much of the New Zealand Wars and the shadow it cast that remains unwritten, let alone known and understood by the wider New Zealand public. Yes, some Māori communities have retained a collective memory of events, notably Waikato-Tainui and their experiences with the

⁷ ‘An Old Soldiers’ Career: The Late Mr Joseph Swan’, *Taranaki Daily News*, 15 July 1907, p.2.

⁸ Te Ururoa Flavell, ‘Date Set to Commemorate Land Wars’, *Scoop*; updated 31 October 2016 www.scoop.co.nz.

battles of Ōrākau, Rangiriri, Rangiaowhia, and Taranaki.⁹ However, such awareness is contrasted by mainstream Pākehā circles where an “uncomfortable silence” has largely prevailed since the 1970s (and earlier).¹⁰ As Lorenzo Veracini’s study of settler colonialism details, settlement is inevitably established through the violent displacement of indigenes, in this instance Māori.¹¹ Any foundational violence is subsequently disavowed by settlers. However, Veracini argues, “resistance against acknowledging trauma should not be surprising,” even as representations of the settler ‘invader’ and the ‘peaceful’ settler coexist.¹² Further, he suggests the settlers’ “disinclination to enact substantive decolonising ruptures” prevents any redressing of a nation’s foundational narratives.¹³ In discussion of the Waikato War, historian Vincent O’Malley has more hopefully asserted that despite Pākehā reluctance, “remembering does not require guilt or shame, but honesty and a willingness to confront difficult topics,” and goes on to suggest new narratives of the wars need to be developed to allow Pākehā to reengage and remember them.¹⁴ Through the lives of ‘soldier settlers’ we can explore some of the many ways in which histories of war and settlement are connected, and provide a narrative to guide mainstream Pākehā away from an “uncomfortable silence” toward a greater knowledge and acceptance of the New Zealand Wars and their formative impact on the country’s shared history.

More than 18,000 men like Swan served as imperial soldiers in New Zealand between 1840 and 1870. They arrived in fourteen different regiments of the British imperial forces and alongside the Royal Engineers, Royal Marines and Field Artillery.¹⁵ Primarily distributed across the North Island, the Imperial Forces were used during attempts to suppress Māori ‘rebellion’ and to secure the colony against other unrest. They were supported in these campaigns by various colonial forces and Māori groups, who would

⁹ Aaron Smale, ‘Tainui Has Never Forgotten the Atrocities Against Their Women and Children’, Radio New Zealand, updated 6 October 2016; www.radionz.co.nz.

¹⁰ Vincent O’Malley and Joanna Kidman, ‘Settler Colonial History, Commemoration and White Backlash: Remembering the New Zealand Wars’, *Settler Colonial Studies*, 22 January 2017, pp.8-9; Vincent O’Malley, “Recording the Incident with a Monument”: The Waikato War in Historical Memory’, *The Journal of New Zealand Studies*, no. 19 (2015): pp.91-92.

¹¹ Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave Macmillan, 2010), p.75.

¹² *Ibid.*, pp.75 & 92.

¹³ *Ibid.*, p.112.

¹⁴ O’Malley, “Recording the Incident with a Monument”, p.92.

¹⁵ Vincent O’Malley, *The Great War for New Zealand: Waikato, 1800-2000* (Wellington: Bridget Williams Books, 2016); James Belich, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* (Auckland: Auckland University Press, 1986); James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 1 (Wellington: Government Printer, 1983); James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 2 (Wellington: Government Printer, 1983).

later lead their own campaigns in Taranaki and the East Coast. There were sporadic episodes of violence between 1843 and 1848, mostly in the Bay of Islands with the Northern War, and greater Wellington and Whanganui, before a period of relative peace through the 1850s. A year of violence erupted in Taranaki in 1860 after a dubious purchase of land at Waitara was disputed by paramount Te Āti Awa rangatira Wiremu Kīngi Te Rangitāke. Taranaki resistance in 1860-61 was supported by the Kīngitanga movement. Fighting reignited in Taranaki in April 1863, and then in the Waikato as British troops invaded the Kīngitanga heartland a few months later. The major period of campaigning in which Māori fought against imperial troops lasted from 1860 to 1865. There was no uniform Māori reaction to government hostilities, and a number of Māori chose to fight alongside the British for different reasons. Further fighting continued in Taranaki, the Bay of Plenty, Te Urewera and the East Coast as the decade dragged on, and although the last imperial forces were withdrawn in 1870, fighting continued on the East Coast and Te Urewera until 1872. By that time more than 2,100 Māori had been killed opposing British and colonial forces and their Māori allies, who lost an estimated 745 troops.¹⁶

Alongside their military contribution, during their three decade presence, the imperial forces are recognised as having formed an important part of New Zealand's cultural development, the financial affairs of the colony and the development of settlements and infrastructure.¹⁷ However, the influence of the British Army continued long after the wars had ended as significant numbers of imperial soldiers left the force and adopted a civilian life in New Zealand. The distinct experiences of these veterans and their families as migrants and settlers, and their influence on the post-war colony, are the focus of this study.

The writing of the history of what came to be known as the New Zealand Wars started almost immediately after the end of fighting, as ex-service men published accounts of their experiences during the war.¹⁸ Although these offer snippets of garrison life and interaction

¹⁶ 'End of the New Zealand Wars', NZ History, updated 8 January 2016; <https://nzhistory.govt.nz>.

¹⁷ Prof. Charlotte Macdonald and Dr. Rebecca Lenihan are currently furthering research in this area with their Marsden Funded 'Soldiers of Empire' Project, www.soldiersofempire.nz. Ian Wards, 'British Army in New Zealand', *The Oxford Companion to New Zealand Military History*, in Ian McGibbon (ed.) (Auckland: Oxford University Press, 2000), p.69; Tim Ryan, 'The British Army in Taranaki', in Kelvin Day (ed.), *Contested Ground / Te Whenua I Tohea: The Taranaki Wars, 1860-1881* (Wellington: Huia Publishers, 2010), pp.125-130.

¹⁸ T. W. Gudgeon, *The Defenders of New Zealand* (Auckland: H. Brett Printer & Publisher, 1887); Godfrey Charles Mundy, *Our Antipodes: Or Residence and Rambles in the Australasian Colonies* (London: Richard Bentley, 1855); Richard G. A. Levinge, *Historical Records of the Forty-Third Regiment, Monmouthshire Light Infantry, with a Roll of the Officers and Their Services from the Period of Embodiment to the Close of*

with the wider community, they are almost entirely focussed on descriptions of battles, the excitement of war and British heroism. The standout secondary works on the New Zealand Wars offer big picture analysis of the politics and military strategy of the wars but rarely extend past the wars and the direct consequences. What they say less about is how individual Māori or Pākehā soldiers' or settlers' lives were affected long term by the wars.

The first substantial work on the wars was James Cowan's 1922 two-volume *The New Zealand Wars, and the Pioneering Period*.¹⁹ Cowan, a bilingual journalist, commissioned by the government, was able to interview surviving veterans of all sides and provides great insight through Māori oral accounts.²⁰ Cowan's work has never been entirely superseded for its romanticised but detailed accounts of battles. Despite interviewing some soldier settlers, like Colonel Thomas William Porter, Cowan provides no analysis of their postwar lives.

The causes of the New Zealand Wars were revisited in the mid-twentieth century by several historians who began untangling the politics and reasoning behind the conflicts and their consequences. Keith Sinclair's *The Origins of the Maori Wars*, published in 1957, emphasised the colonial administration's culpability in the outbreak of war in 1860 after their handling of the Waitara lands purchase.²¹ In 1967, B. J. Dalton focussed on the politics around the wars of the 1860s, particularly Governors Grey and Browne, in *War and Politics in New Zealand, 1855-1870*.²² Ian Wards' *The Shadow of the Land* reassessed the causes of the early wars of the 1840s. In his account, Wards extended blame to Governor Grey's duplicitous self-interested leadership and the New Zealand Company's

1867 (London: W. Clowes, 1868); E. Bezar, *Some Reminiscences of the 'Die Hards' 57th West Middlesex Regiment* (Dunedin: Mills Dick & Co., 1891); Edward Gorton, *Some Home Truths Re the Maori War 1863 to 1869 on the West Coast of New Zealand* (London: Greening, 1901); James E. Alexander, *Incidents of the Maori War: New Zealand in 1860-61* (London: R. Bentley, 1863); James E. Alexander, *Bush Fighting: Illustrated by Remarkable Actions and Incidents of the Maori War in New Zealand* (London: Sampson Low, Marston, Low and Searle, 1873); George Carey, *Narrative of the Late War in New Zealand* (London: Richard Bentley, 1863); Morgan S. Grace, *A Sketch of the New Zealand War* (London: Horace Marshall and Son, 1899); Charles Pasley, 'The War in New Zealand', *Journal of the Royal United Services Institution* VI, no. XXV (1863): pp.559-594; H. F. McKillop, *Reminiscences of Twelve Months' Service in New Zealand, As a Midshipman, During the Late Disturbances in That Colony* (London: R. Bentley, 1849); John Eldon Gorst, *The Maori King, Or, The Story of Our Quarrel With the Natives of New Zealand* (London: Macmillan, 1864).
¹⁹ James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 1 (Wellington: Government Printer, 1983); James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 2 (Wellington: Government Printer, 1983).

²⁰ Annabel Cooper and Ariana Tikao (eds.), 'James Cowan and the Legacies of Late Colonial Culture in Aotearoa New Zealand', Articles From a Special Issue of *The Journal of New Zealand Studies*, NS19 (2015).

²¹ Keith Sinclair, *The Origins of the Māori Wars* (Wellington: New Zealand University Press, 1957).

²² B. J. Dalton, *War and Politics in New Zealand, 1855-1870* (Sydney: Sydney University Press, 1967).

persistent pursuit of problematic land purchases.²³ Alan Ward's 1974 *A Show of Justice* uncovered how the politics and events of the New Zealand Wars, in large part, as well as the Land Courts, formed parts of the Government's pursuit of 'amalgamation' and led to the continued loss of Māori land, power, and autonomy.²⁴

A new understanding was ushered in by James Belich with *The New Zealand Wars and the Victorian Interpretation of Racial Conflict* in 1986.²⁵ In his book, Belich assessed the full period of war. He analysed the fighting tactics of Māori and concluded Māori deserved far greater credit for their military techniques and use of pā than the British rhetoric up until that time had offered. Belich also asserted the multiplicity of causes for the wars and the move away from the 'monocausal' terms (e.g., 'Land Wars') to the now accepted 'New Zealand Wars'. None of the above twentieth-century texts on the New Zealand Wars provide substantial discussion of the imperial soldiers who remained in the colony after their discharge.

More recently, Vincent O'Malley has provided an extensive analysis of the specificities of the Waikato War, its buildup, and its ramifications through to today.²⁶ Concentrating on the effects on the Kīngitanga and Waikato-Maniapoto, O'Malley allows considerable space for the Waikato Military Settlers and their largely unsuccessful settlements. A number of imperial veterans formed an integral part of this group. However, alongside the Royal New Zealand Fencibles, this is one of few areas of military settlement that have well been covered elsewhere.²⁷

²³ Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand, 1832-1852* (Wellington: Historical Publications Branch, Internal Affairs, 1968); Brad Patterson, Richard S. Hill, and Kathryn Patterson (eds.), *After the Treaty: The Settler State, Race Relations and the Exercise of Power in Colonial New Zealand: Essays in Honour of Ian McLean Wards* (Wellington: Steele Roberts Publishers, 2016).

²⁴ Alan Ward, *A Show of Justice: Racial 'Amalgamation' in Nineteenth Century New Zealand* (Canberra: Australian National University Press, 1974).

²⁵ Belich, *The New Zealand Wars*.

²⁶ O'Malley, *The Great War for New Zealand*.

²⁷ Peter D. H. Allen, 'Military Settlement in the Middle Waikato Basin' (M.Phil Thesis, University of Waikato, 1969); O'Malley, *The Great War for New Zealand*; H. Barr, 'Alexandra: A Waikato Military Settlement', *Historic Places in New Zealand*, no.22 (September 1988): pp.6-8; Leonard L. Barton, *Australians in the Waikato War, 1863-1864* (Sydney: Library of Australian History, 1979); Frank Glen, *Australians at War in New Zealand* (Christchurch: Willsonscoff, 2011); Ross B. Hamilton, 'Military Vision and Economic Reality: The Failure of the Military Settlement Scheme in the Waikato, 1863-1880' (MA Thesis, University of Auckland, 1968); Paul Joseph Spyve, 'The First Waikato Regiment and the Settlement Process of the Bay of Plenty, 1864-1874' (MA Thesis, University of Waikato, 1981); C. W. Vennell, 'Waikato Wives of the 1860s', *Auckland-Waikato Historical Journal*, April 1982, pp.29-35; Jeff Hopkins-Weise, *Blood Brothers: The Birth of the ANZACS* (Auckland: Penguin, 2008); H. C. M. Norris, *Armed Settlers: The Story of the Founding of Hamilton, New Zealand, 1864-1874*, 2nd ed. (Hamilton: Paul's Book Arcade, 1963); Ruth Alexander, *The Royal New Zealand Fencibles, 1847-1852*. (Auckland: New Zealand

New Zealand migration history has largely overlooked the soldier settler. The only significant contribution is the few paragraphs offered by Jock Phillips and Terry Hearn in their 2008 analysis of New Zealand immigration between 1800 and 1945.²⁸ Acknowledging the group, they refer to as ‘soldier-migrants’ as a significant but not huge group of migrants, they include a conservative estimate of “some 2000” imperial soldiers who took their discharge in New Zealand.²⁹

Biography has offered a greater space for the postwar lives of soldier settlers in New Zealand. Barbara Mabbett’s biography of imperial soldier Samuel Austin stands out, situated well in the imperial, military, colonial and personal contexts which shaped Austin’s settlement in Whanganui.³⁰ Similarly, Sinclair’s edited version of colonial soldier James Bodell’s reminiscences provides a rare account left by a rank and file soldier which continues through military service into his settler life.³¹ There are also a number of local and family histories that offer important insights into soldier settlers and their communities.³² Further, a few of the men, particularly the officers, are mentioned in the biographical collections like *Cyclopedia, An Encyclopaedia of New Zealand* and the two series of *Dictionary of New Zealand Biography*.³³

There are still substantial gaps in the New Zealand historiography regarding the areas in which the nineteenth-century military overlaps with the wider social histories of the colony. In the Australian context, such research has been broached to some degree by

Fencible Society, 1997); Richard Boast and Richard S. Hill (eds.), *Raupatu: The Confiscation of Māori Land* (Wellington: Victoria University Press, 2009).

²⁸ Jock Phillips and Terry Hearn, *Settlers: New Zealand Immigrants from England, Ireland and Scotland, 1800-1945* (Auckland: Auckland University Press, 2008).

²⁹ *Ibid.*, p.39.

³⁰ Barbara Mabbett, *For Gallant Service Rendered: The Life & Times of Samuel Austin, NZ Cross, 1831-1903* (Wellington: Steele Roberts, 2011).

³¹ James Bodell, *A Soldier’s View of Empire: The Reminiscences of James Bodell, 1831-92*, Keith Sinclair (ed.), (London: Bodley Head, 1982).

³² Sandra Clarke, *Ngā Tūpuna O Te Whanganui-a-Tara*, vol. 3 (Wellington: Wellington City Council & Wellington Tenth Trust, 2005); B. C. Ross, *Ripples From the River: Mangawhai, New Zealand* (Waipu: B.C. Ross, 2011); Evelyn Stokes, *A History of Tauranga County* (Palmerston North: Dunmore Press, 1980); Rex D. Evans and Adriene Evans, *The Whanau of Te Paea and William King* (Auckland: Evagean Pub, 1997); E. W. Hames, *The Saga of the Probert Trust: The Dramatic Story of One Methodist’s Contribution* (Auckland: Wesley Historical Society of New Zealand, 1982); Shirley Arabin, ‘An Early Tauranga Resident Remembered’, *Historical Review: Bay of Plenty Journal of History* 57, no. 1 (2009): pp.23-25.

³³ *The Cyclopedia of New Zealand: Industrial, Descriptive, Historical, Biographical Facts, Figures, Illustrations*, vol. 6 (Wellington: Cyclopedia Co, 1897); A. H. McLintock (ed.), *An Encyclopaedia of New Zealand* (Wellington: Government Printer, 1966); G. H. Scholefield (ed.), *A Dictionary of New Zealand Biography*, 2 vols. (Wellington: Department of Internal Affairs, 1940); W. H. Oliver and Claudia Orange (eds.), *Dictionary of New Zealand Biography*, 5 vols. (Wellington: Department of Internal Affairs, 1990).

Christine Wright and Craig Wilcox.³⁴ Wright has discussed the importance of imperial officers, specifically Peninsular War veterans in the development of the Australian colonial administration, frontier, and arts and culture. Wright also notes the significance of military networks which helped former army officers prosper as colonists. Wilcox presents the cultural impressions of the military, and the shadows the British Army left on the Australian consciousness. Through discussion of material culture Wilcox shows how nineteenth-century Australian colonies could be excited and impressed by the pomp of the British regiments stationed around their settlements.

Situating the British Army within wider Victorian society, four key texts have been used throughout this thesis. All four works are largely assessments of the army whilst in Britain and are less concerned with the army abroad. Edward Spiers' *The Army and Society, 1815-1914*, published in 1980, offers a thorough account of the changing regulations of the army over the nineteenth-century, recruitment practices, social composition, and living conditions for soldiers in Britain.³⁵ It also offers a useful insight into contemporary society's perception of the military. Similar in subject is Alan Ramsay Skelley's *The Victorian Army at Home*, published a few years earlier in 1977. Skelley's focus is the recruitment practices in the second half of the nineteenth century, and provides great detail on recruits' health, education, pay and pensions, and the various army reforms that occurred in the wake of the Crimean War and Indian Rebellion and up to the South African War.³⁶ Earlier reforms are well covered by Hew Strachan's 1984 work, *Wellington's Legacy: The Reform of the British Army, 1830-1854*, suggesting that despite the Duke of Wellington's reluctance the pre-Crimean War reforms brought many benefits, including improvements to organisation, food, living conditions, which also influenced soldiers' experiences in New Zealand.³⁷ The fourth is Myna Trustram's *Women of the Regiment: Marriage and the Victorian Army* which was also published in 1984.³⁸ Trustram offers the most comprehensive analysis of the place of women in the British Army at 'Home', the army's policies toward marriage and relations between women and men, how soldiers'

³⁴ Christine Wright, *Wellington's Men in Australia: Peninsular War Veterans and the Making of Empire c.1820-40* (Basingstoke: Palgrave Macmillan, 2011); Craig Wilcox, *Red Coat Dreaming: How Colonial Australia Embraced the British Army* (Cambridge: Cambridge University Press, 2009).

³⁵ Edward M. Spiers, *The Army and Society, 1815-1914* (London: Longman, 1980).

³⁶ Alan Ramsay Skelley, *The Victorian Army at Home: The Recruitment and Terms and Conditions of the British Regular, 1859-1899* (London: Croom Helm, 1977).

³⁷ Hew Strachan, *Wellington's Legacy: The Reform of the British Army, 1830-54* (Manchester: Manchester University Press, 1984).

³⁸ Myna Trustram, *Women of the Regiment: Marriage and the Victorian Army* (Cambridge: Cambridge University Press, 1984).

marriages were regulated, and how life for wives and families differed for those ‘on’ and ‘off the strength’, and how they maintained themselves.

From the existing 1988 work of Hugh and Lyn Hughes, we know at least 3,661 rank and file and non-commissioned officers (NCOs) from the imperial forces took their discharge in New Zealand—by payment, completion of term, illness or injury.³⁹ Further biographical information about this group has been collated from details included in the WO12 Muster Rolls, and developed into a database and made available by Rebecca Lenihan and the Soldiers of Empire Marsden Project.⁴⁰ Most of the rank and file and NCOs who discharged, and an unknown but significant number of officers that retired, chose to do so in New Zealand to build their new civilian lives as settlers in the colony. It is this group that is referred to as ‘soldier settlers’ throughout this thesis.

One of the key sources for identifying soldier settlers like Swan are newspaper obituaries. The deaths of soldier settlers in New Zealand were widely noticed by local communities. Their obituaries accompanied by stories of the ‘soldier and colonist’ commonly filled the newspapers of the late nineteenth and early twentieth century, retelling tales of both military service and pioneering settlement. Such reports were often reprinted around the country and sometimes even across the Tasman. This was not a uniquely colonial practice, J.E. Cookson has established in his analysis of pensioners in Scotland that their deaths were similarly reported during an earlier period of the nineteenth century.⁴¹ These New Zealand newspaper articles, complemented by published biographies, and unpublished reminiscences, form the basis for much of the biographical information available on the men and their families in this study. It is, in part, a collective biography.

This thesis investigates the lives of the British soldiers who chose to settle in New Zealand after serving with the imperial forces in the colony. Restricted to analysis of some aspects of soldier settlers’ experiences, the thesis develops critical areas of the social history of settlement in New Zealand which have often been relegated to a footnote. The following three chapters each thematically address some aspects of veterans’ lives which were central to their experiences as soldier settlers in New Zealand.

³⁹ Hughes and Hughes, *Discharged in New Zealand*; Spiers, *The Army and Society, 1815-1914*, p.52.

⁴⁰ Prof. Charlotte Macdonald and Dr. Rebecca Lenihan’s Marsden Funded ‘Soldiers of Empire’ Project is currently underway, www.soldiersofempire.nz.

⁴¹ J. E. Cookson, ‘Early Nineteenth-Century Scottish Military Pensioners as Homecoming Soldiers’, *The Historical Journal* Vol.52, no. 2 (2009): p.337.

First, land is examined. At the heart of the New Zealand Wars were disputes with Māori over land access and ownership. The chapter analyses how and why significant portions of confiscated land intended for European settlers was held especially for soldier settlers and situates this military-settlement practice in the wider context of the British Empire. Through extensive use of statutes, the *Appendices to the Journals of House of Representatives (AJHR)*, manuscripts, and contemporary newspaper articles, the problematic military land grant system is examined and explained with examples of how it did and did not benefit soldier settlers. Further, using examples of soldier settler experiences, it discusses the importance of land in the pursuit of an ‘independency’, and the character and location of some of the soldier settlements.⁴²

The second chapter considers the place of marriage, women, family and the regiment in the soldier settlers’ New Zealand lives. With a gendered lens and consideration of the army and colony’s differing perspectives of the worth of women and families, the chapter looks at how the British Army regulations and practices influenced soldier marital practices and their married lives. Specifically the chapter considers how the army limited when, where and whom soldiers married. It provides analysis of some of the living conditions for wives and families ‘on the strength’ during New Zealand service and ways in which their families and the regiment became interdependent. Further, it establishes the importance of continued family and regimental support for soldier settler outcomes.

The third chapter examines the livelihood of soldier settlers. It considers what sort of lives soldier settlers lived once out of the army and how they made a living for themselves and their families. Utilising soldier settler histories accessed through biographies, obituaries, reminiscences and other manuscripts the chapter shows the diversity of work veterans undertook in the colony. It also emphasises and explains the notable trends, outlining the inclination of some towards further military-style work, community leadership, and the group’s general failure in farming. Going further, it offers analysis of the later years of life, and the different experiences of soldier settlers in their twilight years, particularly for those with and without family networks in the colony.

⁴² Miles Fairburn, *The Ideal Society and Its Enemies: The Foundations of Modern New Zealand Society, 1850-1900* (Auckland: Auckland University Press, 1989), p.42.

Chapter 1: Land & the Soldier Settler

The veriest sceptic of the value and benefit conferred by the free grant system will only have to come and view this charming locality; a few years since with scarce a single white man, and now teeming with life and labour, and on all sides he will see the happy and contented faces of the Free Grant men, of whom this block chiefly consists, who thank their God the day they exchanged the trammels of ill-requited labour and struggling dependence in the old country for the untrammelled life of independence and well rewarded toil in this the land of their adoption; and he must leave the spot convinced of the inestimable value of the Free Grant system.¹

‘Mangawai’, *New Zealander*, 31 October 1860

When the 58th Regiment of Foot first arrived in Northland in 1845, to put down the ‘rebellion’ of Hōne Heke and his Ngā Puhi allies, few would have expected they would become the new settlers on the lands. However, the 58th Regiment remained in New Zealand long after the Northern War had ended, and by the time the regiment withdrew thirteen years later, more than 800 of their rank and file and non-commissioned officers had been discharged, most becoming settlers in the colony. As many as 80 soldier settlers chose the Mangawhai district in Northland to build their civilian lives, as it was opened up for settlement through the 1850s, and it is their village referred to in the *New Zealander* excerpt above.² Samuel Mooney was one of these soldier settlers, moving north with his wife Elizabeth (born Trevarthen) after their marriage at St Paul’s, Auckland in 1851, and his discharge in 1853. The Mooneys took up a military land grant which anchored them in Mangawhai and provided them with the base to build their own independence. By 1859, they had expanded their activities, running a busy licensed hotel and general store, servicing the needs of the local community and also offering accommodation, boats for inland travel, and “all the information connected with the Land Regulations,” for prospecting new settlers.³ By the early 1880s, the former private’s ‘Kauri Falls’ estate would feature in the ‘Society’ pages of the *Observer* for its “lively” parties.⁴ Not all soldier settlers would be able to build such independence from their land.

¹ ‘Mangawai’, *New Zealander*, 31 October 1860, p.2.

² B. C. Ross, *Ripples From the River: Mangawhai, New Zealand* (Waipu: B.C. Ross, 2011); Bev Ross, ‘From “Quelling War” to “Settling the Land”’, *Mahurangi Matters*, 1 September 2016, p.18.

³ ‘To Settlers at Mangawai and Waipu’, *New Zealander*, 2 November 1859, p.2.

⁴ ‘Society’, *Observer*, 8 October 1881, p.52; ‘Society’, *Observer*, 9 June 1883, p.180.

There is nothing to suggest soldiers enlisting with the British imperial forces were doing so with the intention of later securing land in the colonies. However, a significant proportion of them did so. Stationed in colonial New Zealand to protect the interests of the British Empire, they became the agents of Māori land alienation, and later, often through inducements of land from the provincial and colonial governments, and sometimes with encouragement from the Army itself, they discharged to civilian life. They thus furthered the Empire's ends by occupying, defending and populating these lands as settlers.

Soldier settlers obtained land through purchase, lease and land grants as they sought their 'independency' alongside the other settlers of the colony. Historian Miles Fairburn describes an 'independency' as a contemporary term for those who had become "materially independent," often through "ownership of productive capital, usually landed property."⁵ The specific military land grants are a focus of this chapter, and occurred across the country, but became most pronounced in those areas confiscated under the New Zealand Settlements Act 1863.⁶ A legal historian Richard Boast has compared New Zealand's practice of land confiscation and settlement to that of Britain's two hundred years earlier with the Irish plantation settlements.⁷ However, he notes historians of Ireland are just as interested in both the settler and those who lost their land. This is in sharp contrast to histories of New Zealand which speak little of confiscation as settlement. The histories of Māori land loss can only be enhanced by a greater understanding of those who pushed them out and occupied their lands, and this chapter goes some way in telling the imperial soldier settlers' story and placing it inside its Imperial and national context, outside of the fighting.

This chapter will discuss the importance of land in the New Zealand colonial context and in particular for soldier settlers striving for a 'modest comfort' or 'independency'. It will also explore the history of soldier settlements around the British Empire, the military land grant regulations by which soldier settlers became landowners in New Zealand, or did not, and their experiences of the land grant system.

⁵ Miles Fairburn, *The Ideal Society and Its Enemies: The Foundations of Modern New Zealand Society, 1850-1900* (Auckland: Auckland University Press, 1989), p.42.

⁶ Perhaps the most important text on the context and ramifications of land confiscation is Richard Boast and Richard S. Hill (eds.), *Raupatu: The Confiscation of Māori Land* (Wellington: Victoria University Press, 2009).

⁷ Richard Boast, "'An Expensive Mistake": Law, Courts and Confiscation on the New Zealand Colonial Frontier', in Paul G. McHugh, Richard Boast, and Mark Hitchford (eds.), *Law and Confiscation: Essays on Raupatu in New Zealand History* (Wellington: Treaty of Waitangi Research Unit, 2010), p.13.

A history of soldier settlement across the British Empire

The use of discharged soldiers as frontier settlers dates back to at least the Roman Empire. Considered a cheap method to secure and expand the empire, the British adopted the practice as early as the 1650s, when, following the 1641 rebellion, Irish Catholic lands were confiscated and given in lieu of wages to the Protestant soldiers.⁸ There are further examples by the time our first soldier settlers were establishing themselves as civilians in 1841 New Zealand, with contemporary examples in Canada, the Australian colonies and the Cape Colony.⁹ Following their discharge from military service, soldiers were encouraged to settle with their families in these territories to assist with both domestic and external security, to bolster local economies and relieve social strains at 'Home', in Britain.

After Britain passed the Pensions to Soldiers Act in 1806, all those who had served in the British military, dependent on rank, conduct, length and location of service, their degree of wounds or disability, were eligible for pensions. With the defeat of Napoleonic France, after twenty years of war, the 1815 return to peace in Europe resulted in a large scale reduction in British military spending and troop numbers were almost halved by 1835.¹⁰ As the markets corrected themselves from the economic boom of war, the post-Napoleonic depression set in and a large number of soldiers removed from the strength were unable to find employment, creating an array of social issues, including criminal activity and political unrest, and financially burdening the Crown. Soldier settlement schemes were suggested, as one way, to ease domestic unemployment, expenditure, and social strain.

In the eighteenth-century, soldier settlers in British Canada had been utilised as a means of protection from both French and American expansion. In 1749 disbanded soldiers established a settlement in Halifax as a barrier to a French invasion.¹¹ Similarly, following the American Revolution, Loyalists were established in strategic settlements against the

⁸ Bryan Gilling, 'Raupatu: The Punitive Confiscation of Maori Land in the 1860s', in Richard Boast and Richard S. Hill (eds.), *Raupatu: The Confiscation of Māori Land* (Wellington: Victoria University Press, 2009), pp.14-15; Nicholas Canny, *Making Ireland British, 1580-1650* (Oxford: Oxford University Press, 2001); Richard Boast and Richard S. Hill (eds.), 'Overview: Confiscation in New Zealand', in *Raupatu: The Confiscation of Maori Land* (Wellington: Victoria University Press, 2009), pp.4 & 6.

⁹ Gilling, 'Raupatu: The Punitive Confiscation of Maori Land in the 1860s', pp.14-17; Christine Wright, *Wellington's Men in Australia: Peninsular War Veterans and the Making of Empire c.1820-40* (Basingstoke: Palgrave Macmillan, 2011), pp.12-30.

¹⁰ Edward M. Spiers, *The Army and Society, 1815-1914* (London: Longman, 1980), p.35.

Edward Kent Fedorowich, "'Foredoomed to Failure": The Resettlement of British Ex-Servicemen in the Dominions, 1914-1930' (D.Phil Thesis, London School of Economics and Political Science, 1991), p.6; The French also used military settlers across Canada.

Americans.¹² With the outbreak of the War of 1812 (1812-1815), the British Colonial Office became determined to establish military land grants as a key part of colonial settlement policy.¹³ Subsequently, between 1815 and 1825, the Colonial Office promoted large-scale assisted emigration schemes to the Bathurst District of Upper Canada, which included a large number of soldier settlers.¹⁴ The settlers established the militarily strategic settlements of Perth and Richmond on plots of land given to them in exchange for assisting in the defence of the colony from any future American invasion. Allowing for cost cutting, the Crown also organised so that those British troops already stationed in Upper Canada who wished to stay were either discharged or disbanded, and encouraged to become farmers with freehold plots of land around various settlements.¹⁵

With the passing of the Army Pensions Act 1830, non-commissioned officers and privates who qualified for pensions and wished to live outside of Britain or Ireland, were encouraged to commute their pension to one final payment up to the value of four years of pension, saving the Crown from ongoing costs and giving the soldier settler a cash injection to assist with settlement.¹⁶ This began a new phase of soldier settlement, which continued in Upper Canada through the 1830s, but despite supervision and assistance from the Military Settling Department (attached to the governorship of Lower Canada), many failed to support themselves. Commuted pensions quickly ran out, and the selected soldier settlers were often aged, ailing and unskilled in agricultural or ‘frontier’ pursuits, leaving many destitute.¹⁷ Many of the soldier settlers walked off the land, or sold it cheaply, to the benefit of land speculators, a result that would be repeated across the British Empire’s nineteenth-century military settlements.

The Australian colonies also absorbed significant numbers of army veterans in the years 1790 to 1831. Here too, the lack of capital available to rank and file hindered their success while benefiting their superiors.¹⁸ Governors were able to grant land themselves during

¹² J. K. Johnson, *In Duty Bound: Men, Women, and the State in Upper Canada, 1783-1841* (Montreal: McGill-Queen's University Press, 2013), pp.10-25.

¹³ Robert W. Passfield, *Military Paternalism: Labour, and the Rideau Canal Project* (Bloomington: Author House, 2013), pp.134-136; R. G. Riddell, ‘A Study in the Land Policy of the Colonial Office, 1763-1855’, *The Canadian Historical Review* 18, no.4 (1937): p.394.

¹⁴ Wendy Cameron, *Assisting Emigration to Upper Canada the Petworth Project, 1832-1837* (Montreal: McGill-Queen's University Press, 2000), p.145.

¹⁵ Fedorowich, ‘Foredoomed to Failure’, p.7.

¹⁶ *Public Bills: Session 5, February - 23 July 1830*, vol. II (London: Government Printer, 1830), pp.2-3; Fedorowich, ‘Foredoomed to Failure’, p.9.

¹⁷ Fedorowich, ‘Foredoomed to Failure’, p.9; Cameron, *Assisting Emigration to Upper Canada the Petworth Project, 1832-1837*, p.151.

¹⁸ Wright, *Wellington's Men in Australia*, p.27.

these years, which often benefitted the military officers in their colonial networks.¹⁹ In New South Wales the system was adapted to specifically include emancipated convicts, retiring soldiers (many served as convict guards) and worthy settlers.²⁰ However, with many holding little or no access to capital to develop their lands, such grants quickly fell into the hands of an elite few. By 1802, most of the granted land was owned by a small group of military officers.²¹ As Christine Wright has noted, New South Wales fostered a particular type of settler class in the first half of the nineteenth-century, particularly between 1826 and 1831. ‘Respectable’ army and navy veterans, especially those who had fought in the Peninsular Wars, were encouraged to settle with grants of land and the use of cheap convict labour to work it.²² In 1828, as many as one-third of the settlers arriving in the colony to take up land grants were officers of the army or navy.²³ For many of those officers with capital available, the grants of large tracts of land, combined with cheap labour, allowed for sizeable fortunes to be made from pastoral sheep farming. Military settlers were required to reside on the property for seven years, and could only sell the land once they had spent half its worth in development. While some men sold up and returned to Britain as soon as they could, others remained and formed Australia’s early civil society.²⁴

With the publication of *Information for the Use of Military and Naval Officers Proposing to Settle in the British Colonies* in 1834 by the Colonial Office, free grants of land were abolished in the British North American and Australian colonies and were replaced with a remission of purchase money, scaled by rank.²⁵ Remuneration varied, with field officers of 25 years or more receiving £300, down to subalterns of 7 years or less receiving £100 towards their purchase of land. Those residing in the colonies on half-pay were eligible for their ranks remission, though those who had ended their service completely were not.

Secretary of War, Viscount Howick, Henry Grey (Earl Grey 3rd from 1845), was an advocate of free trade and colonial self-government and believed the British colonies

¹⁹ Zoë Laidlaw, *Colonial Connections, 1815-45: Patronage, the Information Revolution and Colonial Government* (Manchester: Manchester University Press, 2005).

²⁰ Angela Woollacott, *Settler Society in the Australian Colonies: Self-Government and Imperial Culture* (Oxford: Oxford University Press, 2015), pp.69-70.

²¹ Riddell, ‘A Study in the Land Policy of the Colonial Office, 1763-1855’, pp.388-389.

²² Wright, *Wellington’s Men in Australia*, pp.27-28.

²³ *Ibid.*, pp.26-27.

²⁴ *Ibid.*, pp.27-30.

²⁵ Colonial Office, *Information for the Use of Military and Naval Officers Proposing to Settle in the British Colonies* (London: William Clowes, 1834), pp.1-7.

shared a role in the protection of both themselves and the greater Empire.²⁶ One way Howick saw this being achieved was through the raising of colonial troops or militia to replace imperial forces in appropriate colonies. Dedicated military settler schemes for Canada, modeled on those of Russia and Austria, were discussed by Howick, George Grey, and J. W. Gordon during the mid-1830s, though the scheme was adapted following Howick's resignation, and essentially became a corps of regular soldiers with limited obligations.²⁷ However, further opportunities would follow after Howick returned as Earl Grey, Secretary of State for War and the Colonies in 1846.

