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Māori, European and Half-caste Children; The Destitute, the Neglected and the Orphaned

An Investigation into the Early New Zealand European Contact Period and the Care of Children
1840 - 1852

by Erica Newman

A dissertation submitted in partial fulfillment of the requirements for the Bachelor of Arts with Honours in Māori Studies at the University of Otago, Dunedin

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Abstract

This dissertation explores New Zealand society between the years of 1840 to 1852 in order to ascertain the situation of neglected, orphaned and destitute Māori children within early European settlements. Throughout this research it has become clear that there is limited information regarding Māori children within the colony and that the majority of this information relates to the children from both European and half-caste descent. My aim is to explore this period to obtain an understanding of how it was that Māori children became neglected or destitute, or at least why they were seen this way. In order to do this a wider understanding of both Māori and European societies will be investigated from the period directly prior to contact to the end of the Crown Colony period. Not only will destitution and neglect amongst Māori be examined, but also neglect and destitution within European society itself. At its conclusion, it is intended that this dissertation will provide an understanding of how destitution, neglect and orphaned children within New Zealand, up to the end of the Crown Colony period, were acknowledged and what interventions were put in place in an attempt to rectify this situation.
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Introduction

The purpose of this dissertation is to examine the care of children in the Crown Colony period, 1840-1852, of New Zealand. My motivation for writing on this topic is because very little, has been previously written. Initially my topic was to explore changes in adoption practices, from its establishment in New Zealand to the present system in place today. This was going to be done by analysing legislation policies and the amendments that followed. As this topic is too large for a dissertation it needed to be focused to something smaller and more manageable. Therefore starting from the beginning of New Zealand society seemed to be a good place to commence this project with the aim of continuing the larger examination at a later date.

The method that I have chosen in which to carry out the research for this dissertation is through the analysis of historical writings. For instance I commenced with Margaret Tennant's *Paupers and Providers* (1997) which only touches briefly on this time period however gave me enough to begin my research. I have found that many books (including theses) that I have looked at in regard to this topic are the same in that they claim to cover the period from 1840 but actually only give a brief account of this time. Therefore the majority of my findings have come from newspaper articles along with early texts written by European travellers, missionaries and settlers. This has resulted in the majority of my findings being from a European perspective. It has been difficult obtaining an actual account of Māori society pre-European contact due to the fact that Māori society used an oral rather than written language, therefore I have had to rely on European accounts. Also it is important to acknowledge that as this dissertation speaks generically, in regard to the structure and roles of Māori society as each *iwi* (tribe) differs there will therefore be variations. As there is very
little information available for this time period, writing on this topic has been difficult principally because of there being no legal recordings available prior to 1860.

Throughout the chapters of this dissertation I have attempted to keep to the topic of the care of children and the situation of the society at the time. However, for Chapters One and Two I have included historical information regarding the societies prior to 1840. The purpose of this for Chapter One is to gain a deeper understanding of Māori society prior to the arrival of the early settlers. For Chapter Two it is to gain an understanding of the situation in Victorian British society that influenced the establishment and growth of the New Zealand Crown Colony. This will allow the reader to gain an understanding of the early relationships between the settlers and Māori, also providing an insight as to how and why New Zealand society grew in the manner that it did.

**Chapter One – Pre-contact Māori Society and the affect of the arrival of European Explorers, Whalers, Sealers and Missionaries**

The purpose of this chapter is to illustrate the way in which children were cared for prior to European contact within Māori society. So as to gain a full understanding of the changes that were to occur after the arrival of Europeans I have commenced this chapter with the structure of Māori society pre-European contact. This is followed with the structure of the whānau (family) and the roles of members in this group. The care of children within the society is discussed next and it is important to take note that many of these findings are from European writings and perspectives. The arrival of the early European explorers, whalers and missionaries will be discussed as will the impact they had on Māori society. With the increasing number of Europeans settling in New Zealand the society was becoming unruly due to there being no laws yet established in which to govern these people. I will discuss important events that affected both Māori and European which led to British intervention and the signing of the Treaty of Waitangi in 1840, this being the commencement of the Crown Colony period. Throughout this chapter the focus will be in regard to the status and role of
the child within this society, including instances where a child may find itself of being destitute of parents, maybe even neglected.

**Chapter Two – Victorian British Society Pre-migration and Early Settlers Journey to New Zealand**

The main focus of this chapter is the lifestyle and the care of children in Victorian England. Throughout this chapter the focus is on the children – who cared for them, how they were cared for, and what happened should they become destitute of parents. Victorian British society will be the beginning of this chapter where I will discuss the structure of the government and parliament system, as this structure plays an important part in the establishment and understanding of New Zealand as a Crown Colony of Britain. A significant part of this section is the circumstances that caused children to become destitute, neglected or orphaned. This will be explored along with the consequences this had on the child.

Following will be a discussion on the community and government interventions that were established within the system to possibly rectify this situation. One intervention was the New Zealand Company’s plan to establish a colony in New Zealand, this being the commencement of the migration of European families to New Zealand. This company will be discussed as will the voyages from England to New Zealand with the focus continuing on the care of children.

**Chapter Three – Interactions In the Early Colony Settlements**

The purpose of Chapter Three is to gain an understanding of how both Māori and European settlers interacted within each other’s communities. The focus again will continue to be on how children were cared for. It will begin with an explanation of how and by whom the Crown Colony was established. This will be followed with the locations of the early European settlements and the affect that these settlements had on Māori kāinga (village). Attention is drawn to the care of children and European perceptions of the correct manner for raising children that they believed would be most beneficial to Māori. Also discussed will be
the economic difficulties that these settlements met with and how this situation affected families.

Chapter Four – Destitute Persons Relief Ordinance 1846

This chapter discusses the 1846 Destitute Person’s Relief Ordinance regarding how children were cared for in a time when financially New Zealand was facing economic decline. Within this chapter I had hoped that I would have been able to provide evidence of the Ordinance in action. After making contact with the National Archives of New Zealand in Wellington I was advised that no records existed, at least not with them. So again I have relied on any information that I have been able to obtain from records of the ‘Resident Magistrates Court’ news within the early newspapers of New Zealand. Therefore I will discuss how the Ordinance came into existence through the discussions in the legislative council, focusing in particular on instances that relate to the care of children. Through my analysis of the Ordinance, discussions and articles from the newspapers, I hope to ascertain exactly who this Ordinance was established for.

Chapter Five – Care of Children to the End of the Crown Colony Period, 1852

Finally, chapter five looks at identifying other means of care that may have been available for destitute children throughout the Crown Colony period to 1852. Within this chapter education is looked upon as a means of caring for children especially Māori and half-caste children. As England still had issues with destitute, neglected and orphaned children there were some Society’s established that promoted the migration of these children to British colonies. Although I have not obtained any records of the migration of these children to New Zealand I have come across examples of the involuntary immigration of criminal children to New Zealand. Therefore I will discuss the outcome of these criminal children on their arrival to New Zealand. Should there be any other evidence of systems of care for destitute, neglected or orphaned children these shall also be discussed.
Chapter 1
Pre-contact Māori Society and the affect of the arrival of European Explores, Whalers, Sealers and Missionaries

The first section of this chapter will initially focus on the structure of Māori society pre-European contact, including the roles that individuals played in the care of children. As I have already stated, these findings are based upon European narratives, therefore perceptions of difference can be evident in their tone of writing. I will begin this chapter by exploring Māori societal structure prior to the arrival of Europeans. This will be followed with an explanation of the whānau structure and the care of children within Māori society. The next section focuses on the changes that occurred with the arrival of European explorers, whalers and missionaries and the effect these new arrivals had on Māori society. As contact between Māori and Europeans increased and these two cultures lived side by side without any established laws, it is not surprising that New Zealand society was to become unruly. This unruly society will be discussed along with the important events that led to the need for intervention from Britain and the establishment of the Treaty of Waitangi.

Māori Societal Structure Pre-European Contact

Māori societal structure was based on each social unit being autonomous in their existence and completely self-sufficient without the need of civil laws or money. The societal structure of Māori was not a static system but rather a system that changed and evolved with the environment, such as with the growth of population and depletion of resources.¹ The structure of this society consisted of four organisational levels (figure 1) which are all linked by a common ancestor or event². These four levels are waka (canoe), iwi (tribe), hapū (sub-tribe or clan) and whānau (family). The waka are the vessels in which Māori arrived to New Zealand landing and settling in different areas of the country. Waka is one of the levels

¹Ballara, 1998, Iwi: The dynamics of Māori tribal organisation from c.1769 to c.1945, pp. 17-22
²Committee, 1988, Puao-te-ata-tu: Day Break, pp. 58-59
within Māori society is best described as “a loose federation of iwi [sic] and hapū [sic] allied through descent from the crew of one of the famous canoes of tradition, deemed to have voyaged to Aotearoa from the ancestral home, Hawaiki”. The arrival of the waka brought with it people who sought a suitable place for settlement. Each waka was initially one social unit that continued to grow until the proportion of the population rose to a level where it was necessary for groups to break off and establish their own social units. Although there was not so much collective work done in this group, it allowed and continues to allow Māori to trace their whakapapa (genealogy) back to the waka. Therefore, in times of need such as warfare, each iwi or hapū could call upon each other as kinfolk to gain assistance for their cause. Within this federation of waka are iwi.

![Figure 1 Māori Society Social Structure](based from image in Ki Te Whaiao)

Within the iwi there were a number of hapū which contained a number of whānau. A hapū was established when the numbers within whānau grew, however, obtaining the status of hapū was not an automatic process. A hapū required a leader to emerge from within the unit whose mana (authority, prestige) that is descended from an ancestral whakapapa line. Other characteristics that contributed to the emergence of the leader were the ability to be diplomatic as well as to be able to strengthen the identity of the hapū through political

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4 Best, 1924, The Maori Volume I, p 531
5 All people have a certain amount of mana that is not only obtained through whakapapa but can also be acquired or reduced through the actions of the person.
marriages. Through a combination of these abilities the identity of the *hapū* was defined “as a land-holding political entity”.\(^6\) Once acknowledged by other *hapū* of their status this unit would be named after the founding leader. The size of the *hapū* could range between two hundred to three hundred people and it was not uncommon for a number of smaller *hapū* to reside together within a *pā* (fortified village) nor was it uncommon for a larger *hapū* to occupy their own *pā*. The territory that these *hapū* controlled as a political unit would either be coastal allowing the members access to resources from the sea, or inland where the unit would claim ownership of land that included streams, rivers and lakes for the purpose of resources. Members of these *hapū* units worked in unison and participated in tasks such as fishing, building of fortifications as well as canoes and meeting houses in an effort to protect the *hapū* and ensure its survival. It was possible for children to belong to two separate *hapū* and they would be identified within both units however it was common practice for the child to have a stronger identification with the *hapū* that they resided in. Should the child require an alternative accommodation for any particular reason the child was always be able to go to their other *hapū* that they were affiliated to. The growth of a *hapū* led to it becoming an unstable unit therefore sections would break off, this would normally be under the guidance of the *teina* and with his followers would then start the cycle over again in establishing their own *hapū*.

The *whānau* consisted of extended family members possibly including the parents, grandparents, children, uncles, aunties, nieces and nephews, spouses and adopted children. As these *whānau* increased in size and when resources to support the members within became stretched, the junior members of the *whānau* would break off and begin another *whānau* unit. These *whānau* units are what make up a *hapū*. Units of *hapū* as a collective are what make up

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\(^6\) Walker, 1990, *Ka Whawhai Tonu Matou: Struggle without End*, p. 64
the *iwi*. When the numbers within these *hapū* grew in size then it was known for the *iwi* to split and another to form\(^7\).

These units all had a leader. The *whānau* unit was lead by a *kaumatua* (elder); the *hapū* was lead by the *rangatira* (chief) who were “hereditary chieftains and leaders, who were expected to act wisely and with dignity”\(^8\). The *rangatira* was of junior lines to that of the *ariki* (paramount chief) who led the *iwi* and was of senior lines holding the most *mana* (authority, power). Leaders of each of the units within the society would meet and discuss the issues at hand and make decisions where necessary. In doing this all members within the society were able to have their say in the organisation of their society. Local kinship decisions were mostly done within the *whānau* unit itself\(^9\).

**Whānau Structure**

Elsdon Best describes the *whānau* as a unit that is self-contained, self-controlling, and able to manage its own affairs, so long as the issue at hand was not one that affected the *hapū* as a whole.\(^10\) Each member of the *whānau* within the *hapū* helped keep society running smoothly. Those who were proficient in certain skills such as weaving, carving, hunting, fishing and so forth ensured the plentiful supply of both food and resources for the community. These vocations were undertaken by both males and females who worked as efficiently and effectively as each other.\(^11\) This was all under the guidance of the *rangatira* or *ariki* who worked alongside their people. For members of Māori society the utmost importance was placed on the welfare of the *hapū*.\(^12\)

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\(^7\) Reilly, 2004, *Whānaungatanga - Kinship*, pp. 61-68
\(^9\) Ibid.
\(^10\) Best, 1924, *The Maori Volume I*, p. 533
\(^11\) Cowan, 1910, *The Maoris of New Zealand*, p. 143
\(^12\) Best, 1924, *The Maori Volume I*, p. 535
Elders within this society educated and cared for their grandchildren ensuring that oral traditions and tikanga (customs) were passed down in order for traditions to be continued. Children were not only taught stories of the past but also the correct recitation of their whakapapa as well as the lore of the land through customary concepts. Through reciting oral traditions, creation narratives and stories children acquired the knowledge of tikanga Māori (Māori customs). Within each of these narratives customary concepts would be introduced and explained, with the narrative used as an illustration of the workings of these concepts, including the consequences that could arise if these narratives were not adhered to. Many of the narratives involved the supernatural power of the gods, giving substance to the idea that should tikanga Māori be abused in any way it would be the gods that would seek vengeance on the transgressor. Best discusses concepts that have come from these narratives of the gods and how they were used to establish the institutions – for instance tapu (potentiality for power), public opinion, the influence of respected chiefs and to some extent the concept of muru (raid). Ever present in the belief system of Māori, the concept of tapu is the most powerful concept of all and should this concept be disregarded or broken then it would not be long before the wrath of the gods would be felt, a wrath that could be as extreme as death. This would occur in the very near future to the offender or to members of their family. It was this belief in the almighty power of the gods that ensured people did no wrong. This also resulted in a highly ordered and highly structured society. Hirini Moko Mead (2003) discusses this same idea through examining behavioural issues in the analytical template of take (cause), utu (reciprocity) and ea (satisfaction, balance). Each of these terms are integral foundations of tikanga Māori and can be applied to various situations individuals may be involved in. When there is a breach of tikanga the severity of this breach affects the mana of the person.

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13 Reilly, 2004, Whānaungatanga - Kinship, pp. 61-68
14 Best, 1924, The Maori Volume I, p. 559
15 Mead, 2003, Tikanga Māori: Living by Māori Values, p. 27
Care of Children within Māori Society

Children within Māori society were cared for by the entire whānau. Each older relative, this could be aunt, uncle, older sibling or grandparent, would nurture and care for the children as if they were their own. The purpose of this was for the child to become aware of their identity and their whakapapa. Joan Metge describes this kind of child-raising as being grounded in beliefs and values which stress the importance of descent and kinship connection as the basis for organising social life, value children as links in and between descent lines, and see them as belonging not to their parents only but also to their parents' whānau.16

The children within this society had very little discipline and they were free to explore as they wished however had to abide by the laws inherent to tikanga Māori. It was not only the responsibility of parents to raise children and like all individuals they were part of the community and were therefore raised by the group as a whole. Children were seen as taonga (precious) and as James Cowan describes;

Children in the Maori commune are petted and given a great deal of liberty by their parents. A father may often be seen nursing his potiki or youngest child for hours, carrying it about with him on his back in his shawl or blanket. Young girls were allowed to do pretty well as they pleased, and they and the boys enjoyed full liberty in sexual matters, unless indeed a girl was a puki … or betrothed to some young chief. But when a girl became a wife all that was changed and promiscuous love-making was interdicted, punishable by a tawa muru or often the tomahawk.17

As mentioned above some young girls were betrothed to young chiefs. One purpose of these marriages was to bring secure peace with other īwi or hapū, uniting the two groups. Usually this would be done between the children of higher ranking members such as the rangatira or ariki. When the child reached a certain age, previously agreed to by both parties, the child would then be collected for marriage. Adoption or whāngai was also prevalent in Māori

17 Cowan, 1910, The Maoris of New Zealand, pp. 146-147
society. The term whāngai, according to Williams, means “feed…nourish, bring up”\textsuperscript{18} It is my understanding that whāngai is where a person or persons feeds a child not only food but also knowledge, care, love and support. Therefore through whāngai the child is in the care of a person or people who are able to feed them with all the requirements necessary to become a person who is healthy of hinengaro (mind), tinana (body) and wairua (spirit). There are many instances of different types of whāngai situations for example an older brother of a family may request a child from one of his teina (younger sibling). The child would be collected by the brother upon reaching a certain age and taken away to be raised. Reasons for this type of whāngai varied, the most common purpose was in order for the brother to have an heir to his estate. Another reason for whāngai was when marriage occurred between two people of different īwi; the first child may be given to a member of his wife’s family in order to continue the connection to her people and land. Whatever the reasons were for whāngai, it was always within members of the whānau. Should the parents of a child have the misfortune of death, the child would be raised by the remaining members of the whānau\textsuperscript{19}.

James Cowan describes Māori society before interaction with Europeans as an idealistic lifestyle and that;

[Maori] had no starving poor, no neglected and unfed children. There were no loafers, no unemployed, no criminal classes, no “unfortunate women,” no hereditary non-workers. These, at least, were the advantages of a pure and savage socialism\textsuperscript{20}.

Māori society combined their efforts to ensure that the īwi or hapū as a whole ran smoothly and efficiently ensuring all members had the necessary resources to live. Children were in most instances adored and treasured and there was little evidence of neglect, only love and kindness. Affection shown to Māori children differs from that of European parents to their

\textsuperscript{18} Williams, 1992, Dictionary of the Maori Language, p. 488  
\textsuperscript{19} Firth, 1972, Economics of the New Zealand Maori, pp. 125-127  
\textsuperscript{20} Cowan, 1910, The Maoris of New Zealand, p. 142
children. European parents had the tendency to autocratically guide and direct their child into adulthood whereas within Māori society the children were given the freedom to explore and develop on their own; learning through observation and from their mistakes. For Māori it was not an affection of intensity instead the children were objects of great consideration. Males born of chiefs were included in all discussions of importance, not necessarily in silence, as they were encouraged to ask questions. This was a process of education into the roles of leadership. Often the manner in which these children were treated is along the lines of how a grown man would be treated. The most important idea to be taken from this is that children within Māori society were raised as part of the community as opposed to European society where the child is raised by the immediate family. This can also provide an apt illustration of the focus of the two cultures, Māori being very community oriented whilst European society is very much focussed on the individual. In the readings that I have come across regarding Māori society, the care that the mother provides her child appears to be more distant, some stating that the mother has little affection for her child.21

Arrival of European explorers and whalers and the affect on Māori Society

From 1642 the arrival of Europeans commenced and changes to Māori society were inevitable. Captain Abel Tasman and his crew were the first to arrive on the shores of New Zealand. However, through unfavourable encounters with the tangata whenua (people of the land), he did not get to explore the land, in fact he left the shores of New Zealand on 6th January 1643 without stepping foot on shore.22 Although this encounter had little affect on Māori society, the arrival of Captain James Cook in 1769 would prove to have a profound effect. Cook reported back to Europe of the abundance of sea lions on the coasts of New Zealand and it was not long before sealers as well as whalers arrived to take advantage of the resources available to them. With the arrival of these European sealers and whalers also came new technologies attracting the attention of Māori. This was the introduction of trade, items such

21 Brown, 1851, New Zealand and Its Aborigines, pp. 38-40
22 King, 2003, The Penguin History of New Zealand, p.93
as nails, blankets and tools were traded with Māori in exchange for food, women and land. For Māori, one way in which to ensure the continuous supply of these new technologies, was to provide land for whaling and sealing stations as well as wives for the European men to make them part of the kinship group. Therefore solidifying and guaranteeing this trading relationship.

The union of European men with Māori women was in some instances a result of the absence of their own countrywomen. Upon uniting with Māori women the European men found their new partners to be

docile and easy-tempered, they were found to make patient nurses and obedient household dredges; and, considering the character of their mates, were entitled, if not by law, at least by courtesy, to be called their better-half.\textsuperscript{23}

On a trip to Banks Peninsula I came across a museum at Okain’s Bay. I was pleased to find information regarding marriages between whalers and Māori women. Although the reasons for their nuptials are not expressed they did provide information, as illustrated below, on differences between the two cultures. These illustrate the adaptations that Māori underwent to fit within and live alongside the new Pākehā world, also showing that Pākehā believed themselves to be the superior culture.\textsuperscript{24}

\textsuperscript{23} Swainson, 1859, \textit{New Zealand and its Colonization}, pp. 28-29
\textsuperscript{24} \textit{Whalers and their Māori Wives}, Okains Bay Māori and Colonial Museum
Figure 2 A photo of the board displaying information about Whalers and their Wives from Okains Bay Māori and Colonial Museum.

Figure 3 Comparisons of items for everyday use from Okains Bay Māori and Colonial Museum.
As I examined the board of Whalers married to Māori wāhine (women) at Okains Bay Māori and Colonial Museum (figure 2) I was fascinated to read the three articles that they provided. It almost seemed to show a subtle movement of Māori from a simplistic lifestyle through to a complex European lifestyle. This is indicated in the first article by the comparisons of difference between the two cultures (figure 3) highlighting that Māori did not utilise or own the same objects as Europeans. Although there are many ‘Similarities’ (figure 4) between the two cultures, highlighted is the simplistic way in which Māori lived. The article discussing how the two cultures combined (figure 5) highlights how Māori adapted their lives through the adoption of European skills, technology and tools. In this instance the only adaptation Europeans undertook was the ability to speak the Māori language.25

**Figure 4** Similarities between Whalers occupations and customs to that of their Māori wives from

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25 Ibid.
Marriages between European men and Māori women resulted in the rise of a new social group, half-caste children. There are very few instances where European women married Māori men. Intellectually these children were seen to be equal to either parent. Physically they were classed as a “good-looking race” in that they had an olive complexion and brunette hair.\(^\text{26}\)

There are many interpretations regarding the care of children within Māori society and while some are as indicated earlier like Best’s, not all are positive. One area where there is a measurable amount of writing is that of infanticide. Whilst this may not have occurred in every Māori society it has been reported within some. Infanticide occurred predominantly to females, and only on rare occasions to males, by their mother. The most common reason for a mother to kill her male child was due to a fit of insane passion\(^\text{27}\) or perhaps because the mother had quarrelled with the father, so to get revenge she kills the child. The infanticide of

\(^{26}\) Swainson, 1859, *New Zealand and its Colonization*, p. 29

\(^{27}\) Polack, 1838, *New Zealand: Being a Narrative of Travels and Adventures During a Residence in the Country Between the Years 1831 and 1837*, p. 380-381
female children was due to the lack of attention and care from the father. More often than not infanticide was the fate of the half-caste child whose father had moved on and not taken his wife or child with him.\textsuperscript{28} This suggests that half-caste children were caught between two worlds, neither culture knowing how to cope with this new social group. Within Māori society \textit{mana} is passed down not only through the matriarchal but also the patriarchal lines, the children who descend from European men and are in turn deserted subsequently inherit reduced \textit{mana}. Māori and half-caste children who had become abandoned or orphaned had, in some instances, been taken into the care of missionaries. One such example is that of a half-caste child who was taken to a missionary’s wife, Mrs Butler. She was told by those who brought the child to her that for the child to survive she would have to take it into her care, in exchange for two axes. Mrs Butler had been told that the father of the child was the doctor of the \textit{Coromandel} and that the mother was deceased.\textsuperscript{29} According to J.S. Polack there were other means by which Māori children died, one being lack of natural resources to feed the child. The other being abortion of which he was unable to obtain this knowledge from the women that he spoke to, possibly due to the cultural norms and taboos of the time.\textsuperscript{30}

Early contact between Māori and Europeans can be seen as both advantageous and disastrous for Māori. Although Māori now had access to new technologies, they also acquired new ways of dying, as prior to the arrival of Europeans there is no evidence to prove that Māori were prone to acute infectious diseases. Archaeological examinations of bones and teeth have provided evidence that arthritis and spinal degeneration appeared to be a normal phenomenon for Māori over the age of twenty five. Through the examination of bones there has been evidence of Māori, during years of youth, encountering periods of illness or malnutrition.\textsuperscript{31}

The arrival of Europeans to New Zealand introduced new diseases to Māori societies. These

\begin{thebibliography}{9}
\bibitem{28} Brown, 1851, \textit{New Zealand and Its Aborigines}, p. 41
\bibitem{29} Woodhouse, 1940, \textit{Tales of Pioneer Women}, p. 7
\bibitem{30} Polack, 1838, \textit{New Zealand: Being a Narrative of Travels and Adventures During a Residence in the Country Between the Years 1831 and 1837}, p. 382
\bibitem{31} Rice, 1992, \textit{The Oxford History of New Zealand}, p. 8
\end{thebibliography}
included dysentery, tuberculosis, influenza, whooping cough, measles and venereal diseases. The impact of these diseases on Māori were devastating as many died due to their own herbal medication being unable to combat the strength of these unknown infections.\textsuperscript{32} Infact the Māori population, by 1840, had been so dramatically affected by disease that numbers had reduced by around forty percent.\textsuperscript{33} Amazingly New Zealand was not open to diseases that decimated many people world-wide, such as yellow fever, typhus, bubonic plague, cholera, malaria and smallpox.\textsuperscript{34} The death of so many Māori as a result of introduced European diseases had a detrimental affect on whānau structures as venereal diseases resulted in Māori women becoming sterile therefore not being able to reproduce. Members of the whānau were dying before a new generation was born, inevitably resulting in the declining numbers of members in the unit. With so many deaths there was a possibility that of the entire whānau unit could die.

With the continuing interactions between these two cultures, Māori societal structures began to change from self-sufficiency to relying on trade, giving rise to a monetary society. As Paul Moon states, this change “to a monied society, and all the associated implications of individual wealth and possessions went a long way towards breaking up the traditional patterns of Maori [sic] social and economic organisation.”\textsuperscript{35}

\textbf{Arrival of Missionaries and the Affect on Māori Society}

Missionaries also had a significant influence on Māori society. On December 25\textsuperscript{th} 1814, the missionary Samuel Marsden preached his first sermon at the Bay of Islands. Here Marsden also built the first Christian Missionary Station (CMS).\textsuperscript{36} Marsden’s first missionaries were Thomas Kendall, a school teacher; William Hall, a carpenter; and John King, a rope maker.

\textsuperscript{32} Ibid. p. 8
\textsuperscript{33} Walker, 1990, \textit{Ka Whawhai Tona Matou: Struggle without End}, p. 80
\textsuperscript{34} Rice, 1992, \textit{The Oxford History of New Zealand}, p. 8
\textsuperscript{35} Moon, 1993, \textit{Maori Social and Economic History: to the end of the nineteenth century}, p. 87.
\textsuperscript{36} Orange, 2004, \textit{An Illustrated History of the Treaty of Waitangi}, p. 4
Each of these men arrived with their wives and children to help establish the first CMS. Marsden believed that in order to convert Māori from their heathen ways they would need to ‘civilise first’ and convert later. He left the three laymen (Kendall, Hall and King) at the missionary station to teach Māori the European practices of horticulture, agriculture and trade. These laymen also taught Māori how to adopt European attributes in to their daily lives, their mannerisms and morals. Marsden’s ‘civilise first’ policy was overturned by Rev. Henry Williams who was appointed in 1823 to the missionary station. Williams believed that it was important to convert first.

When establishing his mission station, Marsden made the mistake of advising the CMS that he required a blacksmith, a carpenter and a rope maker to get started. However, had he requested a farmer, they would not have been so heavily reliant on Māori to obtain food. In exchange for food the missionaries traded iron tools and muskets with Māori. The primary source of musket trade between European and Māori was with the whalers, with Kendall as the mediator. Marsden was not impressed by Kendall’s involvement in the musket trade. The second missionary station was established in Kerikeri under the protection of Hongi Hika, a Ngā Puhi rangatira, in 1819. Hongi believed by protecting the missionaries that more ships would enter the Bay of Islands increasing trade opportunities. Hongi valued the blacksmiths due to their ability to repair his muskets. Marsden was concerned about the rise in musket wars engaged between iwi. Therefore he prohibited missionaries to partake in the trading of muskets with Māori. This, however, did not deter Hongi who was determined to acquire more muskets and in 1820 he travelled with Kendall to England to work on a Māori dictionary and grammar at Cambridge. Both parties had ulterior motives, Kendall desired to be ordained to gain independence from Marsden. Hongi, on the other hand, sought this opportunity to acquire more muskets. On their return to New Zealand Hongi traded all the

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38 Ibid. p. 142.
royal gifts that he had been given for muskets making him a very powerful man. He then, with thousands of men in his *taua* (war party), travelled down New Zealand seeking *utu* (reparations) on all those who had defeated him in the past.39

The missionaries proved to be a driving force in colonisation as a result of their belief that Māori were living in a world of heathenism. This belief was brought about due to Māori beliefs being different from their own. It is from this conflict of beliefs that missionaries gave the impression of their European world being superior to that of the Māori world. To amend the problems of heathenism within Māori culture it was believed that the most immediate goal of the missionaries was to replace Māori views with the superior European views, beliefs and morals. Another result of the missionary influence was the change in the status of Māori women from that of an equal participant within society to a subservient member. The role of European women at this time was as a chattel, who was unable to make any decisions within the household. Her duties were to take care of her husband, her husband’s house and her husband’s children.40

European perceptions of their own culture as superior was evident in the institutions that they established within New Zealand. The missionaries who came to New Zealand represented a number of religions, such as Roman Catholic, Wesleyan and the Church of England. Mission schools were the first institutions that the missionaries introduced in their effort to convert Māori. Like the schooling system that was created in England, the subjects taught were English, reading, writing, arithmetic and catechism. Initially these subjects were taught in Māori therefore a printer was required for New Zealand in order to produce scriptures in the Māori language. William Colenso, a trained printer, was currently employed with the CMS in England. He was then engaged as a printer for New Zealand and arrived in Paihia in 1834.