In New Zealand, Colonel William McCleverty had suggested as early as September 1848 that large savings could be made in continuing to defend the colony if imperial soldiers and officers were retained in the colony as settlers.²⁸ In a memorandum to Governor George Grey, McCleverty recommended that those soldiers who had served their terms, or had saved sufficient sums to purchase their discharge in New Zealand, be given twenty acre land grants around European settlements such as Whanganui, the idea being to secure the soldier's presence and military experience where it could be called upon as a militia when needed, rather than the ongoing expenditure of garrisoned Imperial troops. Governor Grey was in agreement and forwarded the memorandum to Earl Grey. Intent on reducing infantry numbers at this time, Earl Grey saw the settling of soldiers in New Zealand as one opportunity to do so, but opposition from the Duke of Wellington, who feared the loss of his best troops, prevented the scheme going ahead.²⁹ Where eligible, soldiers could continue to take their discharge in the colony, and some did so as relative peace continued from 1848 into the early 1850s. Wellington's stipulations meant a dedicated system of military land grants, in which larger numbers of men were discharged and guided onto the land, would have to wait.

Earl Grey had earlier succeeded in pushing a Chelsea Hospital pensioner scheme past Wellington, which was first instituted in New Zealand. Following the conflict in the North and Hutt Valley, in 1845 to 1846, there was continued fear from the New Zealand Company and other European settlers of further violence and destruction. There were calls for a larger permanent British force to discourage further armed resistance from Māori and

²⁶ Hew Strachan, *Wellington's Legacy: The Reform of the British Army, 1830-54* (Manchester: Manchester University Press, 1984), pp.190-191.

²⁷ *Ibid.*, pp.191-192.

²⁸ Ian Wards, *The Shadow of the Land: A Study of British Policy and Racial Conflict in New Zealand, 1832-1852* (Wellington: Historical Publications Branch, Internal Affairs, 1968), pp.372-373.

²⁹ *Ibid.*, pp.373-374; Strachan, *Wellington's Legacy*, pp.194-196.

to offer the settlers adequate protection in the event of such conflict. Governor Grey shared these concerns and relayed them to the Colonial Office, requesting the stationing of 2,500 British troops in May 1846.³⁰ By November 1846, Earl Grey had replied in multiple despatches to Governor Grey, announcing a varied offer of support. The number of imperial troops, in part, would be made up of the specially established Royal New Zealand Fencible Corps, a defensive force of 600 discharged military settlers and their families.³¹ Set up in four strategically built settlements around Auckland—Panmure, Onehunga, Howick, and Ōtāhuhu—between 1847 and 1852, the Fencibles were intended as an on-call defence force for the capital and its settlers in the case of an attack. For seven years of service, the veterans were granted their families passage to New Zealand, a small salary over and above their military pension (rather than its commutation), and a prefabricated cottage on an acre section. By 1852, 721 pensioners had arrived in Auckland, accompanied by 632 wives, and 1,228 children, boosting the area's European population by as much as ten per cent.³² By February 1850, Governor Grey reported that the Fencibles were progressing as “anticipated.” However, William Fox predictably found otherwise; a vocal opponent of Governor Grey, he suggested in 1851 that the Fencibles were failures as both colonizers and military, that their progress was slow for the amount invested in the group; and that the colony should not be footing the bill for such an ineffective scheme.³³

Without waiting for the Fencibles to be a proven success, Earl Grey extended the scheme. Over the proceeding 4 years 480 pensioners were settled across Canada, and a few hundred between the Falklands, Hudson's Bay, Gambia, Van Diemen's Land and Western Australia.³⁴ Meanwhile, in the Cape Colony, a slightly different scheme was established. All men from the departing 91st Regiment were offered a free discharge to settle on the Cape's eastern frontier in an attempt to defend its European settlements against incursions

³⁰ Lieutenant-Governor Grey, ‘Government Despatches’, *Nelson Examiner and New Zealand Chronicle*, 4 September 1847, p.103.

³¹ Ruth Alexander, *The Royal New Zealand Fencibles, 1847-1852* (Auckland: New Zealand Fencible Society, 1997), pp.7 & 187-188; Lord Grey, ‘Government Despatches’, *Nelson Examiner and New Zealand Chronicle*, 4 September 1847, p.103; Earl Grey, ‘Pensioners for New Zealand’, *Daily Southern Cross*, 10 July 1847, p.4.

³² Alexander, *The Royal New Zealand Fencibles*, p.17; G. T. Bloomfield, *New Zealand: A Handbook of Historical Statistics*, Reference Publications in International Historical Statistics (Boston: Hall, 1984), pp.42-44.

³³ William Fox, *The Six Colonies of New Zealand* (London: John W. Parker, 1851), pp.43-48.

³⁴ Strachan, *Wellington's Legacy*, p.196.

from the Xhosa people. The settlements, along with their military settlers, were surprised and massacred by the Xhosa on Christmas Day 1850.³⁵

The 1834 remission system for officers was reviewed by the Colonial office in mid-1851. The ‘Northern Province of New Zealand’, Ceylon and the Cape Colony were now specified. Remission was extended to £600 for field officers of more than 25 years, down to £200 for subalterns of 7 or more years of service, while subalterns with less than 7 years of service no longer qualified.³⁶

The first large-scale organised military settlement in the Cape Colony occurred in Kaffraria, in the wake of the Christmas Day massacre. George Grey, who had led the Fencible scheme in New Zealand, and would return there to instigate further military settlement in the 1860s, was appointed Governor of the Cape Colony in 1854. With the Xhosa people on the eastern frontier, known as Kaffraria, showing increasing resistance to his assimilation policies, Grey boosted numbers of imperial forces in 1856, but the cost was unsustainable.³⁷ A permanent solution was needed, and a military settlement involving the British-German Legion was suggested. Initially recruited as mercenaries to assist with the Crimean War the British-German Legion (actually German, Italian and Swiss), had refused to return home after the war, and by the end of 1856 had become an expensive nuisance garrisoned in England. More than two-thousand men and NCOs, as well as officers and a few wives and families, arrived at the Cape in February 1857, and from there were broken into small detachments in militarily strategic positions along the frontier, little thought being given to the viability of the settlement’s location.³⁸ Even those of the men who had worked as civilians had little experience of farming, and little over five per cent of allotted land had been cultivated by October the following year. As the settlements floundered, the men were kept mobilised to justify full wages, maintain discipline and prevent desertion.³⁹

During the 1857 Rebellion in India extra British troops were needed, and in May 1858 the Governor of Bombay John Livingstone requested the service of the British German Legion. Unhappy with conditions in the Cape almost half of the military settlers chose to

³⁵ Ibid.

³⁶ ‘Information for Military and Naval Officers About to Settle in the Colonies’, *Colonial Circular*, June 1852, No.12 edition, p.19. June 1852, No.12 edition, p.19.

³⁷ John Laband, ‘From Mercenaries to Military Settlers: The British German Legion, 1854-1861’, in Stephen M. Miller (ed.), *Soldiers and Settlers in Africa, 1850-1918* (Boston: Brill, 2009), p.102.

³⁸ Ibid., pp.107-108.

³⁹ Ibid., p.121.

leave for India. Under liberal interpretation service in India was accepted as fulfilling the conditions as military settlers, allowing some to return to their plots. However, by 30 June 1860 all but 276 of the total had been discharged, and by the following March, the remainder were released from service.⁴⁰ The organised settlement of the British German Legion in Kaffraria was a failure, but, with Greys return to New Zealand in 1861 his desires to break the Kīngitanga and colonise the Waikato would see a further attempt at systematic military settlement, with only some lessons learnt.

The importance of land

Historian John Weaver posits that the great ‘land rush’ that saw the extension of European empires across most of the globe, including New Zealand from the 1840s, was driven as much by the concept of land as by the resources lands offered.⁴¹ Weaver suggests that land was a ‘keystone’ of British culture, that those able to obtain it were driven by desires to extend and improve holdings wherever possible, its value was held over and above its intrinsic worth as a place and resource.⁴² Weaver also argues that the concept of land ‘improvement’ was a cultural tradition which rose reciprocally alongside ideas of property rights during the Enlightenment in England. Increases in wool and grain prices throughout the sixteenth and seventeenth centuries had encouraged expansion and improvement of productive territory around Britain, the enclosing of ‘common’ plots and the individualisation of land titles.⁴³ In New Zealand, the push of British settlers onto Māori land would occur under similar notions of productive land and expansion.⁴⁴

British expansion across the world came to be justified as moral. Between the voice of God in the King James Bible, “be fruitful, and multiply, and replenish the earth, and subdue it,” and the philosophies of John Locke, British colonists in New Zealand during the mid-nineteenth century believed they could utilize ‘waste’ land most productively, and therefore held the moral and economic right to access it. Legal frameworks were created to best advantage settler land ownership and their Christian imperative of productivity, over

⁴⁰ Ibid., pp.119-120.

⁴¹ John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900* (Montreal: McGill-Queen’s University Press, 2003), p.20.

⁴² Ibid., p.22.

⁴³ John C. Weaver, ‘Concepts of Economic Improvements and the Social Construction of Property Rights: Highlights from the English Speaking World’, John McLaren, A. R. Buck, and Nancy E. Wright (eds.), *Despotic Dominion: Property Rights in British Settler Societies* (Vancouver: UBC Press, 2005), p.81.

⁴⁴ Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900*, p.21.

Māori who settlers believed under-utilised the land.⁴⁵ As James Belich explains in his exposé on the ‘settler revolution’, aptly titled *Replenishing the Earth*, up till the nineteenth-century emigration had held the negative connotations of the desperate and compelled, the majority of emigrants being convicts and indentured servants.⁴⁶ But, by the annexation of New Zealand in 1840, “a revolution in colonial thought” had taken place, reformers and the success of their ‘systematic migration’ schemes meant the majority of emigrants, now referred to as ‘colonists’ or ‘settlers’ were voluntary. Migration to the colonies became increasingly palatable, if not desirable, to the upper classes as well as to the middle and lower classes. Ideas of owning one’s own land, and establishing one’s independency permeated society.⁴⁷

The imperial forces stationed in New Zealand (and elsewhere), took part in the migration discussion. They debated the merits of migration amongst themselves. They also read and listened to others read the arguments in the boosterism, the books and newspapers, and read and wrote letters Home and to the newspaper editors about it. Captain Charles Chesney who had served as an officer in New Zealand during the early 1850s, proselytized to the Royal United Services Institute in 1859, on the benefits New Zealand offered military men considering emigration:

New Zealand, where an open-air working life may be carried on with advantage to the health as well as to the farm from year’s end to year’s end; where the settler can turn out sheep, cattle, or horses, to feed untended, without shelter, in winter or summer, undeterred by frost, heat, drought, or fear of too great humidity; where every valley has its stream for use and ornament; where there is no snake or reptile, or beast of prey of any sort, to be feared or guarded against.

.... There is no colony which offers the same advantages to the steady, quiet settler who goes out predetermined to win by his labour a peaceable and smiling home in a new land, for himself and his heirs.⁴⁸

As the 1860s began, the huge potential from working the land in New Zealand will have been well known, and at the forefront of many soldier settler minds when they took their discharge with the intention to settle in the colony. The imperial soldiers stationed in New Zealand could be considered the privileged few, as they left their military service with a

⁴⁵ Philippa Mein Smith, *A Concise History of New Zealand*, 2nd ed. (Cambridge: Cambridge University Press, 2012), p.56.

⁴⁶ James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford: Oxford University Press, 2009), p.147.

⁴⁷ *Ibid.*, p.154.

⁴⁸ Captain Charles Chesney, ‘New Zealand Considered as a Field for the Emigration of Military Men’, *Journal Royal United Service Institution* 3, no. 11 (1859): p.277.

real understanding of the positive and negative aspects of the colony. Whereas, Chesney's audience will have been predominated by men yet to serve in or visit New Zealand, and he warned all such men considering migration to first visit and understand the country before over committing their limited capital as officers to colonial life.⁴⁹

In stark contrast to the British understanding of land tenure, within Te Ao Māori land could not be owned, it was not a commodity and could be neither bought nor sold. Where the British sought to subdue and 'improve' the land for individual gain, protected by legal property rights supporting outright and exclusive ownership, Māori customary land tenure was more fluid, based around the idea of ancestral and spiritual connections with Papatūānuku, authority over and rights of access to whenua was complex, but largely governed by mana. Generally speaking, an iwi would hold 'mana whenua' status over its particular rohe, an area it held a sustained connection to through settlement, hunting, gathering and other cultural practices. Within that rohe, hapū, whānau, and individuals negotiated a range of access rights to undertake the above, the boundaries for which were often in flux. Mana whenua were expected to act as kaitiaki over their land and resources, with the expectation the land and resources would, in turn, look after their future generations. Within Māori understanding of the land, it was inconceivable to sell exclusive rights or ownership and sever all connections to it.⁵⁰ However, with the arrival of Pākehā with British land tenure conventions, European technologies, the judicial system, capitalism and the force of the British military, Māori practices of land tenure were largely undermined. Soldier settlers as antagonisers of Māori 'rebellion', as enforcers of land confiscation, and later as occupiers of the land, became key tools in the colonial and imperial administrations alienation of Māori land and furthering European settlement.

During the 1840-1870 period in which imperial forces served in New Zealand, about two-thirds of the land, including virtually the whole South Island, was acquired through Crown pre-emption. The acquired land was then sold on or granted to settlers, often with only small reserves maintained for Māori. Those soldier settlers, who obtained land before 1863, purchased it or were granted it by the Crown or a subsequent reseller. The New Zealand Settlements Act in 1863, which is discussed in more detail further in the chapter, held 'military settlement' at its core, and opened up considerably more land, through the confiscation of 'rebel' Māori land, under enforcement by imperial and colonial forces.

⁴⁹ Ibid., p.289.

⁵⁰ Atholl Anderson, Judith Binney, and Aroha Harris, *Tangata Whenua: An Illustrated History* (Wellington: Bridget Williams Books, 2014), pp.213-214.

Demand for imperial soldiers to remain in New Zealand as soldier settlers came from three fronts: the army, the provincial councils or colonial governments, and the soldiers themselves. The former two will be discussed further in this chapter, while soldiers' desires for land and to remain in the colony will be outlined here. Accessibility of land, either through grants, purchase or loans, was well known to offer soldier settlers the possibility of establishing an independency of their own. In reply to an Otago newspaper report the editor of the *Taranaki Herald* boasted:

Those who know the [Tataraimaka] block—the writer amongst the number—consider that the advantages offered by the Government are equal in money value to a gift of £300, and that every settler who honestly avails himself of those advantages must necessarily at once secure for himself an independency for life.⁵¹

The aspirational notion of obtaining independency through owning and working the land was valued and sought by many soldier settlers, although as we will see it was certainly not obtained by all.⁵² Historian Miles Fairburn has identified that manual workers in New Zealand, a class which most rank and file soldier settlers belonged to, were inclined to apply for land grants from the Crown, and about one-quarter had become landowners by the early 1880s. Fairburn suggests that land-based independency was a widely held objective by this time.⁵³

Taking their discharge from the army to settle in New Zealand allowed soldier settlers many more opportunities than would be available at Home, in Britain, specifically land ownership, which could subsequently provide an independency and suffrage. The soldier settlers benefitted from the Colonial Office, under Henry George Grey (Earl Grey), pushing New Zealand towards self-government. In Britain, only one in five men could vote due to the inaccessibility of land ownership for most of the population.⁵⁴ Land was more readily available in New Zealand and any European male owning property valued greater than £50, or residing in an urban house worth more than £10 annual rent or a rural one of £5 was eligible to vote, as were leaseholders of £10 or more of property. From the first parliamentary and provincial elections in 1853, following the 1852 Constitution Act, those few soldier settlers that had been granted plots of land, and those savvy enough to have

⁵¹ 'Military Settlers from Otago', *Taranaki Herald*, 6 June 1863, p.2.

⁵² The failure of many soldier settlers on the land will be discussed further in the chapter.

⁵³ Fairburn, *The Ideal Society and Its Enemies*, p.45.

⁵⁴ Derek Heater, *Citizenship in Britain: A History* (Edinburgh: Edinburgh University Press, 2006), p.107.

saved their wages and purchased land were eligible to vote.⁵⁵ To some public consternation, a small number of enlisted men with freehold property in Auckland also voted in 1853.⁵⁶ Not only were the soldier settlers on the electoral roll eligible to vote in the parliamentary and provincial elections, but they could also run for seats themselves. Although only respected officers, such as Colonel Robert Henry Wynyard (58th) who became Superintendent of Auckland Province in 1853, would be elected, at least in the first few elections.

For those that had to leave, especially those that had established lives and become attached to the colony after several years of service in New Zealand, departure with the military could be unwelcome. In his reminiscences, Charles Ryland Tylden, lieutenant of the 70th Regiment described the upset leaving with his regiment caused him. “New Zealand had been to me the scene of the most happy period of my life and it was with feelings of extreme sadness I gazed upon the gradually receding shores for what appeared to me the last time.”⁵⁷ As an officer, Tylden, unlike the majority of the rank and file, had the resources to rectify his mistake, and for better or worse he chose to return to New Zealand as a settler after he found English home life, “dull and uninteresting in comparison with my experiences in New Zealand.”⁵⁸

Although land ownership may have become increasingly important to soldiers once they were in New Zealand, and pathways to ownership became more obvious and more obtainable, there is no indication that men were enlisting in Britain with the intent to settle in the colony. In a letter written to Colonial Secretary, William Ewart Gladstone, in June 1846, Governor Grey justified his reintroduction of Crown pre-emption and warned against the calls of a “powerful party” of 40 to 50 important Church Missionary Society and other gentlemen, family and friends who wanted the imperial Forces used to enforce their penny acre land purchases, undertaken under Governor Fitzroy. With the “dangers, hardships, and privations” of the Northern War fresh in his mind, Grey refuted the use of imperial forces for such a task,

... the soldiers do not fight to acquire farms for themselves and families, which might support them in their old age, in fact, there is nothing to attach them to such a service, and British officers and men very unwillingly find themselves compelled under such disheartening

⁵⁵ ‘To the Honourable the Commons House of Parliament’, *New Zealander*, 20 August 1853, p.2.

⁵⁶ *Ibid.*

⁵⁷ Charles Ryland Tylden, ‘Account of His Life’, 1907-1913, MS-1351, 85/35, Auckland War Memorial Museum, pp.32 & 33.

⁵⁸ *Ibid.*

circumstances to undergo such fatigues to put those, whom they would regard as mere speculators, in possession of lands wrested from a race who have many military qualities which excite a soldier's esteem.⁵⁹

The reality was, only a minority of those who served in New Zealand took their discharge in the colony. Additionally, prior to special legislation in 1853, only a small number of soldier settlers had managed to purchase land with their saved wages, while an even smaller number had received land grants from the governor. Not until the development of the colonial forces of military settlers in 1863, which attracted some imperial veterans, was soldier enlistment motivated by the potential of land ownership.

Land grants: Before 1853

In New Zealand, soldier settlement began with the discharge of Private Thomas Briggs and Corporal John Probert from the 80th Regiment, on 31 October 1841.⁶⁰ At this time governors continued to hold the authority to distribute land grants to settlers of their choice. According to Briggs, who had been a steward for Governor Hobson whilst in the service, Hobson died in 1842 before honouring a promise to grant him land if he discharged in the colony. Without the land grant, Briggs was left to rely on military-type work to gain a livelihood, joining the militia and police in Auckland and eventually New South Wales.⁶¹

Probert, on the other hand, did receive a land grant from Governor Hobson in 1842, a wedding gift for his marriage to Jane Froud, a servant to Hobson's wife, Eliza. A skilled metal worker, Probert was much better placed to do well in the colony than Briggs. He was able to buy his discharge while still young. At the age of twenty-six, Probert established a "General Black and White Smiths, Gunsmiths, Bell Changers and Farriers" operation. This was the first of several gunsmith and blacksmith shops, one of which was on Upper Queen Street, possibly on the land gifted to him by Governor Hobson. The trade was obviously successful as he had spare capital to purchase land of his own and began investing widely

⁵⁹ George Grey, 'Government House, Auckland June 25, 1846', *Wellington Independent*, 6 October 1847, p.2.

Hugh Hughes and Lyn Hughes, *Discharged in New Zealand: Soldiers of the Imperial Foot Regiments Who Took Their Discharge in New Zealand, 1840-1870* (Auckland: New Zealand Society of Genealogists, 1988), p.120.

⁶¹ Thomas Briggs to Colonial Secretary, 16 March 1848, 'Requesting Grant of land as a discharged Soldier', Series 8333, Box 66, Record 1848/567, Archives New Zealand (ANZ), Wellington; Thomas Briggs, 18 March 1857, 'For an appointment as Sergeant in Militia', Series 8668, Box 1/t, Record DAG1859/21, ANZ, Wellington.

in land around the burgeoning Auckland settlement. Although the couple had no children, they furthered the colony's population by paying the passage for his brother's family of seven and setting them up on a farm in Mount Roskill. By his death at age 75 in 1890, Probert had amassed a considerable fortune. To the disgust of his brother and his family, he bequeathed almost all of it, £20,000 in total, to the Wesleyan church.⁶²

Only two other men took their discharge in New Zealand before the events of the Northern War precluded further discharges.⁶³ In 1847, discharges resumed in larger numbers, building to their first peak, with 411 in 1850.⁶⁴ The regiments had been frequently called upon to build the colony's roads or undertake other manual labour, for which the men received 1 shilling daily, on top of their regular wages. From these wages some were able to save to pay for their early discharge and/or put towards the purchase of their own land.⁶⁵ Until 1853, those rank and file soldier settlers who wanted access to land, had no choice but to compete with the general settler population for land grants, the purchase or lease of sections, and depasturing from 1849, or timber licenses from 1851. There is no clear record of how many were able to take up property under these conditions, prior to 1853, though, it is clear that some did. Many others may have done so sometime after their discharge, having built up some capital as wages labourers.

According to the best estimate fewer than twenty officers took up Crown grant lands in New Zealand under the remission scheme available before 1853. Tracing an exact number is complicated by the scheme being available to current and half-pay officers from anywhere in the British Empire, not just those who had served in New Zealand. Gauging from the few written claims from New Zealand based officers for remission held by Archives New Zealand, like that of Lieutenant-Colonel William Hulme of the 96th Regiment to the Colonial Secretary, the figure is likely to be below twenty.⁶⁶

⁶² E. W. Hames, *The Saga of the Probert Trust: The Dramatic Story of One Methodist's Contribution*, Proceedings, no. 40 (Auckland: Wesley Historical Society of New Zealand, 1982), pp.6-8; 'The Auckland Suicide: A Bitterly Disappointed Man', *Evening Post*, 12 November 1894, p.2; 'The Probert Legacy', *Auckland Star*, 5 December 1894, p.2.

⁶³ Private James Harp in 1842 and Corporal John Bycroft in 1843, both were of 80th Regiment and both discharged on payment; Hughes and Hughes, *Discharged in New Zealand*, p.120.

⁶⁴ Collated from Hughes and Hughes, *Discharged in New Zealand*.

⁶⁵ Adam Davis, 'The Imperial Garrison in New Zealand, 1840-1870 with Particular Reference to Auckland' (PhD Thesis, University of Luton, 2004), p.37; A. H. Russell, 'From the Government Gazette', *Wellington Independent*, 30 January 1850, p.2.

⁶⁶ Hulme, Lt. Col. William, to Colonial Secretary, 7 March 1849, 'For Remission of Money on Purchase of Land', Series 8333, Record Group IA1, Box 94, Record 1851/685, ANZ, Wellington.

A small number of men who discharged in New Zealand obtained land in Auckland by re-enlisting with the Fencibles. The overwhelming majority of the Fencibles had served elsewhere in the world and been enlisted as pensioners in Britain and Ireland, and as such are outside the scope of this study. However, at least twelve soldiers were enlisted into the Fencibles after discharging from their regiment in New Zealand, some of whom served during the Northern War. These men, most already with wives and families, were recruited in Auckland to fill gaps as others were removed through a court-martial, or resigned from the Fencible scheme.⁶⁷

Benjamin Lewis, an Irishman with the 65th Regiment had served 28 years in the British Army and risen to the rank of sergeant-major by the time he was discharged to pension in Auckland in 1848, aged 49. His wife Jane (born Kinsella) and several children had accompanied the regiment to New Zealand on the strength. His eldest son Francis Charles had joined his father's regiment in 1845 at age 15 and was also stationed in New Zealand. He paid for his discharge in 1848 to settle near his family's new home in Auckland. By the end of that year, Benjamin Lewis had enlisted in the Fencibles and had been allocated his one acre in Howick, where he and Jane established the Royal Hotel, which served the best wine in Auckland, according to the visiting Reverend William Cotton.⁶⁸ The building itself still stands today, trading as the Shamrock Cottage Tea Rooms. The Lewis' also secured a depasturing license, the sale of liquor was lucrative, and by April 1849 they were running 70 cows, more than most other Howick Fencibles.⁶⁹

Land grants: After 1853

With the institution of the provincial councils in 1853, a new wave of colony-specific land legislation was brought in, as the provinces attempted to capitalise on what labour and capital were available to foster productive land. Grants of land and scrip or remission towards the purchase of land became the principal way soldier settlers obtained land.⁷⁰ Provinces were in competition for new settlers as they each sought to increase their European populations, often through expensive emigration schemes. Discharging imperial

⁶⁷ Fox, *The Six Colonies of New Zealand*, p.47; 'Court Martial on Lieutenant Owen W. Gray', *Daily Southern Cross*, 2 July 1850, p.3; 'The Southern Cross', *Daily Southern Cross*, 19 May 1849, p.2; 'Royal New Zealand Fencibles', *Daily Southern Cross*, 2 April 1850, p.3.

⁶⁸ Alexander, *The Royal New Zealand Fencibles*, pp.58, 66 & 152.

⁶⁹ *Ibid.*, p.65.

⁷⁰ 'Scrip' was a contemporary term used to describe a payment towards the full price of a land purchase. As opposed to a 'remission' which involved a rebate of a portion of the full price already paid.

soldiers became highly valued as settlers, already in the colony at the Crown's expense they could be secured at a much cheaper rate than those requiring financial assistance for transport from Britain. They also offered military expertise and experience which could be needed against 'rebel' Māori, or foreign invasion, especially by the North Island provinces.

General Land Regulations were issued in March 1853, reaffirming the Crown grant process within the new representative constitution, and amending the officers' rights of a remission on land purchase to a system offering scrip.⁷¹ In 1855, Auckland became the first province to offer land grants to all ranks of the British military.⁷² The legislation allowed 80 acres of 'waste land' for commissioned officers of full or half-pay, and 40 acres for non-commissioned officers, private soldiers, marines, and seamen of 'Her Majesty's Service' or the East India Company, who retired or discharged in Auckland with the intent to settle in the province. The terms were generous, and were recognised as being some of the first to include rank and file, but, to the dismay of many, they were not backdated and excluded men in the province who had already discharged or retired.⁷³ The editor of the *New Zealander* proclaimed,

The aim and object of the Special Occupation clauses is to promote Colonization; consequently the framer of such clauses must be quite as desirous of inducing old and meritorious soldiers already discharged,—men who have long been identified with us, habituated to colonial life, and interested like ourselves, in colonial progress, and prosperity, —to take root and become good and industrious possessors of our soil, as he by any possibility could be, to hold out temptation to the comparative recruit to obtain his discharge and cast his lot amongst us.⁷⁴

The editor believed the legislation would be backdated "in a spirit of the fullest liberality and justice."⁷⁵ The legislation was not backdated, but by the end of 1855 had been picked up by other provinces, including Taranaki who were eager to boost their share of soldierly men as tensions between settlers and Māori increased, principally over land sales. However, the following year, Auckland introduced the Naval and Military Scrip Act, which went some distance to fill the gap, providing £20 towards the purchase of Crown lands in Auckland Province. Those "employed in suppressing the insurrection" during the

⁷¹ 'Proclamation: General Land Regulation', *New Zealand Spectator and Cook's Strait Guardian*, 16 March 1853, p.4; W. R. Jourdain, *Land Legislation and Settlement in New Zealand* (Wellington: Government Printer, 1925), p.19.

⁷² 'General Land Regulations: For the Province of Auckland', *New Zealander*, 3 January 1855, p.3.

⁷³ 'The Military and the Land Regulations', *New Zealander*, 17 February 1855, p.3.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

Northern War were eligible if they had discharged to settle specifically in Auckland, and had not yet made a claim.⁷⁶

Few saw this as enough to ensure the military men were retained as settlers in their province.⁷⁷ With a few hundred of the 58th Regiment known to be discharging with the regiment's impending departure after thirteen years, the Auckland newspapers were filled with calls for more to be done. An example from the *New Zealander* proclaimed,

An opportunity now presents itself to the people of this Province [Auckland] to promote its real progress, and at the same time to shew a mark of respect to the men of the 58th and to its gallant commander, without incurring the usual expense of paying for passages, by locating men who have received their discharge and those about to be discharged in the same way as the Pensioners were....

There are, I am informed, 250 of these men—some already and others to be cast upon the Province just at this critical juncture. The expense of this number of immigrants would cost the Province, at £12 each, the sum of £3000; to say nothing of wives and children, which many of them have.⁷⁸

The Waste Lands Act 1858 followed with even more liberal set of terms. Again, Auckland showed the initiative, and from there the statute was extended to the other provinces of the North Island—Taranaki, Wellington and Hawke's Bay.⁷⁹ The terms were more liberal, but the fine print for eligibility still saw many disqualified, creating an ongoing issue of inequity for the colonial government which was not entirely rectified till 1911. On offer was 400 acres for the commissioned officer, 80 acres for non-commissioned and warrant officer, and 60 acres for the private soldier, marine, and seaman. It applied to all officers and rank and file of the army, navy and East India Company, who would retire or discharge, or had retired or discharged with the intention of living in the specified province and had not previously made a claim. The criteria included:

he... shall prove to the satisfaction of the Commissioner, by certificate or otherwise, that he retired or obtained his discharge for the purpose of settling in the Province of Auckland; and any Non-commissioned Officer or Private, Marine, or Seaman shall, at the same time, produce to the Commissioner a certificate from the Officer under whom he may have

⁷⁶ Province of Auckland The Naval and Military Scrip Act, 1856, Session 5, No.10.

⁷⁷ 'Original Correspondence: How Can We Keep the Discharged 58ths?', *New Zealander*, 26 September 1857, p.3.

⁷⁸ 'The Discharged Men of the 58th Regt, What Is to Become of Them?', *New Zealander*, 5 August 1857, p.3.

⁷⁹ Waste Lands Act, 1858, Session 21 & 22, No.75; Hawke's Bay Province was added slightly later in 1858, after separating from Wellington.

served, of having during his period of service been of a good character: Provided also, that any such Land Order shall be applied for within twelve calendar months next after such retirement or discharge as aforesaid, or shall have been applied for before the Ninth day of June 1858, by those who have retired or been discharged.⁸⁰

Issues arose immediately around the four pieces of criteria underlined above. Firstly, the wording of applicants discharge paperwork needed to specify an ‘Intended Place of Residence’ in New Zealand, often a specific province. The Horse Guards, were not notified for some time and discharges continued to be issued with intended place of residence generalised as ‘Australian Colonies’, or similar, disqualifying many of the 58th Regiment discharged, and others.

By October 1858, 99 discharged men who had missed out on their land grant had met to discuss their complaints and petition the Auckland Provincial Council.⁸¹ John Mitchell, former Quartermaster Sergeant of the 58th Regiment, who had been discharged in 1853 with gratuity, led the group. They petitioned for a more sensible approach to the military land grant criteria, after first being turned away for the former reason, and then being told the application deadline had passed while they awaited the administration to rectify the issue. Some had also been turned down due to their discharge having taken place prior to the existence of Auckland as a province.

The petition was discussed by the Provincial Council a few days after Mitchell’s meeting and was referred to the Attorney-General for his legal opinion with a test case of Michael Hartnett, formerly a sergeant of the 58th Regiment.⁸² The Attorney-General’s opinion was that the Act could be applied back only as far as 17 January 1853, the date which the Auckland Province was established and given the power to regulate the disposal of its own ‘waste land’.⁸³ Hartnett remained ineligible, not only due to his early discharge, but also as he had been discharged to pension “in consequence of being unfit for further service,” rather than by his decision to settle in the province of Auckland, which did not exist yet. The latter point left the second discharge certificate he had received from Colonel Wynyard for his 1858 application redundant as well. The certificate stating specifically that Hartnett “has been discharged for the purpose of settling in the Province of Auckland,” which was not possible, as the province of Auckland did not exist in 1849. The Attorney-

⁸⁰ Waste Lands Act, 1858, Session 21 & 22, No.75; The Naval and Military Settlers’ Act, 1860, Session 3, No.35; Hawke’s Bay Province was added slightly later in 1858, after separating from Wellington.

⁸¹ John Mitchell, ‘Statement of the Discharged Soldiers’, *Daily Southern Cross*, 12 October 1858, p.3.

⁸² ‘Tuesday Oct 12 1858’, *Daily Southern Cross*, 15 October 1858, p.3.

⁸³ ‘The Retrospective Operation of the Naval and Military Clauses’, *New Zealander*, 27 October 1858, p.3.

General's opinion resulted in the disqualification of 93 other applications from men similarly discharged prior to 1853. Further amendments were attempted by the Auckland Provincial Council to ensure these men received what they were due.⁸⁴

In light of these issues further provisions were made across the North Island, and Nelson, which built upon those offered in the Waste Lands Act 1858. Over fifty years, provisions were added, allowing for the inclusion of colonial forces, and multiple reviews of new and previously unsuccessful claims.⁸⁵ As the colony once again plunged into war from 1860, soldier settlers only became more desirable to the provincial councils and colonial government. This became even more pronounced as talk of the withdrawal of imperial forces became a reality into the late 1860s. Discharged men were brought back into military roles through volunteer and militia units raised in their local communities, and those who saw action could again be eligible for land, though, only one successful claim would be admitted per man.

The most significant statutes during the 1860s included The Naval and Military Settler Act 1860, which provided an additional three month period to apply and added a stipulation that the recipient of the land grant must reside for four out of the first five years in the relevant province before the land title would be conferred.⁸⁶ In Wellington, the Act was repealed in 1863, and in Taranaki in 1865, although some claims continued to be heard up to 1867. Within this time the residence clause created a new array of controversy and confusion amongst failed claimants. The Auckland Waste Lands Amendment Act 1862 allowed men who had discharged or retired intending to settle in a different province, to be eligible for a land claim in the Auckland Province, as long as the application was made within twelve months of discharge or retirement.⁸⁷ It also removed conditions of land improvement on the 'special occupation' land that some soldier settlers had taken up in 1855. The Naval and Military Settlers Act 1869, which gave the governor the power to allow grants where men had failed to meet the four years residence requirement due to the treatment of injuries or sickness sustained during service, or in cases of great hardship.⁸⁸

Petitioning continued after the dissolution of the Provincial Councils in 1876. Following a recommendation from the Waste Lands Committee of the House of Representatives, a

⁸⁴ 'Our Parliament and the Press', *New Zealander*, 30 October 1858, p.3.

⁸⁵ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23; 'Report on Naval and Military Claims', *AJHR*, 1911, Session I, H-21, p.4.

⁸⁶ The Naval and Military Settlers' Act, 1860, Session 3, No.35.

⁸⁷ The Auckland Waste Lands Act Amendment Act, 1862, Session 26, No.34.

⁸⁸ The Naval and Military Settlers Act, 1869, Session 32 & 33, No.14.

commission was formed in 1882, to report on the Navy and Military and Local Forces Land Claims.⁸⁹ The commission was limited to previous claims which had been declined due to “purely technical difficulties, excusable ignorance, or from the neglect or error of those in authority,” from which they excluded, “those discharged in the colony subsequent to 1861, after which time no plea of ignorance could reasonably be admitted, as the conditions were then well known to all regiments serving in New Zealand.”⁹⁰ The commission received 1,582 applications, from which it found 119 claims to recommend for favourable consideration. Of these claims 29 were for imperial forces, who had served in New Zealand, largely from the 58th and 65th Regiments. As non-commissioned officers and privates these men all received either 80 or 60 acres or corresponding £80 or £60 scrip, which had to be redeemed within six months. John Mitchell, who had led one of the first petitions to rectify the original Act, had claimed an officer’s entitlement of 400 acres, presumably as he had served as captain for the Auckland Volunteer Rifles, but was limited to an 80 acre or £80 scrip, in line with his rank as quartermaster sergeant with the 58th Regiment.

Another similar Committee was launched in 1889, chaired by William Russell Russell, the MP for Hawke’s Bay, who had formerly served in New Zealand as an officer with the 14th and 58th Regiments. Russell’s sympathy for his former comrades may in part have assisted the terms to be further liberalised. Russell may also have been inclined to be favourable, as he himself had received special dispensation in 1868, when he had the Russell Military Grant Act made in his favour, allowing him to receive twice the usual officer’s acreage in Hawke’s Bay, in spite of failing to meet the four out of five year residency.⁹¹ With the 1889 inquiry, any person who believed they had a case was required to raise it by 30 June 1892, and then prove said claim to the Lands Commissioner by 31 March 1893. By 1894, 921 further claims had been substantiated.⁹²

However, petitions from soldier settlers whose claims had still not been considered or approved continued to petition parliament beyond this date, and in 1896 another commission was announced to inquire into each claim set out in the subsequent 1894

⁸⁹ ‘Report of the Naval and Military and Local Forces Land Claims Commission’, *AJHR*, 1882, Session I, H-17.