Once established, Colenso printed translated scriptures for the missionaries. As Māori exhibited a keen interest in literacy, mission schools were attended by both children and adults. Māori who were taught at these schools then became an excellent asset to the missionaries as they promoted the written language among other kāinga. Missionaries were somewhat amazed at the ability of Māori to acquire these skills as on their arrival to various kāinga they were surprised to find Māori had the ability to read, write and recite scriptures.41

Education was not the only method of conversion; they also taught Māori the art of carpentry, domestic management and agriculture. It was not until the 1830s that the full force of conversion came about as converted Māori became economically independent. Māori observations of European followers being blessed with great power and wealth led them to believe that European beliefs were superior to their own. Physically, the Musket Wars proved to reduce the Māori population but it could be seen that Christianity and the conversion of Māori from their cultural values and beliefs to those of Europeans had a more serious effect on Māori.42 Not only did they turn away from the tikanga that they had been raised with but they also turned from their language which some could see as threatening the existence of Māoridom.

**Unruly Nation**

As more Europeans arrived to the shores of New Zealand, some of these were of an unsavoury nature or as A W Shrimpton describes:

> the country slowly gathered to its bosom a sprinkling of the dregs of white humanity, the flotsam and jetsam of civilised life: shipwrecked and runaway sailors, beach-combers, escaped convicts, ex-convicts, and the like, very many illiterate and nearly all vicious.43

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41 Walker, 1990, *Ka Whawhai Tonu Matou: Struggle without End*, pp. 82-83
42 Ibid. p. 86
43 Shrimpton and Mulgan, 1921, *Maori & Pakeha: A History of New Zealand*, p. 29
Although there were those who were honest and hardworking farmers, settlers and traders they were seen to be outnumbered ten to one by the less desirable.\textsuperscript{44}

A number of events took place within the early contact period that are important to note as they assisted in the decision to request British intervention and the eventual signing of the Treaty of Waitangi. One is the establishment of the Kororāreka settlement at the Bay of Islands, the first major township to be established in New Zealand that existed as a lawless society. This settlement was established because of the whaling and sealing stations that were erected in the 1790s for the British and then the French and American. The settlement developed from the arrival of many ships requiring to be replenished of supplies. By the 1830s Kororāreka had gained the title of the ‘hell-hole of Pacific’ as it had become a township that was out of control and no laws in which to keep some kind of control. Michael King describes the consequences of these ships anchoring at this port in 1830 as;

\begin{quote}
\textit{as many as 30 ships were at anchor in the port, with crews totalling 1000 men, of whom as many as 300 could be ashore at any one time. the presence of these sailors, and the need for ships to replenish their supplies, led to Māori growing vegetables and pigs for sale and offering prostitution, and to an ever-enlarging number of riff-raff Europeans on shore providing alcohol and tavern entertainment. It also led to a growing amount of disorderly conduct, with no police force indeed any system of law and order to protect life and property.}\textsuperscript{45}
\end{quote}

Although Māori were able to provide a trade with the Europeans the consequences were that the Europeans were out of control and Māori women were contracting venereal diseases that could affect the reproduction of their own society. When Charles Darwin came to the Bay of Islands in 1835 he was reported saying that the English were ‘the very refuse of society’.\textsuperscript{46}

\textsuperscript{44} Ibid. p. 29
\textsuperscript{45} King, 2003, \textit{The Penguin History of New Zealand}, p. 122
\textsuperscript{46} Ibid.
Another significant event of this time was the *Elizabeth* fiasco 1830, where Captain Stewart of the *Elizabeth* agreed to assist Te Rauparaha by providing transportation for him to the South Island in his pursuit of *utu* of Kai Tahu of the South Island. This resulted in a large number of Kai Tahu being murdered by Te Rauparaha through the assistance of Stewart. Despite Stewart’s involvement he was never brought to justice. New Zealand was not a British colony therefore there was no legal jurisdiction over British subjects in New Zealand. As incidents like these increased it became apparent that there needed a formal agreement to regulate the settlers behaviour.

**Towards the Treaty of Waitangi**

Under the guidance of missionaries some thirteen chiefs from the north petitioned the King of England for assistance in controlling the lawless society. The King responded by appointing a British Resident to New Zealand, Mr James Busby, who arrived to take up his position in 1833. Busby’s role focused mainly on the protection of Māori against any further incidences such as that of the *Elizabeth* affair. In Busby’s address to the people he expressed that he was to keep friendly lines of communication between Māori and Europeans. Busby did not receive any persons to assist in policing matters of the society. Nor did he receive any monies in order to employ such peoples, the best Busby was able to do was attempt to be a mediator between the two cultures. In 1834 and 1835 Busby made two key achievements. The first was his ability to gather thirty-five chiefs from the North Island to establish a flag to enable ships entry and departure at Sydney ports. Second, was another gathering of thirty-four chiefs in October 1835 to sign a declaration of confederation and independence. The purpose of this declaration was in one instance for Busby’s own gain, in that he desired to neutralise his rival, Thomas McDonnell in Hokianga. The second was the threat of the arrival of Barron de Thierry who was on his way to Hokianga to settle on land he previously purchased with the

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47 Shrimpton and Mulgan, 1921, *Maori & Pakeha: A History of New Zealand*, p. 44
49 Ibid. p. 13
belief that he would proclaim himself as King. This declaration is important especially in relation to the wording used within this document to the wording that was to be used in five years time in the Treaty of Waitangi. A summary of the declaration of independence is that this confederation of chiefs, known as the United Tribes of New Zealand, claimed sovereignty of New Zealand as well as governorship.\(^{50}\) It was hoped that these chiefs would assemble once a year and discuss matters of New Zealand and establish laws. This did not come to anything as it was a foreign concept to Māori who had always governed their own iwi rather than all Māori. By 1837 the missionaries concluded that Māori did not yet possess the ability to govern the country. By this stage British settlers totalled one thousand with arrival of more settlers eminent. It was at this stage that missionaries George Clarke and Henry Williams requested British intervention. By 1839 another one thousand settlers had arrived in New Zealand and were able to buy land rather cheaply. Tensions between Māori and Europeans began to rise as Māori realised they had given more than they had acquired, unfortunately as society grew it became irreversible.\(^{51}\)

Captain Hobson was then sent to New Zealand in 1839 on the orders of Lord Normanby to assess the situation within New Zealand. This resulted in Hobson being instructed to seek sovereignty of some if not all of New Zealand.\(^{52}\) According to *The Times* newspaper (figure 6) Hobson made his first two proclamations when he arrived to New Zealand on January 29\(^{\text{th}},\) 1840. The first being Her Majesty Queen Victoria shall take measures in establishing a form of civil government over her subjects that already occupied New Zealand. This included extending the boundaries of New South Wales to include territories of New Zealand that were acquired. The established laws of New South Wales were therefore to be incorporated in New Zealand. Also Hobson had been appointed as Lieutenant Governor over any part of New Zealand that was acquired in sovereignty. The second proclamation was that all land

\(^{50}\) Walker, 1990, *Ka Whawhai Tōmātou Matou: Struggle without End*, p. 88  
\(^{51}\) Ibid. p. 89  
purchases that had already been made were to be considered null and void unless confirmed by Her Majesty.

February 6th, 1840 is when the Treaty of Waitangi was established, and as previously expressed, the wordings used by those who wrote the Māori version of the Treaty was, in my opinion carefully disguised. This is due to the writers of the Treaty of Waitangi having the knowledge that Māori would never cede sovereignty of their land, which is exactly what the English version of the Treaty states. As for the Māori version it states that the Queen of England has governorship. The Māori equivalent word for sovereignty was already utilised in the declaration of independence. Signatures, the majority being on the Māori version, were gathered not only from the meeting at Waitangi but also by missionaries who travelled the

53 Ibid. pp. 24-26
country in return for gifts. During this time there was a continual influx of migrating settlers to New Zealand.

With the arrival of these early Europeans to the shores of New Zealand Māori society was affected in a number of ways. Not only did they now possess a number of new skills, technologies and tools but they were beginning to alter their whole societal structure. Māori society was transforming from self-sufficiency to being reliant on trade. The unions between European men and Māori women soon provided another ‘race’ in New Zealand, the half-caste children. These men required that their wives behave in a civilised manner much like themselves. Therefore, Māori women were learning the domestic lifestyle of the European women. This meant that women were moving away from a community based lifestyle to one that is focused on husband, wife and children within a designated boundary or surveyed block, without the extended family. The rise in Europeans living in New Zealand, and no legal structure established, the society was lawless and in need of some form of control. This was the beginning of the need for British intervention, which in turn led to the signing of the Treaty of Waitangi. Although Māori children were raised in a different manner to European children there is still evidence that these children were well cared for within their whānau. The rise in half-caste children and the abandonment by European fathers has been recorded as one of the main reasons for infanticide, although not the only reason. It is important to remember that although there are writings on early Māori society that every hapū or iwi within New Zealand is not generic. Therefore these instances may not have happened throughout the country. Also some of the information obtained comes from European sources and written from a European point of view, therefore, have a tone of European superiority.

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54 Ibid. pp. 31-38
This chapter will discuss the conditions in Victorian England before the migration of settlers to New Zealand. It will begin with a background into British society, and lead on into the legal and parliamentary structures as these are important influences that helped shape New Zealand. This will be followed with family structures and the conditions children were subjected to. The structure of the family as well as the roles of each family member will also be discussed. There were also many instances where children of Victorian England were left destitute, neglected or orphaned; the reasons behind how children arrived in this situation will be examined as will the consequences. This will then be followed with the interventions introduced by the community and Government of Britain in dealing with this increasing problem.

Victorian London was a city occupied by too many people with very poor sanitation and below standards accommodation. Although it was not always like this, these circumstances were the result of a rural to urban migration. This migration was one that occurred exponentially resulting in the fact that it was impossible for the city to build the accommodation necessary before the migrants arrived. London was not the only city for this to occur in; it was a phenomenon occurring throughout Great Britain at this time (late 1700 to early 1800). With this rise in migration came increased and widespread poverty, destitution and neglect for many. While these circumstances were indeed dire there was an answer to some of these people’s plights – migration abroad to one of the new British colonies where there was a promise of employment and better lifestyle for both the single person and for families.
In an attempt to try and remedy some of the issues with poverty in England, Colonel Wakefield established the New Zealand Company. Wakefield’s idea was that with colonisation would come the opportunity for people to start their lives over in the light of better conditions and an improved standard of living. The reasons behind why migrants made the decisions to journey to New Zealand will be explored as will their voyages to the colony. The main focus will remain on the children who made these voyages and their fate should they find themselves destitute of their parents.

**Background into Victorian British Society**

The Victorian era was a time when England was overcrowded and poverty stricken. The reason for this is through the rapid change from ‘agriculturalisation’ to ‘industrialisation’ from the late 1700’s. During the agricultural society people lived in rural communities, they had a piece of land where they would grow food and farm animals which would provide wool, meat and income. This life enabled the people to be self-sufficient in providing food for themselves and their family as well as materials to produce their own clothing.\(^55\)

Following the Napoleonic war an abundance of soldiers returned who were unable to secure employment. Products from the farms, which during the war fetched a high price, dropped considerably in value due to the products being readily available. Also this was a time when taxes went up in an attempt to repay monies borrowed\(^56\).\(^57\) As if this had not been enough, it soon came about that farmers were deprived of the land through enclosures. This was a method which W.B. Sutch describes as:

> In order to take advantage of the new methods of cultivation and to get the utmost profit out of the land, where it was impossible to achieve the aim by other means, acts of Parliament had been passed giving members of the landed aristocracy the right to enclose land to which small holders thought

\(^55\) Sutch, 1941, *Poverty and Progress in New Zealand*, pp 16-17
\(^56\) The money borrowed was in order to support the Napoleonic war.
\(^57\) Sutch, 1941, *Poverty and Progress in New Zealand*, p. 16
they had a title and also common land which was for the use of everybody.58

Between 1760 and 1850 there was a total of some 4,000 Enclosure Acts passed. This was a society that was governed by the elite and the landed aristocracy, better known as the ‘landlords’. Those who were to suffer at the hands of Parliament, run by the landed aristocracy were to be the workers, the working class, the proletariat. In order for this class to survive they had to find paid employment as they no longer were able to be self-employed. This meant that they would have to move to the towns, which were quickly becoming cities, in order to survive. Paradoxically this life was not to be an easy one as poverty soon ran rife in the cities.59

It is important to examine the systems in place that established laws and legislation in order to govern British society. Queen Victoria reigned from 1837 until her death in 1901. Parliament was a system that had been established through the leader of the baronial council in 1258 which was imposed by King Henry III (1216-72). It was at the time King Henry was having difficulties with his nobles. This was due to the nobles being unimpressed with the cost of Henry’s schemes. The leader of the council was Simon de Montfort, the Earl of Leicester. This council was to take control of certain key appointments and in 1259 the Provisions of Westminster reformed common law. King Henry challenged the barons and in 1264 civil war broke out. It was during this time that Simon de Montfort “sought to boost his baronial support by summoning knights of the shires and burgesses to attend his parliament. This was the first time that commoners had been represented.”60 During the Battle of Evesham in 1265, de Montfort was killed but it was through his summoning of the commons to parliament that was to be repeated and become standard practice. This resulted in a representative

58 Ibid. pp 17-18
59 Ibid.
The excerpt below is from the UK Parliament website which discusses the development of Parliament.

**Parliamentary Developments:**

**14th-20th Centuries**

In the **14th Century**, under King Edward III (1327-77) it was accepted that there should be no taxation without parliamentary consent, still a fundamental principle today. Two distinct Houses of Parliament were emerging for the first time, with the 'Commons' sitting apart from the 'Upper House' from 1341. The 'Good Parliament' of 1376 saw the election of the first Speaker, Thomas Hungerford, to represent the Commons. It also saw the use of 'impeachment', whereby the House of Commons as a body could accuse officials who had abused their authority and put them on trial before the Lords.

In the **15th Century**, the Commons gained equal law-making powers with the Lords, under King Henry V.

The **16th Century** saw the legal union of Wales - which had long been subject to the English crown - with England under King Henry VIII (1536). Henry's reign also saw the Church of England break away from the Roman Catholic church. The 'Gunpowder Plot' of 1605 may have been hatched when it became clear that the new King, James I, intended to do nothing to ease the plight of Catholics in the country. The Queen today remains the Supreme Governor of the Church of England and, as the sovereign, must by law be a member of that Church.

In the **17th Century**, tensions increased between parliament and monarch, such that in 1641 the King and Parliament could not agree on the control of troops for repression of the Irish Rebellion. Civil War broke out the following year, leading to the execution of King Charles I in January 1649. Following the restoration of the Monarchy in 1660, the role of parliament was enhanced by the events of 1688-89 (the 'Glorious Revolution') and the passage of the Bill of Rights which established the authority of Parliament over the King, and enshrined in law the principle of freedom of speech in parliamentary debates.

1707 brought the Union with Scotland and the first Parliament of Great Britain. Union with Ireland, which followed in 1801, lasted until its independence and the separation of Northern Ireland in the 1920s. Growing pressure for reform of parliament in the **18th and 19th Centuries** led to a series of Reform Acts which extended the electoral franchise to most men (over 21) in 1867 and, finally, to women over 21 in 1928.

The legislative primacy of the House of Commons over the Lords was confirmed in the **20th Century** by the passing of the Parliament Acts of 1911 and 1949.

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**English Family Structure**

As early as the sixteenth century, Robert Allan Houston discusses how the parent’s role of nurturer and protector for their children was carried forward in a similar manner into the

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61 Ibid.
62 Ibid.
eighteenth century.\textsuperscript{63} This parenting role is still evident in today’s society. As long as children did not become victims of extreme poverty, leading to destitution and living in workhouses, orphanages or on the streets they would be part of the English nuclear family. This illustrates the idea of the European family, and the standards by which they lived - barring any unforeseen circumstances, nuclear families stuck together. The traditional nuclear family is defined as two parents of the opposite sex and their biological children.\textsuperscript{64} There has been little change since the sixteenth century in the structure of the English family which generally included a mother, father and children. This is not to say that at times these families may have also included other kin such as grandparents but, on the whole, the extended family was not an important component of these households.\textsuperscript{65} The primary care of the child was provided by the parents.

\textit{Rural to Urban Migration}

As many migrated out of necessity to the city, due to increased land taxes and their inability to continue their farming businesses, the cities very quickly became overpopulated and unsanitary. Their hope was to find work, shelter, friendship, food and to establish a better life than the one they had just left. Young country girls sought domestic work; men sought work in the new industries that were coming out of Europe’s period of industrialisation. These two vocations were the main prospects that brought about an exponential increase in migration from rural communities.\textsuperscript{66}

No-one had contemplated the effect this urban migration would have on society and the issue that would arise as people arrived before accommodation could be completed. This mass migration led to overcrowded living conditions with no sanitation, no fresh water and not enough work to accommodate the sheer volume of people that were arriving, resulting in

\textsuperscript{63} Houston, 1986, \textit{British Society in the Eighteenth Century}, pp. 436-466
\textsuperscript{64} Drewery and Bird, 2004, \textit{Human Development in Aotearoa: A Journey Through Life}, p. 92
\textsuperscript{65} Houston, 1986, \textit{British Society in the Eighteenth Century}, pp. 436-466
\textsuperscript{66} Walvin, 1987, \textit{Victorian Values}, p. 12
poverty of astronomical proportions. Those who were able to obtain employment were exploited and received low incomes, suffered through poor working conditions and were subject to long working hours. Although legislation was established to provide protection against these forms of exploitations, these laws were not always enforced, and they were rarely if ever checked. James Walvin gives the following example:

If the 1833 Factory Act limited children’s hours to eight per day, those aged 14 to 18 were allowed to work twelve. And even though the ten-hour day was established in 1847, not until 1878 was that norm extended to all factories and workshops. Nor did the coming of compulsory schooling in the 1880s end extensive child labour ... Not only was the working week long, and form any unregulated either by unions or legislation, but the working life began at an early age and continued as long as physique or circumstances allowed. Protection through union activity failed, by and large, before 1850.  

For those who were destitute, the children became the responsibility of the workhouses, orphanages or poorhouses. Education was provided by institutions if the child was able to attend prior to the 1840 compulsory Education Act. Children of the middle-class had options as to their education much unlike those of the working-class and poverty stricken.

The causes of children becoming destitute, neglected or orphaned and the consequences this had on these children.

Throughout my research it has come to my attention that the majority of the causes is in relation to poverty either directly or indirectly. By analysing the London newspaper, The Times, I have come across articles which I have used to draw my own conclusions as to the causes and consequences of poverty to families and in particular to children.

As employment options for many of the working class were low, the consequences were looking bleak. In 1826 it appeared that a great many places within England were facing poverty. This was due to a drought that had dried up the fields, therefore not producing

\[67\] Ibid. p. 16
resources for, in the case of the following newspaper article, hand-loom weavers. Without the resources there was no employment, without employment there was to be no sustenance for the families.

BROOKRIDE, July 7. – This country is in a dreadful state of extreme poverty; a great part of the population are hand-loom weavers, who begin to see their occupation is gone for ever. Famine and wretchedness stare them in the face. I don’t know how the ensuing winter will be got over if they cannot get employment. The whole country is nearly naked; the neighbourhood is nearly dried up; the drought has lasted 12 weeks.  

Often paupers would request relief from the overseers at the parishes who ran the workhouses. This was in order to gain employment of some kind or monetary compensation as they endeavoured to seek better employment options. In many instances when applying for extra relief they were met with negativity, thus having to appeal the decision in the hope that it would be reversed as is the case with this following article.

The paupers of Bledlow state—
“Finding ourselves in great distress, we applied to-day to the bench of magistrates at West Wycombe, to order the overseers to give us further relief. They told us they had not the power to do so, and advised us to state our case to you, for the overseers said the same thing—that they have not the means of relief, and cannot find work for us, to enable us to earn better pay.”

The account which the poor people give their condition:-
‘The married men among us are paid 7s a-week: in harvest they may earn for four, or perhaps five weeks, as much as 15s a-week; but this is the extent of our earnings during the year. The 7s. are spent as follows:-
‘We pay 4s. a-week for bread: this will buy a little more than eight quartern loaves. We pay about 1s. 9d. more for bacon, and the remaining 15d. is laid out in soap, candles, sugar, tea, thread, and worsted, and such necessaries. We have nothing left. WE have no money remaining to buy clothing or fuel, or to pay for our rent, which may be taken on the average at 60s. a-year. We must depend on accident for these supplies, and of course, therefore, we generally go without them. If we manage to save a guinea out of our earnings in harvest, it is nearly all expended in paying for our shoes, which cost us 15s. or 16s. a pair. We have no rich neighbours among us to help out our scanty means by their benevolence.'

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68 1826 ‘Brookride’, The Times, p. 2
69 1834b ‘In another part of our paper we publish a most painful account of the distress of the pauper labourers’, The Times, p. 2
Not only did the cause of destitution result from the lack of employment but also from the ill health of people. When a person does not have the means to purchase enough food in order to maintain their health, it is inevitable that they will become too weak to put in a good day’s work. This results in the family as a whole becoming destitute as they would be unable to pay for the roof over their heads as well as being unable to purchase food for themselves. In order to be committed to the workhouse the family would have to apply for relief from the parish, if not successful then they would appeal to the magistrate. The following is an extreme example of a family being denied relief from a workhouse but on appeal to the magistrate were then committed.

Yesterday, among the paupers who daily throng this office for the purpose of making their destitute condition known to the magistrate, was a poor woman, about 35 years of age, accompanied by her husband, a weather-beaten sailor, and two children, one of which was an infant about 10 months old. The appearance of the latter excited the commiseration of every one around, since it was evident that in a very brief space of time its sufferings would terminate. In about 10 minutes after the poor creature’s arrival, and while they were waiting in the yard, the child breathed its last; it had died from starvation. The name of the sailor is William Thompson: he stated that he and his family had just come up from Newcastle, and that on Sunday they made application to the parochial authorities of Marylebone for relief, as they were actually famishing, and had scarcely had any food...
for two or three days previously. They were refused, and afterwards succeeded in obtaining shelter for the night, but no sustenance whatever, at a house in Henrietta-street, Duke-street, Cavendish-square, which accommodation was kindly and gratuitously afforded them by the inmates.  

Mr. Rawlinson, as soon as the afflicting circumstance came to his ears, gave orders that the miserable beings should instantly be taken to the workhouse, and desired that every attention should be paid to their necessities.

The sailor and his child, together with the wife, carrying in her arms the lifeless body of her infant, proceeded with Mr. Percy, the deputy inspector of the poorhouse, to their destination.

Mr. Rawlinson expressed his intention to institute an early and a strict inquiry into all facts connected with the afflicting occurrence.

Another cause of destitution and neglect of children is the birth of illegitimate children. Part of the Poor Laws allows for illegitimate children to be maintained within the workhouse should the parent not be able to raise the child themselves. A young unmarried mother of a three year old child complained to the parish because her allowance to maintain her child was to be stopped. This was due to the parochial board adopting the policy of no longer relieving illegitimate children. The only alternatives she was given was to commit her child to the workhouse or commit both herself and her child to the workhouse.

Elizabeth Land complained against the parish of St. Bride, Fleet-street, for stopping an allowance of 2s. 6d. per week for the maintenance of an illegitimate child, now 3 years old … Mr. Carvill, the assistant overseer, said the trustees, or parochial board, had, under the new Poor Law, adopted a resolution not to relieve any illegitimate child out of the poor house. The complainant had been duly informed that her allowance would be stopped, and that she might, if she pleased, send her child up to the workhouse, where it would be taken proper care of; but she had travelled from Suffolk without the child, in the hope that she should get the pension renewed. The trustees, however, would enforce the rule, and he could only offer to take this young woman into the workhouse as well as her child…. no other relief than maintenance in the poor-house should be afforded to any bastard child… The mother said she did not wish to be immured in a workhouse, and she would suffer anything rather than part with her child.  

There must have been instances where the mother died in childbirth leaving the child orphaned. Should the mother already be an inmate of the workhouse then the child would

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70 1833 'Marylebone-Office', The Times, p. 4
71 1834a The Times, 2
remain being maintained and cared for by the institution. One other instance of note that I have found is the case of children being stolen and used for the purpose of begging. Once the child is of an age where they no longer attract the attention of passers by who give money to their captors they are then abandoned.

In the Liverpool workhouse there is a very interesting and beautiful female child, now conjectured to be between two and three years of age. She was found exposed on some steps in Ranelagh-street in May last, when she was supposed to be 18 months old...Every inquiry was made, but in vain, to discover her unnatural parents. She is of fair complexion, stout, with blue eyes, and fine curling hair. From the fineness of her linen, the mode in which it was marked, and the words she uttered, which are rarely used by the children of the humbler or working classes in this part of the country, it is apprehended that she had been stolen, used for the purpose of begging, robbed of her better clothes, and exposed in the manner described. As several instances have occurred in London and other places of children being stolen we give this publicity to the facts in the hope that it may lead to some discovery.\textsuperscript{22}

As can be seen, from these illustrations of poverty, the situation of the family is the first stage that can lead a child to a state of destitution, neglect or as orphans. It is also illustrates that this occurs first and foremost through poverty. Although the workhouse is prominent within these historical accounts this was not the only possible outcome for destitute children. Many of these children would tend towards a life of crime, willingly or unwillingly, or become ‘vagabonds’ or ‘vagrants’ within the streets of London.\textsuperscript{73}

\textbf{Figure 8 Charles Dickens} \textit{Oliver Twist}  
(retrieved from www.cartoonstock.com)

\textsuperscript{22} 1836 \textit{The Times}, p. 1  
\textsuperscript{73} As illustrated in Charles Dickens’ \textit{Oliver Twist}. 
Community and Government Actions To Rectify the Issue of Destitute Children

It is important to note the measures that were put in place in an attempt to rectify the situation of the poor and poverty. In the nineteenth century members of Parliament, comprised of the middle and upper class gentry, believed that through state intervention they could remedy the problems of poverty. It was charitable aids that were first established to try to help those in suffering. Most middle-class citizens were more than willing to contribute monies to these, although they were sure that had they not it would only be included in their taxes. There were a number of charitable aids available but it would not be long before taxes did incorporate money for the poor, as social services were established through the introduction of the 1834 Poor Law. This act provided assistance to workhouses that were run by a group of parishes. To be able to enter such a facility the person had to be of a situation that meant they were not able to gain employment, for these people the workhouse would be a last resort.

The workhouses had very strict rules which included no visitors without the written consent of the overseer, no alcohol, no tobacco, no playing cards and no talking during mealtime. Also should the husband of a family be so destitute that the workhouse was his only option, then his wife and children were also considered destitute and all would become inmates of this institution. Although it may seem positive that they would be together, this was not the case as once committed they all became separated within the workhouse. The conditions of these workhouses for children were not very pleasurable for example in Greenwich Workhouse, the schoolmistress was convicted on charges of cruelty to children. These charges included punishing children for minor offences by forcing them to stand on a table for the entire night with one hand over their head as well as not allowing them any meals for the day.

In the course of the inquiry it was discovered that Mary Matthews had acted in a most cruel and tyrannical manner towards the children under her care … The cases of cruelty

74 Sutch, 1941, Poverty and Progress in New Zealand, p. 24
75 Ibid. pp 24-25
consisted of having made the children, for trivial offences, *stand upon a table the whole of a night, with one hand held up over their heads, and depriving them of their breakfast, dinner and supper.*\(^76\)

Although this is an act of significant unkindness it is not as bad as some charges made against the masters of the workhouses. There are accounts of children being beaten and one of the most unpleasant charges that I have come across is in regard to the master of the Hoo Union Workhouse. This master was charged with extreme and severe punishments towards female children. The details of these charges must have been quite horrific as they were not all disclosed within the newspaper. What was disclosed describes the severe beating of the children with a rod of birch.

The master of the Hoo Union workhouse had stripped female children of a tender age, and some approaching to puberty, and flogged them with rod of birch in a most indelicate and savage manner repeatedly. Their necks and shoulders were laid bare to their waists, and sometimes their persons were exposed by the removal of their nether garments, they being laid upon a table, and beaten until the blood flowed, and that not for crimes or vices, but for childish acts, such as young persons even when they have enjoyed the advantages of refined or careful tuition, can scarcely be expected at all times to avoid.\(^77\)

These acts did not only occur within the workhouses themselves but were also inflicted upon the children who were sent out to work on farms. As this next article (figure 9) illustrates the condition of a child who has been returned to the workhouse and it also appears this is not the first time that a child sent to this farm has been returned in this condition.

\(^{76}\) 1839 'Cruelty To Pauper Children', *The Times*, p. 5
\(^{77}\) 1840 'Alleged Cruelty of the Master of the Hoo Union Workhouse to Paper Children', *The Times*, p. 5
Hospitals were also established, for the poor. These were public hospitals which were part of the workhouse and attended by part-time medical staff and nursed by fellow paupers. These infirmaries had less bed space than that of the voluntary hospitals, available to those who had contributed to the hospital as a subscriber, and were smaller in size.\(^78\)

During the eighteenth and nineteenth century Britain became a society which held literacy in high regard. From 1775 onwards a number of newspapers were being printed as well as books. During the 1860s libraries became popular.\(^79\) This led to the need for people to be educated in reading and writing as well as arithmetic. Although this was not an issue for those of the middle-class whose children were able to attend the public and grammar schools of England.\(^80\) Education was also seen as a way of assisting the lower-class and poor. Although they were not to attend the same schools as the middle-class but, when not working, they would attend the various charity schooling available. Robert Raikes established the

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\(^{78}\) Sutch, 1941, *Poverty and Progress in New Zealand*, p. 25

\(^{79}\) Walvin, 1987, *Victorian Values*, pp 81-83

\(^{80}\) Sutch, 1941, *Poverty and Progress in New Zealand*, p. 28
Sunday School, for children to attend out of working hours. The purpose of this school was “to bring some civilising influence to the children of the streets”.\textsuperscript{81} There were other schools which were influenced by the church and their aim was to create obedience to their superiors as well as teach principles rather than opinions. The curriculum included reading, catechism, scripture, and duty lessons such as those on “the sanctity of property”.\textsuperscript{82} Bell, a clergyman, and Lancaster, a school owner, established a system of education whereby the older children taught the younger. This way under the supervision of a teacher up to five hundred children could be taught. This was seen as a factory system of schooling which gave the children the basics of reading, writing and arithmetic. This system became very popular that it was known as the British and Foreign School Society.\textsuperscript{83} The Church of England, who saw the efforts their rival churches were putting in towards educating the poor, established ‘The National Society for Educating the Poor in the Principles of the Established Church throughout England and Wales’. As some leaders within this church thought it dangerous to educate the poor, should the poor rise above their own level, they decided to only teach reading and not include writing and arithmetic. It was religion that was to be the emphasis of their teaching.\textsuperscript{84}

\textbf{The New Zealand Company}

One solution that was introduced in an effort to resolve the issue of living in poverty was to register with the New Zealand Company. It was the intention of this Company to establish a colony in New Zealand and be responsible for its colonisation. This company was formed in England under the guidance of Edward Gibbon Wakefield. Wakefield believed by undertaking this venture he would be able to alleviate some of the overcrowding and poverty problems of England, through the relocation of some of these people. By purchasing land in New Zealand at a low price Wakefield was then able to sell at a profit to the English upper-class and landowners. In this way he would replicate the class structure of England by