⁹⁰ *Ibid.*, p.3.

⁹¹ The Russell Military Grant Act, 1868, Session 32, No.39; Russell is discussed further in Chapter 3.

⁹² Naval and Military Settlers’ and Volunteers’ Land Act, 1889, Session 53, No.28; Naval and Military Settlers’ and Volunteers’ Land Act, 1891, Session 54 & 55, No.50; Naval and Military Settlers’ and Volunteers’ Land Act, 1892, Session 153, No.1; ‘Report on Naval and Military Claims’, *AJHR*, 1911, Session I, H-21; Jourdain, *Land Legislation and Settlement in New Zealand*, p.23.

report.⁹³ It was intended to be the absolute final inquiry. Hearings were extended to a multitude of smaller regional communities, where soldiers had settled like Waiuku and Drury, Waverley and Pahiatua, to ensure the appropriate outreach and accessibility for the many aging men. New claims were once again accepted, but only two were substantiated, neither which was a veteran of imperial service in New Zealand. A total of 2,095 claims were heard, with only 110 claims or five per cent meeting the criteria. A fresh outpouring of discontent began, and once again Parliament was petitioned.⁹⁴ The whole process took so long that several men were said to have died with recommended claims before they could be awarded.⁹⁵ The budget to pay the claims, which amounted to a mere £3,495, eventually passed in November 1898. At which time, William Massey, opposition MP, was reported to have had the last word, with a complaint “...that many just claims had been overlooked. The report could not be final, and some future inquiries would have to be made.”⁹⁶

Massey was correct, and petitioning continued over the next decade. The issue returned to the fore in November 1909 when the Petitions Committee again recommended the government launch an inquiry into old soldiers' claims.⁹⁷ The new inquiry was to be run through local Magistrate's across the country and was launched in early May 1910 by the Attorney-General Dr. Findlay.⁹⁸ With the Report on Naval and Military Claims, presented in 1911, a collation of all previously awarded claims was presented, showing 7,692 successful claims over the 50 plus years since the Waste Lands Act 1858.⁹⁹ The new inquiry accepted a similar percentage of additional claims as the previous inquiry, receiving 629 claims, recommending 30, and paying out 23, at least four of which were men still claiming for service with the imperial forces in New Zealand.¹⁰⁰

Denis Coffey was the only successful claimant from Rotorua. Coffey was born on the strength in Ireland and followed his father into the 57th Regiment as a fourteen-year-old, in

⁹³ 'Report of Substantial Claims Under 'The Naval and Military Settlers' and Volunteers' Land Act, 1892,' *AJHR*, 1894, Session I, H-23b.

; Naval and Military Claims Settlement and Extinguishment Act, 1896, Session 60, No.50; 'Old Soldiers Claims', *New Zealand Herald*, 15 October 1896, p.5.

⁹⁴ 'Petitions', *New Zealand Herald*, 21 September 1898, p.5; 'Auckland Star', *Auckland Star*, 15 August 1898, p.4; 'Parliamentary Notes', *Auckland Star*, 20 July 1899, p.2; 'Naval and Military Claims', *Auckland Star*, 11 October 1899, p.2; 'A Wanganui Petition', *Wanganui Chronicle*, 10 September 1904, p.5.

⁹⁵ 'Legislative Council', *Press*, 27 November 1897, p.9.

⁹⁶ 'Close of the Session', *Auckland Star*, 7 November 1898, p.2.

⁹⁷ 'Old Soldiers Claims', *New Zealand Herald*, 15 October 1896, p.5.

⁹⁸ 'Old Soldiers' Claims: Hon. Dr. Findlay Interviewed', *Auckland Star*, 6 May 1910, p.2.

⁹⁹ 'Report on Naval and Military Claims', *AJHR*, 1911, Session I, H-21, p.4.

¹⁰⁰ *Ibid.*, p.5.

1853. He first served in Arabia and India, before arriving in New Zealand in 1860, where he saw action in Taranaki and Whanganui with the 57th Regiment, and bought his discharge whilst in Auckland in 1867 to enlist with the Armed Constabulary in Patea. Coffey was with the Armed Constabulary for almost four years, during which time he saw further battles at Tapapa, Taupō, Whanganui and Te Urewera. It is unclear why Coffey failed to make a claim during previous inquiries. His name does not appear on any of the earlier reports, of substantiated or unsubstantiated claims. By 1900, however, he had discovered its worth and began petitioning for his own claim, which he continued to do through to the new inquiry in 1910.¹⁰¹ As he was found to have been discharged with ‘Good’ conduct and had resided in the eligible areas since his discharge, Coffey was awarded his £30. As a veteran of almost twenty years military service and entering his seventies any additional income was welcome. The belated grant, although not worth what it was once worth in land, will have buffered Coffey’s imperial and New Zealand military pensions and helped him to see out his last years in modest comfort at the Auckland Veterans Home.¹⁰²

The failed claims in these reports - of which there was a large number - were often for the imperial soldier settlers. This was due to a record of poor conduct during service, or a previously successful claim. Conduct recorded as anything, except ‘good’ could result in a declined land grant. The initial 1892 inquiry which began in 1889 in Taranaki found a few cases of those with ‘fair’ conduct having been declined, and recommended these cases be reviewed. Whether any claims were successfully substantiated after this is unclear.¹⁰³ Similarly, the committee recommended that despite previous conditions, those who served in both the imperial force and colonial force, and otherwise qualified, be awarded land grants for both.¹⁰⁴ It does not appear that this recommendation was followed through, I have found no evidence of men successfully receiving land grants for both imperial and colonial service, although there are instances of men receiving grants of land, and an additional payment of scrip.

¹⁰¹ ‘Report of the Public Petitions A to L Committee’, *AJHR*, 1900, Session I, I-01, p.11; ‘Report of the Public Petitions A to L Committee’, *AJHR*, 1906, Session II, I-01, p.10; ‘Report of the Public Petitions A to L Committee’, *AJHR*, 1907, Session I, I-01; ‘Report of the Public Petitions A to L Committee’, *AJHR*, 1907, Session I, I-01, p.5.

¹⁰² ‘Personal.’, *Taranaki Herald*, 6 February 1920, p.2; Pensions are discussed further in Chapter 3.

¹⁰³ ‘Letters regarding various blocks of land, land transfer, land scrip holders, notices of purchase, regulations, memorandum and a list of claims received under the Naval, Military settlers and volunteers Land Act 1889 in Taranaki’, 1850-1892, Series 18319, Record Group LS-NP4, Box 1 / 6, ANZ, Wellington.

¹⁰⁴ ‘Report of Substantial Claims Under ‘The Naval and Military Settlers’ and Volunteers’ Land Act, 1892,’ *AJHR*, 1894, Session I, H-23b, p.1.

Discussion of the issues around eligibility and the continuing review of cases is largely absent from the historiography. But a successful application, whether granted in 1858 or as late as 1911, had real and ongoing ramifications for men and their families. It was with this in mind that the final inquiry was launched, and the *Horowhenua Chronicle* encouraged its readers to communicate its existence to possible claimants.

In districts which numbers amongst their resident's so many old soldiers as the Manawatū and Horowhenua Counties do, it behoves all public journals and public bodies and private citizens to unite in disseminating knowledge of any attempts made from time to time to better conditions for all surviving veterans. It is with this end in view, and in the hope that we may assist in helping some deserving veteran to better conditions that we seek to give further publicity to an important memorandum issued by the Under-Secretary for Justice.¹⁰⁵

Ownership of property or money in lieu improved the situations of soldier settlers and assisted them on their hunt for comfort and security. Soldiers with a good service record were encouraged to become land owners through the military land grant system, and continued to be favoured in the subsequent review process.

Land claims and the New Zealand Settlements Act 1863

Access to land ownership, even through the first rounds of military land grants, was not guaranteed to provide even modest comfort. Many struggled on the land, as is most clearly exemplified through Governor Grey's last military settlers, the Waikato Militia. The Militia was a colonial force recruited mostly from the Otago goldfields and the Australian colonies, on the promise of grants of land for three years of service. It enticed an array of discharged imperial troops to also enlist.

Grey arrived back in New Zealand as Governor in 1861 to an administration committed to obtaining more Māori land for settlement, and intent on undermining the Kīngitanga movement. Both were pursued by Grey and addressed in the New Zealand Settlements Act 1863.¹⁰⁶ The Act, allowed the confiscation of Māori land, without compensation, from those found "engaged in rebellion against Her Majesty's authority," it also allowed for said land to be granted in exchange for military service, and the surplus sold to repay loans taken to enable the enforcement of land confiscation and colonisation process. The Waikato War began when imperial troops crossed the Mangatawhiri Stream and invaded

¹⁰⁵ 'Naval and Military Claims', *Horowhenua Chronicle*, 24 January 1911, p.2.

¹⁰⁶ New Zealand Settlements Act, 1863, Session 27, No.8.

the Waikato on 12 July 1863. In the days leading up to this invasion, Māori living between Auckland and the Waikato had been warned to pledge allegiance to the Crown or leave the area, and that any that took up arms against the soldiers would forfeit their lands. Any British attack was going to be met by Kīngitanga defence, which would be redefined as ‘rebellion’ to allow for confiscation.¹⁰⁷

Recruitment of militia began in the later part of 1863, and by October 1864 more than 6000 men had been enlisted into five regiments, four for the Waikato, and 1 for Taranaki.¹⁰⁸ Through Frank Glen’s research, we have statistical details for the 2nd, 3rd and 4th Waikato Regiments, which show there was an even spread of recruits of about thirty per cent each from Auckland, and the South Island (principally Otago), and 11 per cent from the regimental headquarters. The remainder of the men were recruited from the Australian colonies: Victoria, Queensland, South Australia, New South Wales, and Van Diemen’s Land.¹⁰⁹ Research by Jeff Hopkins-Weise and Frank Glen has emphasised the place of Australians in the force, or at least men recruited in the Australian colonies, as less than six per cent were actually born in Australia.¹¹⁰

We know from the statistics of these three regiments that 4.9 per cent of men stated their previous occupations on enlistment as ‘soldier’, approximately 192 men (from 3,920 recruits).¹¹¹ Although there are many variables with recruitment taking place in different locations if that ratio extended to the 1st Regiment we would expect to see another seventy ‘soldiers’ to have enlisted with them. Not all of these men will have seen service in New Zealand, some will have only served around Australia, others will have arrived in the Australasian colonies hoping for gold, or other antipodean dreams, only to succumb to the living they knew best.¹¹² Without an intensive comparative analysis of Nominal Rolls, we cannot know exactly how many imperial soldiers who served in New Zealand later joined

¹⁰⁷ Vincent O’Malley, *The Great War for New Zealand: Waikato, 1800-2000* (Wellington: Bridget Williams Books, 2016), p.399.

¹⁰⁸ Frank Glen, *For Glory and a Farm: The Story of Australia’s Involvement in the New Zealand Wars of 1860-66* (Whakatane & District Historical Society), p.111.

¹⁰⁹ Ibid.

¹¹⁰ Jeffrey Ellis Hopkins-Weise, ‘Australian Involvement in the New Zealand Wars of the 1840s and 1860s’ (M.Phil Thesis, University of Queensland, 2003); Jeff Hopkins-Weise, *Blood Brothers: The Birth of the ANZACS* (Auckland: Penguin, 2008); Jeff Hopkins-Weise, ‘Tasmania and the New Zealand Wars of the 1860s’, *The Volunteers* Vol.29, no.3 (2004): pp.67-96; Frank Glen, *Australians at War in New Zealand* (Christchurch: Willsonscoot, 2011); Glen, *For Glory and a Farm*, p.111.

¹¹¹ Glen, *For Glory and a Farm*, p.110.

¹¹² James Bodell is an example of an imperial soldier joining the Waikato Militia without prior New Zealand service. His efforts are detailed in James Bodell, *A Soldier’s View of Empire: The Reminiscences of James Bodell, 1831-92*, Keith Sinclair (ed.), (London: Bodley Head, 1982).

the Waikato Militia. However, we do know these men were inclined to further military service, and that through this service some received land grants.¹¹³

The *New Zealand Gazette* published the conditions of recruitment in August 1863.¹¹⁴ Recruits were required to be younger than forty years of age, and be able to prove they were of good character, health, and general fitness. For three years 'good' service a man would be eligible for a town allotment in a new settlement as well as a farm section, sized according to rank. Field officers would receive 400 acres, captains 300 acres, surgeons 250 acres, subalterns 200 acres, sergeants 80 acres, corporals 60 acres, and privates 50 acres. Each recruit would receive wages, rations, and allowances for up to twelve months after taking possession of his land, after which they would only be received during training or 'actual service'. Those unable or unwilling to fulfill the conditions were able to replace themselves under approval from the government.

The weaknesses of the Waikato Militia as a military settlement scheme have been well documented.¹¹⁵ The causes of soldier settlers failing to obtain an independency from the scheme are general to the rest of the Waikato Militia, and similar to the failure of previous military settlements across the British Empire. Areas chosen for settlement included Alexandra (Pirongia), Kihikihi, Whatawhata, Cambridge, Kirikiriroa (Hamilton), and Tauranga, which was later extended to Ōpōtiki. The establishment of each settlement faced difficulties over and above that of the violence of the lands alienated Māori population, as did the settlements arranged for the Forest Rangers and Taranaki Militia. By the end of 1864, most of the Waikato Militia townships had been surveyed; their defensive stockades had been built as had the town's roads.

Almost immediately the scheme began to run short on funds, and the government was forced to speed the surveying of the rural sections so they could expedite the process of

¹¹³ Inclination to further military service with the colonial forces is discussed further in Chapter 3.

¹¹⁴ Colonial Secretary's Office, 'Volunteer Militia Settlers', *New Zealand Gazette*, 5 August 1863.

¹¹⁵ H. C. M. Norris, *Armed Settlers: The Story of the Founding of Hamilton, New Zealand, 1864-1874*, 2nd ed. (Hamilton: Paul's Book Arcade, 1963); Paul Joseph Spyve, 'The First Waikato Regiment and the Settlement Process of the Bay of Plenty, 1864-1874' (MA Thesis, University of Waikato, 1981); Ross B. Hamilton, 'Military Vision and Economic Reality: The Failure of the Military Settlement Scheme in the Waikato, 1863-1880' (MA Thesis, University of Auckland, 1968); Peter D. H. Allen, 'Military Settlement in the Middle Waikato Basin' (M.Phil Thesis, University of Waikato, 1969); Leonard L. Barton, *Australians in the Waikato War, 1863-1864* (Sydney: Library of Australian History, 1979); C. W. Vennell, 'Waikato Wives of the 1860s', *Auckland-Waikato Historical Journal*, April 1982, pp.29-35; H. Barr, 'Alexandra: A Waikato Military Settlement', *Historic Places in New Zealand*, no.22 (September 1988): pp.6-8; Evelyn Stokes, *A History of Tauranga County* (Palmerston North: Dunmore Press, 1980); O'Malley, *The Great War for New Zealand*.

removing men from wages and rations.¹¹⁶ The shortage of government funds also brought to a hold planned public works, which resulted in the loss of possible income for the Militia as they were removed from wages, whilst attempting to develop their sections. The subsequent lack of road access to farms meant many properties could not be accessed to be developed, and where they could be there was no viable means to get their produce to market.¹¹⁷ Without adequate roads those men attempting to develop their rural properties could be as much as a full day's journey from town, whilst still expected to attend parade and drill, those that missed two consecutively were treated as a deserter with a possible loss of land entitlement. Such a distance hampered communication, and left impotent any ability for the group to act as a defensive unit, and as the imperial troops were withdrawn many settlers were left isolated and vulnerable to attack on their 'frontier' properties.¹¹⁸

Additionally, the sections themselves were often unviable. There was already dispute over whether the privates' 50 acre sections were a viable economic unit, enough to support a settler and his family, and these sections were further jeopardised by being of lower quality land, than that of the officers who were allocated first.¹¹⁹ The land grants of the rank and file were often thickly forested, or swamp lands both of which required large amounts of capital and labour to develop into a viable stocking or cropping land, neither of which was available to most. Breaking in land and ensuring its viability as a farm also required agricultural skill and knowledge, neither of which the majority of those recruited held, a minority of eleven per cent recorded previous employment in farming.¹²⁰ Development was further hampered by a lack of equipment, where a small amount of equipment was supplied by the government it was monopolised by officers. Despite the recruiter preference for married men, there were many unmarried men involved who had little chance of finding female company living on the 'frontier'.

The settlements languished. Where men were unable to find replacements for themselves, they deserted, to the goldfields of Thames, or back to the Australian colonies. Those with families were much more likely to stay and suffer, eking out an existence, where possible, unable to afford the costs of moving their families. The government was repeatedly petitioned to assist the situation of the Militia and their families and had supplied rations, which only prevented starvation, but by June of 1867, they relented, canceling the

¹¹⁶ Hamilton, 'Military Vision and Economic Reality', pp.63-68.

¹¹⁷ Glen, *Australians at War in New Zealand*, p.91.

¹¹⁸ *Ibid.*, p.217.

¹¹⁹ Stokes, *A History of Tauranga County*, p.103.

¹²⁰ Glen, *For Glory and a Farm*, p.110.

conditions of settlement, and disbanding the Militia entirely that October. Properties were sold cheaply or deserted, and were largely taken up by officers with larger more viable sections, and greater access to capital; or, land speculators from Auckland such as Thomas Russell and Frederick Whitaker. Russell and Whitaker were lawyers who doubled as bankers as well as politicians. They had advocated for war and the establishment of the Waikato Militia scheme in the first place. It had become another failed military settlement scheme.

Joseph Swan (Swann), arrived with the 99th Regiment in 1845 as a private, and on the regiment's departure in 1847 he had transferred to the 65th Regiment and seen out another nineteen years of service. Discharging to reduced pension in 1864, he was recruited by the 3rd Waikato Regiment in Pukekura, who were just establishing themselves in Cambridge, Waikato.¹²¹ Swan lasted just over a year before realising he could not make 'a go of it' on his allocated swampy land. He sought a replacement. As a bachelor, mobility was much simpler than it would have been with a family. He travelled south to Taranaki, where he was still able to acquire land for his imperial service under the Waste Lands Act 1858. He took up a larger 60 acre section around what became Egmont Village. However, his attempts to build an independency were again scuppered, this time by a lack of infrastructure.

In 1869, Swan and other military land grant holders in his area petitioned the provincial government of Taranaki.¹²² Unable to access their lands, for want of roads, they found themselves ineligible for the gratuity, apparently due them under the British Army's 'small book', which offered three to twelve months at six pence a day for those "settled and industriously employed on their land," at the discretion of the colony's governor.¹²³ The soldier settlers had unsuccessfully offered their claim to the said gratuities to the province in exchange for roads built to their lands. Three years later, in 1872, they petitioned Governor George Bowen on the same terms.¹²⁴ Although it is unclear whether this exchange went ahead, the roads were eventually built, allowing Swan to become a "sturdy and respected farmer."¹²⁵

¹²¹ John Binsley, 'New Zealand Militia, Volunteers and Armed Constabulary, 1863-1871', Auckland Libraries; updated 2 April 2014 <http://www.aucklandcity.govt.nz/dbtw-wpd/armedconstab/armedconstabulary.html>.

¹²² 'From the Discharged Soldiers', *Taranaki Herald*, 3 November 1869, p.2.

¹²³ Ibid.

¹²⁴ 'Memorial from Discharged Soldiers', *Taranaki Herald*, 17 August 1872, p.2.

¹²⁵ 'An Old Soldier's Career: The Late Mr Joseph Swan', *Taranaki Daily News*, 15 July 1907, p.2.

Character and location of military settlements

Like the cluster of soldier settlers alongside Mooney in Mangawhai, and those in the Waikato Militia settlements, the way that military land grants were enacted saw many soldier settlers congregated on ‘frontier’ lands together in pioneering-type communities. Despite the fact Māori had generally sustained themselves from these lands for generations, they were seen as ‘undeveloped’, or ‘waste’ lands to European eyes, and often required extensive labour and capital before the soldier settlers could obtain a modest comfort for themselves and their families. Some lands were certainly worse for European-type farming than others, as Cheney had warned in his 1858 speech,

... to those who are seduced into the idea of emigration by so-called ‘grants of land to military settlers.’ As soon as a colony is past its infancy, such grants are thrown so far back into the more inaccessible parts, as to cease to be of any use, and to bear a merely nominal value.¹²⁶

Although there was certainly productive land available, the best land often went to officers whose larger sections were allocated or chosen first.

By the time of the 1911 Report on Naval and Military Claims, there had been around 7,700 beneficiaries to the various schemes, around 1,000 of whom were scrip only.¹²⁷ These beneficiaries included veterans who were eligible from previous service overseas in the British Army or Navy, or the East India Company, and some of those who had served in the colonial forces, and some of those groups of Volunteers and other Militia which had seen action. An unknown, but likely significant number of these were issued to soldier settlers who had served in New Zealand with the imperial forces. As research advances it is likely numbers will become more certain; they are likely to make up between a third to two-fifths of the total military beneficiaries.

As expected, the majority of military land grants were issued in the Auckland Province. The Auckland Province included the top half of the North Island down to latitude 39, from Mahia Peninsula in the east across the Northern most point of the Whanganui River to the west coast. Besides the few Waikato Militia settlements, European settlement remained mostly around the coast, as much of the inland and southern part of the province remained under Kīngitanga control, off limits to Pākehā settlement until the early 1880s. Within the

¹²⁶ Chesney, ‘New Zealand Considered as a Field for the Emigration of Military Men’, p.288.

¹²⁷ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23; ‘Report on Naval and Military Claims’, *AJHR*, 1911, Session I, H-21.

province, a total of 4,272 soldiers were issued 5,963 rural sections and 3,451 town sections, estimated to contain more than 200,000 acres of land.¹²⁸ Over the years, these land grants were widely distributed across the province. Settlements stretched out from Auckland, almost always led by the military, via coastline, via the Waikato River and via the military's lifeline, the Great South Road.

Kirikiriroa had sustained a handful of Māori kāinga before military settlers replaced them on the confiscated land in 1864, many of whom struggled to get by. A long gravelly stretch of the Waikato River's shoreline Kirikiriroa became one of the sites for Waikato Militia settlement. The site was later renamed Hamilton, after Captain John Fane Charles Hamilton of the *H.M.S. Esk*, who was killed whilst leading men in the British attack on Pukehinahina in May 1864. John Patrick Shanaghan discharged in 1852 with gratuity whilst in Auckland, having served as a drum-major in the 58th Regiment. He remained around Auckland town through the 1850s. Although his occupation is not known, his daughter appeared regularly as a singer, Miss Shanaghan, often performing Irish ballads.¹²⁹ Due to his previous experience with the 58th Regiment, Shanaghan was commissioned quartermaster of the 4th Waikato Regiment in January 1864 (equivalent to subaltern in this instance). He successfully served his three years, and accordingly took up his 200 acres of land in Hamilton East, lot 319. However, Shanaghan who by now was in his early forties, with a life of hard soldiering behind him, was unable to make a go of it. The "climate being too severe," drove him to sell the property on and return north to Onehunga.¹³⁰

Despite Shanaghan's experience, historian Glen Frank identifies Hamilton East as one of the more successful areas, particularly for married soldier settlers establishing themselves on the land and retaining their property.¹³¹ James McPherson was a married officer who managed to prosper in Hamilton East. McPherson had arrived in New Zealand with the 70th Regiment in 1861. His wife and two daughters travelled with the regiment on the strength in 1861. McPherson had initially enlisted as a private with the 93rd Highlanders, and had proven himself in Crimea and Lucknow, where he had earned his commission to ensign with the 70th Regiment. Selling his commission, he joined the Commissariat Transport Corps as paymaster, then the 4th Waikato Regiment as captain and adjutant. McPherson completed his three years of service and settled on lot 314, and his 400 acres

¹²⁸ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23.

¹²⁹ 'Monthly Local Epitome.', *New Zealander*, 2 January 1861, p.2.

¹³⁰ 'Obituary', *Auckland Star*, 11 July 1895, p.6.

¹³¹ Glen, *For Glory and a Farm*, p.95.

allocated to him in Hamilton East. For a few years, “he occupied himself with agricultural and pastoral pursuits, which were not too profitable in those days.”¹³² Attempting to understand his land better, McPherson, like many other officers on military grants, submitted soil samples in 1867 for analysis by James Hector of the Colonial Museum, under an initiative of Premier Edward Stafford. From the subsequent parliamentary report we learn that by late 1867, McPherson’s Waikato lands had been burnt back by him and likely by the previous Māori occupants, but, remained an ‘uncultivated land’, filled with mataī tree roots, and only able to be thinly stocked.¹³³ Hector’s study established beyond doubt that the Waikato Basin was a fertile land, it just required extensive drainage for effective cropping.¹³⁴ With the resources of an officer, McPherson established himself well enough on the land to build a homestead of kauri, which still stands today; and by 1870, to diversify into flax-milling, and politics, becoming the representative for the Waikato electoral district, in 1871.¹³⁵

In Tauranga, the 1st Regiment of the Waikato Militia arrived a month after the unsuccessful British attack on Pukehinahina, but was involved with the more decisive attack at Te Ranga in June of 1864. Evelyn Stokes details their establishment as settlers in *A History of Tauranga County*.¹³⁶ The local iwi, Ngāi Te Rangi, were somewhat supportive of the military settler scheme, as they believed it would protect them from attack from iwi north of Thames, although surveying still caused conflict with neighbouring iwi.¹³⁷ It was not until May 1865 that the area for settlement was officially confiscated, allowing settlements to legally proceed. In June 1866 lots were drawn, separating half the men between Tauranga and Ōpōtiki. By the end of 1866, most men had taken up their lands, been struck off pay, and were attempting to establish their farms. Within a year, due to continued harassment from Hauhau, and a lack of capital to build themselves, newspapers were reporting that nearly all had left the area to find employment elsewhere. The *Tauranga*

¹³² ‘Pars About People’, *Observer*, 26 August 1905, p.4.

¹³³ ‘Third Annual Report on the Colonial Museum and Laboratory: Together with a Report of the Results of the Analyses of Soils from Various Parts of the Colony’, *AJHR*, 1868, Session I, D-14.

¹³⁴ *Ibid.*, p.14; Nathan, Simon, Mary Varnham, and Peter Hector (eds.), *The Amazing World of James Hector* (Wellington: Awa Press, 2008).

¹³⁵ ‘Pars About People’, *Observer*, 26 August 1905, p.4; Ann Mcewan, ‘Memory Boxes: Riverlea’, *Waikato Times*; updated 19 December 2011 <http://www.stuff.co.nz/waikato-times/life-style/people/6159966/Memory-boxes-Riverlea>.

¹³⁶ Stokes, *A History of Tauranga County*.

¹³⁷ *Ibid.*, pp.94-95.

Record complained that “every vessel which leaves the harbour carries away many of our best men, and those who cannot leave, long to follow.”¹³⁸

James Sims (Simms), had seen more than twenty years of service with the 68th and 12th Regiments as a private, before discharging to pension, aged about forty. Sims quickly reenlisted with the 1st Waikato Regiment in Tauranga in October 1866, presumably as a replacement for a comrade fleeing a further year of dubious living and service. Both he and his wife Ann (born Fitzgerald) whom he married in 1865 had been based in Tauranga for a few years by 1866.¹³⁹ The Sims were allocated lot 455 in Te Papa. As a private this will have been a 50 acre section. With ready access to the port and less exposure to the Māori attack, Te Papa was better off than similar military settlements. They stuck it out, and by the early 1870s found Te Papa which had seen so much fighting less than ten years earlier had become a small country town, with schools, churches, and most of the peninsula fenced and grassed.¹⁴⁰ By 1874, most of the 579 Pākehā in the area, were young families, residing in wooden houses of at least two to four rooms.¹⁴¹ With the assistance of their local network and knowledge James found additional work as a milkman and probably laboured on public works which had returned by the early 1870s. Using such supplementary waged labour the Sims were eventually able to establish a modest comfort for their family. They even expanded their property before James’ premature death in 1881, aged only 53, with the purchase of a Tauranga town section at a Crown Lands auction.¹⁴²

In the Taranaki Province some 1,190 men received military land grants, taking up 1,227 rural sections, and 116 town sections.¹⁴³ The Taranaki Militia, formerly known as the ‘Melbourne Contingent’ as so many had been recruited in Victoria, were scattered in settlements across the Taranaki districts of Patea, Okutuku, Pukearuhe, Urenui, Tikorangi, Huirangi, Oakura and Okato. These military settlements were smaller and somewhat more successful than those in the Auckland Province.¹⁴⁴ Although the land generally required less work than elsewhere, security remained an issue and those attempting to survey, and

¹³⁸ ‘Tauranga Record’, *Daily Southern Cross*, 5 December 1867, p.3.

¹³⁹ Shirley Arabin, ‘An Early Tauranga Resident Remembered’, *Historical Review: Bay of Plenty Journal of History* 57, no. 1 (2009): pp.23-25.

¹⁴⁰ Stokes, *A History of Tauranga County*, p.110.

¹⁴¹ *Ibid.*, p.113.

¹⁴² ‘Funeral of the Late Mr James Sims’, *Bay of Plenty Times*, 5 March 1881, p.2; ‘The Land Sale’, *Bay of Plenty Times*, 10 May 1876, p.3; ‘Tauranga, Opotiki, Rotorua and Katikati Directory’, *Bay of Plenty Times*, 17 August 1880, p.3.

¹⁴³ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23.

¹⁴⁴ Glen, *For Glory and a Farm*, p.93.

those establishing their farms were hampered by Māori attacks, some being killed on their properties in White Cliffs, Pukearuhe, in 1867.¹⁴⁵

Imperial military land claims were granted around the above settlements and elsewhere in Taranaki, one of which was awarded to Major Henry Ferdinand Turner of the 65th Regiment who had served in New Zealand for the length of the regiments posting in the colony, much of it in Taranaki and Whanganui. Turner departed with his regiment in 1865, with the intention of soon retiring and returning to the familiarity of Taranaki to settle. Unfortunately, in the interim, the military land grant laws of Taranaki had lapsed, leaving Turner ineligible for his 400 acres as an officer. Turner, instead, turned to leasehold to acquire land, with leases from Māori in the Patea and Waitotara areas.¹⁴⁶ He established an extensive farm and flax mill, as a fellow officer, McPherson, had done in Hamilton East. Only after the flax mill was destroyed by fire in May 1870, causing £500 of damages and the loss of large stores of dressed flax did Turner pursue the possibility of reviving his military land grant. Turner petitioned the General Assembly for his land grant for imperial military service to be reconsidered. He was successful, and in September 1870 Turner's Land Grant Act was passed, granting him 400 acres of his choosing from the confiscated lands in the Taranaki Province.¹⁴⁷ He subsequently took up lands at Whenuakura, and later at Carlyle. Turner had significant amounts of capital available to him, and his standing as an officer allowed him access to paid public positions, such as resident magistrate, which ensured further income and sustainability of his endeavours on the land, whether lease or freehold.

The Hawke's Bay Province, which was established in 1858 when it separated from Wellington, provided 108 military men with grants of land, 121 rural and 108 town sections.¹⁴⁸ Reputed to have some of the finest agricultural lands and climate in New Zealand, from early on the Hawke's Bay was dominated by large-scale pastoral sheep farmers, the ranks of whom some soldier settlers were able to join. Two land grant applications in this province, those of Private Patrick Cotter of the 65th Regiment, and Captain William Russell Russell of the 58th and 14th Regiments, came up for political debate in the 1890s. The cases exemplify the disparity between the political capital available to privates and officers, even in their post-service lives as soldier settlers. Cotter

¹⁴⁵ Glen, *Australians at War in New Zealand*, p.214.

¹⁴⁶ 'Reports on Settlement of Confiscated Lands', *AJHR*, 1872, Session I, C-04, pp.21 & 25.

¹⁴⁷ Turner's Land Grant Act, 1870, Session 33 & 34, No.70.

¹⁴⁸ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23.

discharged in Ōtāhuhu in 1861, on ‘completion of engagement’, having served twelve years, nine of which were in New Zealand. According to James Carroll, Liberal MP for Waiapu, Cotter discharged with the intent to settle in the Hawke’s Bay in 1862, but when he had applied for his military grant under his imperial service in 1866, he was declined.¹⁴⁹ Having joined a volunteer unit in another district to do his duty, Cotter had subsequently failed to meet the condition of four out of five years of residence and forfeited his claim to land in Hawke’s Bay. Cotter’s claim was eventually reconsidered, sixteen years later, under the Naval and Military Settlers Land Act 1892, which provided him with a £30 certificate from remission money in the purchase of land in the Hawke’s Bay.¹⁵⁰ It was 1896 by the time Carroll voiced his opinion on how unfair the arrangement was, by which time Russell, conveniently, had become the unofficial leader of the Opposition.

Russell’s father, Andrew Hamilton Russell, was commissioned with the 22nd Regiment, before rising to lieutenant-colonel of the 58th Regiment. As boys, both William and his older brother (Captain Andrew Hamilton Russell) came to New Zealand with their father stationed in the colony from 1845. Russell was later trained at Sandhurst, Royal Military College, before being commissioned himself, as ensign, into the 58th Regiment, in 1855. He served two short terms in New Zealand, firstly with the 58th between 1858 and 1859, and then again with the 14th Regiment as captain, from 1861 to 1862, seeing little ‘real’ action before selling his commission. Meanwhile, his father, Lieutenant-Colonel Russell had retired from the army in 1859 and purchased a large sheep run in Mangakuri, Hawke’s Bay. By 1861, he had been appointed to the Legislative Council, a role which he held until 1872 and which saw him serve as Minister of Native Affairs during the second Stafford administration. Russell retired with the intention of living in Hawke’s Bay but failed by a fortnight or so to reach his four years required residency before he returned to Britain to find a wife. When Russell returned, he found that his claim had been disqualified, and the section he had chosen reallocated to another officer. In 1868, using his standing as an officer, and as the son of a member of the Legislative Council, he petitioned Parliament for his grant to be reviewed. A Bill allowing him his 400 acres passed the General Assembly, at which point it was elevated to the Legislative Council, where according to Carroll, Lieutenant-Colonel Russell pushed for the grant to be amended to 800 acres, as Russell

¹⁴⁹ ‘Political Address: Mr Carroll at the Theatre Royal’, *Poverty Bay Herald*, 27 May 1896, p.3.

¹⁵⁰ Naval and Military Settlers’ and Volunteers’ Land Act, 1892, Session 153, No.1.

had lost access to the best lands in his absence.¹⁵¹ From the grant Russell, was able to join his brother and father and build a small empire of extensive pastoral farmland in the Hawke's Bay, a base from which he built his political career (this is further discussed in Chapter 3). Interestingly, even as the leader of the Opposition, Russell was unable to prevent the breakup of his large estates, which the Liberal government pursued at the turn of the century. In 1907, under the threat of compulsory acquisition, Russell split up and sold his Sherindan estate as well as most of his Flaxmere estate, for a very tidy profit.¹⁵² Russell as an officer had been enabled by lineage and networks of civil society to prosper, Cotter as a private had not, and lost sixteen years of possible development on his land.

The Wellington Province, which included Whanganui, provided 466 individuals with military land grants, 475 rural sections and 100 in towns.¹⁵³ The province did not host the systematic military settlements associated with the New Zealand Settlements Act. Many of the 65th Regiment having spent extended periods of their service in the Wellington Province chose to settle in the region. William McGinnerty and Michael Mahoney were two soldier settlers who took up land grants in Whanganui. McGinnerty, a private, had transferred to the 50th and then 2/18th Regiments to qualify for his pension before settling in Whanganui with his wife Catherine and family, in 1869. Because of his late discharge with the 2/18th Regiment, he did not qualify for a grant of land until 1894 when conditions were reviewed, and his claim for £30 remission was substantiated.¹⁵⁴ In comparison, Mahoney, also a private, had discharged on completion of engagement in 1863 to settle in Whanganui and had quickly established himself with his land grant. By 1876, he was selling multiple freehold sections each with two to six roomed cottages or houses on them in the town of Whanganui.¹⁵⁵ Further, at Mahoney's death in 1905, we see he had extended his freehold landholdings to 118 acres of prime dairying and potato cropping land, as well as a further 20 acre lease, a substantial independency.¹⁵⁶

It was not just those on granted land that could have issues building or maintaining an independency. On his return to New Zealand to settle in 1868, Tylden, a former officer

¹⁵¹ 'Political Address: Mr Carroll at the Theatre Royal', p.3; The Russell Military Grant Act, 1868, Session 32, No.39.

¹⁵² Michael David Neville Campbell, 'The Evolution of Hawke's Bay Landed Society, 1850-1914' (PhD thesis, Victoria University of Wellington, 1972), pp.422-424.

¹⁵³ Jourdain, *Land Legislation and Settlement in New Zealand*, p.23.

¹⁵⁴ 'Report of Substantial Claims Under 'The Naval and Military Settlers' and Volunteers' Land Act, 1892,' *AJHR*, 1894, Session I, H-23b, p.3.