\textsuperscript{81} Ibid. p. 26
\textsuperscript{82} Ibid.
\textsuperscript{83} Ibid. pp. 26-27
\textsuperscript{84} Ibid. p. 27
ensuring that only the higher class of society possessed land and the working class would have to work for them. When Wakefield heard that New Zealand was to be annexed by Britain he worked quickly to establish his plan.\textsuperscript{85} The New Zealand Company recruited mostly people of the working class to become settlers in New Zealand. The professions of these settlers ranged from, farmers, labourers, butchers, gardeners, bakers, candlestick makers to also include single women as domestic servants, seamstresses and dressmakers each being an asset in building a new British society within New Zealand. Wakefield promised employment for these settlers, if they were unable to gain employment then he stated that the Company would employ them at a low rate of income working on developing roads. The Company kept their promise of guaranteed employment, if only for a short time, however the permeating issue was that these settlers did not own any land therefore they could not be self-sufficient.\textsuperscript{86}

\textit{Voyage to New Zealand}

The New Zealand Company had their own fleet of ships for the sole purpose of transporting the soon to be settlers to their new home, New Zealand. Accommodation on each of these ships tended to be of a similar standard. Those who were fortunate enough to acquire a cabin for their passage did not have too harsh a journey. For those whose accommodation was in the steerage the long voyage was most uncomfortable. As many passengers accommodated in this area suffered through uncomfortable sleeping arrangements and at many times wet bedding. Although this was not as bad as a voyage on the \textit{Lady Nugget} where fifty emigrants were given accommodation, at the last minute, in a small poky luggage compartment that received no air and little light. During the periods of hot weather the stench from this area would be intense and during the cold periods the occupants had the filth to endure. This led to many illnesses, especially for the children, of malnutrition, scurvy, skin festering, diarrhoea and disease, resulting in many deaths. The children who died would be sewn within a canvas

\textsuperscript{85} Walker, 1990, \textit{Ka Whawhai Tona Matou: Struggle without End}, p. 89

\textsuperscript{86} Sutch, 1941, \textit{Poverty and Progress in New Zealand}, p. 31-38
casket and thrown to sea. The majority of deaths at sea were those of children. These journeys lasted anywhere between four and six months.\(^\text{87}\)

![Figure 10 Immigrants gather at Gravesend waiting to board (retrieved from http://homepages.ihug.co.nz/~tonyf/)](image)

During these voyages there were instances of when children became abandoned or orphaned. One such instance was on the ship *London* which departed London on the 13\(^{\text{th}}\) of August 1840 and arrived in Wellington on the 12\(^{\text{th}}\) of December 1840. On this voyage parents of three children were taken off the ship while the children continued their journey. The following is a letter from the surgeon superintendent in advising the New Zealand Company of his decision.

Gentlemen

I am sorry to inform you that I am obliged to send on shore another emigrant and his wife, namely James & Frances Seymour. On inquiry I found that he has before been confined in an asylum & last night I was rather alarmed to observe symptoms of his former complaint coming upon him. I accordingly put him in the sick-bay, gave him a solution of Tartrate of Antimony & placed two of the other emigrants to watch him. This morning about five I was called out of bed by one of the watch saying he had cut his throat. This I found to be incorrect, but he had wounded himself very severely with I think a 7lb weight, as I had caused everything to be removed with which I thought he could hurt himself – I have therefore determined upon sending him & his wife on shore, with the Pilot to the agent at Portsmouth – his daughter and two sons remain on board.

I remain
Gentlemen
Your obedient servant
Ralph Johnston\(^\text{88}\)

\(^{87}\) Miller, 1958, *Early Victorian New Zealand: A Study of Racial Tension and Social Attitudes 1839-1852*, pp 36-41

\(^{88}\) Petrie, ‘London 1840’, *Immigrant Ships To New Zealand*. 
When reading this letter it can be assumed that this was not the first time such a situation had occurred on a voyage. Also there is no mention as to the fate of the children of James and Frances Seymour, it therefore can be assumed that somebody on board took care of the children or perhaps the children were of an age where they are capable of caring for themselves.

One of the first New Zealand Company ships to depart London was the *Aurora* which set sail on the 22\(^{nd}\) of September 1839 and arrived at Port Nicholson, Wellington on the 22\(^{nd}\) January 1840. Upon arrival in New Zealand Maria Glover, who was twenty seven years of age, and a mother of an eleven month daughter, fell in one of the hatchways of the ship which resulted in her death. One of the passengers, Harriet Langford, who had already disembarked heard of Maria’s accident and was aware that she was soon to die. Harriet decided to travel from her new home back to the ship to be with Maria. When Harriet arrived she found Maria to be in a very poor state and she died at midnight that evening. Before passing Maria asked Harriet to promise to take care of her child of which Harriet agreed she would. As it was Maria had a husband who was reported as a vagabond and after he had upset many of the settlers he took the child and left for Sydney.\(^{89}\) Situations like this must have occurred in other instances although I have not been able to obtain information on these during my research. I would assume that situations like this where a mother is on her death bed would request the assistance, of possibly the person nursing her, in the hope that her child or children would be cared for once she died.

There were also instances where women and men who had become widows, would marry in order to provide their children with parents. As this excerpt discusses

It was in 1841 that the ships *Will Watch*, *Arrow* and *Whitby*, under the charter to the New Zealand Company with Captain Wakefield in command, sailed into Tasman Bay and anchored near the mouth of the Motueka River …

Captain Wakefield’s expedition consisted largely of married men whose object was to find a suitable place to settle and to prepare homes for their wives and children. These, with other immigrants, followed in vessels chartered by the Company, one of which, the *Fifeshire*, was wrecked in leaving the harbour. At least one mother died on the voyage and left several young children; another arrived to find that her husband had been buried a few days previously, and that she was left a widow with a young family. The two remaining parents did the obvious thing – they married, and thus provided parents for both families.⁹⁰

Again it could be assumed that this was not an uncommon occurrence as it would be of benefit for both parents and the children.

When Wakefield set up his Company he believed that they would be able to leave behind poverty and the poorhouses. Unfortunately he was misguided as more and more settlers arrived to New Zealand, there was not enough employment for everyone, the settlers did not own land to make them self-sufficient, the settlers lives were not improving but staying the same if not worse. There was no English Poor Law, no poorhouses, no infirmaries, of which was becoming increasingly necessary not only for the settlers but for Māori who were dealing with the new imported diseases; poverty within New Zealand was inevitable.⁹¹ This was a new colony with no legal systems yet put in place to help deal with the situation of the rising destitute within the settlements. New Zealand was not yet equipped with the same or even similar interventions to care for destitute children. It would be a few more years before education would be introduced to assist in the care and maintenance of destitute children.

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⁹¹ Sutch, 1941, *Poverty and Progress in New Zealand*, p. 38
Chapter 3
Interactions In The Early Colony Settlements

The New Zealand Company’s plans of establishing townships were well underway and thousands of immigrants were arriving. Life at this time was evolving for Māori and Europeans alike, with the townships being erected within close proximity to Māori kāinga on land purchased (or not as the case may be), with an increased amount of interaction between the two cultures. Māori were not always perceived by Europeans in a positive way nor were they viewed as equals. This chapter will focus on the interactions between Māori and Europeans and the care of children within these early colonial settlements. As this is the beginning of my discussion into the Crown Colony period of 1840 to 1852 I believe it is important to have an understanding of how this governing system works. Therefore I will begin this chapter by discussing how and for what purpose the Crown Colony government was established. Included in this discussion will be the issues that the New Zealand Crown Colony government had to deal with in regard to gaining assistance with the Colonial Office in London. By doing this I hope to give an understanding as to how and by whom decisions were made regarding the social situations in this and the following two chapters. The establishment of early settlements will not be discussed in depth in this dissertation. However, it is important to have an understanding of the locations of these settlements. I will therefore give a brief overview of where the European settlements were along with how Māori adopted some of the practices of the Europeans into their kāinga. This chapter will explore European perceptions of Māori and what they believed would be most beneficial for this ‘inferior’ race, especially in regard to the raising of children. As interactions between European men and Māori women continued, the number of half-caste children rose significantly. During this period there were separate rights for Māori and Europeans, as half-caste children were part of both of these worlds this section will discuss what was perceived to be their rights. Also examined in this chapter will be European beliefs on the most
appropriate method of raising half-caste children. As more settlers arrived in New Zealand the New Zealand Company began to encounter difficulties in providing these skilled labourers with employment. This led to a reduction in wage rates and many others left in unemployment. The economic problems that affected all of the early settlements, which led to many settlers becoming destitute, will be discussed. Due to the exponential increase of labourers brought into the country by the New Zealand Company there was not enough work available for them all as had been promised before their journey to New Zealand. Consequently, this led to those who were employed receiving reduced wages, with others not being engaged in any form of employment. Families became affected by this situation as the little money they were receiving was not enough, the resulting effects of this deficit will also be discussed.

**Crown Colony Period 1840 – 1852**

The Crown Colony Period began in 1840, on the signing of the Treaty of Waitangi, through to 1852 when New Zealand Parliamentary system was established and New Zealand was divided into provincial areas. Therefore the next period was known as the Provincial System up until 1876. It was the Colonial Office in Britain that provided the money and men in order to establish a colony in New Zealand. Although initially the Colonial Office in Britain was not in favour of colonising New Zealand it became a necessity as some kind of governing system needed to be installed in order to gain some control over a lawless society. Correspondence was received from missionary societies opposing the idea of the settlers of this colony being granted self-governance. At this stage Colonel Wakefield’s plans to colonise New Zealand were well under way and as his first ship of settlers, the *Tory*, was getting ready to sail the Colonial Office was still in its early stages of organising the annexation of New Zealand. The Colonial Office intentions were to avoid the colony being governed by the settlers. James

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92 McLintock, 1958, *Crown Colony Government in New Zealand*, p. 77
Stephen, the Permanent Under-Secretary of the Colonial Office 1836, believed as he was drafting the memoranda for a colony in New Zealand that the settlers should be able to receive some sort of representative government in order to rectify local problems. Captain Hobson was appointed as the suitable person to voyage to New Zealand with his legal instructions on annexation of New Zealand. Once Hobson arrived and the Treaty of Waitangi was signed and New Zealand was then under British Sovereignty, New Zealand then became a sub-colony of New South Wales for the first fifteen months. This was to only be a short term arrangement as it soon became necessary for New Zealand to become independent from New South Wales. The separation from New South Wales came about due to arguments between New Zealand and London in regard to early land laws. This resulted in many public meetings being held in New Zealand requesting New Zealand be separated from New South Wales. London merchants supported evidence of the New Zealand Company which convinced the House of Commons in August 1840 that separation should be done without delay. This led to the issuing of two proclamations in 1841 by Captain Hobson which announced the separation of New Zealand from New South Wales and the establishment of the Crown Colony whereby Hobson named the three islands of New Zealand New Ulster, New Munster and New Leinster. The second proclamation was that Hobson was appointed Governor and Commander-in-Chief of New Zealand Crown Colony. Through this initiative of the Crown Colony Government a Legislative and an Executive council was established. This Government gave the Governor of New Zealand powers whereby he followed instructions from the London Colonial Office although he also had the authority to enforce decisions at his own discretion. All in all it was the Crown who were to maintain authority of the Colonial Governor as Shrimpton describes the role of the Crown Colony office as;

93 Ibid. p. 76
94 Ibid. p. 96
95 Shrimpton and Mulgan, 1921, *Maori & Pakeha: A History of New Zealand*, pp. 94-96
96 Ibid. p. 96.
The essential characteristic of Crown Colony government was that all legislative and executive powers were vested by the British Government in a representative appointed by it and owing responsibility to it alone. The Crown maintained its supreme authority by reserving a right of veto over all acts of its representative, the Colonial Governor. The powers of the Governor, as being delegated powers, were partly discretionary and partly defined by his instructions. Within the limits which his instructions prescribed, his authority was absolute. Indeed, a Governor of initiative, prescience, and courage might act in defiance of instructions and have his action approved.\footnote{Ibid. p. 93}

The problems that this new Crown Colony government faced came in many forms, a significant one being the insufficient funding that from the Colonial office in London which inevitably resulted in a colony facing bankruptcy. This was due to the Treasury at the London Colonial Office relying on Stephen’s guidance as to how the costs of the colony were to be established. One of the issues here is that Stephen made all his decisions in regard to the colonies without actually having gone to any of them. As a result Stephen gained all of his knowledge of New Zealand through second-hand sources.\footnote{McLintock, 1958, \textit{Crown Colony Government in New Zealand}, p. 76} Therefore Stephen decided that Hobson should establish the colony administration on a moderate scale and believed that the general expenses of the government would come from the revenue raised within the settlement itself. When New Zealand separated from New South Wales Stephen had to amend the original plan therefore listing all the necessary requirements that a new colony would need. He believed that £20,000 would be sufficient and the general expenses would be raised through land sales and customs.\footnote{Ibid. p. 90} As it was to work out the funding given was not sufficient monies to ensure the wellbeing of the colony of New Zealand. Hobson reported to the Colonial Office in London regarding insufficient money being supplied to the Colony however the London office was not forthcoming with more funds. When FitzRoy took over from Hobson, he was only in this new position for three months when he contacted the London office to advise that there were insufficient funds being received for the New Zealand colony. New Zealand was bankrupt with the administration being supported by the unsubstantial parliamentary grants being received from London. It was not until the close of
the Crown Colony period that the Treasury realised their miscalculations and started being more generous in their releasing of money to the colony.\textsuperscript{100} When Sir George Grey came into the position of Governor he tended to follow the same principles of Stephen in that they were both in favour in upholding the native cause and in opposition to the New Zealand Company idea of colonists as a self-government, although for different reasons. In the end the policy of the Crown Colony government of New Zealand was:

plainly marked in the tenacious efforts of the colonists throughout the period to gain certain clear-cut objectives – a more liberal interpretation of the treaty, a greater opportunity for extensive settlement and, above all, an unqualified right to shape their own political destiny.\textsuperscript{101}

In writing this background with regard to structure of Māori society, British laws and the Crown Colony period, my intention is to enable a better understanding of the situation within the society when decisions were made in regard to the welfare of the settlers.

\textit{Location of Early European Settlements and their effect on Māori kāinga}

The first township of New Zealand was Kororāreka initially a whaling station, that grew in to a township and also where the first Christian Mission Station was established by Samuel Marsden. The settlements that followed were the ones established by the New Zealand Company and became the colonies of Wellington, Nelson, New Plymouth, Wanganui (Petre), Dunedin and Christchurch. Auckland too was an early settlement, although not established by the New Zealand Company (see figure 11).

\textsuperscript{100} Ibid. pp. 92-93
\textsuperscript{101} Ibid. p. 97
Figure 11 Early New Zealand Settlements
(photo courtesy of the Alexander Turnbull Library, Wellington, New Zealand.)
There were many changes within Māori kāinga with the adaptation of European skills, technology and crops. Although some of these kāinga changed to a more European style, they did not alter the community existence of these people. In fact by adopting many of the European skills they were able to establish their own economic ventures through trade with nearby European settlements.

How was it that Māori were able to adapt their own culture to include that of Europeans?

John Miller states that

the Maoris [sic] must either submit to the superior logic of the Wakefield System or suffer the consequences … as things turned out the Maoris [sic], with their inquisitive, instinctive love of life, gradually acquired new techniques, new habits, manners, tastes and accredited dogmas, while retaining a good deal of their own culture. 102

Changes to Māori society with the introduction of new technologies, skills and foods altered the lifestyle of the whole kāinga. These changes included some kāinga, such as at Otaki reported by Rev. Octavius Hadfield, as having European style cottages that were established for individual families and although these individual sections had been created he was unaware of any individual sales. 103 It could be seen in some Māori villages that European skills and technologies had been adapted by Māori in the way of farming with cultivations including potatoes and wheat. The differences observed between Māori farmers and European farmers was that Māori preferred to work in unison rather than individually. By adopting this process Māori were able to sell their goods within the settlements at a price that was less than that of European farmers. This would be done once a month as Māori would gather their merchandise together and as a group, men, women and children, would journey to

102 Miller, 1958, Early Victorian New Zealand: A Study of Racial Tension and Social Attitudes 1839-1852, p. 97
103 Ibid.
the European settlements. Once they were ready they would move around the settlement gaining the best prices they could for their goods.104

European Perceptions of Māori and their belief on the correct way of raising children

Although Māori had been able to adapt quickly to European skills and technology there did not exist an equal relationship between the two cultures. Angella Ballara cites K.R. Howe in regarding European perception of Māori adaptability

"Europeans are active, the islanders passive; Europeans call the tune, the islanders dance to it. Indeed most of these studies are really about Europeans and what they did. They are the subjects. The islanders are in the background, slightly out of focus, having things ‘done’ to them."105

As this quote indicates Europeans saw themselves as superior to Māori who were portrayed as the passive native/child needing to be led into the world of the Europeans. Many Europeans believed that it was important to ‘civilise’ Māori to the European language, manners and way of life. The early newspapers of New Zealand have many descriptions of European perceptions of Māori and their beliefs on what would be best for Māori, not always agreeing with the methods of the missionaries,

One of the first measures indispensable to any successful attempt to bring the natives within the pale of civilization, is to teach them our language, and so far as we can, to cause them to forget their own ... It is nothing less, in short, than to change the nature of the savage, and to raise him to the level and standard of civilization. And it is a grave error to be imputed to the efforts of the missionaries in their attempts to convert the natives, that they have too much overlooked or neglected this important point: they have been, for the most part contented with making the native a Christianized savage; whereas, the great object to be obtained is, to make him a civilized Christian.106

This article discusses the use of educating Māori children “to speak, to think, to act as Englishmen”107 in order to produce a ‘civilised’ Māori race. In this way Māori would soon

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104 Ibid. p. 101-103
106 1845 New Zealand Spectator and Cook’s Straits Guardian, p. 2
107 Ibid.
become accustomed to the way of the Europeans which was perceived to be the ideal situation for Māori.

**Half-caste Children**

Of course there was also another issue for Europeans and that was the increase of half-caste children. These largely were the result of marriage between European men and Māori women, or a liaison between the two. In most cases this was the arrangement and although not an impossibility, I have not come across any evidence for this time period of Māori men marrying European women. Children born within these types of marriage were sometimes raised within the early European settlements although there were some European men who had immersed themselves within Māori society, these men were known as Pākehā-Māori. These were early arrivals of European men who had jumped ships with overbearing or cruel captains, leaky ships or who were escaped convicts and desired a different lifestyle. These men soon became part of a kāinga where they often married Māori women and had children. They lived by Māori customary law and were protected by their new whānau from the life he had escaped from. In return the Pākehā-Māori would provide what knowledge he had in regard to skills and techniques in horticulture and animal husbandry. Through their knowledge of the English world the Pākehā-Māori would become valuable within the kāinga as interpreters, mediators and negotiators should they be approached by traders, explorers or missionaries.108

The half-caste children that were born as a result of an affair would be raised with their mother, within her kāinga. It is these children who have been portrayed as “the children of misfortune, and as such, are too often neglected and despised”.109 One of the crucial issues for half-caste children, are the rights to titles of their mother or father’s land. For Māori land is passed on through their customary lore while within European culture land is handed down

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109 1843 'The Eruonesians, or the Children of European and Native Parents', *Daily Southern Cross*, p. 2
from father to son, a law that was brought over from Britain and continued in the new colonies. With the establishment of the Treaty of Waitangi in 1840, surely the children would have the same rights as British subjects and therefore entitled to inherit properties from their father as well as being entitled to rights and privileges from their Māori ancestry through customary lore. But this did not always occur.\textsuperscript{110} There is one example of a Mr. Maxwell who was a European settler with a Māori wife and had obtained a number of properties from Māori before the Government was established in New Zealand. Mr. Maxwell had a number of children, half-caste, for whom he endeavored to provide good European education by sending them to Sydney. He then one day died by drowning. At this time his children were too young to take over the land, it is shown in the article that the mother is also left with no authority over his land, the outcome is as follows

He has since been drowned, his lands are unclaimed, unoccupied and useless to his family, from comfort and civilization his children have been reduced to want and to barbarism itself. His young sons whom he endeavored to educate and to bring up as civilized beings, are now living with the natives almost naked, and dependant on their bounty for their bread. Their father’s property has been by this Government rendered valueless, their right to it is denied, and they will themselves become savages and heathens. They have no protector, no one to look after their interests, or that of their parent and her other children.\textsuperscript{111}

This article was written in an effort to assist half-caste, or as the article names them ‘Euronesian’ children. The writer’s hope was that possibly some benevolent charity or religious group would read this article and they would appoint a protector or establish some kind of institution that would care and educate these Euronesian children so that they were not reduced to becoming savage heathens.\textsuperscript{112} This is one example of how Europeans perceived half-caste children and provides evidence that those with European blood were seen as even more deserving of a civilised life. With the number of half-caste children rising around the

\textsuperscript{110} Ibid.
\textsuperscript{111} Ibid.
\textsuperscript{112} Ibid.
country, some thought it was necessary to intervene in order to rescue them from an uncivilised life.\textsuperscript{113}

\textit{Economic Difficulties in the Early Settlements and the effects on Families}

With the arrival of yet more immigrants to the early settlement colonies there was bound to be some kind of problem providing ample employment for all of the skilled labourers disembarking. This led to discontentment within the colonies. Had the New Zealand Company not sold New Zealand land in London before purchasing and had the land been available upon arrival of the settlers to New Zealand, then perhaps there may not have been the intense hardship and suffering that the settlers endured. Many emigrants had to wait up to eleven months, if not longer for suburban and rural lands to be ready for occupation. Also much of the land that was allocated to the settlers was of an inferior quality and complaints were numerous. Although this would have definitely been an extremely difficult time for the settlers it was not as difficult as the unavailability of employment or the low income that was provided for those in employment. This was due to the excess of labour force within the settlement, the consequence of this is, in some instances, the settlers becoming reduced to near starvation.\textsuperscript{114} By 1843 Nelson was reported to be in this situation\textsuperscript{115} but it was also prevalent within the other settlements in New Zealand.\textsuperscript{116} A system was devised by William Fox, who became the Resident Agent in 1843, concerned with the grievances that the labourers held. He established a system whereby each labourer was assigned twenty-four yards of ditching for eighteen shillings a week. Those who completed their task within a couple of days were granted time off to spend on their land that was leased from the Company. This generous system of Fox’s worked well until the Company’s finance were exhausted then with the remaining rations he shared these out in order to prevent famine and riot. He also placed the men with their families on small sections of wilderness land. Many were near

\textsuperscript{113} 1848 ‘To the Editor of the Southern Cross’, \textit{Daily Southern Cross}, p. 2
\textsuperscript{114} Shrimpton and Mulgan, 1921, \textit{Maori & Pakeha: A History of New Zealand}, p. 125
\textsuperscript{115} Tennant, 1989, \textit{Paupers and Providers: Charitable Aid in New Zealand}, 245 p.11
\textsuperscript{116} Shrimpton and Mulgan, 1921, \textit{Maori & Pakeha: A History of New Zealand}, p. 125
starvation living off flour and sow-thistles. With the unavailability of food the people became very weak which resulted in only having the strength to work for a couple of hours at a time. Those who suffered particularly were the young mothers as they struggled to keep their strength to enable them to care for their family.\textsuperscript{117} It was not until 1846 that there was some improvement in this situation and the colonies were able to slowly escape this crisis.

Through Māori adaptation of European skills, technology and crops they were able to establish a trading economy with the early settlements. Although Māori were tolerated by Europeans in the settlements they were always viewed as inferior therefore leading Europeans to dictate what they thought was in the best interest for Māori. As there was a rise in half-caste children through the relationships between European men and Māori women, some through marriage and some not, there became an issue on the rights of these children as well as what was perceived to be the best care that was appropriate for the children. Although this seems to contradict the Treaty of Waitangi where Māori were to be treated as British subjects, surely with half-caste children this would be even more so. The influx of labour immigrants to the new colonies of New Zealand eventuated in a time when land was not readily available nor was there enough employment to ensure a healthy lifestyle. As can be seen this is the same situation that was created with the rural-urban migration of the peoples living in Britain. In an attempt to leave behind the problems of poverty in England, the New Zealand Company ended up creating the same situation in New Zealand.

\textsuperscript{117} Miller, 1958, \textit{Early Victorian New Zealand: A Study of Racial Tension and Social Attitudes 1839-1852}, pp. 124-125
Chapter 4
Destitute Persons Relief Ordinance 1846

In the early years of the colonial settlement there had arisen problems in relation to husbands deserting their families, leaving the mother to try and maintain the family. This was compounded by the rise in illegitimate children, many of whom were half-caste. In an effort to try and make fathers responsible for their children an Ordinance for the Support of Destitute Families and Illegitimate Children was established in 1846, or more commonly known as the Destitute Person’s Relief Ordinance 1846 (see Appendix I). The purpose of this chapter is to ascertain what the ordinance entailed, who it was established for and how effectively it was carried out. In order to gain this information my intention was to acquire examples of this Ordinance in action. Unfortunately I have been unable to gain any records from Archives New Zealand in Wellington, where I had assumed the records would be held. I then proceeded to search past newspapers for the period of 1846 until 1860 of which some information has been recorded but none in regard to the placement of children. This Ordinance is important as if it had not been established it would be uncertain as to how mothers would be able to care for their children. To continue the theme of my dissertation this chapter focuses on the care of children who were, illegitimate, destitute or neglected and examines whether this Ordinance in fact helped or hindered. An examination into the discussions that were held in Legislative Council when establishing and correcting the contents of the Ordinance to a position that was satisfactory to the councillors will be explored. Through these discussions my aim is to evaluate who this Ordinance was established for, whether European, Māori or half-caste. Examples of this Ordinance being enacted will also be used throughout to illustrate its use.
Legislative Council Discussions regarding the Establishment of the Destitute Person’s Relief Ordinance

During the establishment of this ordinance there were many discussions reported in the newspapers at the time. The Governor stated that the first objective of this Ordinance “was to relieve the Government from the support of people who had relations competent to sustain them.”\textsuperscript{118} Clause four of the Ordinance is in regard to women who were deserted by their husbands, this was to ensure that the husband provided support maintenance for their wife and children. There was some debate as to the possibility of the husband leaving due to the wife being of “notorius bad character” and that he should therefore not be compelled to stay with her or continue to provide for her. Through the discussions in regard to the character of the wife it was agreed that the wording in regard to the husband leaving would be altered from “unlawfully deserting” to “unlawfully deserting without reasonable cause”.\textsuperscript{119} This would provide the husband with a valid reason for his departure, should this be his reasoning. Should a woman bring to the courts attention that her husband had no reasonable cause for leaving, she would have to prove to the magistrate the contrary.\textsuperscript{120} The recordings that are published within the newspapers of the time do not always elaborate on the court session in regard to women charging men with deserting without reasonable cause. Examples that have been obtained are from the year 1859, however, in regard to these issues I have not been able find recordings before the year 1852. These recordings are very brief and the only indication that perhaps the woman was unable to prove that her husbands’ desertion was ‘without reasonable cause’ is in the fact that the case was dismissed. “Saturday, July 2. Charles McAleer was charged with deserting his wife and 6 children. Case dismissed”.\textsuperscript{121} Recordings can also be found where the wife has been able to provide evidence that her husband has deserted her without reasonable cause such as

\textsuperscript{118} 1846a ‘Legislative Council’, \textit{New Zealander}, p. 3
\textsuperscript{119} 1846b, \textit{An Ordinance for the Support of Destitute Families and Illegitimate Children}, pp. 213 - 217
\textsuperscript{120} 1846a ‘Legislative Council’, \textit{New Zealander}, p. 3
\textsuperscript{121} 1859b ‘Resident Magistrates Court’, \textit{Daily Southern Cross}, p. 3
William Jennings was charged by his wife with deserting her and his four children, contrary to the provisions of the “Destitute Persons Relief Ordinance.”

Guilty: Ordered to pay a fine of £5, and to pay 20s. weekly towards the support of his family for 12 months.\textsuperscript{122}

Clauses five, six and seven of the Ordinance are related to illegitimate children and proving who the child’s father is in order for the mother to gain support in raising her child. Within the Ordinance it states that two Justice’s of the Peace will look at evidence from both the alleged father and the mother of the child to make their decisions. I have found one example of a mother charging a man for refusal to support his infant. In this example it provides evidence from both parties in regard to proof and the decision that the Justice of Peace arrives at.

RESIDENT MAGISTRATE’S COURT
Wellington, 9\textsuperscript{th} July, 1847.
Before Henry St. Hill, Esq., R.M.
Gooden v. Nicol.

William Nicol appeared upon summons to answer the charge of having refused to support the male infant of Caroline Gooden, of which it is alleged he is the father.

This case was adjourned from Monday last in consequence of the illness of a witness, stated by Mr. Ross to be a material witness, for the defence of his client.

Mr. Ross took an objection on the 5\textsuperscript{th} clause of the Destitute Relief Ordinance, which provides the “On complaint on oath made before any Justice of the Peace by the mother of any \textit{European or half caste illegitimate child}, it shall be lawful for &c.” He argued that a child born in New Zealand could not by any construction be a European child. The Magistrate overruled this objection, he observed that a \textit{reasonable} construction was to be put upon the words “\textit{the mother of any European child.”}\ He believed the rule to be that too much stress ought not to be laid on the literal meaning of the Ordinance, and that the spirit and intent of the legislature ought to be regarded in the construction of the words in question.

Mr. Ross then took an objection to the jurisdiction of the Court, which was also overruled.

Mr. Ross’s witness being still confined to the military hospital by indisposition, the case was adjourned until such time as Mr. Cator, on the part of the complainant, and Mr. Ross for the defendant, could ascertain when the witness would be well enough to attend.\textsuperscript{123}

RESIDENT MAGISTRATE’S COURT
Wellington, 19\textsuperscript{th} July, 1847.
Before Henry St. Hill, Esq., R.M.

Gooden v. Nicol

This case which has been adjourned several times, came on for final hearing this day.

From the evidence of the plaintiff Caroline Gooden, it appeared that the consequence of the intimacy between the defendant and herself, the latter end of August 1846, was a male child, which was born the 9\textsuperscript{th} May 1847. She stated that the defendant had

\textsuperscript{122} 1859a ‘Resident Magistrate’s Court: Wednesday, October 19.’ \textit{Daily Southern Cross}, p. 3

\textsuperscript{123} 1847c ‘Resident Magistrate’s Court’, \textit{New Zealand Spectator and Cook’s Strait Guardian}, p. 2
kept company with her and had promised to marry her. The plaintiff was cross-examined at
great length by Mr. Ross, but her evidence was not shaken in any respect.