¹⁵⁵ 'Valuable Town Properties for Sale', *Wanganui Chronicle*, 9 February 1876, p.3.

¹⁵⁶ 'Business Notes', *Wanganui Herald*, 27 September 1905, p.7; 'Tenders', *Wanganui Herald*, 27 September 1905, p.1.

with much more capital at his disposal than most, still found it a struggle to make ends meet on his large mortgaged property in Pukekohe. Reflecting on his experience, after giving up farming to retrain as an attorney, he described his time on the land with heavy disdain.

I thus embarked upon an undertaking to mean long years of anxiety, toil and hardship, the loss of much time and money with no countervailing advantages. Of the grave errors of my life, none so prominent as this step I had taken. I found myself cast in a poor district among a class of people with whom I could have no possible affinity. It became one unceasing struggle to find interest for my mortgage or even to live at all. It would be idle to attempt any description of the contrast between the life in the profession I had sacrificed with the life I had fallen to. How many a time in face of the present and the past, broken in spirit, have I wished that the sun for me might set for ever. Though the country insofar as natural beauty was concerned might be termed very pretty, yet it might generally be considered poor country, unprofitable for farming purposes. For many years there was no railway and as for the roads, well, in the winter time, being bush roads, they were execrable.¹⁵⁷

To obtain any chance of a modest comfort or independence from the land a combination of suitable land, suitable capital, access to markets, and physical capability was required.

Conclusion

Access and ownership of land is a key part of settlement for colonists in a settler colony, and as British imperial soldiers sought to transition to settlers in New Zealand, it became a crucial factor in whether these men were able to secure an independency or find modest comfort, for themselves and their families.

Military settlement was an established practice before the formal colonisation and military presence in New Zealand from the 1840s. Beginning as defensive initiatives they often became cost saving measures. Military settler schemes were inclined to failure, as they depended on old military men to be both military men and adequate agriculturalists. These pensioners, often with their best fighting and working years behind them, struggled with little to no farming experience and too little capital, on sections too small, insecure and remote to be economically viable. In Canada, Cape Colony and the Australian colonies alike, the land grants of the ranker were mostly deserted or on sold to the benefit of their

¹⁵⁷ Charles Ryland Tylden, 'Account of His Life', 1907-1913, MS-1351, 85/35, Auckland War Memorial Museum, p.37.

officers and land speculators. The same issues would come to plague soldier settlers in New Zealand.

Soldier settlers purchased, leased and were granted land, mostly around the North Island. Before 1853, soldier settlers in New Zealand principally obtained land through purchase, saving the extra wages accrued through employment on the colonies infrastructure projects, through grants issued directly by the governor, or through recruitment into the Fencible scheme in Auckland. From the 1850s, soldiers were encouraged to discharge and settle in New Zealand, which, in theory at least, benefitted everyone involved. The new provincial and colonial governments were spared the cost of assisted migrants, whilst gaining experienced military men for colonial service and training new forces. The War and Colonial Office was saved the cost of transporting soldiers Home when it was attempting to downsize the military, and it aligned with its policies for the colonies to be self-defending. The soldier settler himself would be provided land, from which he, with the necessary labour could build a modest comfort or independency.

Large numbers were granted land through different colonial and provincial legislation rooted in Auckland's 1855 Land Regulations, and subsequently the colonial government's Waste Lands Act 1858. An array of further statutes, amendments, and reports occurred in the decades that followed, liberalising the conditions, and substantiating new and old military land claims for soldier settlers. Some soldier settlers had waited more than 50 years before their military land claims were substantiated, while some remained unsuccessful.

Parallel to grants issued under the Waste Lands Acts were those issued under the New Zealand Settlement Act 1863. A significant number of imperial soldier settlers chose to enlist in the systematic military settlement on confiscated 'rebel' Māori lands in the Waikato, Bay of Plenty, Hawke's Bay and Taranaki regions, receiving grants of land in exchange for three years colonial military service. The settlements suffered from similar issues to its wider imperial precedents, the soldier settlers brought too little capital and agricultural experience to develop the land efficiently, the sections provided were too small, insecure and remote and the markets too difficult to reach, for them to be economically viable. The soldier settlers deserted and sold out cheaply to the benefit of many of their officers and land speculators.

Discharge for the rank and file in New Zealand opened up the possibility of land ownership, and the social benefits which followed, which would never have been possible at Home. However, if the land was the door to an independency, in no way was a military land grant guaranteed to be the key to unlocking it. Officers were much better placed to benefit from land grants, receiving much larger sections of often higher quality land. When at times they failed to meet conditions of land grants their networks as men of higher standing in society allowed them, as Russell and Turner did, to have laws changed specifically to their benefit. Most officers were able to develop their land, despite often lacking the knowledge or experience through paying for better equipment, expertise, and labour, through their own or their greater access to borrowed capital, luxuries largely unavailable to their men. The granting of land to soldier settlers could result in the “untrammelled life of independence and well rewarded toil” that the *New Zealander* described seeing in Mangawhai in 1860, but it was certainly not guaranteed.¹⁵⁸

¹⁵⁸ ‘Mangawai’, *New Zealander*, 31 October 1860, p.2.

Chapter 2: Soldiers, Wives, Children & the Regimental Family

... So now the war is over and we have saved our lives
So let us join in Drinking to our sweethearts and our Wives.¹

When Ensign Edward McKenna's war was over in 1865, he could do more than raise a toast *to* his wife, he could raise a toast *with* his wife; Elizabeth (born Gordon) had been 'on the strength' with him since their 1853 wedding in Wellington. Having joined the 65th Regiment as a sixteen-year-old in 1845, McKenna traveled with the regiment to New Zealand via Sydney the following year. After eight years of good service, McKenna, now about twenty-five years old, was approved to marry Elizabeth, the seventeen-year-old daughter of a comrade, whom he had likely known since she was a child.² They raised a typically large colonial family, bringing up four children on the strength, and a further six while McKenna worked for the railways. By 1903, settled in Whanganui, the McKennas celebrated their golden wedding anniversary, lauded as a prime example of an old soldier settling well in New Zealand.³

Wives and families played an important part in colonial New Zealand settlement, and this was true for soldier settlers like McKenna, who managed to secure a wife. The importance of the "best sort of women" in successful systematic settlement was highlighted by Edward Gibbon Wakefield and by officials who believed a female presence offered an antidote to the disorderly drunken violence which blighted male dominated colonies like New Zealand.⁴ Women, of course, enabled natural population growth in a colony. Providing unpaid labour through work in the household economy alongside any older children, they quickened the transformation of 'virgin' lands to productive cultivation to sustain the settler families' modest comfort or independency.

Despite Wakefield's vocal support for female migration, the early years of New Zealand settlement from 1840 were dominated by men. The disparity was exacerbated by the gold rushes of Otago and the West Coast, and the influx of military men throughout the North

¹ The last lines of a poem or song recorded by Alexander Whisker 58th Regiment after surviving the Northern War, Camp Victoria, 24th March 1846, as quoted in Michael Barthorp, *To Face the Daring Maoris: Soldiers' Impressions of the First Maori War, 1845-47* (London: Hodder and Stoughton, 1979), pp.220-222.

² 'Golden Wedding', *Fielding Star*, 10 June 1903, p.2; 'Marriage', *Fielding Star*, 10 June 1903, p.2.

³ 'Golden Wedding', *Fielding Star*, 10 June 1903, p.2

⁴ Edward Gibbon Wakefield, *A View of the Art of Colonization with Present Reference to the British Empire: In Letters Between a Statesman and a Colonist*, orig. 1849 (Cambridge: Cambridge University Press, 2010), pp.155-156; Raewyn Dalziel, 'Men, Women and Wakefield', in *Edward Gibbon Wakefield and the Colonial Dream: A Reconsideration* (Wellington: Friends of the Turnbull Library & GP Publications, 1997), pp.77-86.

Island.⁵ Provincial governments were drawn into competition for migrants, and some established schemes to encourage and assist the migration of single women to New Zealand on a large scale during the 1850s and 1860s. The prior schemes of the New Zealand Company had failed to provide the equal number of men and women from across society that Wakefield had promised. Instead, migrants had been chosen more for their willingness to migrate than the skills and characteristics they offered, and the numbers of young single women dwindled.⁶ Specific schemes were instituted to attract single women for domestic work, to balance the abundance of single men, and tackle the social instability believed to result from this in the settler population. Around 12,000 single women were recruited through assisted migration in the 1850s and 1860s, arriving mainly in Otago and Canterbury.⁷ Although many men were just sojourners seeking gold, the rapid inflow of Europeans made for a doubling of the population, from 100,000 in 1860 to more than 250,000 by 1870.⁸ A balance between the sexes would not be acquired until the early twentieth century.⁹

The shortage of single women in nineteenth-century New Zealand meant that many soldier settlers remained bachelors. Opportunities for marriage were further inhibited by the regulations of the British Army and the practices of the regiment which limited contact with women and opportunities for marriage.¹⁰ The army placed a much lower value on wives and families than colonists; a bare minimum were authorised in order only to limit discontent, encourage order and assist with domestic labour in the barracks.

Establishing a family formed an important step in the settlement process. Tame the land, then multiply: it was the guiding principles and accepted practice of many Christian British settler colonies. Settler men were encouraged to find wives before their arrival in the colony to ensure their success. For the vast majority of soldiers, this was not an option. However, this chapter looks chiefly at those imperial soldiers who were married when they

⁵ Charlotte Macdonald, 'The "Social Evil": Prostitution and the Passage of the Contagious Diseases Act (1869)', in Barbara Brookes, Charlotte Macdonald, and Margaret Tennant (eds.), *Women in History: Essays on European Women in New Zealand* (Wellington: Allen & Unwin/Port Nicholson Press, 1986), p.16.

⁶ Charlotte Macdonald, *A Woman of Good Character: Single Women as Immigrant Settlers in Nineteenth-Century New Zealand* (Wellington: Bridget Williams Books, 1990), pp.2-3.

⁷ *Ibid.*, p.4; Barbara L. Brookes, *A History of New Zealand Women* (Wellington, New Zealand: Bridget Williams Books, 2016), p.71.

⁸ Charlotte Macdonald, 'Too Many Men and Too Few Women: Gender's "Fatal Impact" in Nineteenth-Century Colonies', in Caroline Daley and Deborah Montgomerie (eds.), *The Gendered Kiwi* (Auckland: Auckland University Press, 1999), pp.23-25.

⁹ *Ibid.*

¹⁰ Myna Trustram, *Women of the Regiment: Marriage and the Victorian Army* (Cambridge: Cambridge University Press, 1984), p.33.

discharged or retired from the army to settle in New Zealand. It analyses some of the tension between the army as an institution not organised around marriage or family, and the settler colony at which marriage and family were at the heart. The chapter establishes how the differing regulations and practices of the army and the colony influenced who and when soldiers married. Also discussed are the conditions experienced by wives and families traveling to and living in New Zealand before their settlement as civilians began. The regiment is then considered as a form of family, a support network which bachelor and married soldier settlers could turn to for support in their civilian lives like they would their family at Home.

We do not accurately know how many men from the imperial regiments serving in the colony were married or had their wives and families on the strength with them in New Zealand. However, from the surviving records namely muster books, shipping records and known numbers in other colonies we can make some estimates and draw broad patterns. New Zealand did hold a census every three years between 1851 and 1881, but all records before 1966 were destroyed, preventing an accurate analysis of the numbers of women in or around the garrisons at this time and any identification of soldier-marriages unrecognised by the force. Additionally, there was no consistent recording of those soldiers that were married or those that had wives and children with them on the strength until 1868.¹¹

Prior to 1868, the best indication that a soldier had his wife with him in New Zealand, for most regiments, was on the occasion that he died and his wife was listed in the muster book as 'widow on the strength'. Widows often remarried into the regiment, while others could be maintained by the regiment until they were able to be returned Home.¹² However, from 1868, when only a single detachment of the 2/18th Regiment still remained in New Zealand, regulations were changed, extending data collected in the muster books to include a 'Roll of the Married Establishment'. The new information included the names of wives as well as the number and ages of children under fourteen years old. Unfortunately, the data's usefulness is limited as it came into practice so late in the piece when the majority of men had already passed through New Zealand or been discharged. Of the 106 couples listed on the first 'Roll of the Married Establishment' taken of the 2/18th Regiment on 1 April 1868, only seventeen are known to have discharged in New Zealand. Officers' wives

¹¹ Hugh Hughes and Lyn Hughes, *Discharged in New Zealand: Soldiers of the Imperial Foot Regiments Who Took Their Discharge in New Zealand, 1840-1870* (Auckland: New Zealand Society of Genealogists, 1988).

¹² *Ibid.*, p.7.

are absent from the list as only NCO and rank and file wives were maintained on the strength. Of the seventeen husbands, fourteen were privates, one a corporal, and two sergeants.¹³

Privates William McGinnerty (McGinnity) and Charles Stacey had each served more than twenty years when they were admitted on to the married roll of the 2/18th in mid-1867, but both had already been married many years. They had both previously transferred from the 65th to the 50th Regiment in October 1865 in order to stay in the colony when the 65th departed, and then repeated the process in 1867 when the 50th also left. Both couples seem to have met in New Zealand, Anne Emily and Charles Stacey were married in 1859, while Charles served with the 65th Regiment. With an eleven-year-old child, it appears the McGinnertys also married during William's New Zealand service, although a few years earlier. Since the men had been in New Zealand with the 65th Regiment since 1852 and 1846 respectively, it is likely that both wives, as well as the six McGinnerty children (aged between 11 and 2.5 years), had previously been held 'on the strength' of both the 50th and 65th Regiments before being recorded on the 2/18th roll.¹⁴

Looking at the larger picture, the 2/18th Regiment married roll suggests that having a wife 'on the strength' in New Zealand did not make a soldier any more inclined to take their discharge in the colony. A rough comparison between the seventeen discharged couples from the 104 (16.3%) 'on the strength' in April 1868, versus the total number of discharged which is about 3,600 from the 18,000 plus serving (20%). If anything the numbers show a decreased likelihood to discharge in New Zealand for those men with wives on the strength. Even for those women married in the colony, there was no statistical guarantee of remaining in New Zealand with their husband when the regiment left. When extrapolating from such limited data, it is important to realise that the 2/18th Regiment had a significant number of men who had recently transferred in from other regiments with the intention of discharging with a longer service record and a larger pension. Additionally, each regiment implemented its own practices until attempts were made to standardise across the army from 1867. Prior to this, there was no certainty of a uniform experience between regiments. Each had its own regulations, served in different localities, and for different lengths of time in New Zealand varying between two years and two decades, between 1840 and 1870.

¹³ Ibid., p.22.

¹⁴ Hughes and Hughes, *Discharged in New Zealand*; WO12, Microfilm: 1626-1627, ANZ, Wellington.

The numbers above largely align with the 1867 army regulations which were brought in to unify different regimental codes. These permitted, all regimental staff sergeants, 60 per cent of remaining sergeants and seven per cent of the ranks to marry. There were further limitations, however, with only those who had completed seven years of service and who had earned at least one good conduct badge eligible to apply.¹⁵ Prior to the mandated numbers, regimental officers made their own decision on numbers of recognised marriages and the number of wives and families supported by the regiment 'on the strength'. Despite this, according to Trustram, rates appeared to have been similar throughout the earlier nineteenth century. From the small number of married soldiers, we also see that the overwhelming majority of troops were discharged in New Zealand as bachelors.

Military regulations, civil law and how they influenced soldier marriage

Although all men could legally marry at any time, the British Army did not recognise marriages conducted without approval, and approval was limited. The army considered families a burden, a liability which limited the mobility of soldiers, and therefore the regiment as a whole. However, a small number of marriages were allowed in each regiment—in part to counter the army's rapacious public image. Additionally, as with the other male dominated colonies, the presence of wives was thought to assist the moral compass of the wider barracks and provided cheap labour for essential tasks such as sewing and laundry, or even nursing or teaching for higher ranked wives.¹⁶ The 1867 regulations unified different regimental codes to permit a limited proportion of serving men to marry, as noted above. Flogging was used at times as punishment in the early nineteenth century for those troops marrying without permission.¹⁷ However, its use was in decline by the 1860s and there are no outstanding examples of its use in New Zealand for unauthorised marriage.¹⁸ Despite advocates of 'severe punishment' for such men, no such punishment was regulated for unauthorised marriage in the reforms for 1867, although the prospect of providing for a family without regimental support may have discouraged some.¹⁹

¹⁵ Trustram, *Women of the Regiment*, p.46.

¹⁶ *Ibid.*, pp.29-30.

¹⁷ *Ibid.*, p.36.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, pp.37, 40 & 46.

Throughout the nineteenth century men in the army continued to marry without approval from their superiors. Although exact figures are difficult to ascertain, contemporary estimates suggest as many men were married with leave as without.²⁰ If accurate, in a New Zealand context this could mean as many men were married as were discharged in the colony, around 3,600. Due to lack of single women in the colony though, the number is likely much lower. The important distinction created two groups, those with permission whose wives and family could accompany the regiment ‘on the strength’, who would often be accommodated in the barracks and travel with the regiment, with food, accommodation, and transport largely covered by the regiment. While the unauthorised who were considered ‘off the strength’, were not formally recognised by the military and were ineligible to be taken on the strength. Unrecognised wives and families were excluded from the regiments rations, accommodation, schooling, and associated jobs which may be available to those ‘on the strength’; they were also subject to being left behind when the regiment moved. A family ‘off the strength’ could not depend on support from their soldier-husband or father as his income and rations were meagre and entirely controlled by the military, who remained largely silent to their needs.²¹

Aware of the associated costs, regiments were cautious of the number of wives and families allowed on the strength. Similarly, due to the strain on the regiment’s mobility and the soldiers’ wellbeing, there were attempts by military authorities to limit soldiers’ access to marriage. Marriage was, effectively, rationed. It appears that despite the right superseding their authority, regimental commanders at least once attempted to prevent their men being able to marry in New Zealand. The Registrar General in Auckland, John Bennett, wrote to the Colonial Secretary in December 1860 seeking clarification for his local registrar in New Plymouth. The registrar had been requested to desist issuing marriage certificates to men of the 65th Regiment by Colonel Wyatt:

Colonel Wyatt has requested him not to issue Marriage Certificates to any of his men without his (the Colonel’s) authority. The Registrar does not see, however, that he has power to refuse [a marriage certificate], if the requirements of the Marriage Act are complied with.²²

²⁰ Lt-Gen Sir John Adye quoted in Trustram, *Women of the Regiment*, p.36; Alan Ramsay Skelley, *The Victorian Army at Home: The Recruitment and Terms and Conditions of the British Regular, 1859-1899* (London: Croom Helm, 1977), p.31.

²¹ Trustram, *Women of the Regiment*, p.30; Skelley, *The Victorian Army at Home*, p.30.

²² Registrar General John B. Bennett to Colonial Secretary, 3 December 1860, ‘For opinion as to whether Colonel of 65th Regiment can tell Registrar of marriages at Taranaki not to issue Certificate to his men’, Series 8333, Record Group IA1, Box 214/26, Record 1860/2301, ANZ, Wellington.

John Bennett believed “the Registrar is bound by the law of the Colony to issue a Marriage Certificate to any person, whether military or civilian, who duly complies with its provisions.”²³ It is doubtful Wyatt’s request was adhered to as a stoppage on marriages in New Plymouth would have solicited a wider public and regimental response than is apparent in the records. The episode illustrates the clash between the civil and military authorities and the priorities of the army and colonial society. It also portrays soldiers’ attempts to live and marry ‘legally’ in New Zealand, and to establish ‘proper’ husband and wife relationships as expected by colonial society. Similar means to prevent unauthorised marriage were discussed in British newspapers in 1866, with suggestions it should be illegal for a clergyman to marry a soldier without the approval of his commanding officer, although this was never instituted.²⁴

When marriage was authorised, and wives were taken on the strength they were required to abide by regimental codes of conduct just as their husbands were, and faced losing the support of the regiment when they transgressed. Losing the support of the regiment could involve being barred from the essential supplementary income offered by wives employment, the reduction or seizing of a husband’s rank, cuts to rations (especially alcohol), exclusion from the barracks, or even the loss of all associated benefits through removal from the regiment.

In Auckland, Bridget Hawkey was struck off the married roll of the 2/18th Regiment for ‘misconduct’ in 1865 following an array of convictions for obscene language, public drunkenness and vagrancy, (19 convictions in 4 years as of 29 September 1870), resulting in her husband abandoning her and the loss of her entitlement to passage to Australia when the regiment departed in 1870.²⁵ Writing in February 1870 to Captain Pitt in the Governor’s Office, Thomas Gillies, Superintendent of the Auckland Province, requested Pitt to petition the Commandant to cover her fare out of the colony, if not to Australia then back to Britain:

This woman having been struck off the Roll of the Regiment for misconduct surely does not entitle the Regiment or the Imperial Government now to leave her, a burden, as a criminal or a lunatic, on this community. She was sent here with her husband by the Imperial Government, along with the Regiment; her husband who is legally as well as morally liable for her maintenance is being removed by the Imperial Government and she [sought?] therefore to be removed whether

²³ Ibid.

²⁴ Trustram, *Women of the Regiment*, p.42.

²⁵ ‘Vagrancy’, *Auckland Star*, 29 September 1870, p.2.

to Australia, or to the Parish at home on which she is chargeable, it matters not. There is evidently no moral obligation on this community to support her, and it seems to me that Imperial Government might as well send directly their paupers or convicts to our shores as thus bring them as part of a Regiment, and then turn them adrift to be a burden on the Province.²⁶

Hawkey did not conform to Wakefield's 1840s idea of the "best sort of women" for the colony; she fell well short of the characteristics the colony sought from settlers. Likened to a pauper, Hawkey had become a physical, moral, and financial "burden" on the province of Auckland and a liability on the Colonial Treasury. Hence, Gillies attempts to have her removed from the colony at the expense of the imperial government, despite Auckland's continued attempts to secure new settlers. Despite Gillies' appeals Hawkey remained in New Zealand, committed to Carrington Hospital in 1873. She appears to have remained there until her death in 1897.²⁷ Hawkey was an example of the clash between a soldier-husband's responsibility to provide and care for his wife and his deference to the army's overarching responsibility for them, and the reluctance of the colony to take on such a role.

A similarly unfortunate example is that of Sarah Richards, who was on the strength of the Royal Engineers with her husband Joseph and two children at Albert Barracks in Auckland during the 1860s. As with Bridget Hawkey, Sarah had a history of alcoholism which had led to a difficult family life and her repeated removal from the strength. On Monday 1 May 1865 Sarah was reported as 'habitually drunk' by her husband Joseph to his commanding officer. He needed the authority of his superior officer to have her cut off the strength of the corps, and thereby prevent her continued access to alcohol. However, due to her reputation, Joseph had trouble securing her accommodation and during a momentary lapse of supervision the following Wednesday evening, Sarah, whilst unstable, desperate and drunk, threw herself down the barracks well and drowned.²⁸

The army's relationship with women was something that sullied its reputation. The British public's perception of women associated with the army was of camp followers, prostitutes and women of dubious morality. The public also held longstanding reservations about the character and lifestyle of the rank and file British soldier, which brought into question any

²⁶ T. Gillies to Captain Pitt, 15 February 1870, 'Relative to the desirability of having Bridget Hawkey Returned to GB', Series 16569, Record Group G13, Box 3, Record 24; 'Obscene Language', *New Zealand Herald*, 24 April 1867, p.7; 'Obscene Language', *New Zealand Herald*, 24 April 1867.

²⁷ 'Bridget Hawkey – Committed Patient File', 1873-1897, Series 1026, Accession A914, Box 7, Record 363, ANZ, Auckland.

²⁸ 'Determined Suicide - Inquest', *New Zealander*, 4 May 1865.

women who chose to marry a soldier. The poor pay, long terms of enlistment, strict discipline, duties, travel and living conditions endured, and the habits formed during service, were not considered to produce upstanding men, let alone husbands and fathers.²⁹ In Britain, the reputation of soldiers and the location of their barracks in poorer neighbourhoods heavily influenced the types of women available to choose these men as husbands. Myna Trustram's study of the 1871 Census of England and Wales shows a disproportionate number of Irish and Scots wives stationed with the regiments in the two regions.³⁰ The discrepancy is too prominent to be explained by the number of Irish and Scots men in the army, nor the extended period in which so many regiments had spent in Ireland. Instead, Trustram posits a contemporary inquiry which found cultural difference to blame, that "young women in England [were just] more careful about marrying a soldier" than their sisters of Ireland and Scotland.³¹ This was a response fuelled by classism and English superiority.

Trustram argues that the army was deeply ambivalent about marriage.³² The army's policies and practices encompassing women and marriage, were inconsistent. In one instance the army sought to protect their regiments from the limitations and expenses of family life and the risks associated with lower class and 'fallen' women while accommodating the men in areas where these sorts of women predominated. On the other hand, the army accepted and supported a number of women on the regiment as wives, as their presence was believed to bring morality and a reduction of disorderly masculine behaviour amongst the wider barracks, and improved the image of the army amongst the public. As with the men themselves, among those in New Zealand, there were wives that fitted across the spectrum of sobriety and respectability.

An additional reason soldiers were considered poor husbands and fathers was their reputation of deserting wives and children as regiments left town, a practice that was facilitated by the army. Under the Mutiny Act in Britain between 1837 and 1873 enlisted soldiers were made exempt from any legal obligation to maintain their wives or children, as civilian men were under the 1834 Poor Law Amendment Act.³³ First and foremost the

²⁹ Edward M. Spiers, *The Army and Society, 1815-1914* (London: Longman, 1980), pp.49 & 52.

³⁰ Trustram, *Women of the Regiment*, pp.35-36.

³¹ Colonel Collingwood Dickson quoted in Trustram, *Women of the Regiment*, p.38.

³² *Ibid.*, p.30.

³³ Janis Lomas, "'Delicate Duties': Issues of Class and Respectability in Government Policy Towards the Wives and Widows of British Soldiers in the Era of the Great War", *Women's History Review* 9, no. 1 (2000): p.139; Trustram, *Women of the Regiment*, pp.50 & 62-67.

army's aim was to maintain soldiers fighting capacity at minimal cost, and dependent families were seen largely as superfluous expenses. In New Zealand, under Governor Grey's administration the 1846 Destitute Persons Ordinance was passed allowing family members to be pursued for maintenance of the destitute, with wife-deserters and fathers of illegitimate children the target.³⁴ However, it is likely, that British soldiers were exempt from such prosecution as they were under the British Poor Laws through the 1837 Mutiny Act.

When regiments were sent overseas, as in the case of being stationed in New Zealand, most wives were left behind. All of the unrecognised wives and families were left behind as were many of the recognised ones. Positions on the troop ships were limited, and for at least the first half of the century, lots were drawn the day before departure to decide which of the sanctioned wives, and their children, would be accepted aboard to join the regiment to their new destination.

Those wives unfortunate enough to be left behind in Britain often lost access to any financial support from their husband, or the paid work and support of the regiment. The results of which could mean seeking out the assistance of the Poor Laws or prostitution, if further work was unavailable to feed herself and children.³⁵ For children, it could mean the loss of access to schooling and the need to find paid employment or other means to help house and feed their families. Some of the wives and families received a payment to return to their 'home town' or village, where if no support was available from family and friends, they may be assisted by the parishes poor relief scheme or admitted to a workhouse.³⁶

Focussing on the long eighteenth century, Jennine Hurl-Eamon explains that some pauper families were better off with the father a soldier, and the family on poor relief, as poor relief officials were more generous to those families with the male head serving abroad.³⁷ They became the 'deserving poor', and it appears this preferential treatment continued well into the nineteenth century. In 1844 the Poor Law Commissioners passed an exemption, extending the rights to 'out relief' for the families of those on service, saving some from

³⁴ Margaret Tennant, *The Fabric of Welfare: Voluntary Organisations, Government and Welfare in New Zealand, 1840-2005* (Wellington: Bridget Williams Books, 2007), p.29; Paul Huddie, 'Victims or Survivors: Army Wives in Ireland During the Crimean War, 1854-56', *Women's History Review* 26, no. 4 (2017): pp.541-554.

³⁵ Trustram, *Women of the Regiment*, p.141.

³⁶ Clare Gibson, *Army Childhood: British Army Children's Lives and Times* (Oxford: Shire Publications, 2012), p.10.

³⁷ Jennine Hurl-Eamon, *Marriage and the British Army in the Long Eighteenth Century: 'The Girl I Left Behind Me'* (Oxford: Oxford University Press, 2014), p.188.

the workhouse. Despite this, military families left in Britain continued to be admitted to workhouses due to ambiguity and confusion over the law.³⁸

After the Napoleonic Wars, those men on active service could organise to have a portion of their pay allocated as remittance for the upkeep of family at Home. From the WO12 muster books of the 2/18th Regiment between 1868 and 1870, it appears the recipients of this remittance were most often wives, but elderly parents and other family members were common recipients. The uptake on the scheme at this time in New Zealand appears to have been limited, with only one to three men utilizing it in the three year period analysed. Peter Somerville of the 2/18th Regiment was the only semi-regular contributor during this period, sending between 7s 6d and £1 2s 6d over five pay-cycles home to his wife Mary Anne in North Strand, Dublin.³⁹ However, as Trustram discusses, remittance was far from a reliable income and was rarely an amount large enough to sustain a family.⁴⁰

It was not uncommon for husbands in Britain to join the military to escape family obligations and responsibilities, leaving wives to make do without a male breadwinner and likely reliant on poor relief.⁴¹ Others faced similar scenarios when forced to enlist as ‘bachelors’ by economic desperation, as married men were generally not accepted, disqualifying his family from regimental maintenance excepting in the unlikely scenario he later qualified to have his wife and children taken ‘on the strength’.⁴² Extreme poverty is a well-documented motivator for enlistment in the army, Jennine Hurl-Eamon argues that rather than selfish family abandonment, enlistment for some was a calculated “survival strategy” intended to improve the wellbeing of a man’s family through consistent employment and opportunities for promotion in addition to access to shelter, clothes, and food.⁴³ Few men were enlisted into the imperial forces in New Zealand, and with ready access to better paid employment and better terms, it is unlikely men already in the colony were enlisting to escape wives or destitution.

When soldier and soldier settler marriages broke down, they were resolved in a range of ways, although divorce was uncommon. A case study of divorce in nineteenth-century Auckland by Roderick Phillips found only 119 petitions for divorce between 1869 and 1900, with more than half of those petitions lodged in the 1890s, following the

³⁸ Trustram, *Women of the Regiment*, p.143.

³⁹ WO12 Microfilm, 1627-1629, 3583-3585, 3802(1), ANZ, Wellington.

⁴⁰ Trustram, *Women of the Regiment*, pp.56-57.

⁴¹ *Ibid.*, p.141.

⁴² *Ibid.*

⁴³ Hurl-Eamon, *Marriage and the British Army*, pp.183-85.

liberalisation of divorce law.⁴⁴ I have been unable to identify any cases of divorce among military couples, although this is not surprising as there were no apparent petitions from New Zealand prior to the Matrimonial Causes Act of 1867. Also, between 1867 and the amendment of the law in 1881 petitions were prohibitively expensive for most soldiers and soldier settlers.⁴⁵ A divorce was estimated to cost as much as £230 in 1881, in addition to the cost of travelling to the Supreme Court in Wellington.⁴⁶ Accessibility was improved with the amendments in 1881 which allowed divorce cases to be heard locally, and they were increasingly taken up by the lower classes including many manual labourers, but no apparent soldier settlers.⁴⁷ The further amendments to the divorce law in 1898 arrived late in the piece for most soldier settler marriages and had no further impact. It must be remembered that many of the soldiers were Irish Catholics, to whom divorce was largely abhorrent. Even for their comrades a limited divorce rate does not imply matrimonial happiness. Many will have simply endured relationships despite the conjugal stress, adultery, drunkenness, violence, incompatibility, and desertion, or simply gone their separate ways.⁴⁸

Such unhappy marriages were much more likely to be dissolved through informal separation, or desertion, rather than divorce. The case of the childless marriage of Private Benjamin Clout and his first wife, Ann is illustrative. Clout had enlisted with the 60th Regiment but transferred to the 58th Regiment with whom he saw service in New Zealand. Clout discharged from the 58th in Auckland and joined the Fencibles in 1850. In 1841, Clout had married Ann in Dublin, and it appears she joined him on the strength when the 58th was sent to Australia, then New Zealand where they established a home in the Fencible village of Ōtāhuhu.⁴⁹ By 1867, however, their relationship had soured. Newspapers reporting on Ann's fall (or jump) from cliffs at Judge's Bay, which resulted in fatal injuries, noted she had been separated from her husband for "some years" already.⁵⁰ Ann's death freed Benjamin to remarry, which he did, marrying Jane Brady (born Agnew),

⁴⁴ Roderick Phillips, *Divorce in New Zealand: A Social History* (Auckland: Oxford University Press, 1981), pp.99-123.

⁴⁵ *Ibid.*, p.22.

⁴⁶ *Ibid.*, p.18.

⁴⁷ *Ibid.*, p.108.

⁴⁸ *Ibid.*, p.14.

⁴⁹ Ruth Alexander, *The Royal New Zealand Fencibles, 1847-1852*. (Auckland: New Zealand Fencible Society, 1997), p.127.

⁵⁰ 'The Daily Southern Cross', *Daily Southern Cross*, 18 February 1867, p.3.

the widow of 58th Regiment comrade James Brady, in the Northcote Anglican Church in July 1871.⁵¹

Not all army driven separation was welcomed by the soldiers. In 1922 a journalist for *The Press* interviewed veterans of the New Zealand Wars at the Royal Hospital in Chelsea.⁵² Pensioner McMahon expressed his utmost regret in not having been able to discharge and settle in New Zealand during the 1860s after he had served in the Waikato and Taranaki. McMahon arrived with the 70th Regiment in 1861, and during his service had met an unnamed farmer's daughter who became his 'first love' and according to McMahon reciprocated his affection. McMahon, however, had not completed his seven year term and had not made sufficient savings to allow him to purchase his discharge, and was not inclined to military desertion as some were, so he departed with his regiment in 1866 to see out his service.⁵³ McMahon left his love behind and does not appear to have ever found a new one, remaining unmarried until he appeared on the public record as an old man reflecting romantically on his early life.

Perhaps the most public way the military sought to control interactions between soldiers and women was through the Contagious Diseases Acts, which were introduced to Britain in 1864, with amendments in 1866 and 1869.⁵⁴ Driven by "a complex mix of moralism, sanitary regulation, and military lobbying," the laws were intended to limit the spread of venereal disease among troops, which was decimating the manpower of the forces in the mid-nineteenth century.⁵⁵ Women in military towns and ports were targeted with arrest and forced medical inspections were imposed on anyone suspected of prostitution, and detention in a lock hospital for up to a year for those showing signs of venereal disease. A double standard which punished the prostitute but not the client.

By the time the Contagious Diseases Act was introduced in New Zealand in 1869, the military had all but been withdrawn. Instead, the Act was pushed by a Christchurch lobby

⁵¹ Alexander, *The Royal New Zealand Fencibles, 1847-1852.*, p.127.

⁵² 'The Maori Wars: Links With the Past', *Press*, 14 January 1922, p.2.

⁵³ *Ibid.*

⁵⁴ Philippa Levine, *Prostitution, Race, and Politics: Policing Venereal Disease in the British* (New York: Routledge, 2003); Mary Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in Nineteenth-Century Medical Discourse* (New York: New York University Press, 1997); Myna Trustram, 'Distasteful and Derogatory? Examining Victorian Soldiers for Venereal Disease', in London Feminist History Group, *The Sexual Dynamics of History: Men's Power, Women's Resistance* (London: Pluto, 1983), pp.154-64; Philippa Levine, 'Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India', *Journal of the History of Sexuality* 4, no. 4 (1994): pp.579-602.

⁵⁵ Levine, 'Venereal Disease, Prostitution, and the Politics of Empire', pp.583-584.

intent on suppressing prostitution, rather than venereal disease.⁵⁶ It is not clear how predominant prostitution was around the military garrisons of New Zealand, although it was common on the goldfields.⁵⁷ Auckland was reported to have a high ratio of 28 brothels in 1847 for its small population of 5,167, but Adam Davis suggests this ratio did not continue, resulting in lower rates of venereal disease among troops than elsewhere in the Empire.⁵⁸ New Zealand's high mobility meant women who had 'fallen' into prostitution were not always destined to stay in the business. It is likely that former and practicing prostitutes were among the wives of soldier settlers.

Venereal disease will have affected some soldier settler marriages. As many as twenty per cent of troops were admitted to hospital with venereal disease whilst serving in India, where the 43rd, 57th and 70th Regiments had served directly prior to New Zealand.⁵⁹ Troops arriving with disease will have been a substantial catalyst for the spread of venereal disease in New Zealand. In 1924, Te Rangi Hīroa (Sir Peter Buck) claimed knowledge of "seventeen Māori women captured by white troops during the 1860s... [that] on their liberation spread the disease among their own people."⁶⁰ Buck's report provides some evidence of this having occurred. Venereal disease, of course, already had a presence in New Zealand by the time the first troops arrived in 1840.⁶¹

It is likely that venereal disease influenced the fertility of some soldier settlers and their wives or other sexual partners in New Zealand. However, without an in-depth qualitative study, this cannot be determined. Childless marriages were certainly not uncommon among the soldier settlers, and it is possible that reduced fertility among these couples stemmed from sterility caused by gonorrhoea, or possibly the stillbirth or miscarriages symptomatic of syphilis. Benjamin Clout, as mentioned above, may have been afflicted and passed this on to his two wives, neither of whom had children with him. Clout had spent the first ten

⁵⁶ Macdonald, 'The "Social Evil"', pp.13-22.

⁵⁷ Stevan Eldred-Grigg, *Diggers Hatters & Whores: The Story of the New Zealand Gold Rushes* (Auckland: Random House, 2008), pp.367-422.

⁵⁸ Tom Brooking and Paul Enright, *Milestones: Turning Points in New Zealand History* (Lower Hutt: Mills Publications, 1988), p.61; Adam Davis, 'The Imperial Garrison in New Zealand, 1840-1870 with Particular Reference to Auckland' (PhD Thesis, University of Luton, 2004), p.228.

⁵⁹ These figures may have been embellished by partisan interest groups, inaccurate and non-standardised testing, see Levine, 'Venereal Disease, Prostitution, and the Politics of Empire', pp.581-582; Kenneth Ballhatchet, *Race, Sex, and Class under the Raj: Imperial Attitudes and Policies and Their Critics, 1793-1905* (London: Weidenfeld and Nicolson, 1980), ch.1; Erica Wald, *Vice in the Barracks: Medicine, the Military and the Making of Colonial India, 1780-1868* (Basingstoke: Palgrave Macmillan, 2014), pp.48-53.

⁶⁰ Te Hangi Hīroa (Sir Peter Buck) as quoted in D. Ian Pool, *The Maori Population of New Zealand 1769-1971* (Auckland: Auckland University Press, 1977), p.91.

⁶¹ Richard A. Cruise, *Journal of a Ten Months' Residence in New Zealand* (London: Longman, 1823).

years of his service in Ceylon, a hotspot for disease, before he married his first wife Ann in Ireland in 1841.⁶²

Traveling with wives and families on the strength

For those wives and families that joined their husbands and regiments sailing to New Zealand, journeys could take between 75 and 120 days, although this reduced as steamship technology improved. Most ships contained hundreds of male soldiers and crew, and often only a few women for the long journey. It was an intimidating atmosphere for the outnumbered women aboard. For those wives new to the regiment it would be an introduction to the realities of garrison life which they would likely continue to experience until their husband's discharge from the service.

It is difficult to identify exactly how many women or wives arrived with the army regiments between 1840 and 1870. Few women and families appear to have arrived with the earlier ships of the 1840s. There were only eight women and seven children with the 625 rank and file of the 65th Regiment aboard the *Java* when it arrived in Sydney via Hobart Town after 21 weeks from London in October 1846.⁶³ However, the 65th Regiment collected additional men in Sydney, some with families, which took the number to 734 rank and file with 22 women and 24 children who departed Sydney for the Bay of Islands on November 2 1846.⁶⁴ The proportionally low number of women appearing on the ships may indicate attempts by the army to keep costs down, a reluctance of wives to undertake such an arduous journey, or perhaps a younger regiment without the prerequisites for marriage.

Among the women on the *Java* was the wife of Sergeant T. Kearns whose name remains unclear. Mrs Kearns gave birth to a daughter Mary A. Kearns as the ship entered the Auckland Harbour on November 15 1846, increasing the number of children on board to twenty-five. The Kearns family later settled in Wellington.⁶⁵ Childbirth on the journey was far from a rarity, in fact, nine children were born by 64 women on the *Chariot of Fame*

⁶² Alexander, *The Royal New Zealand Fencibles*, p.127.

⁶³ 'Clearances', *Sydney Morning Herald*, 3 November 1846, p.2.

⁶⁴ 'Shipping Intelligence', *New Zealand Spectator and Cooks Strait Guardian*, 7 November 1846, p.3.

⁶⁵ Louis E. Ward, *Early Wellington* (Auckland: Whitcombe and Tombs Ltd, 1928), p.333.

before it arrived in Auckland in January 1864 with its assortment of 520 reinforcements from the 58th, 70th, 2/18th, 40th, 57th, 65th Regiments and Royal Engineers.⁶⁶

Rank and class were experienced on troop ships as they were in the barracks and on regular passenger and immigrant ships. Officers and their families had their own cabins as first or second class passengers. Similarly subalterns had their own cabins with their wives or a shared cabin, as Ensign Spencer Perceval Talbot Nicholl of the 68th Regiment did with a few other bachelors.⁶⁷ While the non-commissioned officers and rankers lived largely communally in steerage, with families and unaccompanied women in separate areas to the bulk of men and crew. Printed passenger lists only named officers and subalterns. Sometimes officer wives were also named, which provides a rough but unreliable idea of when they accompanied the regiment. NCOs were often listed with the rank and file, and were distinguished at times but rarely named. Wives and families associated with these lower ranks were never named, and their numbers were not always acknowledged, crippling any attempt to trace the number of wives and families arriving on the strength.

There was an absolute lack of privacy aboard for the rank and file families, and conditions were cramped and unhealthy, and the routine repetitive. Child care almost entirely fell upon the mothers, although there may have been help from some fathers. The *Illustrated London News* noted that even in 1873:

Where the wives and children of soldiers are on board, the scene at their dinnertime is much less agreeable [than the men's]. They are too commonly huddled together in a close atmosphere below, rendered more unpleasant and unwholesome by the want of convenience for washing. While many are sick, others are crying or squabbling, and the voyage is a severe trial to them. A few kind husbands will come down to look after the comforts of their wives and babes. Such men, it is said, are invariably found the bravest soldiers in the field of battle, the most patient and constant in a fatiguing march.⁶⁸

The difficulties of ship life would have been most apparent for those mothers attempting to keep young children safe, healthy and entertained on the journey, as well as for those experiencing the trials of pregnancy and childbirth.

Due to the cramped, insanitary conditions, which were often exacerbated by the need to stay below deck with stale air during rough weather, sickness and disease could spread

⁶⁶ 'Shipping Intelligence', *Daily Southern Cross*, 9 January 1864, p.9.

⁶⁷ Spencer Perceval Talbot Nicholl, 'Journal', 1863-1864, MS-1712, Alexander Turnbull Library (ATL), Wellington, New Zealand.

⁶⁸ 'Life on Board a Troop-Ship', *The Illustrated London News*, 6 December 1873.

quickly. Ensign Nicholl complained of the heat aboard the *Silver Eagle* during his journey to New Zealand in 1863. As a subaltern, he shared a four berth cabin, with only one other man, but the severe discomfort below decks when temperatures ceased to drop below 80 degrees Fahrenheit (26 Celsius) forced him to sleep on deck for weeks while the ship sailed across the equator.⁶⁹

It can only have been worse for the rank and file and families in the larger communal areas below. In such conditions, children were frequently the victims of ill health, and deaths were common.⁷⁰ We can see the inevitability and acceptance of such deaths exemplified in the *New Zealander* coverage of the arrival of the *Empress* with contingents of the Military Train, Army Hospital Corps, 43rd and 68th Regiments and their families:

There have been four births and four deaths during the voyage, two children, one sailor, and one soldier. It will be seen that she has made a good passage to this port, having occupied some eighty-seven days on the voyage, whilst the fine condition of the vessel and the passengers reflect the highest credit on the Captain and officers, and on the new line of Holder, Brothers, whose vessels, so far, have all done them credit.⁷¹

To state in one breath the loss of four lives, including two children, alongside the praise of the Captain, crew, and company for the great condition of the passengers was symptomatic of a dangerous yet improving shipping industry.

The journey was shorter for those wives who married into the regiment in the Australian colonies. There were 24 regiments stationed across the Australian colonies between 1810 and 1870 and eleven of these regiments would go on to serve in New Zealand. Garrisoned in the Australian colonies the men had plenty of opportunities to build relationships with local communities and court single local and regimental women, which included the daughters, widows, and servants of comrades. A small number met their wives in Australia before bringing them on the strength with them to New Zealand.

Lyn and Hugh Hughes have differentiated the troopships which arrived in New Zealand into three groups, two of which first saw service in Australia. The first group includes those first ships to arrive with troops in New Zealand, which were small and brought detachments of men back and forth from bases in the Australian colonies throughout the

⁶⁹ Nicholl, 'Journal', p.91

⁷⁰ Deaths of infants, children and women during childbirth on voyages to New Zealand are discussed further in Charlotte Macdonald, *A Woman of Good Character: Single Women as Immigrant Settlers in Nineteenth-century New Zealand* (Wellington: Bridget William Books, 1990), pp.95-98, 165-170.

⁷¹ 'Arrival of the Military Train', *New Zealander*, 23 February 1864, p.5.

1840s. Few wives accompanied these shorter term expeditions of the 80th, 96th and 99th Regiments to New Zealand, and few of these men took their discharge in the colony.⁷²

The second group arrived on the multifarious convict ships including the *Java* over the late 1840-50s and principally included the soldiers of the 58th and 65th Regiments, who acted as guards on the ships between Britain and the penal institutions of Australia. Once convicts were unloaded additional soldiers were brought aboard the large vessels—designed to hold huge numbers of convicts, the ships were ideal for transporting several hundred troops across the Tasman Sea at a time.⁷³ The two regiments faced the longest period of service in New Zealand, with thirteen and nineteen years respectively, and subsequently provided the bulk of the New Zealand dischargers and settlers.

The 58th Regiment arrived in New South Wales in late 1843 to replace the 80th Regiment as it withdrew to Madras. The 58th, maintained garrisons around New South Wales until 1847, although the majority of men were sent on to New Zealand from the beginning of hostilities in Northland in 1845. John Mitchell had been in New South Wales less than a week as a reinforcement for the 58th when Hone Heke attacked Kororāreka in March of 1845. Orders for reinforcements to the Bay of Islands came through in early April and disrupted Mitchell's hopes of taking leave and reuniting with his fiancée Julia Maher (daughter of Sergeant Maher of the 58th Regiment) who he had met in England and who had been sent ahead to Port Macquarie as a servant to an officer's family.⁷⁴ Although they maintained contact through letters, the couple would have to wait close to two years to see each other again. Mitchell temporarily returned to Parramatta in December 1846 following the cessation of hostilities, but Julia was unable to return until three months later. They were married on 26 April 1847. The marriage was sanctioned by Mitchell's commanding officer allowing 22-year-old Julia to be taken 'on the strength', as she previously would have been through her father's service prior to aging out at sixteen and becoming an officer's domestic servant.⁷⁵ In this respect, Julia exhibits three ways in which women were supported by regiments: as daughters, servants, and wives. Soon after the wedding, Mitchell was reposted to New Zealand, and we know that Julia followed on the strength as their first child Mary was born in Albert barracks on 11 March 1848, as were their next children John Thomas and William Huntly, born November 1849 and September 1851

⁷² Hughes and Hughes, *Discharged in New Zealand*, p.8.

⁷³ *Ibid.*, p.8.

⁷⁴ Barthorp, *To Face the Daring Maoris*, pp.53-54 & 194.

⁷⁵ *Ibid.*

respectively. Mitchell would go onto discharge and build a life with his family in Auckland, and together they did their part furthering the colony's European population; with 24 grandchildren by the time of Jane's death in 1916.⁷⁶

The Hughes' third group covers the rest, all those ships that came directly to New Zealand during the 1850-60s, from England, Ireland, India, Burma and Ceylon (Sri Lanka), bringing with them complete regiments as well as general reinforcements for those regiments already here. The pattern of these movements we can see in a survey of the 68th Regiment's transport to New Zealand. The survey shows that almost all the 68th men arrived on just four ships between January and March 1864, three of these were of experienced troops from Rangoon (now Myanmar) on the *Light Brigade*, *Australian*, and *Armenian*, and one of the reinforcements from England on the *Silver Eagle*. From the three former ships, we see 840 NCOs and rank and file were accompanied by 43 women and 88 children, an approximate ratio of five women for every 100 men when the regiment arrived in Auckland.⁷⁷ The ratio of men to women is just short of the permitted six wives per company (or 100 rank and file and NCOs), which would have allowed at least some men to marry and bring wives onto the strength during their stationing in New Zealand.⁷⁸ The reinforcements on the *Silver Eagle*, which arrived later, had a much smaller number onboard, just nine 'women and children' among the 326 men of the 43rd and 68th Regiments, presumably because so few of the rank and file and NCOs had the requisite service and conduct needed for an approved marriage.⁷⁹

Accommodation for wives and families on the strength in New Zealand

Conditions for women and children arriving with the troopships were not always drastically improved when they made it ashore in Auckland.⁸⁰ The influx of troops in Auckland in 1863 and 1864 caused a drastic shortage in housing which effected the soldiers' wives and families, as did a shortage of work and rations. Numerous letters were

⁷⁶ 'The Early Pioneers', *New Zealand Herald*, 15 August 1816, p.9.

⁷⁷ 'Arrival of the Silver Eagle, with Troops from London', *Daily Southern Cross*, 4 March 1864, p.3; 'Arrival at Auckland of the Ship Light Brigade, from Rangoon with Troops', *Wellington Independent*, 26 January 1864; 'Arrival of the S.S. Armenian, from Rangoon', *Daily Southern Cross*, 23 January 1864; 'Shipping Intelligence', *Daily Southern Cross*, 9 January 1864, p.3.

⁷⁸ Army and Great Britain Army, *General Regulations and Orders for the Army: Adjutant General's Office, Horse-Guards, 12th August, 1811* (W. Clowes, 1811), p.255.

⁷⁹ 'Arrival of the Silver Eagle, with Troops from London', *Daily Southern Cross*, 4 March 1864, p.3.

⁸⁰ Also see Janice Fraser, 'The Domestic Front: An Archaeological Investigation of the Albert Barracks Ceramics Assemblage' (BA Hons. dissertation, University of Auckland, 2002).

printed in Auckland's newspapers, and meetings assembled in attempts to find a solution to the issues. The outcry appears to have begun when a correspondent for the *New Zealand Herald* in the Waikato with the Imperial Forces at Camp Tuikaramea (Tuhikaramea), included the men's complaints about the treatment of their wives and families back in Auckland:

There is a great deal of complaint and bitter feeling amongst the soldiers generally at the want of liberality with which their wives are treated. Their reward they say for fighting for the country and working hard at roadways that would have cost thousands, is that their wives are allowed to starve. The men who were working on the Great South Road were actually three or four pounds each in debt when their work was finished, for their clothes were destroyed, and they were obliged to replace them at their own expense. It is impossible that the soldier, with only sevenpence a day clear of expenses, can contribute anything to the support of his family—for if he is a smoker the sevenpence goes for one small piece of tobacco, and soap, blacking and pipe clay have to be found also from the magnificent sum. It is the actual truth that many of the men's wives and children are starving; and this is the reward and encouragement given to the poor fellows to spur them on against an enemy that they have no patriotic interest in fighting, and the benefits of whose subjection they will have no share in. Considering all they have done, and are doing, they ask, is it liberal, or even just, that the proper provision for their families should be made a subject for nagging over halfpence? Even if it cost some thousands of the sum saved to the Colony by their exertions, without the millions gained by their victories over the Maoris, would it be much of a proof of the Colony's appreciation of their services to show kindness and a spirit of liberality to their wives and children? This is mildly interpreting the expressions of the men whose decrease of enthusiasm and good will for the task before them is proportionate to their families in their absence. I know the subject has been alluded to before in the Herald, and that some notice has been taken of it, but I have been told by the men of their desire to have their grievances expressed by one amongst them, and I feel bound to give this utterance to their feeling.⁸¹

For those soldiers eligible, or savvy enough to save the sum needed to purchase his discharge, such poor working conditions and treatment of his family would have provided ample motivation to leave the army behind, to seek the higher wages available to civilians in the colony with the land his own labours and fighting had opened up for settlement. With insufficient wages to look after his family, and held separate from them in the field, and separated from the support networks of extended family and friends available at Home, soldiers were dependent on the army and at times public charity to maintain their families.

⁸¹ 'The Native Rebellion', *New Zealand Herald*, 11 January 1864, p.3.

The *New Zealand Herald* article hit a nerve with the public and was followed the next day by letters to the editor in each of Auckland's three major newspapers the *New Zealander*, *New Zealand Herald*, and *Daily Southern Cross*, from an 'Ex Black Cuff' (58th Regiment).⁸² The letter reinforced the message of the article, declaring the 6d a day available to those married with leave as "insufficient to procure the meanest habitation", especially with the normally dependable income from regimental laundry unavailable with the men away in the field. The correspondent called on the initiative and generosity of Aucklanders to provide a leg-up, so the "industrious woman" could support herself without succumbing to prostitution, the one occupation "worse than begging."⁸³

A flurry of letters followed in each newspaper, and a meeting was assembled on 27 January at Auckland's Chamber of Commerce, attracting an array of gentleman interested in raising a fund to relieve the families, including Commander Mayne of the Royal Navy, and Purveyor de Burgh Adams of the British Army. It was chaired by the Superintendent of the Auckland Province Robert Graham. At the meeting, it was explained that the housing shortage had been worsened by an increase in immigration in addition to the influx of troops. That families, especially those with three or more children, were struggling on rations in poor accommodation, and it was accepted that "public sympathy and aid" was deserved.⁸⁴

Henry Gilfillan had taken it upon himself to survey the barrack returns and revealed the number of families affected; he found that in January 1864, 318 women and 654 children were on the strength in Auckland and maintained off the barracks, while 58 women and 94 children were maintained within. 115 of these women had three or more children, while 68 were without children.⁸⁵ Interestingly, Gilfillan also found the only mention I have seen of the numbers of women 'off strength' in Auckland, with an approximation of 58 women and 46 children. This group received no allowance for accommodation or rations. Gilfillan also spoke to small groups of wives and found a consensus that the housing afforded by military allowances prevented women from gaining employment suitable to their class, namely laundry. Both the absence of troops and the state of housing prevented these women obtaining an income through laundry. Gilfillan described a small back street house

⁸² 'To the Editor of the New Zealand Herald', *New Zealand Herald*, 13 January 1864, p.4; 'Soldiers' Wives and Children', *New Zealander*, 12 January 1864, p.5; 'Relief to Soldiers' Families', *Daily Southern Cross*, 12 January 1864, p.4.

⁸³ 'To the Editor of the New Zealand Herald', *New Zealand Herald*, 13 January 1864, p.4

⁸⁴ 'Soldiers' Wives and Children', *New Zealander*, 12 January 1864, p.5

⁸⁵ *Ibid.*

in which four wives lived with eleven children. The household survived on a single meal per day so that they could afford to keep a candle burning at night to keep rats away from the children. Even if their unsavoury neighbourhood had not prevented families allowing their laundry to be cleaned there, the pollution from the next door blacksmith's forge made it impossible.

In a similar vein to the Onehunga Ladies Benevolent Society which was formed in 1863 to support the families of militia evacuated from around the Manukau harbour during a period of unrest, a subscription committee was formed and the 'Soldiers' Wives' Relief Fund' established. The fund raised £100 among the gentlemen themselves, and a further £200 was promised by the Provincial Government if it could be matched by the public.⁸⁶ Further, it was proposed that cheap and suitable accommodation be found which would improve the women's access to employment, although it appears only laundry was considered. The old Immigration Barracks in Freemans Bay was suggested, as were small huts on government land. Former whaler and merchant, Captain Butler suggested that funds be appropriated from those used to entertain Māori by the Government; a similar suggestion from John S. McFarlane was to turn out Māori from the 'native hostelry' in Mechanics Bay.⁸⁷

By mid-February 1864, more than £1000 had been raised through subscriptions and fundraising events. The Immigration Barracks had been cleaned up and adapted to suit fifty to sixty families under the watch of an NCO and his wife and family; rations were doubled, and a list of names and addresses of wives "anxious to obtain employment" was made available to those with vacancies.⁸⁸ Fundraising continued over the next few months, and at least another £500 was collected by mid-May.⁸⁹ The cause was both aided and thwarted by the arrival of the wives and children of the newly recruited Military Settlers from the Australian colonies, increasing exposure but also furthering those in need. The families on the *Swiftsure* were kept aboard a few extra days until canvas could be sourced, as no other shelter was available, with the promise of new buildings in Onehunga.⁹⁰ Unheated, overpopulated galvanised iron barracks were eventually built for these families in

⁸⁶ Tennant, *The Fabric of Welfare*, pp.24-25.

⁸⁷ 'Soldiers' Wives and Children', *New Zealander*, 12 January 1864, p.5

⁸⁸ 'Soldiers' Wives and Children', *Daily Southern Cross*, 6 February 1864, p.3; 'Soldiers' Wives' Relief Fund', *Daily Southern Cross*, 17 February 1864.

⁸⁹ 'Subscription List', *Daily Southern Cross*, 24 March 1864; 'Further Subscriptions to the Relief Fund for Soldiers' Wives and Children', *Daily Southern Cross*, 19 May 1864.

⁹⁰ 'Colonel Pitt's Mission', *New Zealander*, 23 February 1864.

Onehunga. Although rough, the accommodation may have seemed homely compared to the conditions they experienced later establishing settlements in the Waikato.⁹¹

Fundraising for the relief fund took many forms, including concerts, races and theatre productions. Ensign Nicholl wrote in his journal of a fundraiser at a theatre in Auckland on 16 November 1864, in which professional actresses performed ‘The Silent System’, ‘Irish Tiger’ and ‘Urgent Private Affairs’, alongside some of his comrades of the 43rd Regiment. Nicholl gave these performances a rare positive review, describing the show as “the only theatre acts I have seen that I at all liked.”⁹²

Prior to the population boom and accommodation shortage, up to twelve wives were generally permitted to reside in the barracks of Auckland.⁹³ Similarly, up to three soldiers could receive an allowance for living outside the barracks with their families, while several others also chose to live outside the barracks in private residence with their families paying market rates out of their wages and supplemented by their wives.

There were far fewer families with the 57th Regiment in the Marsland Hill barracks at New Plymouth in 1864. The New Plymouth Garrison Order Book for that year shows only three wives and a dozen or so children were housed there when Colonel Warre had partitions installed to separate the families from the rest of the men, in order to protect.⁹⁴ Such dividers were commonplace in barracks during the nineteenth century and offered only the bare minimum of privacy.

At some garrisons, married soldiers had their own small but private huts. Despite the passing of the Raupo House Ordinance Act in 1842, discouraging the use of the highly flammable building material, Lavinia Newport was welcomed onto the strength of the 58th Regiment at Rutland Stockade in Whanganui, with a raupō hut after marrying Samuel Austin in 1851.⁹⁵ Raupō huts were popular in early colonial New Zealand up to the late 1860s due to the affordability of the material, as well as its water-repellent and insulating properties. It provided the first accommodation for many soldiers and their families

⁹¹ C. W. Vennell, ‘Waikato Wives of the 1860s’, *Auckland-Waikato Historical Journal*, April 1982, pp.29-35.

⁹² Nicholl, ‘Journal’, p.343.

⁹³ ‘To the Honourable the Commons House of Parliament’, *New Zealander*, 20 August 1853, p.2.

⁹⁴ Tim Ryan, ‘The British Army in Taranaki’, in Kelvin Day (ed.), *Contested Ground / Te Whenua I Tohe: The Taranaki Wars, 1860-1881* (Wellington: Huia Publishers, 2010), p.130; Also see ‘Garrison Order Book, 1860-1869’, ARC2002-811, Puke Ariki, New Plymouth.

⁹⁵ Barbara Mabbett, *For Gallant Service Rendered: The Life & Times of Samuel Austin, NZ Cross, 1831-1903* (Wellington: Steele Roberts, 2011), p.68; Kristyn Harman, “‘Some Dozen Raupo Whares, and a Few Tents’: Remembering Raupo Houses in Colonial New Zealand”, *Journal of New Zealand Studies* 17 (2014): pp.43-45.

entering civilian life, however, as they remained vulnerable to rodent infestation and fire they were only expected to last for five or so years of inhabitation.⁹⁶

Meeting and marrying imperial soldiers in New Zealand

By the mid-nineteenth century in settler New Zealand, as across British and European society generally, love had become the most significant factor in choosing one's marriage partner. The military constraints placed on soldiers, as well as army policy (as we have seen) limited the types of women they met and where they met them.⁹⁷ Marriage within the regiment was common, with soldiers marrying daughters or widows of comrades. Children on the strength were only supported up to the age of fourteen for boys, and up to sixteen for girls. It was common practice for girls nearing their sixteenth birthday to be married to one of their father's comrades. This is one of the reasons so many regimental daughters became regimental wives. To be eligible to marry and to take their young wife onto the strength, the husband generally needed to have served at least seven years, so would likely be at least mid-twenties, but would often be much older. With the confines of barrack life bringing family and regiment into close quarters, it is likely that as with the McKennas, husband and wife would often be quite familiar with each other before their wedding.

The 58th Regiment had not been in Auckland long when Private Daniel Munro and the then fifteen-year-old Sarah Waters were married in 1846. Sarah had arrived with her family and father, Thomas Waters (Watters), in Auckland on the strength of the 58th. Interestingly, the couple were married twice by different denominations, firstly in St Mary's Catholic Church, and then later in 1847 with a service at St Pauls Church (Anglican). Perhaps this was to appease the faiths of both partners, or perhaps to appease regimental officers, to ensure Sarah was retained on the strength. Private Munro had many years of service left with the 58th leaving Sarah separated from her parents and siblings when the regiment departed in 1858; while the Waters settled in New Zealand without them. The Munros had five children, three of whom were born in New Zealand. The youngest two, Mary Cecilia and Martha Lavinia, returned to Auckland from London on the *Hydaspes* in October 1873 after their mother's death in 1872, to be placed in the care of her sister, their Aunt Mary. Privates like Munro were not well positioned to care for their young children without a

⁹⁶ Harman, "Some Dozen Raupo Whares", pp.39, 45 & 49.

⁹⁷ Raewyn Dalziel, "'Making Us One': Courtship and Marriage in Colonial New Zealand", *The Turnbull Library Record* 19, no. No.1 (1986): p.7.

wife, and subsequently, some children would end up in orphanages or the workhouse. Luckily, Sarah's parents and siblings had been able to take their discharge, although this may not have been in New Zealand (as they do not appear in Hughes' discharged list) and had become well established in the colony to welcome Sarah's daughters by 1873.⁹⁸

A small number of the women who arrived with the regiments on the troopships were the unmarried domestic servants and nurses of officers' families, some of whom became soldiers' wives and remained with their husbands in the colony. Servants were hard to secure in New Zealand, and those available expected higher wages and better conditions than at Home. The officers who wanted domestic help were recommended to bring servants with them and to pay them well if they wanted them to stay.⁹⁹ The difficulty in obtaining servants meant the wives of many officers were required to occupy themselves with the menial domestic tasks that ensured a colonial family survived.¹⁰⁰ Because of the shortage of women in the colony female servants experienced increased opportunities for marriage and improved work opportunities, both of which could offer an escape from domestic service, if not domestic work. Many of these women who arrived as domestic servants were the single daughters of men in the officers' regiment, who were too old to be maintained on the strength under their fathers and needed to make their own way, as Julia Mitchell had.

Not all of the women who arrived in the colony as servants to army officers were regimental daughters. Annie Fitzgerald served as the children's nurse for Colonel Henry Greer of the 68th Regiment's household before she married a soldier. Annie had no clear prior regimental connection and appears to have been recruited as a servant by the Greers while still in Ireland to care for their first born son, Joseph Henry Greer. Agnes Greer gave birth to Joseph in 1855 in Ireland, while Colonel Greer served in Malta organising supplies for the Crimean War. The Greers employed Annie to assist with their growing family. In March 1864, at approximately 34 years of age, Annie arrived in Auckland on the *Silver Eagle*, with Colonel Greer, Agnes, and their now three young children.¹⁰¹ The family accompanied the Colonel to Tauranga, in time for one of the most tumultuous periods in

⁹⁸ Private Communications with Gary Benner, 15 March 2017; some information about the Waters and Munros also available from his personal website; 'A Soldiers Life'; updated 28 August 2010 <http://www.benner.org.nz/index.php/stories/munro-stories/130-a-soldiers-life>.

⁹⁹ Captain Charles Chesney, 'New Zealand Considered as a Field for the Emigration of Military Men', *Journal Royal United Service Institution* 3, no. 11 (1859): p.288.

¹⁰⁰ Robert Grant, *Representations of British Emigration, Colonisation and Settlement: Imagining Empire, 1800-1860* (New York: Palgrave Macmillan, 2005), p.151.

¹⁰¹ 'Personal Notes', *Bay of Plenty Times*, 21 January 1910, p.2.

the area's history.¹⁰² Annie lived with the Greers in one of Tauranga's earliest houses, 'High Trees' near the Durham Redoubt, and would have seen the devastating results of both the Pukehinahina and Te Ranga campaigns. Later that year, Annie married James Sims (Simms), a private in Greer's 68th Regiment, in Tauranga's Te Papa Chapel.¹⁰³ Annie continued to work for the Greers until they departed with the 68th Regiment in 1866. Around this time Sims transferred to the 12th Regiment so he could see out his 21 years of agreed service in New Zealand, qualifying him for his pension and allowing him to establish a new civilian life with Annie as settlers in Tauranga.¹⁰⁴

The army brought British troops into contact with Māori on multiple terms, both military and social, not just as enemies or prisoners of war, but also as allies or affiliates, as guides and translators, as labourers and porters, in trade and as hosts, as friends, sexual partners, and wives. Imperial soldiers' propensity for continued service with the colonial forces and as public servants after discharging or retiring, extended their exposure to Māori dominated areas and increased their chances of both brief and sustained relationships with Māori women. Angela Wanhalla has described these soldier's sustained relationships as giving "interracial marriage a peculiar 'colonial' dimension and character."¹⁰⁵

In India, interracial marriage had been common among all ranks of the British army during the eighteenth century, but it had lost favour among officers as the social conventions changed in the nineteenth century. However, the rank and file continued to marry Indian women, often under the encouragement of commanding officers who believed it boosted the morale and discipline of the troops.¹⁰⁶ In New Zealand it is unclear exactly how many imperial troops married Māori women. From the twenty or so couples apparent from newspaper searches and Angela Wanhalla's work on the subject, it would appear lower ranked officers predominated in the group, although this may be driven by their larger profile in the records.¹⁰⁷ These couples were married both during and following discharge or retirement. I found no evidence of Māori wives being taken on the strength with rank

¹⁰² Shirley Arabin, 'An Early Tauranga Resident Remembered', *Historical Review: Bay of Plenty Journal of History* 57, no. 1 (2009): pp.23-25.

¹⁰³ *Ibid.*, p.24.

¹⁰⁴ 'The Late Mr James Sims', *Bay of Plenty Times*, 8 March 1881, p.2.

¹⁰⁵ Angela Wanhalla, *Matters of the Heart: A History of Interracial Marriage in New Zealand* (Auckland: Auckland University Press, 2013), p.85.

¹⁰⁶ Douglas M. Peers, 'The Raj's Other Great Game: Policing the Sexual Frontiers of the Indian Army in the First Half of the Nineteenth Century', in Steven Pierce and Anupama Rao (eds.), *Discipline and the Other Body: Correction, Corporeality, Colonialism* (Durham: Duke University Press, 2006), p.116; Wanhalla, *Matters of the Heart*, p.87.

¹⁰⁷ Wanhalla, *Matters of the Heart*, pp.77-93.

and file. However among the officers, Captain Gladwyn Wynyard and his wife Mary Anne Nuki, who had married in 1858 were withdrawn with his 58th Regiment later that year. Serving in England and then the Cape Colony, before he retired his commission and they returned to New Zealand in February 1860.¹⁰⁸ They continued their married life with a small family in Devonport, until his death in 1871.

Contrastingly, Surgeon-major Arthur S. Thomson had established a long term relationship with Ngahiraka Wood (Te Whakatōhea) during his time in New Zealand with the 58th Regiment between 1847 and 1858.¹⁰⁹ The couple never married, but had three children before Thomson departed with his regiment leaving Ngahiraka and their children behind. There may have been issues around land ownership and inheritance which prevented Thomson marrying Ngahiraka. In his 1859 book Thomson claimed “concubinage is indirectly encouraged, and legal unions between European males and native females are discouraged,” under the Marriage Act in New Zealand.¹¹⁰ Issues around inheritance for half-caste children was somewhat rectified by the Half-Caste Disability Removal Act which passed the following year, in 1860, in an attempt to encourage interracial couples to legally marry.¹¹¹

The opinions of whānau on Māori women’s marriages to British soldiers varied. Kimble Bent, perhaps the most infamous deserter of the British Army in New Zealand, was forced on threat of death to marry Te Rawanga of Ngāti Ruanui by her uncle and was later ‘given’ Rihi the daughter of Rupe a rangatira of the same iwi, after curing his son’s illness.¹¹² By contrast, Captain Charles Blewitt (Bluett, Blewett) of the 65th Regiment was far from welcomed into his wife’s hapū, Ngāti Haumia o Taranaki.¹¹³ Blewitt met Ani Te Kai while serving in Wellington, the couple married in 1856, and she later accompanied him to Whanganui with the 65th. They had at least two children together, when relatives who were

¹⁰⁸ ‘Death of Captain Gladwyn Wynyard’, *Daily Southern Cross*, 13 February 1871, p.3.

¹⁰⁹ Michael Belgrave, ‘Thomson, Arthur Saunders’, in W. H. Oliver (ed.), *Dictionary of New Zealand Biography*, vol.1 (Wellington: Allen & Unwin, 1990); accessed 10 October 2016 via <https://www.teara.govt.nz/en/biographies/1t95/thomson-arthur-saunders>.

¹¹⁰ Arthur S. Thomson, *The Story of New Zealand: Past and Present, Savage and Civilized* (London: J. Murray, 1859), p.306; Wanhalla, *Matters of the Heart*, p.66.

¹¹¹ Wanhalla, *Matters of the Heart*, p.66; Damon Salesa, *Racial Crossings: Race, Inter-marriage, and the Victorian British Empire* (Oxford: Oxford University Press, 2011), p.206.

¹¹² James Cowan, *The Adventures of Kimble Bent* (London: Whitcombe and Tombs Ltd, 1911).

¹¹³ Sandra Clarke, *Ngā Tūpuna O Te Whanganui-a-Tara*, vol. 3 (Wellington: Wellington City Council & Wellington Tenth Trust, 2005), p.69.

opposed to Ani living with a European burnt down their house, killing Ani and their baby son. A daughter also named Ani, survived and passed the story on to her descendants.¹¹⁴

Thomas William Porter (born Potter), a private with the 70th Regiment—married Herewaka Porourangi Potai in 1873.¹¹⁵ Eventually Porter rose to colonel in the New Zealand Defence Force. He became associated with, respected by, and welcomed into Ngāti Porou after fighting with the colonial forces alongside Te Aowera rangatira Rāpata Wahawaha, Herewaka's whāngai brother, and other warriors. Men like Porter, who spoke te reo Māori, had an understanding of Māori culture and were associated with important rangatira, quickly found themselves advantaged by their position and useful to the colonial state, and this will be developed further in the next chapter.

There is significant room for further study into how interracial marriages and sexual relationships were affected by the New Zealand Wars, and the dynamics which the subsequent separation, suspicion and treachery caused.¹¹⁶ Additionally, with a focus on more reciprocal relationships and partnerships this thesis does not have the scope to discuss the sexual violence which was one outcome of soldiers' encounters with Māori women during the wars. There are several documented incidents of rape between 1840 and 1870, and some of these have been discussed by Wanhalla in her article, 'Interracial Sexual Violence in 1860s New Zealand'.¹¹⁷

One of the important ways which imperial troops could meet and court women was through dances and balls, events which some leading Māori also participated in. In Auckland and Wellington dances and balls extended the time people could socialise together, especially those who had to travel long distances, they often followed sporting events or horse race meetings, acted as fundraisers, or celebrated provincial anniversaries or royal birthdays, as well as the greeting and farewelling of members of the community, including the military regiments.¹¹⁸ Dances and balls formed an important part of the

¹¹⁴ Ibid.

¹¹⁵ J. A. B. Crawford, 'Porter, Thomas William', in Claudia Orange (ed.), *Dictionary of New Zealand Biography*, vol.2 (Wellington: Allen & Unwin, 1993); accessed 10 October 2016 via <https://www.teara.govt.nz/en/biographies/2p26/porter-thomas-william>.

¹¹⁶ Some discussion has been provided on this by Judith Binney, *Encircled Lands: Te Urewera, 1820-1921* (Wellington: Bridget Williams Books, 2009); Salesa, *Racial Crossings*.

¹¹⁷ Angela Wanhalla, 'Interracial Sexual Violence in 1860s New Zealand', *New Zealand Journal of History* 45, no. 1 (2011): pp.71-84.