Mr. Ross, in addition to the former objections raised by him on the part of the
defendant, which were given in our report of the previous hearing, objected that no proof of
the identity of the child had been offered, and also that the child had been born within forty
weeks from the time of the complainant’s intimacy with the defendant as stated in her
evidence. The Magistrate overruled both objections, and the defendant was ordered to pay
3s. 6d. a-week in support of the child, and costs.

Mr Cator appeared for the plaintiff, and Mr. Ross for the defendant.\textsuperscript{124}

There was much discussion in regard to the placement of half-caste children. One of the
members of the Legislative Council, Mr. Domett, had concerns in regard to half-caste
children being raised with their Māori mothers within her kāinga. In clause eight of the
Ordinance fathers of illegitimate half-caste children were to pay extra money for the child’s
education in the English language and the duties of the Christian religion.\textsuperscript{125} This was
because Domett believed that children being raised within their Māori environment would be
no better than an uncivilised savage of which no civilised person would desire to employ as
an apprentice. Domett proposed that half-caste children should be raised by European
women who would be able to educate these children as civilised European children. In order
for this to occur Domett suggested a reduction in payments should the father be able to have
the child awarded to the custody of a European woman.\textsuperscript{126}

This Ordinance was in-depth in the fact that it covered most situations in which a child may
find itself in a state of destitution, abandonment or neglect. In clause ten, should the mother
of an illegitimate child die or become insane then the child shall be placed into the custody of
a person whom the Justice’s of the Peace deems fit. As the Justice’s of the Peace has the
authority to place the child with their believed appropriate person, they also have the
authority to revoke the custody should they believe this necessary. For those who become the

\textsuperscript{124} 1847d 'Resident Magistrates Court', \textit{New Zealand Spectator and Cook's Strait Guardian}, p. 2
\textsuperscript{125} 1846b, \textit{An Ordinance for the Support of Destitute Families and Illegitimate Children}, pp. 213 - 217
\textsuperscript{126} 1846a 'Legislative Council', \textit{New Zealander}, p. 3
custodial parents of the child, they are then able to apply for support payments as if they were themselves the child’s mother.\textsuperscript{127}

Clauses eleven through to sixteen of the Ordinance are in regard to the child on reaching the age of fourteen being placed as an apprentice. This placement is once again made by the Justice of the Peace with the consent of the parents, if able to be obtained, otherwise without the parents consent. The Justice of the Peace position is to then ensure that the master or the mistress of the apprentice child is maintained in clothing, wages and treatment. There are solutions to issues of the apprentice misbehaving and the mistreatment of the master to the apprentice. Whereby should there be any mistreatment by the master or mistress towards the apprentice then the Justice of the Peace has the authority to cancel the apprenticeship. Should the master or mistress die then the Justice of the Peace has the authority to find an alternative master or mistress for the child or cancel the apprenticeship, whichever the Justice of the Peace deems most appropriate. If the Justice’s of the Peace believe that it would be in the apprentices best interest to remove the child from their current situation and place them in an alternative one then they also have this authority.\textsuperscript{128}

As can be seen from this Ordinance, the Justices of the Peace were empowered with a vast amount of authority in regard to the care of children who are in destitute or neglected circumstances. The fate of these children’s future welfare is in the authority of these Justices, they are to ensure that payments are received from the liable parent for the maintenance of their child or children. When the husband, or father of a child, makes the decision to abandon his family he then becomes liable in providing support, by way of a monetary amount set by the court, to his wife or child’s mother for the maintenance of his family. One reason for a husband to abandon his family was for the gold-rush in California or Bathurst. As

\textsuperscript{127} 1846b, \textit{An Ordinance for the Support of Destitute Families and Illegitimate Children}, pp. 213 - 217

\textsuperscript{128} Ibid.
employment within New Zealand was at a low this was a means by which the husband could remove himself and begin his life again, often without his wife and children.\textsuperscript{129} One of the main objectives for this Ordinance is to ensure the maintenance of children who have been left in a destitute situation by their parents. By ensuring the children are educated within the European world the child will then be accepted within New Zealand society. Special attention is drawn to half-caste children of European fathers and Māori mothers and their upbringing.\textsuperscript{130} The Governor states that

\begin{quote}
no greater evil could scarcely be imagined, than a race of half-caste children coming within our circle, according as civilization progressed, who, being left without support, would have recourse to every species of impropriety, which would entail the greatest possible evil upon the future circumstances of the country.\textsuperscript{131}
\end{quote}

Through these types of comments it is unsurprising that there was a desire for the child’s European culture to be nurtured into the European society. As Europeans believed their society to be more appropriate for children who descend from a European father.

\textbf{Who the Ordinance was established for}

I believe this Ordinance was established for the care and maintenance of half-caste children who were an unexpected product of contact between the two cultures. Neither culture was necessarily able to care adequately for them. Also there is a portion of this Ordinance which is dedicated to establishing who the fathers of illegitimate half-caste and European children were. Although these seem to be the focus of the Ordinance in reality, through my research, the examples that I have found are more in relation to European women charging their European husbands with desertion, not Māori partners of European men.

The fact that this Ordinance was established in the depth that it is, gives a clear indication that there was definitely considered to be an issue in regard to the care of destitute and neglected

\begin{footnotes}
\item[129] 1851 'Saturday, June 14, 1851', \textit{New Zealander}, p. 3
\item[130] 1846a 'Legislative Council', \textit{New Zealander}, p. 3
\item[131] Ibid.
\end{footnotes}
children in New Zealand society. However I have not been able to obtain any examples related to the effectiveness of the Ordinance with the placement of children in alternative care. The effectiveness of this Ordinance is shown in the examples of estranged husbands being found guilty of deserting his family and the ex-partner being found to be the father of an illegitimate child. Also the case of the husband being charged by the wife for desertion but the case was dismissed, was possibly as a result of the wife being unable to prove that he left without reasonable cause. It is unfortunate that there are no records available in regard to children being placed in alternative care but as this is a large focus of the Ordinance I would assume that these instances did occur.
Chapter 5
Care of Children to the End of the Crown Colony Period, 1852

The 1846 Destitute Relief Persons Ordinance was one form of intervention by the Government in regard to the care of children. There were also other forms of intervention that would provide assistance to destitute children. The main intervention was the same utilised in England before the migration to New Zealand, education. Although missionaries had already commenced educating Māori, this form of education was primarily for the use of conversion to Christianity. The Ordinance for promoting the Education of Youth in the Colony of New Zealand was established in 1847 (see Appendix II). This chapter will focus on the use of Education as a form of care for destitute children in New Zealand. Within the newspapers there are discussions as to the purpose of this Ordinance as well as who were to be the main benefactors of this care. To begin this chapter I will examine the discussions that had taken place within newspapers regarding this Ordinance and how Māori and half-caste children were perceived to benefit the most through this education system. New Zealand society was establishing structures to deal with destitute children, without the establishment of poorhouses such as those in England; however, poverty was still a fundamental issue in England. In order to try and reduce the amount of paupers within the poorhouses in England, funds were established to migrate children to the colonies in the hope that they would be cared for and be given a new start in life. This system will be discussed in regard to the establishment and the outcome. I will examine if any of these children did make their way to New Zealand and what was their situation prior to departing England. Finally I will explore any further evidence of destitute, neglected or orphaned children and the process that was put in place for their care.
The Benefit of Education for Māori and Half-caste Children

In establishing the Education Ordinance of 1847 the primary focus was on the education of Māori and half-caste children although European children were not to be excluded. Education facilities had been available to those who were able to pay since the early 1840’s, leaving parents of destitution unable to send their children to these facilities. Governor Grey saw a necessity to establish a new system of education, principally established for Māori and half-caste children.132 Grey’s schooling system focused on Māori and half-caste children as all Māori were portrayed to have the same status as the destitute and underprivileged, leaving their children in need of saving. The births of half-caste children continued to rise, “many of whom are living with their native mothers, or as neglected orphans in the villages”.133 It was believed by the Government of the Colony as well as many settlers that in order for Māori and half-caste to become part of the European society then they would need to be civilised and assimilated. Especial attention was drawn to the situation of half-caste children as they were seen as a race that was in need of rescuing

Does it not call loudly on the sympathies of all possessing influence, to lend every assistance in rescuing them [half-caste] from the uncivilized state to which otherwise they seem in many cases destined.134

Within the newspapers there were many discussions into the education of Māori and half-caste children. Of important note is one that discusses the reasons behind the Ordinance and how Governor Grey established his system. When Lord Stanley, secretary of State to the Colony office, appointed Grey to the Government of New Zealand his instructions to him were:

Further, as representing the person and authority of your Sovereign, you will omit no measure within the reach of prudent legislation, or of a wise administration of the law, for securing to the aborigines the personal freedom and safety to which they are entitled, and

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133 1850 'Narrative of a Journey Through Part of the Northern Island of New Zealand, In 1849', New Zealander, p. 3
134 1848 'To the Editor of the Southern Cross', Daily Southern Cross, p. 2
the most unrestricted access to all the means of religious knowledge and of civilization provided for them by the pious zeal which has established and which principally maintains … Christian missionaries for their instruction.¹³⁵

With this in mind Grey then established the Ordinance for promoting the Education of Youth in the Colony of New Zealand. In order to do this Grey developed on the already established education that was already in place for Māori and half-caste, namely the missionary education system. The missionaries’ principle objective was in the spreading of the Gospel in order to convert Māori from their heathen world into a Christian world. Grey’s new system incorporated three distinct features. The first, being the continuation of religious education which was a continuation from the teachings of the missionaries. Industrial training in trades and manual occupations such as agriculture for the boys and domestic skills for the girls was the second feature for Grey’s education system. The purpose of this was to train the children into employment options of farming for the boys, and domestic servants for the girls. This way the children could be taken on as apprentices from the age of fourteen. The English language was the third feature, as it was imperative that Māori and half-caste children be able to speak and read English. The missionaries were to remain involved within this education system, not only in the teaching but also in the maintenance of the schools. As the missionaries had already had some association with Māori as well as an understanding of the nature of their society, missionaries were a valuable source for this new education system.¹³⁶

One example that was believed a benefit for Māori in being educated was reported as such

one of those Māori children for whose benefit the Ordinance was chiefly made. He has a physical nature, the necessities of which in after years must, instrumentally, be provided for, chiefly by his own exertions: he has an intellect to be developed and cultivated: he has social relations in which his happiness and his duty are closely and inseparably interwoven: and he is, moreover, and above all, a morally accountable and an immortal creature … His physical wants may, of course, be supplied, as those of his barbarous forefathers were, by means the employment of which he could learn amongst his untutored little fellow-savages in the bush; but for his own welfare and for the advantage of the community and country to which he belongs, it is self-evidently important that he should have industrial

¹³⁵ 1849c ‘The New Zealander Tuesday, July 24, 1849’, New Zealander, p. 2
¹³⁶ Ibid.
training by which he may be enabled to exchange his hut for a convenient habitation, his blanket or mat for the decency and comfort of European clothing, and the uncertainty of his present supply of food for the security and plenty to be derived from agricultural skill in the reclamation and cultivation of an otherwise waste and unprofitable soil. As an intelligent being, not a brute, or a connecting link between the inferior animals and man, but gifted with a mind capable of indefinitely great expansion, he needs the impartation of at least as much knowledge as will stimulate and enable him to seek for more … by which he may break down the walls of that dungeon of ignorance and degradation in which his race has been hitherto incarcerated, and emancipate himself into the light and intellectual freedom in which his more favoured fellow-creatures have long walked, rejoiced, and triumphed. This can only be accomplished by making him acquainted with the language of a civilised people … we should aim at grounding our young native pupil, as we ground our own children, in the elements of a solid English education. He will stand in various relations to others, such as a subject, a citizen, a neighbour, a husband, a father, a master or servant; all these relations are designed and adapted to produce benefit to himself; but his full realization of the benefit will mainly depend upon a right performance of his relative duties; we should therefore inculcate both the knowledge which will give him an adequate understanding of the nature and extent of those duties, and the principles which lead to a faithful discharge of their obligations … What though that little Maori child is squalid, repulsive, and precociously brutalised, - looking like what perhaps he is, the neglected son of a barbarian mother and a cannibal father, yet has he within him a vital spark which shall outlive the wreck of matter and the crash of worlds … Then, whatever else you do or do not, teach him, see that you impress upon him this momentous truth in all the solemnity of its thrilling reality. Think of, and tremble at, the possible or probable consequences of educating a people – especially a people who are but just in the first stage of transition from heathenism and barbarism – in a knowledge which is not pervaded throughout by the purifying, enabling, and restraining influences of religion.\footnote{Ibid.}
educated. Also within this article a discussion is written in regard to the arrangements of half-caste children becoming boarders and being placed under the care of ‘a respectable settler and his wife’.\textsuperscript{138} Also at Otawhao a boarding school was established for Māori and half-caste children. This school accommodated both boys and girls in separate wings. The article itself states that “we view the undertaking as especially important on account of its direct bearing on the welfare of the much neglected Anglo-Maori race”.\textsuperscript{139} There were a number of schools established primarily for Māori and half-caste children for their benefit to not only be educated but to be provided with care. This Ordinance was primarily established for Māori and half-caste children but it did not mean that European children were to be excluded, therefore there were educational institutions established for the education and care of all children. This was the first education Ordinance and in years to come it would be amended “for the education of children of both races, and of children of other poor and destitute persons being inhabitants of the Islands in the Pacific Ocean”.\textsuperscript{140} I believe that through my research it is quite clear that Māori and half-caste children were placed into the same category of destitute and neglected even though there had been no evidence that these children were without parents. As it was perceived that if a person did not live as within a ‘civilised’ European world then that person would be considered to be destitute.

\textit{Establishment of Child Immigration to the Colonies}

Many children of destitute and neglect were involuntary migrated from Britain to the many colonies, including New Zealand. A society was established called the “Society for the Suppression of Juvenile Vagrancy” who were concerned about how there were a number of children who were living on the streets, either by choice or not, living a life of crime so as to exist.

\textsuperscript{138} 1849a 'New Zealand Spectator, and Cook's Strait Guardian', \textit{New Zealand Spectator and Cook's Strait Guardian}, p. 2
\textsuperscript{139} 1849b 'The New Zealander Saturday, September 8, 1849', \textit{New Zealander}, p. 2
\textsuperscript{140} Wheelan, 1956, \textit{The Care of Destitute Neglected and Criminal Children in New Zealand 1840-1900}, p. 13
The immense number of children who were daily turned on the streets to get their living, no matter how, was doubtless a fruitful source of crime, to remedy which, was the object of this Society, and to form a nucleus, as it were, that might be surrounded by the whole country.¹⁴¹

This society proposed to gather these children of misfortune and forward them to the British colonies where they would gain employment in agriculture or other services that they were fit to be employed in. In doing so the Society would contribute an amount to the transportation of the children to their location, initially these children were sent to Cape of Good Hope. This did not prove to be beneficial to the children as once the ship they were on left England, no longer did the society have any control over the care and maintenance of these children.¹⁴²

**Involuntary Migration of Children to New Zealand**

Although these children did not find their way to the shores of New Zealand, children who had completed their term in the English gaol, did as it was believed by some a good idea to have these children removed so as to not be a bad influence to the children of good. The reasons that these children had become incarcerated in the first place was due to the rise of poverty and a need for the children to survive by whatever means possible, including crime. An example of such children coming to New Zealand is in regard to the arrival of the Parkhurst Boys in 1842 on the ships, *St George* and *Mandarin*. These boys who had completed their sentencing at Parkhurst Prison were sent to New Zealand where they would live and work in return for a pardon. On their disembarking in Auckland some of the citizens were unimpressed with their arrival and were quite hostile towards them.¹⁴³ An article was also written in the *Daily Southern Cross* in regard to the unkind nature these boys had been received. The following article describes the situation of some of the Parkhurst boys residing within a Māori community. This was not seen as a positive as in some instances the boys

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¹⁴¹ 1830 'Society for the Suppression of Juvenile Vagrancy', *The Times*, p. 3
¹⁴² 1842 *New Zealand Gazette and Wellington Spectator*, p. 2
¹⁴³ Petrie, 'London 1840', *Immigrant Ships To New Zealand*, p. 2
were reported to be treated as slaves as well as believing that these boys through their bad influences be detrimental to the Māori community.