¹¹⁸ Emma Dewson, "'Off to the Dance": Romance in Rural New Zealand Communities, 1880s-1920s', *History Australia* 2, no. 1 (1 January 2005): p.05-2.

courtship process for the single attendees, from which both men and women regularly viewed marriage as an outcome, as the events brought new and familiar faces together.¹¹⁹

A study by Emma Dewson of the later part of the nineteenth century found that social networks which developed between groups of siblings allowed romance to blossom at balls, with friends of siblings providing partners quickly acceptable to one's family.¹²⁰ Similarly, this concept can be seen to apply to the brotherhood of the regiment. Significant numbers of daughters, sisters, and widows finding marriageable partners in the regiment with the fathers, brothers, and late-husbands of the regiment. How many soldier settler relationships began at a dance or ball, it is impossible to say, but they were always a place to meet new people and enjoy an evening of entertainment.

Balls in colonial New Zealand could both reinforce class divisions and cut across them. This meant that at some balls only officers and the higher classes of society would have mingled, whereas, at other times such as those for the Queen's birthday in 1854, the rank and file mixed with Wellington's settlers and officers alike.¹²¹ Often organised by committees of middle and upper class settlers, private balls were designed to promote exclusivity among the 'who's who' of the colony, whereas, public balls and dances were inclusive, intrinsic to building community and bringing neighbours together, particularly in the more isolated regions.¹²² Importantly, both provided an opportunity for officers and rank and file to meet women in an environment where courtship was structured.¹²³

Penny Russell's analysis of the diaries and letters of the Melbourne gentry in the early 1870s shows how much excitement the arrival of military officers in town could elicit among the ladies of 'Society', and how they became highly sought guests for private balls.¹²⁴ Similar occurrences are visible on the Auckland scene, as documented by Lieutenant-Colonel Cyprian Bridge of the 58th Regiment. Relieved from duty in the Bay of Islands, members of the 58th returned to Auckland in December 1846 in preparation for departure to Sydney and found a ball held at Wood's Royal Hotel, in their honour, to thank them and the 96th Regiment for their service in the north:

¹¹⁹ Ibid., p.05-04.

¹²⁰ Ibid., p.05-5.

¹²¹ Georgina White, *Light Fantastic: Dance Floor Courtship in New Zealand* (Auckland: HarperCollins Publishers, 2007), p.20; 'Birthday Ball', *New Zealand Spectator and Cook's Strait Guardian*, 27 May 1854, p.3.

¹²² White, *Light Fantastic*, pp.17, 28 & 29; Penny Russell, *A Wish of Distinction: Colonial Gentility and Femininity* (Melbourne: Melbourne University Press, 1994), p.14.

¹²³ White, *Light Fantastic*, p.29.

¹²⁴ Russell, *A Wish of Distinction*, p.75.

A ball was given this evening by the ladies of Auckland to the Officers of the 58th Regt on their departure from the Colony. It was very well got up and attended, and dancing kept up till the hour fixed on for embarkation, when the 58th bugler sounded the assembly and officers' call in the ball room. The ladies pelted him out of the supper room with tartlets.¹²⁵

The ladies of Auckland clearly enjoyed the officer's company and embraced the social events that brought them together.

Colonial balls could be makeshift and muddy events which did not always meet the standards of dress, music, dance, patronage or class, of those at Home, or in sophisticated Sydney.¹²⁶ However, such events facilitated courtships for many couples, providing an acceptable, chaperoned sphere to congregate and dance, often until the early hours of the morning. Auckland society decided to match the English 'season', leaving most balls to be held during the cold and wet months of winter, between April and August.¹²⁷

Although he does not settle in New Zealand, we can better understand a young officer's experience of colonial balls and dances through the journal of Ensign Nicholl, of the 43rd Light Infantry.¹²⁸ Having previously written in his journal of his jealousy at missing balls at home, during his first year of service in New Zealand in 1864, Nicholl wrote of his excitement to attend his first 'Colonial ball' that August, where he could meet the young ladies of the colony he had "hear[d] some very fun stories about."¹²⁹ The invitation-only ball was organised by Auckland's gentry to thank the officers of the army and navy for social occasions previously held by the military, it attracted the "elite of the town and neighbourhood", to the Brunswick Hall on Queen Street, where guests were entertained by the band of the 2/18th Royal Irish Regiment right through the night.¹³⁰

However, having acquired permission from his commanding officer to leave the garrison at Ōtāhuhu and attend the ball, Nicholl came away disappointed. The ball failed to reach the expectations he had brought with him from experiences as a member of the gentry at Home. Having only had six dances, despite being there from nine at night till five in the

¹²⁵ Cyprian Bridge (Colonel), 'Journal of Events on Expedition to New Zealand', 4 April 1845-13 October 1847, MSX-2891, ATL, Wellington; 'Departure of the Military', *New Zealander*, 5 December 1846, p.2.

¹²⁶ Craig Wilcox has also discussed the military and balls in Sydney in Craig Wilcox, *Red Coat Dreaming: How Colonial Australia Embraced the British Army* (Cambridge: Cambridge University Press, 2009).

¹²⁷ White, *Light Fantastic*, p.17.

¹²⁸ Nicholl, 'Journal',

¹²⁹ *Ibid.*, pp.174, 196 & 298.

¹³⁰ 'The Civilians Ball', *New Zealander*, 26 August 1864, p.3; 'The Civilians Ball', *New Zealand Herald*, 26 August 1864, p.3.

morning, Nicholl complained, “I did not get a dance for a long time as I knew no one.”¹³¹ His lack of a social network amongst the Auckland elite hindered his ability to attract a dance partner, and his head injury from Pukehinahina limited his endurance on the dancefloor. Nicholl also took exception to the appearance of the ladies in attendance, “I never saw such an ugly [sic] set of females in all my life, Mrs Peel & Mrs Barlow both belonging to the R.A. [Royal Artillery] were the only pretty people there.”¹³² The music too underwhelmed, the band having been “very bad and very shrill.” Being more widely known by the time of the Military Race Ball the following month, which followed three days of horse racing, Nicholl came away with a much more positive experience. “I danced as much as I wanted. We had great fun after every one had gone, in having a dance with the free women.” Although, he leaves it unmentioned whether he enjoyed the privacy of “the offices at the end converted into snug little boudoirs, inviting to a quiet game of whist, or a coy flirtation.”¹³³

Nicholl also provides an insight into the less formal dances held in the officers’ mess while he was stationed in Ōtāhuhu.¹³⁴ Such dances were semi-regular events, and a means to entertain the visiting public from Auckland who came out for cricket matches, croquet, or concerts by the regimental bands. Nicholl struggled to ‘make acquaintance’ with the young ladies in attendance at these mess dances as they often involved fast dancing, something Nicholl was unwilling or unable to partake in, possibly due to the head injury he suffered at Pukehinahina. The act of dancing was entertainment, but also a means to meet and initiate courtship in a proper manner which Nicholl understood as a member of the gentry, and his inability to partake in the ritual frustrated him.

The regiment as family

Wives and families acted as an anchor of responsibility, support, and companionship which provided a formative base from which soldiers could build their civilian lives. For the majority of men who remained single up to the point of discharge or longer, the regiment could act as a family, providing support and direction. The regiment carried its own forms of masculinity which complimented and blurred those of wider society, a brotherhood of

¹³¹ Nicholl, ‘Journal’, p.299.

¹³² Ibid.

¹³³ ‘The Civilians Ball’, *New Zealander*, 26 August 1864, p.3; ‘The Civilians Ball’, *New Zealand Herald*, 26 August 1864, p.3.

¹³⁴ Nicholl, ‘Journal’, pp.301, 306 & 321.

fraternal and paternal camaraderie which offered support and companionship of its own. The veterans' associations which were soon established following the wars became advocacy groups for their members and the memory of their fallen comrades.¹³⁵ Such practices could be carried past the term of military service to the benefit of soldier settlers' civilian lives as husbands and fathers and extended to their nuclear family.

Soldier settlers were not part of Miles Fairburn's 'atomised society', their networks of old comrades could be called upon for anything from finding work or workers, to introducing women, defending property, or supporting a petition.¹³⁶ When tracing soldier settlers' lives in the newspapers there is ample evidence of continuing regimental allegiance, with men next to each other on the land as neighbours, at work, in society groups, at veteran homes, funerals and war commemorations; their families often intermarried and were similarly allied to and supported by the regiment. A bachelor soldier settler may have been single, but he was often not alone, nor unsupported, comrades became friends and family and helped each other where possible, although some remained loners into old age, to their detriment.

Wives also benefitted from the regimental network. As discussed earlier in this chapter, wives whose soldier or soldier settler husband died would often continue with the regiment until they could be returned Home, or could remarry into the regiment through a comrade, as Jane Brady did. Wives would continue to be identified as part of a regiment, often decades after being on the strength or the death of their husbands. When the 2/18th Regiment had a reunion in 1913, fifty years after they had first arrived in the country, sixteen elderly men were in attendance, as well as some widows wearing their husband's war medals.¹³⁷ An example of the men and wives continued affiliation with the regiment, and each other.

Similarly, sons who were on the strength would often grow up under the eye of the regimental men, and around fifteen years of age be taken on as 'boys'. From 1856, up to two per cent of a regiment could include boys, who were apprenticed as drummers, buglers, tailors or shoemakers, before they reached the normal age of enlistment.¹³⁸ After fourteen years of age sons were cut off from the strength and had to find their own way.

¹³⁵ Ian McGibbon (ed.), 'Veteran's Associations', *The Oxford Companion to New Zealand Military History* (Auckland: Oxford University Press, 2000), p.555.

¹³⁶ Miles Fairburn, *The Ideal Society and Its Enemies: The Foundations of Modern New Zealand Society, 1850-1900* (Auckland: Auckland University Press, 1989).

¹³⁷ 'Royal Irish Regiment', *New Zealand Herald*, 7 July 1913, p.3.

¹³⁸ Skelley, *The Victorian Army at Home*, p.262.

Such schemes were a way for the regiment to ensure that sons were maintained. Even those sons born after their father's discharge, in the likely event they enlisted, would often seek out their father's regiment and continue the affiliation. For daughters too, the regimental network offered ongoing potential protectors, suitors, and employers, when a father no longer could do so as part of the army. Through one way or another, a daughter could secure her continued subsistence from the regiment or the regimental network.

Conclusion

Most men who discharged or retired from the British Army to settle in New Zealand after serving in the New Zealand Wars did so as bachelors and faced difficult odds of finding wives due to the disparity in single women in the settler population. Colonial society idealised the place of women in the colony. A wife was believed to bring out the best soldier settler outcomes and improve their worth to the colony, they assisted in the 'taming' of the land, and enabled population growth. Although not always the reality, married soldier settlers, like Edward McKenna were often a step ahead of their bachelor comrades as they entered their civilian lives, in terms of productive settlement. The army was largely ambivalent towards marriage, although they accepted the importance of including some wives on the regiment, they in no way embraced them as colonial officials, or perhaps soldier settlers wished to. Army regulations inhibited the majority of soldiers from taking wives, and heavily shaped those marriages it allowed, and subsequently the soldier's settler life.

Firstly, the army dictated when men could marry if they wished for their wife and children to be supported by the regiment. Restrictions on service length and good conduct meant soldiers had an older average age of marriage than the general British public. Most were at least in their mid-twenties before they could meet the army's criteria allowing a marriage to be authorised and wife brought 'on the strength'. The fact that most would not marry until after their term of service will have also extended the average age of soldier settlers marrying in New Zealand.

Secondly, the Army influenced which women the men came into contact with and therefore who they were married to and brought to New Zealand on the strength. Placing most barracks in Britain in poorer districts with higher populations of Irish and Scots resulted in a disproportionate number of poor wives from these areas. Similarly, regimental

practices which encouraged the few women brought onto the strength and known by the regiment, to remain on the strength often made the regiment a family affair. Regimental daughters married their father's comrades as teenagers like Sarah Waters or became an officer's servant for a while before marrying a soldier like Julia Maher. Regimental widows and their children were often supported by the regiment and remarried to a comrade, like Jane Brady.

One of the more documented ways in which soldiers met new women whilst serving in New Zealand was the balls and dances held by members of the public and the men themselves. Balls and dances provided recognised forums for courtship with their own codes and practices understood by contemporaries, although the colonial occasions may not have stood up to what was available to the gentry of London it was welcomed by most over the drudgery of garrison life and by both women and men for the offer of entertainment and potential to meet someone.

Army living conditions could be harsh for the soldier, and this extended to those wives and families accommodated on the strength, although life was often worse for those left behind and fending for themselves whilst off the strength. When the regiment was shipped to New Zealand, it could mean three to four months of discomfort, in cramped, unhealthy quarters with minimal privacy. Such conditions only continued for many once in Auckland, especially for those arriving during the peaks of early 1864. Army life did, however, provide regular food, income, and accommodation for soldiers and their families, no matter how limited, and this was something truly missed in the civilian world. The strength of the soldier settler family was key in determining soldier settler's ability to achieve these things on their own in the civilian world, whether they would fall apart before they got started, like the Hawkeys, or strive like the McKennas. As with the family, the familial regimental network could also be called upon to assist a soldier settler to get by, and this will be discussed further in the next chapter.

Chapter 3: Soldier Settlers' Livelihoods

Oh, I wish the Queen of England
 Would write to me a line,
 And place me in a regiment
 All in my youth and prime;
 There I'd fight for Ireland's glory
 From the cold daylight 't dawn,
 And I'd never more return again
 To plough the rocks of bawn.¹

Michael Finucane was born in 1821, in Ennis, County Clare, to a working class Catholic family. Finucane's formative years saw extensive social turmoil through sectarian violence and food and income insecurity through successive crop failures. In 1840, aged nineteen, Finucane enlisted with the 65th Regiment as a private. He had attested as a 'labourer', Ennis was a market town, so labouring could have involved any number of insecure waged jobs in the village or on surrounding farms. After a few years serving around England and then Dublin, the 65th shipped out on the *Java* to Auckland via Sydney, arriving in November 1846. Promoted to corporal, he served a few years around Wellington before obtaining a free discharge in March 1850. After ten years of service he intended to settle in New Zealand rather than return to an insecure existence in Ireland. With his military experience he found secure ongoing employment with the Wellington Provincial Police that same year. After ten years of service, in 1860, during a time of political difficulty within the force, he was made a commanding officer.² He held the appointment for less than a year before he lost his commission over a pay dispute with his constables. In 1853, Finucane had married Julia Corkery in Wellington. By 1863, they had five young sons and a newborn daughter, and had moved to Napier where Finucane continued in the police force until his death in 1868.

This chapter investigates the livelihoods of soldier settlers like Finucane in New Zealand. It explores how these men made a living for themselves and their families after their service in imperial regiments. Through newspapers, reminiscences, biography and government records key patterns in their employment are uncovered.

¹ 'The Rocks of Bawn' a common Irish folk song as quoted in Peter Karsten, 'Irish Soldiers in the British Army, 1792-1922: Suborned or Subordinate?', *Journal of Social History* 17, no. 1 (1983): p.38.

² Sherwood Young (ed.), *With Confidence and Pride: Policing the Wellington Region, 1840-1992* (Wellington: Wellington Police Trust, 1994), p.27; Richard S. Hill, *Policing the Colonial Frontier: The Theory and Practice of Coercive Social and Racial Control in New Zealand, 1767-1867* (Wellington: Government Printer, 1986), pp.448 & 534.

Firstly, the chapter provides a brief analysis of occupational information provided when the men enlisted and their supplementary incomes during imperial service to provide an understanding of the skills and experience soldier settlers brought to their civilian lives and how this shaped later employment patterns. It then provides some examples of how and why imperial soldier settlers continued to find work in military-type roles, within the defence and police forces' and the prison system.

The chapter also considers, how officer training and experiences could lead to roles on the 'colonial frontier' in surveying, or community leadership positions. Lastly, the chapter examines what happened to those unable to find work in New Zealand, and those physically incapable of working through disability or old age—the different means by which they coped the varying levels of success in accessing support to get by.

Before enlistment

When analysing what means of employment were taken up by soldier settlers, we must first understand what skills and experience they had developed before and during their military service which could be utilised in civilian life. Data generated by Rebecca Lenihan from the Hughes' discharged lists and WO12 Muster Books shows pre-attestation occupations of non-commissioned officers and the rank and file who formed the bulk of soldier settlers.³ From the more than 3,600 men we know discharged in New Zealand, we have a pre-attestation occupation for 2,739, with an overwhelming majority of 1,738 listed as 'labourers'. On first glimpse, there appears to be a surprisingly small number involved in rural trades of agriculture, animal husbandry, forestry, hunting and fishing (only 67 men or 2%). However, hidden amongst the generic 'labourer' description is an unknown, but, likely large group of rural workers. Unfortunately, insufficient information was taken to distinguish between rural and urban labourers, but the huge concentration of unskilled workers is notable. Further, using the *Historical International Standard Classification of Occupations* (HISCO) coding system to classify occupational titles into seven main groups

³ Hugh Hughes and Lyn Hughes, *Discharged in New Zealand: Soldiers of the Imperial Foot Regiments Who Took Their Discharge in New Zealand, 1840-1870* (Auckland: New Zealand Society of Genealogists, 1988); WO12 Muster Books.

work, we can see that 92% of the men are employed in the major group of ‘production and related workers, transport equipment operators and labourers’.⁴

There were many reasons not to join the army prior to 1870, as Peter Burroughs succinctly points out. Prior to 1870, “enlistment practically for life... separation from home, family and friends; the long spells spent abroad; the harsh brutalities and irksome discipline; the high rates of death and disease,” all meant the soldiering role was undesirable for many.⁵ However, for others, including many of those who ended up in New Zealand, the guarantees of pay, pension, food and accommodation which came with accepting the ‘Queen’s shilling’, provided an immediate improvement to their situation.

The first half of the nineteenth century saw vast change to British and Irish workplaces as industrialisation took hold, and it is unsurprising such a large proportion of the men enlisting were from labouring class backgrounds. The point holds doubly for the Irishmen, who made up the largest group (with 49%).⁶ Irish men were more susceptible to army recruiters due to their generally lower wages, desperation from famine in the 1840s, sustained unemployment, and their ‘military tradition’.⁷

The large numbers of Irish-born among those that discharged in New Zealand is much higher at 49% than what Hew Strachan identified as the peak Irish participation in the infantry, in 1840 with 42.2%.⁸ There are many possible explanations for the disproportionately large number of Irish choosing to discharge in New Zealand. Firstly, New Zealand had hosted some of those British regiments with larger populations of Irish troops, like the 2/18th (Royal Irish) Regiment. Secondly, as J. E. Cookson has noted with contrast to Scottish troops who returned home to the “rapidly developing urban-industrial heartlands,” the Irish returning home faced a struggling “overpopulated agricultural economy” which offered far fewer employment opportunities than what was on offer in the

⁴ Marco H.D. van Leeuwen, Ineke Maas, and Andrew Miles, *Historical International Standard Classification of Occupations* (Leuven: Leuven University Press, 2002).

⁵ Peter Burroughs, ‘Imperial Defence and the Victorian Army’, *The Journal of Imperial and Commonwealth History* 15, no. 1 (1986): p.65; Edward M. Spiers, *The Army and Society, 1815-1914* (London: Longman, 1980), pp.52-53.

⁶ Karsten, ‘Irish Soldiers in the British Army, 1792-1922: Suborned or Subordinate?’, p.39; Spiers, *The Army and Society, 1815-1914*, p.48.

⁷ Ibid.

⁸ Hew Strachan, *Wellington’s Legacy: The Reform of the British Army, 1830-54* (Manchester: Manchester University Press, 1984), p.52.

colonies.⁹ For those Irishmen already in New Zealand the opportunities at hand offered much more than what was possible at home in Ireland.

When weavers like John William Graham, of Banbridge, Ulster, were unable to find a secure living within the turbulent linen employment market of Ireland, they were much more likely to enlist. From the late eighteenth century into the nineteenth, a sharp population increase and poverty led to huge numbers seeking better conditions through emigration or enlistment in the military. During the Crimean War there was a peak of Irish enlistment in the army.¹⁰ Graham enlisted with the 65th Regiment in 1855, during a two year period in which 81 (48%) of the 168 weavers (136 of whom were Irish) who discharged in New Zealand also enlisted. One reason for the increase was regimental recruiters working in groups to target specific Irish regions.¹¹ On 23 June 1855 fifteen weavers were recruited in the County of Armagh by recruiters for the 68th Regiment, who instead of returning after completion of their ten year term discharged in Ōtāhuhu in March 1866 to begin new civilian lives with a strong regimental network alongside each other in New Zealand.¹²

Graham saw some service in Crimea before being stationed to New Zealand, arriving in Wellington on the *Lancashire Witch* in July 1856. He served in New Zealand until 1865 by which time he had been promoted to corporal, and taken his discharge on ‘completion of engagement’. With his experience in weaving unusable in New Zealand, the now thirty-year-old Graham, like many others during the 1860s, turned his hand to gold mining. Failing to find his fortune in the previously lucrative Gabriel’s Gully, or on the West Coast, he returned to the skills accrued as an NCO, enlisting with the Armed Constabulary in Nelson. There, it was suggested, he may have been involved in the 1866 capture of the Maungatapu murderers.¹³ He soon transferred to the Napier branch of the Armed Constabulary, where he was involved in action against the Hauhau and Te Kooti. Graham spent the next forty or so years in Napier law enforcement, moving to the Napier Police Force when it was formed following the breakup of the Armed Constabulary in 1886.

⁹ J. E. Cookson, ‘Early Nineteenth-Century Scottish Military Pensioners as Homecoming Soldiers’, *The Historical Journal* Vol.52, no. 2 (2009): p.341.

¹⁰ Paul Huddle, ‘British Military Recruitment in Ireland During the Crimean War, 1854-56’, *British Journal for Military History* 2, no. 1 (2015): pp.34-55.

¹¹ *Ibid.*, p.42.

¹² Hughes and Hughes, *Discharged in New Zealand*, pp.67-104.

¹³ ‘Personal’, *Otago Daily Times*, 29 July 1921, p.5.

Eventually, Graham retired to his own property in nearby Clive, where he died in 1921, aged 85.¹⁴

Englishmen, the second largest group with 1015 (37%) discharged men, were also driven to enlist during employment shortages. Men like Joseph Swan of Lancashire, who had worked at a cotton mill since he was eight years old, turned to the army when things got tough. In 1841, “at the age of manhood [21 years] he was driven by hard times and hunger to enlist and he took the ‘Queen’s Shilling’.”¹⁵ He enlisted with the 99th Regiment and saw a few years of service as an officer’s servant in England, before acting as a convict guard on the *Duke of Northumberland* sailing to New South Wales. He spent a year in New South Wales. In 1845, he was ordered to the Bay of Islands with the regiment for the Northern War, and was then in Wellington for the capture of Te Rauparaha in July 1846. Swan returned with the 99th to Sydney and then Hobart for several further years of overseeing convict chain gangs. Swan then chose to transfer to the 65th Regiment who were posted to New Zealand before the 99th were withdrawn to Britain in 1856. Swan was enlisted for indefinite service, and like many of his comrades, his transfer indicates a preference for colonial life long before he was allowed to enjoy it as a civilian.

In 1865, after campaigns in Taranaki and Waikato, and now in his mid-forties, Swan was discharged from the 65th Regiment in Auckland with a reduced pension, and greatly improved opportunities for land ownership and mobility. He served briefly with the militia in the 3rd Waikato Regiment, then, like Graham, he tried his hand at mining on the West Coast, before moving to Taranaki and becoming one of the first settlers in Egmont Village, near New Plymouth. Like many soldier settlers Swan’s military service was called upon again when he joined the local Volunteers. Swan enlisted with the Patea Rifles, most of whom were veterans and bachelors, during the Third Taranaki War, in August 1868.¹⁶ Joining the colonial forces campaign against Tītokowaru, he was present at their defeat at Te Ngutu o te Manu, when Von Tempsky was killed alongside 48 other colonial casualties.¹⁷

Swan was eligible for a land grant under the Waste Lands Act 1858. By 1869 he had taken up a rural section in Tarurutangi District, which, like many of his fellow soldier settlers, he

¹⁴ Ibid.

¹⁵ ‘An Old Soldier’s Career: The Late Mr Joseph Swan’, *Taranaki Daily News*, 15 July 1907, p.2.

¹⁶ ‘Departure of the Volunteers for Patea’, *Taranaki Herald*, 15 August 1868, p.3.

¹⁷ Tītokowaru had 28 killed, while the ‘kūpapa’ had neither wounded nor killed, Ron Crosby, *Kūpapa: The Bitter Legacy of Māori Alliances with the Crown* (Auckland: Penguin Books, 2015), p.336.

found to be unviable due to a lack of road access, leaving him ineligible for the occupation related gratuity.¹⁸ As discussed in the first chapter, as a group they petitioned to rectify the issue, with the offer of soldier settlers forgoing their gratuity to assist the provincial government to pay for the roads. The road was eventually built, and Swan was able to establish a small dairy farm off Junction Road where he lived freehold, in an almost new cottage, subsidised by his military pension. However, he lost it all to a bush fire in 1890, and sought compensation for the house, dairy shed, tools and grass seed from a local Relief Fund, for which it appears he received £20.¹⁹ Starting again must have been a daunting task for Swan and his wife, Catherine (born Holiday), at seventy years of age. However, they did so, as at the time of his death in 1907 they were still running cows on the property.²⁰

Graham and Swan's experience as troops, became an asset in New Zealand. Prior to enlistment both had spent the first years of their working lives in an industry with declining prospects at Home and no prospects in New Zealand. Both temporarily tried their hand at mining, hoping for a windfall, before falling back on their military experience which was in demand in the mid-1860s as the imperial forces were withdrawn. Discharging in New Zealand enabled their access to property ownership and a modest comfort through waged labour and military grant. They became respected members of their communities worthy of detailed obituaries by the time of their death.

In comparison to English and Irish, few Scots (65 or 2.4%) and even fewer Welshmen (13 or 0.5%) are recorded as having discharged in New Zealand. This is largely due to the absence of the nominally Scottish regiments from service in New Zealand, and Welsh reluctance to serve in the British Army. Hew Strachan has found the Welsh formed only a tiny portion of the army by the 1840s, and little recruitment was undertaken in the region during this time.²¹

The terms on which soldiers enlisted varied over the period in which British troops were engaged in New Zealand, 1840-1870. Between 1829 and 1847, enlistment was 'for life', and discharge was only available through injury or ill-health. However, for those enlisting

¹⁸ 'Memorial from Discharged Soldiers', *Taranaki Herald*, 17 August 1872, p.2.

¹⁹ 'Bush Fire Relief Fund', *Taranaki Herald*, 17 April 1890, p.4; 'Appraisements for Bush Fires Relief Committee', *Taranaki Herald*, 17 April 1890, p.4; 'The Bush Fires in Taranaki', *Poverty Bay Herald*, 21 March 1890, p.2.

²⁰ 'An Old Soldier's Career: The Late Mr Joseph Swan' *Taranaki Daily News*, 15 July 1907, p.2.

²¹ Strachan, *Wellington's Legacy*, p.52.

in the infantry after 1847, a ten year minimum term was offered, with the opportunity for a subsequent eleven year re-enlistment to qualify for full pension.²²

During their time serving in New Zealand, especially for those regiments stationed in the colony during times of relative peace, much of their time was spent assisting with the construction of fortifications, roads, bridges and other infrastructure. Downtime was often spent hunting, fishing or foraging for recreation and to supplement rations. On excursions they would often be sent with minimal supplies, with an expectation local communities would feed and supply them, or they would hunt and forage for themselves. Troops learnt from Māori where to find, and how to eat different bush foods, like the fibrous fernroot. Barbara Mabbett suggests such experiences with bushcraft, carpentry and other practical skills learnt during Samuel Austin's thirteen years serving with the 65th Regiment in New Zealand, were formative in transitioning the thirteen-year-old weaver of Ballymore, Cork, into the 28-year-old soldier settler capable of providing for his family and finding comfort in colonial Whanganui.²³

Mabbett may have overstated the reality of the work that Austin and the majority of the rank and file undertook, which will have mostly been mundane manual labour, with skilled work mostly falling to the Royal Engineers. There is some evidence that under Captain Andrew Hamilton Russell, Superintendent of Military Roads (later Lieutenant-Colonel, and on Legislative Council 1861-1872), those men of the 58th and 65th Regiments employed in building infrastructure around Wellington in the late 1840s received training in skilled trades such as carpentry and masonry, as required. Russell was a proponent for the use of cheap military labour. Training soldiers in trades he believed was of benefit to both the idle soldier and the monetarily and labour poor colony.²⁴

I conceive it much to be regretted that in new and healthy colonies where labor is so scarce, yet so much required, where piers, wharves, bridges, roads, and public buildings, are so much wanted, yet are unattempted chiefly because the small revenue of a young colony renders their construction at the high rate of civil labor impossible; that from one to two thousand men should continue in idleness which leads to vice and immorality, when it would be difficult to say which would gain most by their employment, their country, by their instruction in the most important duties of soldiers on service, and by their improved health and

²² Spiers, *The Army and Society, 1815-1914*, p.52; Alan Ramsay Skelley, *The Victorian Army at Home: The Recruitment and Terms and Conditions of the British Regular, 1859-1899* (London: Croom Helm, 1977), p.251.

²³ Barbara Mabbett, *For Gallant Service Rendered: The Life & Times of Samuel Austin, NZ Cross, 1831-1903* (Wellington: Steele Roberts, 2011), p.49.

²⁴ A. H. Russell, 'From the Government Gazette', *Wellington Independent*, 30 January 1850, p.2.

conduct; the colony, by the acquisition of such works as I have alluded to; or themselves by acquiring habits of steady industry, and the means of obtaining a comfortable provision in the colony on leaving the service. In my own Company no less than thirty-two men have obtained leave to purchase their discharge after an average length of service of eight years, the money having been acquired by two years' employment on the roads.²⁵

Any experience in skilled trades will have assisted the soldier settler in establishing his civilian life where settlers often had to make do with the resources, knowledge and skill at hand; the extra wages available to those soldiers working on the infrastructure will no doubt have helped too. Additionally, the experience and intimate knowledge gained through living in New Zealand for several years before embarking on civilian life advantaged these soldier settlers over their fellow settlers, who were arriving fresh off the ship.

During military service, some soldiers would take on extra work to improve their own or their family's immediate situation, or as savings to fund an early discharge or better start to civilian life. Despite army wages being higher than those commonly available in Ireland, in the British Isles more generally they compared poorly, even for unskilled labourers.²⁶ There was not always access to extra work and additional wages like those described above in Wellington, so soldiers and their families took external opportunities where they could. Jennine Hurl-Eamon provides multiple examples of soldiers taking on all types of extra work, from the most skilled to least desirable, during downtime when posted in England.²⁷ Whilst in a colonial setting, during service 'abroad', Rod Pratt and Jeff Hopkins-Weise have also discussed the soldiers from the 12th Regiment's informal contribution to the Moreton Bay economy while garrisoned there in Queensland. Commanding officers there turned a blind eye to soldiers in paid labour on nearby farms.²⁸ In New Zealand, men with skills in high demand like tailors, or shoemakers, could take on work for others in their regiment or the wider community to supplement their wages, especially during periods of extended garrison duty, like the 58th Regiment experienced in Whanganui during the 1850s. Additional funds were also available to those eligible for 'extra duty', or 'good conduct' pay, or those willing to serve as an officer's servant, like Joseph Swan. Others

²⁵ Ibid.

²⁶ Spiers, *The Army and Society, 1815-1914*, pp.52-53.

²⁷ Jennine Hurl-Eamon, *Marriage and the British Army in the Long Eighteenth Century: 'The Girl I Left Behind Me'* (Oxford: Oxford University Press, 2014), pp.189-190.

²⁸ Rod Pratt and Jeffrey Ellis Hopkins-Weise, *Brisbane's 1st Battalion: 12th (East Suffolk) Regiment Detachments, 1860-1866* (Redcliffe, Qld.: Pratt and Hopkins-Weise, 2005), p.3.

used their spare time to hunt or fish to trade, or provide extra food for their comrades or family.²⁹

Wives, whether on or off the strength often contributed a small income where possible. Lavinia Austin, wife of Samuel Austin of the 65th Regiment, did laundry and housework for Reverend Richard Taylor's household while Samuel was garrisoned in Whanganui. Lavinia was able to continue to do such work even with very young children, through the support of her mother, who lived nearby.³⁰ Where soldiers had wives, the efficacy of the family economy became essential in the process of getting ahead, both during army service and in their civilian lives.³¹

Service length and discharge

On average we can see that the men had served about eleven to twelve years with at least one regiment before taking their discharge in New Zealand.³² At this point it must be pointed out that due to the change of 'terms of service' in 1847, there was a considerable difference in the patterns of service length between those enlisted prior to 1847 and those enlisted during or after 1847. As expected, those enlisting 'for life' prior to 1847 have a longer average service length than the latter group, with a mean 13.2 years of service, and a median of twelve years. The pattern of service is also much more evenly distributed, between three and 31 years. There is a small peak of 143 men with eleven years of service, and 675 men (47.4%) serving for thirteen or more years. There were 441 (31%) who failed to reach ten years of service, before buying their way out or receiving discharge through disability or ill-health. Of those who enlisted in 1847 or later, 1,850 or about 50.5% of those we have dates for, only 319 (17.2%) remained in service for more than twelve years. Only five men served out their maximum 21 years of enlistment, whereas 524 (28.3%) of men did not reach the minimum ten years of service. The shortest term was less than a year.

²⁹ For further reading about hunting in NZ see Kate Hunter, *Hunting: A New Zealand History* (Auckland: Random House, 2009); or to read about an officer's experiences hunting ducks, pigs and cattle, and fishing see Nichol, 'Journal'.

³⁰ Laura Taylor, *The Missionary's Daughter*, Randal Springer (ed.), (Whanganui: Whanganui Historical Society, 1993), p.127; Mabbett, *For Gallant Service Rendered*, p.68; J. M. R. Owens, *The Mediator: A Life of Richard Taylor, 1805-1873* (Wellington: Victoria University Press, 2004).

³¹ Cookson, 'Early Nineteenth-Century Scottish Military Pensioners as Homecoming Soldiers', pp.332-333.

³² For simplicity sake this analysis has overlooked the nuance of days and months of service, instead it is based on the difference between years of enlistment and discharge. The data is from Rebecca Lenihan's work with the WO12 Muster Books and Hughes and Hughes, *Discharged in New Zealand*.

With an average length of service of about twelve years, and an average age of enlistment which, at least by 1857, was between seventeen and nineteen years of age, we can see that most of the discharged soldiers entered civilian life at around 30 years of age, although some were much older.³³ The general British population which was being actively recruited as migrants by provincial governments or even the New Zealand Company during the mid-nineteenth century, were generally between the ages of 16 and 45, and fit, with ideally at least ten to fifteen years of physically demanding work ahead of them.³⁴ Although they may not have been from the desired class of men and many discharged past their physical peak, many soldier settlers met at least most of the criteria. The soldier settlers' ready presence in the colony made them highly valued by the provinces, and those already married with wives and children were even more desirable.

From the 3,276 men for whom we have enlistment and discharge information, it appears that Charles Carty served the longest prior to discharge.³⁵ Having given up life as a labourer in Cashel, Tipperary, to enlist with the 65th Regiment on 15 February 1821, he served as a private for close to 31 years. Carty arrived in Auckland in 1847 with his wife and family 'on the strength' aboard the *Sir Robert Peel*, and served another five years before taking his discharge in Wellington on 27 January 1852, long after he qualified for his pension. In addition to his pension, Carty received a 60 acre land grant under the Waste Lands Act 1858, in Wellington in 1860, although it is unclear what he was able to make of it before his death in 1864, as a man in his sixties.³⁶

There were several categories under which soldiers' discharges were processed in New Zealand, with some variations in terminology used between the different regiments and time periods. The largest group were 'discharged with gratuity', 939 men who received a payment from the imperial forces, a payment calculated on the basis of their length of service, rank and conduct. Over a seven month period through late 1850 and early 1851, 196 men of the 65th Regiment stationed in Wellington and Whanganui were discharged 'by reduction', reducing the size of the regiment and imperial expenses in the colony, as the period of relative peace continued into the 1850s. Two men of the 70th Regiment were discharged in Auckland in April and May 1864 to a 'temporary pension'. Temporary pensions were issued to soldiers who received disabling injuries before completing their

³³ Skelley, *The Victorian Army at Home*, p.22.

³⁴ Rebecca Lenihan, *From Alba to Aotearoa: Profiling New Zealand's Scots Migrants, 1840-1920* (Dunedin: Otago University Press, 2015), p.95.

³⁵ Hughes and Hughes, *Discharged in New Zealand*.

³⁶ 'Crown Lands Office', *Wellington Independent*, 13 July 1860, p.2. Death Registration Number: 1864/6462.

terms of service.³⁷ The injuries sustained cannot have been entirely debilitating for James Howell though, as he had returned to his pre-service trade by March the following year, gardening for a Mr Williamson in Parnell, Auckland.³⁸

Continued military type work

As soldier settlers entered civilian life they sought secure, ongoing, regular work where possible. Generally with few formal skills other than those picked up during their years in the military, a return to roles of force and routine with the colonial forces, Armed Constabulary later the Police, and prison system were common.

The withdrawal of the imperial forces over the mid to late 1860s created a vacuum which required colonial forces to fill, and involved many ex-imperial forces as discussed in previous chapters. Veteran soldiers filled all levels of rank in the colonial forces, with many taking up leadership positions, particularly those who had previously been NCOs and officers. In 1857, The Auckland Militia contained five former officers from the 58th Regiment. Henry Matson was the lieutenant-colonel, Henry Colin Balneavis a captain and adjutant, Thomas Moore Philson was the surgeon, John Alexander Charles Petley was captain, and Henry John Wynyard an ensign.³⁹

Similarly, J. H. Rogers-Harrison who had previously served with the Marines and 11th Regiment, was transferred to the 58th Regiment and arrived with them in New Zealand during 1847.⁴⁰ He was promoted to ensign in 1851, and took up roles of paymaster and quartermaster while in service in New Zealand before returning to Britain with the regiment in 1858. He retired his commission and returned to Auckland the following year, and was given the captaincy of the Auckland Militia. In 1863 he was sent to Sydney charged with the recruitment of Military Settlers. On his return Harrison was appointed acting quartermaster-general of the colonial forces, and became the commissioner charged with managing accounts between the colonial and imperial governments.

³⁷ J. E. Cookson, 'Alexander Tulloch and the Chelsea Out-Pensioners, 1838–43: Centralisation in the Early Victorian State', *The English Historical Review* CXXV, no. 512 (2010): p.65.

³⁸ 'Magistrate's Court', *New Zealand Herald*, 15 March 1865, p.6.

³⁹ Michael Barthorp, *To Face the Daring Maoris: Soldiers' Impressions of the First Maori War, 1845-47* (London: Hodder and Stoughton, 1979), p.199; 'New Zealand Militia', *Daily Southern Cross*, 13 January 1857, p.2.

⁴⁰ 'Local and General News', *New Zealand Herald*, 25 February 1896, p.5.

The Volunteer Forces also had significant numbers of veterans in the leadership and ranks, men who often drove the establishment of corps. John Crawford believes the presence of such large numbers of imperial force veterans was one of the many stimuli behind the popularity of the Volunteer Corps, who after 1881 were chiefly concerned with possible external rather than domestic threats.⁴¹ Volunteers were not paid unless on active service, and those enlisted did more so for community spirit, camaraderie and networking, as well as elements of patriotism, respectability and manliness.⁴²

A survey in the first part of the nineteenth century found many pensioners in Scotland who had good conduct during their imperial service, had graduated to “holding offices of trust and responsibility” among the community, including as policemen, stewards, bailiffs, gaolers, sheriff’s officers, and town sergeants.⁴³ Later, in the Australian context, Pratt and Hopkins-Weisse indicate a similar pattern in Queensland, and elsewhere.⁴⁴ Ex-imperial troops filled the ranks and leadership roles of the volunteer forces, police and prisons, their previous military experience shaping the early years of these institutions. In New Zealand, Richard Hill has thoroughly documented the development of the police from paramilitary forces to the lesser armed community minded policing of the twentieth century. Several soldier settlers involved in policing are discussed within Hill’s work.⁴⁵

The police force in New Zealand took different forms over the nineteenth century, and soldier settlers were involved from its inception across the colony. Policing offered reliable income, and was an easy fit for men leaving the similarly structured, authoritative, routine of army life. Stuart Nash discharged in New Plymouth in March 1857 after fourteen years of service. He had arrived in New Zealand as a private with the 65th Regiment in 1846. From New Plymouth Nash sailed for Nelson where he joined the provincial police in June 1857, aged 34.⁴⁶ He rose through the ranks of the force, becoming the sole charge officer as a sergeant in the mining town of Westport in 1863. Returning to Nelson in 1866 as third in command of the Nelson force, he was awarded a gold watch for his assistance in solving

⁴¹ John Crawford, ‘The Volunteer Force and Its Place in Colonial Society’, in Brad Patterson, Richard S. Hill, and Kathryn Patterson (eds.), *After the Treaty: The Settler State, Race Relations & the Exercise of Power in Colonial New Zealand* (Wellington: Steele Roberts, 2016), pp.150-151.

⁴² *Ibid.*, pp.152-157.

⁴³ Cookson, ‘Early Nineteenth-Century Scottish Military Pensioners as Homecoming Soldiers’, p.336.

⁴⁴ Pratt and Hopkins-Weisse, *Brisbane’s 1st Battalion*, p.6; Peter Stanley, ‘Heritage of Strangers: The Australian Army’s British Legacy’, *Australian Defence Force Journal* March-April, no.87 (1991): pp.21-26.

⁴⁵ Richard S. Hill, *The Colonial Frontier Tamed: New Zealand Policing in Transition, 1867-1886* (Wellington: Historical Publications Branch of Internal Affairs, 1989); Hill, *Policing the Colonial Frontier*; Richard S. Hill, *The Iron Hand in the Velvet Glove: The Modernisation of Policing in New Zealand, 1886-1917* (Palmerston North: Historical Branch Department of Internal Affairs, 1995).

⁴⁶ Hill, *Policing the Colonial Frontier*, pp.726-727.

the Maungatapu murders. In 1875 Nash was earning £160 per annum, which he considered insufficient for his twelve hour days and frequent unpaid attendance at inquests.⁴⁷ The New Zealand Constabulary Force absorbed the separate provincial police forces in 1876, encompassing the policing forces and the armed field force. In 1886, when the New Zealand Police Force was established, Nash had been policing for almost 30 years and was the first named in the force, receiving the number '1' which he displayed prominently on his headgear. After reaching his thirty years a few months later, he was awarded the New Zealand Police Long Service Medal, and was discharged to superannuation. Nash's standing in the community saw him become Inspector of Nuisances for the local council over 29 other applicants. When he died in 1893, aged about 70, he left behind four children from his first wife Sarah (born Newport) and six from his second wife Selina (born Goddard). A life lived like many other soldier settlers militantly bringing order to colonial New Zealand.

Similarly, many of the soldier settlers had gained experience in the monitoring and incarceration of prisoners whilst serving with the 58th, 65th, 80th, 86th and 99th Regiments, which had been used as guards on the journey to and whilst stationed in the Australian penal colonies. Additionally, the years of sentry duty, routine and discipline made military men into suitable prison guards, and many seem to have taken up the challenge. Despite the significant presence of such men working in the prison system, the military influence on the New Zealand prison system has been understated, with little mention of those who made up the gaolers, and little more of those in charge.⁴⁸ Both groups however, were made up of men with an assortment of prior military service, and these men shaped the nation's incarceration practices.⁴⁹

R.I.M. Burnett's slim history of 'penal servitude' is perhaps the most comprehensive dedicated history of New Zealand prisons, especially of the first few decades of the

⁴⁷ 'New Zealand's First Non-Commissioned Police Officer', New Zealand Police Force; accessed 10 October 2016 via <http://www.police.govt.nz/about-us/history/establishment>.

⁴⁸ Hill, *Policing the Colonial Frontier*; John Pratt, *Punishment in a Perfect Society: The New Zealand Penal System, 1840-1939* (Wellington: Victoria University Press, 1992); Greg Newbold, *The Problem of Prisons: Corrections Reform in New Zealand since 1840* (Wellington: Dunmore Pub, 2007); Antony Taylor, *The Prison System and Its Effects: Where From, Where To, and Why?* (New York: Nova Science Publishers, 2011).

⁴⁹ Tristan Egarr offers the only real discussion of the military connection to New Zealand prison systems in Tristan Egarr, 'Discipline and Defence: The Military Influence on Policing and Imprisonment, c.1870-1913' (MA thesis, Victoria University of Wellington, 2010).

colony.⁵⁰ Burnett shows the earliest surviving gaol regulations were from Kororāreka in 1842. They were penned by Thomas Beckham, resident magistrate at the time who had previously served in New South Wales as an officer of the 28th Regiment, then with the Mounted Police before being posted to the Bay of Islands as magistrate.⁵¹ Burnett also highlights the military's considerable interest in the colony's civilian prisons, due to the large number of soldiers and sailors serving time for breaches of the Mutiny Act, at least during the 1840s.⁵² Surviving statistics do not allow a full comparison between area or time period but do provide some idea of the number of soldiers convicted, or imprisoned in civilian prisons. The earliest statistics I could find were for convictions in New Munster covering the five years to December 31st 1848. Over those five years, soldiers accounted for 19 of the 61 offenders convicted by the Supreme Court in Wellington. Importantly this excludes those cases of drunkenness as these were dealt with in-house by the commanding officer.⁵³

By 1860, we have nationwide statistics available for the prison populations with the New Zealand Census, which shows only ten soldiers and three soldier wives being imprisoned, comprising about 1% of the total prison population.⁵⁴ As the numbers of troops increased into the 1860s, so too did the number of soldiers imprisoned, with 242 soldiers of the 3691 males imprisoned in 1864, about 6.5%. The overwhelming majority were held in Auckland, Wellington and Napier gaols.⁵⁵ Interestingly, in 1867, the number of male prisoners was roughly the same with 3,570, while the number of soldiers imprisoned dropped markedly to 99, under 3%, in line with the withdrawal of many of the imperial forces by this time, almost two-thirds being held in Whanganui.⁵⁶

A small number of men were discharged in New Zealand as a result of breaches of the law, others were returned to their regiment after serving their term of imprisonment. It is unlikely that the men convicted of serious crimes were able to remain in New Zealand to

⁵⁰ R. I. M. Burnett, *Hard Labour, Hard Fare and a Hard Bed: New Zealand's Search For Its Own Penal Philosophy* (Wellington: National Archives of New Zealand, 1995).

⁵¹ *Ibid.*, p.67; 'Mr. Thomas Beckham', in *The Cyclopedia of New Zealand: Auckland Provincial District*, vol.2 (Christchurch: The Cyclopedia Company, 1902), p.101.

⁵² Burnett, *Hard Labour, Hard Fare and a Hard Bed*, p.54.

⁵³ 'Statistics of New Munster, New Zealand, from 1841 to 1848: Compiled from Official Records in the Colonial Secretary's Office.' (New Munster Provincial Legislative Council, 1849); accessed 10 October 2016 via www.stats.govt.nz.

⁵⁴ 'Statistics of New Zealand for 1860: Report to the Honorable E. W. Stafford, Colonial Secretary' (Auckland: Registrar General's Office, 1861); accessed 10 October 2016 via www.stats.govt.nz.

⁵⁵ 'Statistics of New Zealand for 1864: Report to the Honorable E. W. Stafford, Colonial Secretary' (Auckland: Registrar General's Office, 1866); accessed 10 October 2016 via www.stats.govt.nz.

⁵⁶ 'Statistics of New Zealand for 1867: Report to the Honorable Edward William Stafford, Colonial Secretary' (Wellington: Registrar General's Office, 1869); accessed 10 October 2016 via www.stats.govt.nz.

build lives as civilians, as officials were keen to prevent ‘bad characters’ remaining in the colony.⁵⁷ Although his exact crime is unclear, William Dixon of the 12th Regiment’s transgression was serious enough to be sentenced to 50 lashes and a discharge with ‘ignominy’ on 16 May 1861. If standard practice was followed, Dixon will have been branded or tattooed with a ‘BC’ for ‘bad character’ and imprisoned locally until it could be arranged for his deportation back to England to serve out the remainder of his sentence.⁵⁸

In late 1840, the assistant-surgeon of the 80th Regiment, acting as the colonial surgeon, reported that rations allocated to prisoners were inadequate to even maintain prisoner health.⁵⁹ Conditions must have improved somewhat, as by 1848, Lieutenant-Colonel Gold was showing at least passing concern that soldiers had been committing crimes to escape the discipline of the army with a spell in the civilian gaol.⁶⁰

Perhaps the most discussed character of nineteenth-century New Zealand prisons is the Inspector General of Prisons Arthur Hume, who held the position between 1880 and 1909. Hume maintained the role for almost 30 years, and attempted to modernise New Zealand prisons and improve efficiency through centralisation and a strict English disciplinarian style modelled on the work of the chairman of the English Prison commission Edmund du Cane, who he had previously worked under in Britain.⁶¹ The significance and influence of Hume’s fifteen years of military experience with the 79th Regiment of Foot, which often goes unmentioned, and his later service as acting-under-secretary for defence between 1891 and 1895, should be seen as key drivers for his attempt to bring ex-military men in to positions as superintendents, alongside the tutelage of du Cane.⁶²

Du Cane’s approach to prisons was heavily shaped by his years as an officer in the Royal Artillery and his experiences as superintendent of convict works in Western Australia, prior to the Crimean War. The 1853 Jebb Report and 1865 Carnarvon Committee on

⁵⁷ Tim Ryan, ‘The British Army in Taranaki’, in Kelvin Day (ed.), *Contested Ground / Te Whenua I Tohea: The Taranaki Wars, 1860-1881* (Wellington: Huia Publishers, 2010), pp.134-135.

⁵⁸ *Ibid.*; New Zealand’s military convicts may at times have been transported to the penal colonies of Australia. Patricia Downes of Australian National University has a forthcoming PhD thesis focussing on the role and contribution of military convicts transported to Australia between 1788 and 1868.

⁵⁹ Assistant Surgeon of 80th Regiment to Colonial Secretary, 2 Oct 1840, quoted in Burnett, *Hard Labour, Hard Fare and a Hard Bed*, p.55.

⁶⁰ Lieutenant-Colonel Gold to Brigade-Major, 5 April 1848 quoted in Burnett, *Hard Labour, Hard Fare and a Hard Bed*, pp.54 & 83.

⁶¹ Newbold, *The Problem of Prisons*, pp.24-25; Thomas Young Wilson, ‘New Zealand Prisons 1880-1909: The Administration of Colonel Arthur Hume’ (PhD Thesis, Victoria University of Wellington, 1970); J. A. B. Crawford, ‘Hume, Arthur’, in Claudia Orange (ed.), *Dictionary of New Zealand Biography*, vol.2 (Wellington: Allen & Unwin, 1993); accessed 10 October 2016 via

<https://teara.govt.nz/en/biographies/2h55/hume-arthur>.

⁶² Newbold, *The Problem of Prisons*, pp.24-25.

British prisons had emphasised a need for hard labour and harsh conditions in prison as a deterrent to future criminals, a notion which du Cane subscribed and advocated through his recruitment of ex-military officers to run his prisons.⁶³

A large number of applications for the appointments are from men who have left the army, because from the nature of the engagements under which men enter the army, there is always a flow of candidates for such employment as prison and other Government service offers, but there is no rule restricting the choice of officers of prisons to them. Their habits of order and discipline, of rendering and enforcing strict obedience, and their aptitude in dealing with large bodies of men, are unquestionably very valuable qualities for the office, and if not possessed by an officer on joining, would have to be acquired more or less perfectly afterwards.⁶⁴

These sentiments were echoed earlier by Hume in his 1881 Report of Inspector of Prisons:

I have no hesitation in recommending that, as vacancies occur, the Superintendents of Prisons be selected from retired naval and military officers, of whom I feel sure there are many in the colony ready and anxious to accept such appointments, and who, from their service experience of discipline, and the management of men, are well calculated to give satisfaction both to the Government and to those of whom they would have charge.⁶⁵

The perception that former naval and military men were those best suited to the gaoler role and perhaps Hume's desire to work with old comrades, or men of a similar class and life experience led them to be elevated above others. In the same breath, however, Hume dismissed long standing subordinate officers, many of whom had previously served as non-commissioned officers and rank and file during the New Zealand Wars, as "too old and slovenly," emphasising that "in future, younger, smarter, and more active men should be sought for, and greater pains taken to ascertain their antecedents than has been the custom before."⁶⁶ What Hume's specific opinion of the worth of old non-commissioned officers and rank and file men serving as warders is unclear, however, senior veterans continued to serve under him until at least 70 years of age, while others were dispensed with in the search for efficiency and modernity.

A soldier settler whose life showed something of these patterns was James Coffey (Coffee). Coffey had been a labourer in Ireland before enlisting in the 58th Regiment. He arrived as a reinforcement in Auckland on *H.M.S. Calliope* in July 1853, after a few

⁶³ Egarr, 'Discipline and Defence', p.9.

⁶⁴ Edmund F. Du Cane, *The Punishment and Prevention of Crime* (London: Macmillan, 1885), pp.188-189.

⁶⁵ 'Report of Inspector of Prisons', *AJHR*, 1881, Session I, H-04, p.2.

⁶⁶ *Ibid.*

months in Hobart. The reinforcements had departed London in November 1853 aboard the *St Vincent*, charged with the delivery of more than 200 convicts to the penal colony.⁶⁷ Once in New Zealand, which was enjoying a time of relative peace, they were principally employed in road making and garrison duties, during which time Coffey was promoted to the rank of sergeant. With the impending withdrawal of the 58th Regiment, Coffey purchased his discharge in Auckland in 1857. At about 25 years of age he re-entered civilian life, firstly, in ‘agricultural pursuits’ around Onehunga. There he was also able to secure carting contracts with the Commissariat.⁶⁸ Coffey married Margaret Swan in 1859, and together they raised at least five daughters. After the war, he spent a short period as warder at the Mount Cook Gaol in Wellington before returning to the property he owned in Onehunga in the early 1870s, and transferring to duties at Mount Eden Gaol. Coffey was almost 50 years of age when Hume took charge of New Zealand prisons in 1881, and likely already past his physical peak. However, despite Hume’s stance, Coffey was able to eke out another twenty years of service with Mount Eden Gaol, retiring only when he reached the ‘age limit’, which appears to have been 70 years of age. During his 27 years of service with Mount Eden Gaol, Coffey was able to secure a ‘considerable amount of property’ in Onehunga, and retired comfortably as an “exemplary... and highly respected” character of the community.⁶⁹ He lived out his retirement in Ponsonby with Margaret, until his death three or so years later in May 1905.

Hugh McAnally (McAnnally, M’Annally) had a similar background as an Irish labourer. He enlisted later, in 1858, with the 65th Regiment, and saw years of action in the Waikato and Tauranga campaigns after arriving in Auckland on the *Nugget* in June 1860.⁷⁰ McAnally also became a non-commissioned officer, and purchased his discharge in Auckland after about seven years of service in 1865, when his regiment was being withdrawn. He joined the prison service as a warder at Mount Eden Gaol a few years later. McAnally spent fifteen years at Mount Eden Gaol, whilst residing at nearby Khyber Pass Road with his wife and children, before being promoted to a more senior position whilst in his early forties, to Wellington’s Mount Cook Gaol in 1883.⁷¹ Transfers and promotions between prisons became common under Hume’s initiative to reduce familiarity between

⁶⁷ Hughes and Hughes, *Discharged in New Zealand*, pp.45 & 49.

⁶⁸ ‘Local and General News’, *New Zealand Herald*, 4 May 1905, p.4.

⁶⁹ *Ibid.*

⁷⁰ Hughes and Hughes, *Discharged in New Zealand*, pp.70 & 88.

⁷¹ ‘Birth’, *Auckland Star*, 5 June 1871, p.2; ‘Telegrams’, *Evening Post*, 5 November 1883, p.2; ‘Birth’, *Auckland Star*, 31 May 1880, p.2.

prisoners and warders.⁷² The next five years were spent in Wellington, before McAnally was transferred again, this time to Warden at Lyttelton Prison, around 1888.⁷³ It was at Lyttelton that MacAnally's career was cut short by Hume's reforms, driven by attempts for efficiency under the shadow of the economic depression. His new role as night-watchman, for which he had been paid £125 per annum, came to an end.⁷⁴ For those placed 'on retrenchment' during this period, there was usually no compensation, and despite more than twenty years of service McAnally would not have been eligible for a pension, as the scheme was not introduced until 1908.⁷⁵ Still in his early fifties, it is possible that McAnally was pleased to move on to greener pastures, although securing work at such an age could be difficult. Conditions for prison staff were poor, even considering the time period, with twelve or thirteen hour shifts and few days off, constant wage freezes and cuts, as well as the need to deliver corporal and capital punishments.⁷⁶ McAnally moved on to several years of work at the Union Steamship Company, before taking up the publican's license for Selwyn's Dunsandel Hotel in May 1896, then the Empire Hotel in Lyttelton a year later. He died there aged 57, in July 1898.⁷⁷

Surveyors

During the European settlement period, huge areas of purchased and confiscated lands required surveying. Large numbers of surveyors were required, an occupation which many military men from both imperial and colonial forces took up both during and after service. The demand for surveyors increased further after the passing of the Native Lands Acts of 1862 and 1865, which prevented land title certificates from being granted until boundaries had been surveyed, mapped and marked on the ground.⁷⁸ After such work had been done, subdivisional surveys could be completed to make the land available for individual certificates of title and Crown grants to be released to settlers. Surveying involved

⁷² Pratt, *Punishment in a Perfect Society*, p.138.

⁷³ 'Public Accounts of the Government of New Zealand, for the Financial Year Commencing 1st April, 1887', *AJHR*, 1888, Session I, B-01, p.27.

⁷⁴ 'Reductions in the Public Service Since the 1st February, 1891', *AJHR*, 1891, Session II, H-43, p.2; Wilson, 'New Zealand Prisons, 1880-1909', pp.56-58.

⁷⁵ Wilson, 'New Zealand Prisons, 1880-1909', p.56.

⁷⁶ Pratt, *Punishment in a Perfect Society*, p.139.

⁷⁷ 'New Proprietor', *Press*, 29 May 1897, p.7; 'Notice of Application for Transfer of License', *Press*, 8 May 1896, p.1; 'Local and General News', 4 May 1905, p.3.

⁷⁸ Brad Patterson, "'Unquestionably One of the Most Efficient Branches of the Civil Service": Theophilus Heale and the Inspectorate of Surveys, 1867-1876', in Brad Patterson, Richard S. Hill, and Kathryn Patterson (eds.), *After the Treaty: The Settler State, Race Relations & the Exercise of Power in Colonial New Zealand* (Wellington: Steele Roberts, 2016), p.231.

‘professional’ men, but also a multitude of field and office assistants. The assistants work in surveying often involved general labouring, clearing bush, carrying supplies and building tracks, and this work was available to previous rank and file. Before 1862, anyone could obtain work as a ‘surveyor’ without qualifications or registration, although mathematics was valued, and some standards were set for those contracted to the Crown.⁷⁹ The work was available through the New Zealand Company, colonial and provincial governments and private interests.

In some respects surveying offered a similar experience to that of patrolling the ‘frontier’ or ‘middle-ground’ of New Zealand bush with the army during the Wars: exposure to all conditions, often limited supplies, makeshift camps, dependence on and sometimes opposition from local Māori, and predominantly male company. Similarities could also be drawn between their role as soldiers in the alienation of Māori from their land, and their activities as surveyors which furthered European colonisation of that land through naming and mapping.⁸⁰ Giselle Byrnes, writing of land surveying in New Zealand during the colonial period, has found that although some surveyors started their careers in New Zealand as young men, the majority were already established surveyors, or in similar trades, before they arrived.⁸¹ The soldier settlers fell into both groups, principally from the ranks of officer and NCO who generally held better literacy and mathematics than the rank and file. Byrnes also discusses the narrative of surveyors as heroic ‘explorers’, elevating the ‘surveyor-explorer’ in the national history, “along with those of soldiers and statesmen.”⁸² Interestingly, some of men like the Symonds brothers, can be described as all three.

William Cornwallis Symonds had been commissioned into the 38th Regiment in 1828, and had risen to the rank of captain in the 74th Regiment by 1838. He arrived in New Zealand in 1839 as an unattached officer on half-pay, and surveyor for the New Zealand Manakao (Manukau) and Waitemata Company, who were attempting to establish claims to land around the Auckland isthmus. Symonds, in his late twenties, had some training as a surveyor, probably from his father, Sir William Symonds, the former surveyor-general of the Royal Navy, and prominent member of the New Zealand Association. By the following

⁷⁹ Giselle Byrnes, *Boundary Markers: Land Surveying and the Colonisation of New* (Wellington: Bridget Williams Books, 2001), p.21.

⁸⁰ Tracy Anderson, ‘Living on the Boundaries: Fred Mace and Surveying in Nineteenth Century New Zealand’, *Graduate Journal of Asia-Pacific Studies* 2, no. 2 (November 2004): p.67.

⁸¹ Byrnes, *Boundary Markers*, p.22.

⁸² *Ibid.*, p.9; Also discussed in Anderson, ‘Living on the Boundaries’.

year, Symonds had been gazetted into the 96th Regiment as captain, and subsequently recruited by Governor Hobson, who was short of skilled men in the new colony, as an assistant surveyor-general and police magistrate. Juggling his positions, Symonds was charged with procuring further Māori signatures on what became the Manukau-Kāwhia copy of the Treaty of Waitangi. Symonds was largely responsible for the negotiations with Ngāti Whātua Ōrākei, which secured the isthmus that became Auckland City, for the governor, and the establishment of the short-lived Cornwallis settlement on the Manukau Harbour for the Company.⁸³ After undertaking a surveying party with Ernst Dieffenbach in March 1841, in which he acted as an ambassador for the Crown of sorts, engaging with Māori and extolling the benefits of British law and administration, Symonds career was cut short. Drowned after their boat was upset whilst crossing the Manukau Harbour bar, in November 1842.

By this time however, William's younger brother John Jermyn Symonds had also established himself as a surveyor with a blossoming civil career. John had already spent a couple of years with the New South Wales Survey Department when he joined his brother in New Zealand in 1841. At just 25 years old, he was soon appointed Acting Protector of Aborigines, and Assistant Police Magistrate, and required to purchase and survey Māori lands. On behalf of the Crown, he monitored New Zealand Company negotiations and purchases of the Otago Block in 1844. With the outbreak of the Northern War in 1845, John volunteered, and was commissioned ensign with the 99th Regiment. In 1846 he became Native Secretary, Protector of Aborigines, and private secretary to Governor George Grey, and helped found the Auckland Savings Bank the following year. He returned to England in 1848 to follow other opportunities and find a wife, but was brought back to New Zealand in 1849 in charge of a detachment of Fencibles on the *Berhampore*. He settled at Onehunga where he raised a family with his new wife Alethia (born Wilson) with land in the Onehunga Township, Waikomiti, a 106 acre farm at Big Muddy Creek, and a depasturing license elsewhere in Onehunga.⁸⁴ John was a respected member of the Onehunga Fencible community and subsequently held roles as justice of the peace, resident magistrate, principal returning officer and Native Secretary, before being elected to represent the area in the House of Representatives in 1858. After a short term in

⁸³ Henry Brett, *White Wings: Fifty Years of Sail in the New Zealand Trade, 1850 to 1900* (Christchurch: Capper, 1976), p.31.

⁸⁴ Ruth Alexander, *The Royal New Zealand Fencibles, 1847-1852*. (Auckland: New Zealand Fencible Society, 1997), p.177.

parliament he returned to a resident magistrate role before being appointed judge of the Native Land Court in 1862, holding the position till his retirement in 1882.⁸⁵ As officers and surveyors in early New Zealand the Symonds' livelihood had benefitted hugely, allowing their quick elevation through the ranks of the burgeoning civil society.

Only one of the discharged soldiers on the Hughes' list described himself as a surveyor when he enlisted. Corporal William Charles England only served two years with the 65th Regiment before he was discharged in Wellington in June 1857 on completion of engagement. Despite his 'intemperate' habits, which resulted in multiple court appearances in Wellington and Dunedin, he held good surveying and engineering jobs spanning a twenty year career, including work for Dunedin City.⁸⁶ However, England fell on tough times due to his ailing health as he reached his late-fifties, and this is discussed further, later in the chapter. Other surveyors included Captain Arthur Crapp, of the Royal Engineers, who worked for the railways and the Public Works Department, before investing his time in developing the estate he inherited from his father-in-law, Joseph Gellibrand, on the Omokoroa Peninsula in Tauranga.⁸⁷

Private James Norton (Nortorn) was one of the rankers who secured work assisting surveyors. He had served in New Zealand as a private with the 65th Regiment in the 1840s. Discharging in 1850, he settled in the Manawatū area, and found work where he could, at times canoeing supplies up the Manawatū River. In 1866 he was a chainman for John Tiffin Stewart during the district's surveys, and was said to have been a bodyguard for Isaac Earl Featherston, the Wellington provincial superintendent, during the tour in which he decided on the site of Palmerston North.⁸⁸

Working the land

Edward Spiers' analysis of evidence brought before the Military Punishments Commission in England found that agricultural workers were regarded as the best Victorian soldiers, perceived by officers and NCOs as being "stronger and healthier than their slum-bred counterparts, but they were also regarded as more malleable, more obedient, and more

⁸⁵ 'Symonds, John Jermyn (1816-83)', in G. H. Scholefield (ed.), *A Dictionary of New Zealand Biography* (Wellington: Department of Internal Affairs, 1940), pp.355-356.

⁸⁶ 'Suspected Suicide', *Southland Times*, 16 June 1880, p.2.

⁸⁷ Evelyn Stokes, *A History of Tauranga County* (Palmerston North: Dunmore Press, 1980), p.116.

⁸⁸ 'Personal', *Manawatu Standard*, 31 January 1910, p.5.

contented with their lot.”⁸⁹ The quintessential small, self-sufficient, freehold farm was held aloft as an ideal in colonial New Zealand and with agricultural experience and physical capability, at least on paper such men given their own piece of land appeared capable of ‘getting on’.⁹⁰ Settlers were expected to work their land, and what someone could gain from the land was what they were worth. The contrast with gold mining, where luck was the key feature in place of the virtues of labour, underlay the different moral weightings of settler fortunes. However luck was also involved in the productive capacity and location of the land a soldier settler was drawn in the military land grant ballots.

As discussed in Chapter One, land could be available for soldier settlers through grants, but for the NCOs and rankers, the yeoman ‘independency’ was still difficult to achieve, with little capital to invest in breaking-in and fencing uncultivated land, and with the locations of property lacking easy access to markets, viability was out of reach for most on the smaller rural land grants.⁹¹ Abandonment and bankruptcy of properties were common, with men often moving on to other occupations that required no formal skill such as general stores and pubs. Although there were some successes on the land it was most often the officers and land speculators with better access to capital who benefitted, swooping in and capitalising on land given up cheaply.

We cannot know exactly how many of the men that took up land grants had knowledge and experience in crop or animal husbandry, the skills required to survive as farmers. There were only four men who declared themselves as ‘farmers’ on their attestation forms, likely younger sons with no claim to inherit the property. Many of the 1,738 ‘labourers’ may have also been employed in the rural areas. Those who did work on farms will have assisted with the crops and stock and general upkeep and menial tasks on the property of others. The NCOs and rankers in the British Army mostly came from the working poor, and in their home areas, with or without military service, their life paths would not have allowed for the ownership of farms or property.

⁸⁹ Spiers, *The Army and Society, 1815-1914*, p.48.

⁹⁰ Discussed further in James Belich, *Making Peoples: A History of the New Zealanders: From Polynesian Settlement to the End of the Nineteenth Century* (Auckland: Penguin, 2007), pp.376-387.

⁹¹ Discussed further in Peter D. H. Allen, ‘Military Settlement in the Middle Waikato Basin’ (M.Phil Thesis, University of Waikato, 1969); Ross B. Hamilton, ‘Military Vision and Economic Reality: The Failure of the Military Settlement Scheme in the Waikato, 1863-1880’ (MA Thesis, University of Auckland, 1968); Paul Joseph Spyve, ‘The First Waikato Regiment and the Settlement Process of the Bay of Plenty, 1864-1874’ (MA Thesis, University of Waikato, 1981); H. C. M. Norris, *Armed Settlers: The Story of the Founding of Hamilton, New Zealand, 1864-1874*, 2nd ed. (Hamilton: Paul’s Book Arcade, 1963); Belich, *Making Peoples*, pp.376-387.

It is likely Robert East had been an agricultural labourer before enlisting with the 65th Regiment. Living in the rural parish of Benson in South Oxfordshire, farming was the main employer, when work was available. He enlisted at the end of 1845, aged 23, listing himself simply as a ‘labourer’. For just over twenty years he served in New Zealand as a private, having arrived with the first of the 65th Regiment in 1846. He served in most of the major campaigns before he took his discharge in 1866 when the regiment was recalled.

In 1873 we find East residing in West Pukekohe, and undertaking waged labour for railway contractor Mr Higgs.⁹² Two years later he had returned to rural work as a ‘managing man’ on a Pukekohe sheep farm.⁹³ There is no evidence that East applied for or received a land grant, but, by 1884 we find him leasing a small ten acre plot near Pukekohe.⁹⁴ Like many soldier settlers of the rank and file, East needed to find waged labour where he could to sustain his own farming pursuits, and achieve ‘comfort’. At his death in 1900 aged 77, his *New Zealand Herald* obituary declared:

Some years ago he married and settled down on a little farm, and in a few years a good family sprang up around him. With his Imperial and New Zealand pensions he was getting on and seemed to be very comfortable.⁹⁵

For most soldier settlers that was all that was desired.

However, the officers could be eager for bolder things. As Michael Campbell points out in his thesis on Hawke’s Bay society in the mid to late-nineteenth century, military officers were often “well connected, capable but often underemployed and underpaid.”⁹⁶ After selling their commissions, many had the capacity to move back and forth between New Zealand and ‘Home’ or the ‘Continent’, but few were large landholders in Britain and few had huge wealth there. Many officers, however, utilised their connections, land grants, and access to capital to invest in large scale pastoral farming in New Zealand, over other investment opportunities, and due to scale, were often able to develop farms of much greater viability than rankers. Officers maintained status in New Zealand long after the wars, their military service continuing to give them prestige and recognition in the small

⁹² ‘Accident and Offences’, *Daily Southern Cross*, 19 March 1873, p.7.

⁹³ ‘Papakura R.M. Court’, *New Zealand Herald*, 27 January 1875, p.3.

⁹⁴ ‘By Order of the Public Trustee: In the Estate of William Preston, a Lunatic’, *New Zealand Herald*, 23 June 1884, p.8.

⁹⁵ ‘Personal Items’, *New Zealand Herald*, 10 May 1900, p.6.

⁹⁶ Michael David Neville Campbell, ‘The Evolution of Hawke’s Bay Landed Society, 1850-1914.’ (PhD Thesis, Victoria University of Wellington, 1972), p.10.

circles of colonial society. Once landed and monied these officers quickly became big fish in New Zealand's small pond.

Officers like William Russell Russell and his family, whose experiences in obtaining land have been discussed in Chapter One, present one of the best examples of an officer using land as a stepping stone to greater wealth, status and power. Once he retired his commission in 1862, Russell aged 24, and his brother aged 25, followed their father Lieutenant-Colonel Andrew Hamilton Russell onto their own land in the Hawke's Bay, at first leasing Māori land, but eventually extending to large freehold properties. The brothers were not 'hands-off' or absent farmers. More and more of William Russell's time was taken up with civil society, following in his father's footsteps towards local and then national politics. Lieutenant-Colonel Russell had been appointed to the Legislative Council in 1861, a role he held until 1872 and which saw him serve as Minister of Native Affairs during the second Stafford administration.⁹⁷ As Jim McAloon discusses, having the freedom of time and capital required in standing for public office was a key indicator one had become part of the colony's aristocratic or landed gentry classes.⁹⁸ It would seem that Russell, had ensured his place with the gentry; by 1869 he had been elected to the Hawke's Bay Provincial Council and maintained the seat until the councils were dissolved in 1876. National elections in 1875 saw Russell elected to the House of Representatives for the Napier electorate, and later the Hawke's Bay, retaining the seat until 1905. He was part of Cabinet as the Colonial Secretary and Minister of Defence between 1889 and 1891, and led the Opposition against Premier Richard Seddon for much of the 1890s. Locally, in the Hawke's Bay, Russell was a regular figure on the school boards, racing boards, hospital boards, Waste Lands Board, Rabbit Board, local council and with the various militia and rifle volunteers. His place as part of the gentry was confirmed with his appointment, following his father, to the Legislative Council in 1912. Due to poor health he was unable to take up the position or be sworn in. He died in September 1913.⁹⁹

⁹⁷ A. H. McLintock (ed.), 'RUSSELL, Lieutenant-Colonel Andrew Hamilton', *An Encyclopaedia of New Zealand* (Wellington: Owen, 1966); accessed via <https://teara.govt.nz/en/1966/russell-lieutenant-colonel-andrew-hamilton>

⁹⁸ Jim McAloon, *No Idle Rich: The Wealthy in Canterbury and Otago 1840-1914* (Dunedin: University of Otago Press, 2002), p.31.

⁹⁹ A. H. McLintock (ed.), 'RUSSELL, Lieutenant-Colonel Andrew Hamilton', *An Encyclopaedia of New Zealand* (Wellington: Owen, 1966); accessed via <https://teara.govt.nz/en/1966/russell-lieutenant-colonel-andrew-hamilton>; A. H. McLintock (ed.), 'RUSSELL, Sir William Russell', *An Encyclopaedia of New Zealand* (Wellington: Owen, 1966); accessed via <http://www.teara.govt.nz/en/1966/russell-sir-william-russell>;

Community leadership

Former imperial officers filled public leadership roles across the country, at all levels. The imperial and then colonial militaries played large parts in how the colony developed through the mid-nineteenth century period. It is not surprising that those who had occupied positions of imperial authority were looked to for colonial leadership as they moved into their civilian lives, although not always without scrutiny. For instance, the election of Lieutenant-Colonel Robert Henry Wynyard of the 58th and 98th Regiments to Superintendent of the new Auckland Province in July 1853 was opposed by some Aucklanders. The Colonial Office was petitioned by outspoken members of the public wary of the concentration of both civil and military power in one set of hands.¹⁰⁰ Wynyard had previously been lieutenant-governor of New Ulster Province and would later serve two periods as administrator of the government in the interim between governors, January 1854 to September 1855, and October 1861 to December 1861, as well as a short time with the Legislative Council. Such roles were not limited to the men who had served in New Zealand, but their existing public profile and networks no doubt assisted in their appointments or elections. Christine Wright has discussed how the predominance of imperial officers in New South Wales public leadership positions encouraged continued military influence and the transmission of British colonial power and authority in the colony.¹⁰¹ The extent of military influence in the early public life of the New Zealand colony is something that is signalled here and which deserves further enquiry.

Officers filled roles at the national, provincial and regional levels as well as within the legislature, executive and judiciary. Henry Ferdinand Turner, formerly an officer with the 65th Regiment, became resident magistrate of the Upper Whanganui and Patea Districts during the 1870s.¹⁰² Dr Morgan Stanislaus Grace arrived in New Zealand with the 65th Regiment as surgeon in 1860. He later served the colonial forces as a medical officer, before opening his own practice in Wellington in 1866.¹⁰³ In 1870 Grace was appointed by

‘Death of a Prominent Statesman’, *Press*, 24 September 1913, p.9; Campbell, ‘The Evolution of Hawke’s Bay Landed Society, 1850-1914.’, pp.10-12.

¹⁰⁰ ‘To the Honourable the Commons House of Parliament’, *New Zealander*, 20 August 1853, p.2.

¹⁰¹ Christine Wright, *Wellington’s Men in Australia : Peninsular War Veterans and the Making of Empire c.1820-40* (Basingstoke: Palgrave Macmillan, 2011), pp.115-131.

¹⁰² ‘The Retirement of Major Turner’, *Wanganui Herald*, 25 January 1877, p.2; ‘Major Turner’, *Wanganui Herald*, 11 December 1872, p.2.

¹⁰³ ‘The Hon. Morgan Stanislaus Grace’, in *The Cyclopaedia of New Zealand: Wellington Provincial District*, vol. 1 (Wellington: Cyclopaedia Company, 1897), p.251.

Premier William Fox to the Legislative Council, briefly serving alongside Lieutenant-Colonel Andrew Russell, and he held the role until his death in 1903. James Macpherson arrived with the 70th Regiment as ensign in 1861, before being promoted to captain, serving as an officer with the 4th Waikato Regiment and Transport Corps, and settling on his land grant in Hamilton East.¹⁰⁴ Macpherson was elected as the Waikato Member of the House of Representatives in 1871. He only served one term in parliament, but later returned to local politics with the Waikato County Council as clerk and treasurer in 1877.

Thomas William Porter was somewhat of an exception having risen through the ranks from humble private with the 70th Regiment, with the colonial forces and volunteers.¹⁰⁵ He held various roles as land purchase officer, as an elected mayor of Gisborne, and as acting under-secretary for defence. His rise came about through his respect among Ngāti Porou, his esteemed wife, Herewaka, an ariki tapairu, and his colonial military service which saw him take officer positions during the pursuit of Te Kooti. He was also advantaged by false claims to a more illustrious military pedigree. It became widely believed his father was John William Porter an officer in the 7th Bengal Native Infantry. Whereas, Thomas William Porter's last name had been Potter, and he had been born to agricultural labourers in Surrey, England.

Migration for work

The mid-nineteenth century provided a period of increased mobility around the British Empire and wider world. Although New Zealand was a distant colony, shipping linked it to much of the world. Due to such distance and the associated cost of travel, few men will have chosen to discharge in New Zealand if their plans were to establish themselves elsewhere. For those who did not thrive in New Zealand, especially for those who had served less time and held less attachment to the colony, the Australian colonies were often another option. Only a few officers, whose coffers stretched further, could readily afford to travel Home or to Europe and return to New Zealand.

Pratt and Hopkins-Weise have identified a small group of rankers from the 12th and 40th Regiments who did discharge in New Zealand and quickly departed for the Australian

¹⁰⁴ 'Pars About People', *Observer*, 26 August 1905, p.4.

¹⁰⁵ J. A. B. Crawford, 'Porter, Thomas William', in Claudia Orange (ed.), *Dictionary of New Zealand Biography*, vol.2 (Wellington: Allen & Unwin, 1993); accessed 10 October 2016 via <https://www.teara.govt.nz/en/biographies/2p26/porter-thomas-william>.

colonies, where it is suggested they returned to friends, family or job offers established before they were stationed in New Zealand.¹⁰⁶ This evidence indicates that soldiers maintained social and economic connections between different colonial postings, which could be called upon when they returned to civilian life.

Daniel Cahill and Patrick Clancey were both privates in the 12th Regiment when they took their discharge in New Zealand on 14 March 1867. They quickly departed, together with Clancey's wife and young family, back to Queensland where they were both appointed to the Queensland Police Force in May of that year. Notably, both men had spent little time in New Zealand, having only arrived the previous November. The two former soldiers had more connection to Queensland, where Clancey at least, had been stationed for more than four years and maintained viable employment networks. Writing from Brisbane on the 1st of May 1867 to his former commanding officer Lieutenant D.T. Seymour, now Queensland police commissioner, Clancey offered himself as a candidate, and was appointed three days later; his comrade Cahill, was appointed within the week.¹⁰⁷

Similarly, Thomas Briggs had served as a sergeant with the 80th Regiment, had hopes for a civilian life in New Zealand and had given them up for security of employment in New South Wales. "The reason I left New Zealand was to seek [sic] labour here [Parramatta] as there was none to be obtained there [New Zealand] the time I left."¹⁰⁸ Briggs had discharged with the intent to settle in Auckland in October 1841, becoming one of the first discharged in New Zealand. He had been "attached to the person of the late Governor Hobson," who had promised him a land grant upon his discharge. At Hobson's death the land grant went unhonoured, and despite negotiations with succeeding governors, remained unfulfilled. He scraped together a living for several years around Auckland, variously burning lime, and serving with the Auckland Volunteers and police.¹⁰⁹ However, unable to secure any form of ongoing civilian employment in the very young colony, Briggs fled to the more established New South Wales and became a Parramatta Bench Trooper, before attempting to return to New Zealand again in the late 1850s.

¹⁰⁶ Pratt and Hopkins-Weise, *Brisbane's 1st Battalion*, p.8.

¹⁰⁷ *Ibid.*, pp.67,71 & 119-137.

¹⁰⁸ Thomas Briggs, to Colonial Secretary, 16 March 1848, 'Requesting Grant of land as a discharged Soldier', Series 8333, Box 66, Record 1848/567, ANZ, Wellington.

¹⁰⁹ H.T. Seon, 'Chapel House, Auckland', *New Zealander*, 2 February 1848, p.3; Thomas Briggs, 18 March 1857, 'For an appointment as Sergeant in Militia', Series 8668, Box 1/t, Record DAG1859/21, ANZ, Wellington; Briggs, Thomas, 18 March 1857, 'For an appointment as Sergeant in Militia', Series 8668, Box 1/t, Record DAG1859/21, ANZ, Wellington; John Brown and Thomas Briggs, 8 June 1843, 'For a license to squat to burn lime', Series 8333, Record Group IA1, Box 34/45, Record 1843/1220, ANZ, Wellington.

It was not uncommon to seek better opportunities in the Australian colonies, only to later return to New Zealand. John Valentine of the 65th Regiment discharged in 1850, “caught the gold fever, and took part in the Victorian rush, but soon returned to New Zealand, little better off in pocket but richer in experience than when he left.”¹¹⁰ While William Francis Craig, also of the 65th Regiment, had only served two years when he was discharged ‘by reduction’ in Wellington in August 1850. He tried his luck in Sydney for eight years, before returning to New Zealand and trying his hand at a multitude of roles. Craig enlisted with the colonial forces during the Waikato War, before farming and then shop keeping in Dunedin.¹¹¹

Mobility was of course much easier for the officers, who generally had greater capital to fall back upon. Captain Charles Yarburgh-Gold of the 65th Regiment had spent extended periods in New Zealand, having arrived as a boy with his father, Colonel Charles Emilius Gold, in 1846, and later serving himself. Yarburgh-Gold’s civilian life saw him move between New Zealand and different Australian colonies in his efforts to distance himself from at least three deserted wives and families.¹¹² Eventually he settled into a comfortable life with his second wife Elizabeth (born Farrell), working as clerk for the local courts in Southern and Western Australia, where he was quickly promoted.¹¹³ Charles died in 1897 aged about 57 years, leaving 33-year-old Elizabeth to make her own living. The couple had previously supplemented Charles’ income with lodgers. A previous lodger, Kenneth Snodgrass, who was married with seven children, provided Elizabeth employment as housekeeper in his Dining Room. When the Dining Room failed early the next year, Elizabeth moved on to become a probationer nurse at the Coolgardie Government Hospital. It was outside the nurse’s onsite accommodation in May 1898 that she was fatally shot by Snodgrass, who then shot himself in an apparent murder suicide, newspapers suggesting it was an act of jealousy over her intended attendance of a ball.¹¹⁴

As the nineteenth century wore on, and the soldier settlers aged, the men who still depended on their bodies to provide their living, found things more and more difficult.

¹¹⁰ ‘Obituary: Mr John Valentine’, *Dominion*, 15 September 1909, p.4.

¹¹¹ ‘Biographical Notes of Settlers of the First Decade: The Old Identity’, *Otago Witness*, 31 March 1898, p.11.

¹¹² Only two wives are mentioned in his obituary, but family historians suggest he married and deserted at least two others under different names; ‘The Inquest’, *Gold & Ghosts*; accessed 10 October 2016 via <http://www.nothing-fancy.com/gold/tragedy.htm>; ‘Captain Yarburgh-Gold’, *West Coast Times*, 10 July 1897, p.2.

¹¹³ ‘The Government Gazette’, *South Australian Register*, 4 December 1874, p.7; ‘The Government Gazette’, *South Australian Chronicle and Weekly Mail*, 23 December 1876, p.18.

¹¹⁴ ‘Shocking Tragedy at the Hospital: Murder and Suicide’, *Coolgardie Miner*, 1 June 1898, p.5.

Those men who had not managed to put anything away, secure property, or establish a support network of family and friends, or maintained the support network of the regiment, were particularly affected, especially as they entered the depression years of the 1880-90s.

Retirement and old age

As the soldier settlers aged they became less capable of earning a living through their manual work. They became increasingly dependent on other means and people to keep themselves housed and fed. We have insufficient data to make refined estimates of the average length of life for soldier settlers. However, contemporary studies by military statisticians John Finlaison and Alexander Tulloch showed that, despite their rough lives, old soldiers often outlived the general British public at 'Home'.¹¹⁵ This phenomena can be at least partially explained by the filtering out of recruits with medical issues through enlistment and the first three months of service.¹¹⁶ We do also know that imperial forces in New Zealand had lower mortality rates and hospital admissions than anywhere else in the empire they were garrisoned, due to a more temperate climate and lack of tropical disease, and it seems likely this extended to those who lived out their civilian lives as soldier settlers in the colony.¹¹⁷

As for those who had been able to establish a family in New Zealand, their wives and adult children were expected by society to be the first port of call for support when they fell on hard times. At times the courts enforced maintenance payments by adult children to old or infirm parents on a scale relative to the child's means and the parent's condition.¹¹⁸ However, David Thomson has concluded that although some elderly were undoubtedly taken in or financially supported by relatives it was not a widespread practice in New Zealand over the late nineteenth-early twentieth centuries.¹¹⁹

There are certainly several examples of soldier settlers being taken in by their families, the most obvious cases are those in which the men die in their child's household which is often

¹¹⁵ 'Report from the Select Committee on the Laws Respecting Friendly Societies' (London: H.M. Stationery Office, 1825), p.127; Cookson, 'Alexander Tulloch and the Chelsea Out-Pensioners, 1838-43', p.66.

¹¹⁶ Skelley, *The Victorian Army at Home*, p.22.

¹¹⁷ Alistair Woodward and Tony Blakely, *The Healthy Country?: A History of Life and Death in New Zealand* (Auckland: Auckland University Press, 2014), pp.95-96; Arthur S. Thomson, *The Story of New Zealand: Past and Present, Savage and Civilized* (London: J. Murray, 1859), pp.45-48.

¹¹⁸ David Thomson, *A World Without Welfare: New Zealand's Colonial Experiment* (Auckland: Auckland University Press & Bridget Williams Books, 1998), pp.144-145.

¹¹⁹ *Ibid.*, p.153.

detailed in their obituary or funeral notice. Families taking on elderly relatives like Edward Cahill's were more likely to be working rather than middle class.¹²⁰ Edward Cahill, an Irishman with the 65th Regiment, discharged at about 27 years of age, to settle in Wellington. According to family historians, Cahill had married Mary Theresa Shiel while they were both teenagers, in the years before his enlistment in 1842, and she arrived with him on the strength in 1846, via Norfolk Island and Sydney.¹²¹ The Cahills had several children while Edward worked as a labourer around Wellington. From at least nine children, three died young of scarlet fever in 1865, and another died in an accident whilst working in a foundry aged fifteen in 1871. All four children were buried in the Mount Street Cemetery near the Cahills' four acre Town Belt lease and cottage. In 1884, the Cahills' lease was changed by the Wellington Council to allow the agreement to be terminated at any time to allow for development. In April 1902, almost twenty years later, and now into their early to mid-70s and eligible for the new pension, they received one month's notice to vacate the property and £30 compensation to allow Victoria College (now Victoria University) to build the Hunter Building. By June, Mary had died and Edward was left with neither home nor wife. He was taken in by his married daughter Bedelia and her labourer husband Heber Brown, and lived out his life in their house at 181 Upper Willis Street until his death in 1906.¹²²

Those soldier settlers without family or other support in New Zealand could find themselves in dire straits when their bodies no longer allowed them to earn a living. William Charles England, had been a corporal in the 65th Regiment before his discharge aged about 35 years old in Wellington in 1857. England was the only man on the Hughes' discharged list that attested as a surveyor, and he returned to surveying and civil engineering in his civilian life in Dunedin. Although a noted drunkard, he "held good positions" before his rheumatism prevented him from earning a living.¹²³ England killed himself in 1880, aged 58, by ingesting strychnine, a common pesticide. During his inquest a letter written to a friend was released to the *Ashburton Guardian*:

My Dear Friend,

I am so nervous that I can scarcely direct my pen, but I could not well do what I am forced to do without saying a word of farewell to my last friend.

¹²⁰ Ibid., p.152.

¹²¹ Hilda McDonnell, 'Mary Née Shiel and Edward Cahill', *Mount Street Cemetery Newsletter*, October 2013, pp.2-3.

¹²² 'Personal Matters', *Wairarapa Daily Times*, 11 July 1906, p.5.

¹²³ 'Suspected Suicide' *Southland Times*, 16 June 1880, p.2.

I can no longer exist, I know not where to lay my head at night, or to find the price of a meal to appease the constant pain of hunger. You can have no adequate idea of the abhorrence with which I regard the idea of suicide, yet I am compelled to this course as the only one open to me. I am old, disabled from rheumatism, and cannot under the most favourable circumstances expect a long lease of life. If my mind was free as to the morality of the act, I would have no hesitation as to what I should do; but seeing myself so pressed by insuperable difficulties, I have no alternative.

Yours in death,

W.C. England.

P.S. I have seen some people since I have written the first part of this note, and I see no hope for me. Oh, David, it is dreadful to think a man in the full possession of all his intellectual faculties should be compelled to do what I am going to do. It is horrible. Yet, what can I do? Nothing but that is left to me. Even as if all these things were not enough, the conditions of life in New Zealand are enough to discourage anyone to endure life here. Pity me, your poor friend,

W.C. England.¹²⁴

Some soldier settlers similarly unable to earn a living were taken into care. An accepted disability such as blindness could assist in compassion from the benevolent societies and other such organisations. ‘Blind George’ Coyst (Coysh) died in Wellington Hospital aged 83, in 1892. Coyst arrived with the 65th Regiment as a private in 1846, having previously served with the Royal Marines.¹²⁵ He took his discharge in 1857, after sixteen years with the 65th Regiment. Unmarried and with no family in New Zealand, he was taken in by Wellington Hospital around 1877, after he lost his sight. His small military pension of 6d per day assisted with his maintenance.

Some other men, even when elderly and destitute, did not always qualify for help. An unnamed 81-year-old man who had served in New Zealand with both the 65th Regiment and colonial forces, was arrested for breaking into the Eketahuna Courthouse in 1906, in search of a warm place to spend the night.¹²⁶ He was suffering a bad cold, had no money, and had been refused admission into various homes because he was not a resident in the district, so did not qualify.¹²⁷ Having been convicted of a similar crime at an earlier date, the unidentified man was given two months imprisonment. The Judge hearing the case

¹²⁴ ‘Poverty and Suicide’, *Ashburton Guardian*, 22 June 1880, p.2.

¹²⁵ ‘District and General’, *Bush Advocate*, 24 March 1892, p.2.

¹²⁶ ‘Local and General’, *Hawera & Normanby Star*, 20 October 1906, p.4.

¹²⁷ The 1885 Hospitals and Charitable Institutions Act which will have influenced this case is detailed in Margaret Tennant, *The Fabric of Welfare: Voluntary Organisations, Government and Welfare in New Zealand, 1840-2005* (Wellington: Bridget Williams Books, 2007), pp.30-31.

wrote to the Minister of Justice on his behalf to have the man placed in a home. The man's criminal history may have prevented eligibility from both a military and old age pension.

Those men without families in New Zealand, had increasing support later in the nineteenth century. We do not have the data for soldier settler marriage, but in wider society, by 1881 30 per cent of all New Zealand men in their 40s and a quarter of those in their 50s were still single, leaving many vulnerable in old age.¹²⁸ By the 1890s the numbers of elderly and destitute men became a widely acknowledged issue in New Zealand and was one of the reasons behind the introduction of the Old-age Pensions Act in 1898.¹²⁹ It was the first state pension to be established in the British Empire and provided about one third of a low earning working man's wage, £18 per annum for those aged at least 65 and earning up to £34 or with less than £50 of property.¹³⁰ This criteria will have easily included large numbers of elderly soldier settlers.

Soldier settlers may also have been eligible for an imperial and or colonial forces military pension. Military pensions for soldiers were first introduced to encourage enlistment and to save veterans from pauperism, a sufficient sum intended to offer comfort without encouraging them to become an 'idle poor'.¹³¹ J. E. Cookson's analysis of pensioners in Scotland during the earlier nineteenth century has shown that the pension was a significant contribution to the household income of an otherwise employed income, and that where a wife was also able to contribute an income, the veteran's family was relatively secure against most disasters.¹³² A gratuity or pension paired with a viable land grant in New Zealand will have allowed many soldier settlers to achieve a modest comfort. Where pensions were not permanent, the gap may have been filled by the old age pension after 1898.

The imperial military disability pensions were granted to soldiers who suffered illness or injury through service, and to men with more than fourteen years' service who were discharged for any medical ailment. Permanent disability pensions in practice only went to those who had served at least fourteen years and were discharged due to injury or illness suffered from active service.¹³³ After 1847, twenty-one years' service was required for

¹²⁸ Thomson, *A World Without Welfare*, p.151.

¹²⁹ Tennant, *The Fabric of Welfare*, p.144.

¹³⁰ Margaret McClure, *A Civilised Community: A History of Social Security in New Zealand 1898-1998* (Auckland: Auckland University Press, 1998), p.123.

¹³¹ Cookson, 'Alexander Tulloch and the Chelsea Out-Pensioners, 1838-43', p.64.

¹³² Cookson, 'Early Nineteenth-Century Scottish Military Pensioners as Homecoming Soldiers', p.333.

¹³³ Skelley, *The Victorian Army at Home*, p.207.

military service pensions, with terms being determined during reengagement for the second term, or by the years served as an NCO. Qualifying service length was deducted accordingly by time spent in prison, desertion or court-martial.¹³⁴ The amount paid for each pension differed according to rank, service length, conduct and disability sustained, and could range from a few pence per day to a few shillings per day. Some, like 'Blind George' a private of sixteen or so years, received only 6d per day or about £9 per annum.

Although the sum could be small, it was certainly of assistance. There were concerns raised in 1888 that many former soldiers of the 58th and 65th Regiments who had discharged in New Zealand were not accessing the benefits due to them through the pension. The officer paying imperial pensions in Auckland, B. J. Daveney clarified that, despite confusion among discharged men who had received a one year pension or gratuity immediately upon discharge, some of them continued to be eligible for the service pension once they reached 60 years of age.¹³⁵ Those men who had served longer than fourteen years and were in possession of two good conduct badges, or more than sixteen years of service without a badge, were, like 'Blind George', eligible for at least 6d per day. The number of NCOs and rankers eligible from service in New Zealand through these terms could have been as high as 600, but it remains unclear without systematic analysis of the WO22 and WO23 file series which include records of payments to pensioners living in the colonies.

From 1866 the Colonial Government began issuing pensions to men of the colonial forces who had been disabled during service, or to their dependents if they had been killed.¹³⁶ Payments of military pension were scaled according to a soldier's rank and disability incurred during service. By the time of the 1888 'List of Pensions Paid by the Colony' the colony was distributing just over £2,140 to twelve widows, five children, and 45 veterans including some Māori.¹³⁷ It is not immediately clear how many of these veterans had also served with imperial forces and were claiming both pensions. John Patrick Shanaghan who had first served with the 58th Regiment, was receiving £27 7s 6d for wounds and services whilst with the 4th Waikato Regiment.¹³⁸ There were some other more exclusive colonial military pensions as well. Samuel Austin received £10 per year after being awarded the

¹³⁴ Ibid., p.207.

¹³⁵ 'Local and General', *Otago Witness*, 6 July 1888, p.10.

¹³⁶ Ian McGibbon (ed.), 'War Pensions', *The Oxford Companion to New Zealand Military History* (Auckland: Oxford University Press, 2000), p.590.

¹³⁷ 'List of Pensions Paid by the Colony', *AJHR*, 1888, Session I, B-18.

¹³⁸ Ibid., p.4.

New Zealand Cross for “heroic conduct at Putahi Pa,” which he added to his small imperial pension for earlier service with the 65th Regiment.¹³⁹ Additionally, the men who went on to fill positions in the civil service were often well looked after with superannuation. Alexander Crowe who discharged from the 65th as a sergeant, rose through the ranks of the Wellington volunteer units to the rank of colonel, and through his work as clerk and assistant storekeeper was entitled to the civil service superannuation, which he also added to his imperial military pension.¹⁴⁰

On Empire Day 1903 the foundation stone was laid by Lord Ranfurly for a veteran’s Home in Three Kings Auckland.¹⁴¹ The Home was to act as a national memorial, or ‘living monument’ for the 272 soldiers who died with the New Zealand Contingents during the South African War (1899-1902). It was intended to house the veterans from all colonial and British wars, as the Chelsea Hospital did in England.¹⁴² When it was finally opened on 10 December 1903 it took in fourteen veterans, at least four of whom were imperial military veterans who had served in New Zealand: Richard Clifford of the 68th Regiment, Benjamin Denny 70th, Isaac Radding 65th and John Delaney 57th.¹⁴³ Delaney was selected for one of the four married quarters, and his wife joined him from their previous residence on Adelaide Road in Wellington. Although the Home eventually took in forty residents and then further men still, demand for places in the Home far outstripped supply. Most men had to get on as best they could, as they had done since their discharge.

Conclusion

When soldier settlers initially enlisted they were often young men, fleeing poverty and overpopulation in Britain and Ireland. The army offered a reliable income, and regular rations and accommodation which appealed to those without.

During service in New Zealand some men may have received specialist training in carpentry and other trades whilst the army was employed in forestry and the building of roads and bridges in the late 1840s and 1850s. However the significant benefit for most

¹³⁹ Mabbett, *For Gallant Service Rendered*, pp.75 & 190; ‘List of Pensions Paid by the Colony’, *AJHR*, 1888, Session I, B-18, p.6.

¹⁴⁰ ‘Personal Matters’, *Evening Post*, 19 May 1913, p.7.

¹⁴¹ ‘The Veterans’ Home: Laying of the Foundation Stone’, *New Zealand Herald*, 26 May 1903, p.6.

¹⁴² I. C. McGibbon and John Crawford (eds.), *One Flag, One Queen, One Tongue: New Zealand, the British Empire and the South African War, 1899-1902* (Auckland: Auckland University Press, 2003).

¹⁴³ ‘The Veterans’ Home’, *Evening Post*, 28 September 1903, p.5.

men employed in this work was the extra pay, which many put towards purchasing their discharge or setting themselves up with property.

Although there were exceptions, most of the rank and file were discharging from the army in their early thirties with few skills, and little chance of becoming wealthy. These men were inclined to three paths all of which could overlap at different times during the course of their working lives. The first involved continuing with what they knew best, military-type work. The reliability of income, rations, and uniform and the familiarity with discipline and force saw many men quickly reenlist with one of the colonial force units, where some were promoted up the ranks. Others secured a longer term employment with a provincial police force or gaol, both of which had significant military staff whose presence shaped the organisations as they matured over the nineteenth century. The second group were those who sought to establish an 'independency', to be their own boss through farming or small business. Their ventures were often catalysed by the receipt of colonial or imperial military land grants, and were often unsuccessful due to insufficient capital. Soldier settlers with small landholdings or businesses commonly relied upon an efficient domestic economy to ensure their viability, and the contribution of both wife and children could be significant. The third was a continued life of itinerant labouring, which has not been discussed in depth here, but which many men relied upon, or fell back on for supplementary income especially when first establishing the viability of their smallholding. The soldier settlers who relied upon labouring were particularly hard hit when old age or disability took effect.

The officers who chose to discharge in New Zealand were not generally wealthy men at Home. However, in the colony their means were inflated by their regimental and civil society networks, and general status amongst the community. Their schooling, military experience, and in some cases their acquired knowledge of Māori during service, allowed some to work the 'frontier' in skilled roles like surveying during the boom in this profession. More generally their imperial military leadership saw them fill the senior officer positions in the colonial defence forces, the Volunteers, the Militia, the Armed Constabulary as well as maintaining some roles in the Police and Gaols.

The success of officers on the land and in other business, due to larger more viable sections of land and greater access to capital allowed them the luxury of spare time to devote to public office. The officers' network' encouraged appointments to leadership positions, and their public profiles from service in the colony assisted elections. Former officers filled

many roles of public office and shaped the colony's decision making from the first public elections in 1853, from the locally elected mayoralities, councils and House of Assembly, to the appointed Cabinet and Legislative Council.

Soldier settlers relied heavily on their bodies to earn a living, and as they aged and their bodies gave out some entered precarious economic states. There were some safety nets. The imperial army provided a small pension to those with long service or injuries, the colonial military also provided a pension for wounds. Although more generous, neither military pension was sufficient to survive on alone. Families were expected to be the first port of call when its members were in need, but like many nineteenth-century settler men, significant numbers of soldier settlers were unmarried and had no family in New Zealand to call upon. Destitute and desperate old soldier settlers regularly appeared in the newspapers of the late nineteenth century having committed low level crimes to eke out an existence, or having given up and killed themselves, or attempted to. Generally speaking, old soldiers and colonists were considered worthy of help, and with the Liberals progress of state welfare, the benevolent societies, hospitals, the Old Age Pension, and the veteran's home, many found a bed and food for another day. Some continued to fall through the gaps, but none returned to Ireland to "plough the rocks of bawn."

Conclusion

By the end of the nineteenth-century, when the imperial veterans of the New Zealand Wars who had settled in the colony began reaching the end of their lives, their obituaries often appeared in newspapers. In the columns, they were frequently declared to be both ‘old soldiers’ and ‘old colonists’, or variants thereof. These men, who I have referred to as ‘soldier settlers’ throughout this thesis carried those dual identities. They were soldiers sent to war, and serving as sworn members of their regiment. They were also settlers who made up part of the wider process of European colonisation on the land during what came to be known as the ‘pioneering days’. The popular divergence of nineteenth-century New Zealand history into themes of war *or* settler migration creates an impression that the two occurred as distinct and separate events rather than the correlated reality. The largely overlooked presence of thousands of soldier settlers and their families, whose experiences straddled both these themes of colonialism, provide a framework in which the connections between histories of war and settlement can be emphasised.

The histories of these men as soldiers and settlers were once commonly known among their communities. Their exploits in war and on the land were romanticised or memorialised, if not celebrated.¹ However, this changed as the twentieth-century wore on, overshadowed by the more palatable mythology of the World Wars, the revision of events by historians and the rise of Māori activism. By the 1970s the wars had lost their shine. It became difficult for Pākehā to *celebrate* the wars without feelings of contention or guilt over the subjugation of Māori and the confiscation and alienation of Māori land, and the wars subsequently lost their place within the nation’s foundational narratives under what O’Malley and Kidman have called an “uncomfortable silence.”² This thesis does not seek to provide grounds to allow for the New Zealand Wars to be celebrated again, rather, it seeks to provide a fuller history of the ongoing ramifications of the wars on New Zealand settlement, to reemphasise the interconnections of the nations ‘war’ and ‘settlement’

¹ James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 1 (Wellington: Government Printer, 1983); James Cowan, *The New Zealand Wars: A History of the Māori Campaigns and the Pioneering Period*, orig. 1922, 2nd ed., vol. 2 (Wellington: Government Printer, 1983); Charlotte Macdonald, ‘The First World War and the Making of Colonial Memory’, *Journal of New Zealand Literature* 33, no. 2 (2015): pp.15-37; Chris Maclean and Jock Phillips, *The Sorrow and the Pride: New Zealand War Memorials* (Wellington: Historical Branch Department of Internal Affairs, 1990); Jock Phillips, *To the Memory: New Zealand’s War Memorials* (Nelson: Pottan and Burton, 2016).

² Vincent O’Malley and Joanna Kidman, ‘Settler Colonial History, Commemoration and White Backlash: Remembering the New Zealand Wars’, *Settler Colonial Studies*, 22 January 2017, pp.8-9.

histories. This thesis provides context and analysis for some aspects of soldier settler lives; what defined their experiences as men and their fortunes as civilians in colonial New Zealand. Following their discharge or retirement from the imperial service, many soldier settlers became notable and respected members of their community, with their exploits duly noted in the public record. It is these men and their families that have made up the bulk of this study. Where possible, such examples have been balanced by those with less respectable outcomes and experiences.

Soldier settlers' relationships with the land were paramount. The rank and file came from Britain and Ireland as mostly poor and unskilled labourers, where land ownership was accessible to only the wealthy and the well-born. As imperial soldiers, through no choice of their own, they were shipped to New Zealand in order—among other things—to secure the land obtained by European settlers and the Crown, from Māori. As suggested by Governor Grey, the fighting in New Zealand was difficult and bitter and offered little glory or benefit for the overwhelming majority of imperial soldiers.³ The twenty or so per cent of troops who discharged in New Zealand to become settlers did so with an understanding of the potential benefits available to settlers in the colony. This included access to land ownership, which was much more readily accessible in the colony when compared to the situation they had left at Home. Once discharged, soldier settlers obtained land through purchase, lease, and grants. Land held the potential to build an 'independency' or at least a 'modest comfort' and this was pursued by soldier settlers where possible, with varying levels of success. Those soldier settlers who took up land often became both the enforcer of Māori land alienation and the occupier of alienated Māori lands.

At first, grants of land were authorised directly by the governor and were not readily available to all men. Some men bought land with saved wages, and a small number gained land through the Fencibles scheme in Auckland. From the 1850s soldiers eligible for discharge were encouraged to settle in New Zealand, and the colony and provinces competed for their share of the comparatively cheap settlers. Auckland led the move in offering land grants to all ranks, and the other provinces soon followed as the Waste Lands Act 1858 was extended to the rest of the North Island and Nelson under further legislation. The Acts were troubled by poorly worded qualifying criteria and were amended several times following petitions and official inquiries over five decades, with each substantiating further, but not all, military land grants. Officer soldier settlers, through access to their

³ George Grey, 'Government House, Auckland June 25, 1846', *Wellington Independent*, 6 October 1847, p.2.

networks of higher society, were able to negotiate their successful claims directly, while the men could only petition, wait and hope for review.

A large proportion of the soldier settlers also enlisted with the different colonial forces. Significant numbers specifically joined the Military Settlers, which under the New Zealand Settlement Act 1863 were offered confiscated 'rebel' Māori land in 'frontier' areas across the North Island, in exchange for a few years colonial military service. They were intended to settle and secure the land for further settlement, as the previous largely unsuccessful British military settler schemes elsewhere in the empire had been expected to, including Grey's very similar scheme in Cape Colony. The majority of rank and file soldier settlers on land granted under either the Waste Lands Acts or the New Zealand Settlements Act also proved largely incapable of 'making a go of it' on the land. There were several common reasons for this, chiefly, they held insufficient access to capital, equipment, knowledge, and labour to develop the bush and swamp sections into viable pastoral or crop farming. Land grants for the lower ranks were too small and insecure and markets too distant to be viable economic units. Although there was some success, the grants were commonly deserted or sold cheaply to the benefit of officers and land speculators who were better placed to access capital and the networks of higher society which assisted them to better outcomes.

Entering civilian life with a wife and an effective domestic economy could improve a soldier settler's outcome on the land, and in general. Marriage and the benefits of women to settlement were encouraged by the colonial settlement schemes, whilst being largely discouraged by the British military. Most men discharged or retired from the army in New Zealand as bachelors. Both army regulations and a shortage of eligible women in the colony inhibited rates of marriage among soldier settlers and raised the average age of those who did marry. Marriages that took place before discharge were heavily shaped by army regulations, while the choice of partner was influenced by regimental locations. Men were in at least their mid-twenties before they could meet the army's criteria to marry, and their eligible marriage partners were often limited to the poor Irish and Scots women who populated the British military towns and ports, or the daughters, widows, and servants attached to the regiment through their comrades. One way in which men met new women whilst in New Zealand was through the dances and balls which provided a recognised forum for courtship, but also entertainment during rather boring stints of garrison duty.

Men were not paid sufficiently to provide for wives unapproved and unsupported by the regiment, and life was difficult for 'off the strength' wives and children. Few if any unsupported wives made it to New Zealand, but unapproved marriages did occur once in the colony. Conditions in the army were often poor for soldiers, and no better for their wives and children on the strength. Accommodation on board troop ships and in the barracks was often communal, cramped, unhealthy and with only the barest of privacy. During service, the soldier and his family depended upon the reliable although minimal income, rations, and accommodation provided by the army. Once discharged from the army the families' ability to work and support each other had a crucial influence on their outcomes as they sought to obtain these necessities of life as settlers, and secure a modest comfort or independency, into old age.

The majority of men were discharged in their early thirties with few formal skills. Their efforts to earn a livelihood took three main sometimes overlapping paths, two of which were shaped by their military service and focussed on in this thesis. Firstly, soldier settlers commonly sought out familiar military-type work, utilising experiences of discipline and force from their time with the imperial forces in new roles with the colonial forces, police and gaols, which offered highly sought reliable income and often secure long-term employment. The second path involved soldier settlers' attempts to establish their own 'independency', their own small farm or business, often relying on the free labour of wives and children to maintain viability. For cash poor soldier settlers, land was most often obtained through military grants, and as mentioned above a lack of capital made successful development difficult. Such ventures were often balanced with the third path of itinerant labouring, which relied upon being physically able and rarely offered reliable income. Soldier settlers depended heavily on their bodies for income, and as old age or war wounds diminished their fitness; they increasingly entered precarious financial positions. The family was the first port of call for assistance, but significant numbers of soldier settlers remained unmarried in old age. The small imperial and colonial military pensions offered some assistance for those aware and eligible, as did the Old Age Pension. The veterans' home helped a small number of the more respectable men and wives, while others fell upon the benevolent societies and hospitals. The rest, and there were many, eked out an existence day to day, as best they could.

The officers who discharged as soldier settlers were rarely wealthy men, to begin with. However, their position and service in the army provided them with a public profile, higher

society networks, and more generous land grants allowing them greater access to capital and lucrative public leadership positions which saw them prosper far in advance of the rank and file. Many of these officers left indelible marks in colonial New Zealand as both soldiers and colonists, but they are no more or less important to this story than the rank and file man who strived for an independency. They were all brought to the colony as soldiers and remained as soldier settlers.

With the inaugural Rā Maumahara, the upcoming New Zealand Wars commemorations in Te Tai Tokerau on 28 October 2017, it is more important than ever to understand the continued stories, the shadows of all aspects of the New Zealand Wars, and this thesis has developed aspects of three areas of the personal lives of soldier settlers for further consideration. Even after decades as colonists, soldier settlers were still defined by their days as imperial soldiers and officers in the New Zealand Wars, and their service in these wars and the networks they made during had a continuing influence on their lives and the colony. Whether they profited from their land grants, married a regimental woman, or achieved modest comfort through a military pension, or whether they died alone and destitute unable to work from injuries sustained in war, the shadows of war service followed soldier settlers. The soldier settlers who chose to live out their civilian lives in New Zealand formed an important part of the settler colony.

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