Some of the country settlers inform us that several of these boys are living with the Natives at the native pahs in almost a state of nudity, or at best but covered with a rag of an old blanket. We are informed that three of them have taken up their abode with a tribe of Natives on the river Thames. Notwithstanding their ingenuity, the Natives keep them almost in a state of slavery. The moral effects of having such persons thrown among them must, as far as the Natives are concerned, be highly injurious. Cast away from their own countrymen, it is very natural to suppose that these accomplished culprits will do all they can to poison the minds of the Natives, and instruct them in all the mysteries of their own craft.\footnote{1844 'The Parkhurst Boys', \textit{Daily Southern Cross}, p. 2}

Another reason for the involuntary migration of children was the issue of removing some of the paupers in order to reduce poverty. The main principle behind this action was that should these children be out of sight then they would also be out of mind. It was also believed to be more financially effective to send children between the ages of seven to fourteen to the colonies to be maintained than it was to continually accommodate them within the workhouses or poorhouses. It was also believed that it would be in the best interest of the
child who was of a destitute nature for them to be raised in a society that would possibly remove them from a life of poverty.\textsuperscript{145}

\textbf{Other Evidence of the Care of Destitute, Neglected or Orphaned Children}

There are instances where the care of a destitute child has been placed a person outside of the family. One such instance appears in the \textit{Daily Southern Cross} where a family had been killed apart from one child who had been placed in a school. This child was then taken in by a Captain Maxwell who then took on the responsibility of maintaining the child and providing her with education.

One member of this unfortunate family still survives. A day or two before the awful occurrence took place, Lieutenant Snow and his wife had placed one of their daughters at school; she was thus spared the untimely fate of her parents and sister. We concur that Captain Maxwell of the \textit{Dido} has taken the orphan under his protection, and charged himself with her education, and future wants.\textsuperscript{146}

The care of destitute children in New Zealand is something that is not widely written about by contemporary observers apart from the evolving education system. Therefore I am led to believe that if a child is not taken in by a kind person or relative (of which very little is written about) then it is within the education system that the child is cared and maintained for. From my research I consider that education at boarding schools is the main system of care for the destitute, neglected and orphaned Māori and half-caste children. The arrival of the European children did not benefit a colony which was already showing signs of poverty and as New Zealand did not have the facilities of the poorhouses or work houses options were few. Governor Grey’s Industrial school system was one approach, although initially established for the education of Māori and half-caste, it was also open to all children who were in a state of destitution and neglect.

\textsuperscript{145} Jordan, 1985, \textit{“Stay and Starve, or Go and Prosper!” Juvenile Emigration from Great Britain in the Nineteenth Century}, 145-166
\textsuperscript{146} 1847a ‘The Funeral’, \textit{Daily Southern Cross}, p. 3
Conclusion

Throughout this dissertation my aim has been to focus on the care of children within the Crown Colony Period. Although I was unable to obtain as much information as I would have liked to in order to gain a clear picture as to the results of how children who were destitute, neglected or orphaned during the Crown Colony period; I was able to gain some insight as to how the children may have got into this situation.

Chapters One and Two gave an understanding of what Māori and European life was like before the amalgamation of the two cultures. This was achieved through focusing on the care of children and the procedures that were already in place or were established to help rectify situations of destitute, neglected or orphaned children. Chapter One focused on the structure of the whānau within Māori society pre-European contact. In particular, the roles the individuals of society played in the care of children. For Māori society children were cared for by the community as a whole or in some instances they were sent off to other family members who lived in other communities to be taken care of. What is important to note is that the children were cared for by family members and they were well aware of their whakapapa and connections within the world that they lived in.

With the arrival of European explorers to the shores of New Zealand also came the news of the abundance and plentiful supply of resources available in this new found land. As the news of this abundance reached Europe, there came an influx of whalers, sealers and missionaries to this land of plenty. The arrival of European explorers, and settlers to New Zealand produced a change in Māori society. These newcomers to New Zealand were soon welcomed by Māori as Māori became aware of the new technologies and trade opportunities they brought with them. Māori were soon acquiring new skills and technologies from these Europeans, they were
becoming more efficient in production and were adapting these new technologies to fit their purposes. Also there was a change that occurred with the union between Māori women and European men which produced half-caste children.

Missionaries on the other hand brought another kind affect and that was the conversion to Christianity. This was also the introduction of education as the missionaries taught Māori to read and write in Māori through the use of the Bible which had also been converted into te reo Māori.

Chapter Two explored how Victorian English society had its problems founded in the ever increasing numbers of people living in abject poverty. In order to realise why it was that so many people migrated from England it was important to discuss the living conditions of these people before their migration. Therefore I have discussed the structure of the average Victorian family and the role that children played in this unit. This chapter also examined the interventions that were put in place in regard to the exploitation of children as cheap labour and to combat the rising number of destitute, neglected and orphaned children. Also discussed in this chapter is the introduction of education and how this was used as a medium that would civilise the children of the streets. As poverty continued to increase, Colonel Wakefield established the New Zealand Company in order to migrate many citizens of the working class with the intention of colonisation. Wakefield believed that trying to provide a good life for European families who were living in poverty migration to New Zealand was the answer as well as providing some kind of solution to the rising poverty in England. Although this was seen as a good opportunity for the people to rebuild their lives, the journey to New Zealand was not necessarily an easy one as it was long and in some instances very uncomfortable. On these voyages many children died and many other children were separated from their parents. In this chapter I have identified some instances of this occurring but have been unable to ascertain how
the future of these children played out. What happened to them, where they lived, how they survived and who looked after them are questions that can no longer be answered as this information was either not recorded or has been lost over time.

Chapter Three discussed the interactions that occurred between European settlers and Māori. In particular how children were cared for. As the settler population continued to rise Māori society changed due to their incorporation of the new skills and technologies that they had acquired from European settlers. New Zealand had become a monetary society and kāinga now had established gardens and farms of which Māori used the products for trade. During this time the half-caste population was also increasing and it was becoming necessary to look at what was the best course of action to take in providing them with the most appropriate care. With the growing number of settlers arriving to New Zealand the society started to go in to an economic decline. With this the settlers themselves were becoming destitute as there was no longer enough employment or money to go around the settlements. This often resulted in the husband deserting his wife and children especially as news of the gold rush spread throughout the colony and therefore leaving the wife in a position of destitution trying to support their children.

Chapter Four examined the introduction of the Destitute Persons Relief Ordinance of 1846. In this chapter I discuss the purpose of the Ordinance. Many discussions were recorded within the early newspapers up to the time this Ordinance was passed. I explore the different sections of this Ordinance and how the discussions within the newspapers altered the final product. Also included in this chapter are examples of how this Ordinance enabled relief especially for the deserted wives. Also within this chapter how this ordinance provided care for the neglected child and the manner in which it was done through the authority of the Justices of the Peace was detailed. Although I was unable to gain any examples of children being placed into alternative care, but I was able to obtain examples of this Ordinance being utilised within the Resident
Magistrates Court news in the early newspapers between 1846 and 1860, mainly in respect to husbands deserting their wives.

Chapter Five discusses education as a form of intervention in the care of children within the Crown Colony period and Sir George Grey established his first industrial system. His main objective was in the education of Māori and half-caste children. New Zealand society at this time placed these children into the same category as neglected and destitute. With the establishment of boarding schools children were then enrolled and taught in industrial training as well as in the English language, reading, writing and arithmetic. This then provided society with civilised children who would be able to contribute to the society by becoming apprentices for families who required farm hands and servant girls. Although the main purpose of this education system was in the education of Māori and half-caste children this form of education was also for European children who came from destitute families. In fact special attention was drawn to half-caste children as it was believed since their father was European that they should be raised to be civilised lest they return to their mothers village and to her uncivilised way of life.

During this period there was also a continuing assistance to England as they were still having to deal with the issue of poverty. A scheme was developed in England that involuntarily migrated children to the colonies. I have discussed in this chapter the many reasons why children were migrated to the colonies. Although New Zealand did not receive the majority of these children, the Pakhurst Boys from the Pakhurst Prison were sent here to work and live, in return they received a pardon. Through newspapers excerpts I have been able to obtain information in regard to how these children were welcomed and treated within the colony. Also as some of these children found accommodation within Māori communities which I have also discussed in this chapter.
Through this research I have found that the ideas that spurred on the actions of the London colonial office were those for the concern and maintenance of the New Zealand 'natives' and not the assimilation of these natives into the norms and ideals of European society. It was however the drive and intentions of the New Zealand governors that resulted in the focus of colonial legislation and media to be on the assimilation of the New Zealand natives. Due to the fact that there is very little information in regard to children within this time frame, it has made the findings and conclusions of this dissertation rather hard to come by. However, the little information that has been gleaned has led to the apt and interesting illustration of the rights and situations of children within the Crown Colony period of 1840 to 1852.

While the Crown Colony period proved to be a difficult time for not only the new settlers but also for Māori, the new found government did try to alleviate some of the conditions of children being destitute, neglected or orphaned by the establishment of Ordinances such as the Destitute Relief Persons of 1846. This dissertation has provided some insight into how the New Zealand Colony was established with some explanations as to how it was that children of this period became destitute, neglected or orphaned. Also that Māori and half-caste children appeared to be automatically categorised as destitute and neglected regardless of whether they had parents or not. It also becomes apparent early in my dissertation that half-caste children are taken under serious consideration as the Crown Colony government focuses on the necessity of these children needing to be civilised so that they are able to function within the European society. Also, in regard to half-caste children, their legal rights are taken into serious consideration especially in regard to their rights of land ownership. Much of what occurred during this period seemed to be focused on the ‘problem’ of half-caste children whose European father had left. The relationship between Māori and settler, of which these children were the product, was still very new and both sides were attempting to adapt this situation based on their own previous experiences and beliefs.
Who Are The Great?

Who are the great? are they those who trace
Their pedigree from a noble race;
Who dwell in high ancestral towers,
The magnates of this land of ours?
If theirs be open heart and hand,
Frank, kindly speech and manners bland;
Free, liberal thought, and purpose high,
With soul attuned with sympathy;
If, though to wealth and titles born,
For poverty they have no scorn,
And in their broad and rich domains,
Labour receives its honest gains;
We quarrel not with their rank or state;
Spite of such baubles – they are great!

Who are the great? are they those who stand
In the solemn councils of the land;
Whose names are writ in history’s page,
The lights that glorify the age?
If, in their pride of place they feel
The wish to serve the common weal;
If, with a pure enlightened mind,
They seek to elevate their kind;
If the laws they frame be what Justice teach,
And alike the highest and humblest reach;
If wealth, and power, and fame, are sought
One jot or tittle we would not bate
Of homage due – they are the great!

Who are the great; have they lower birth,
The merchant princes of the earth;
Who fill the marts of every shore,
Whose ships to furthest seas explore?
If Honour, like a star serene,
Their guardian and their guide has been;
If mild Integrity hath pour’d
Its spirit on each act and word;
If of the plenty they have shared,
And to the poorer brethren spared;
If the orphan’s tear – that precious gem –
Hath gratefully been shed for them;
Rich blessings on their path await,
They are the great! they are the great!

Whatever honest worth is found,
Wherever truth and love abound;
Wherever deeds of earnest thought
In a just cause are boldly wrought,
Mark well the man! whate’er
Whether a palace or a cot;
Whether the world, censorious, blame,
Or waft applauses on his name;
As soars the cloud above the earth
He scorns the accident of birth;
His soul, imbued with that true light
Which leads it upward in its flight;
Upward, and onward! armed with fate,
The slave, not master, of the great!

J.P. Douglas

147 Douglas, 1852 'Who Are The Great?' Nelson Examiner and New Zealand Chronicle, p. 188
## Glossary

<table>
<thead>
<tr>
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<td>fortified village</td>
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Appendix I

Destitute Persons

No. IX.

AN ORDINANCE for the Support of Destitute Families and Illegitimate Children. [26th October, 1846.]

WHEREAS it is expedient to provide for the maintenance of destitute persons and illegitimate children by making the relatives of such person and the putative fathers of such children liable for their support:

Be it enacted by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:

1. The father and grandfather, mother and grandmother, and the children of every destitute person not able to support himself by his own labour, shall, being of sufficient ability, be liable to support every such destitute person in manner hereinafter mentioned.

2. On the information on oath of any respectable householder that any person is destitute and unable to support himself by his own labour, and that such person hath a father or other near relative as aforesaid within the Colony of sufficient ability to support such destitute person, it shall be lawful for any two Justices of the Peace to summon such father or other near relative and to hear and determine such information in a summary way.

3. It shall be lawful for such Justices, on being satisfied that the father or other relative is of sufficient ability to support such destitute person, to make an order on such father or other relative for payment towards the support of such person of a sum of money at a rate not exceeding twenty shillings per week to such person at such times and in such manner as the said Justices may direct, and such order from time to time to suspend alter vary or determine as to them shall seem meet.

4. Every person who shall unlawfully and without reasonable cause for so doing desert his wife, or who shall unlawfully desert any of his children under the age of fourteen years, and shall leave such wife or children without means of support, shall for every such offence forfeit and pay any sum not exceeding five pounds for the first offence and any sum not exceeding ten pounds for a second or subsequent offence, to be recovered in a summary way. And it shall be lawful for any two Justices at their discretion to order any person so convicted also to pay towards the support of his wife or children, as the case may be, such sum of money at a rate not exceeding twenty shillings per week to such persons at such times and in such manner as the convicting Justices may direct.

5. On the complaint on oath made before any Justice of the Peace by the mother of any European or Half-caste illegitimate child, or on such complaint as aforesaid by any officer duly appointed to act in that behalf, that the father of such child hath refused to provide for its support, it shall be lawful for any two Justices to summon the party charged and to hear and determine such complaint in a summary way.

6. The parties being present, such Justices shall hear the evidence of the complainant and such other evidence as may be produced, and shall also hear any evidence tendered by the person alleged to be the father, and if the evidence of the mother shall be corroborated in some material particular by other testimony to the
satisfaction of the said Justices, they may adjudge the man to be the putative father of such illegitimate child: Provided always that the evidence of the mother of any illegitimate child shall not be necessary for the making of any such adjudication as aforesaid.

7. It shall also be lawful for such Justices, on being satisfied that any such putative father shall have refused to provide for the support of any such child, to make an order on the putative father for payment to the mother of the child, or to such other person as they may think fit, of a sum of money at a rate not less than two shillings nor more than ten shillings per week, at such times and in such manner as they may direct, for the support of such child: Provided always that in every case where it shall appear to the Justices that the mother of any such illegitimate child is able to contribute to its support, it shall be lawful for them to direct that she shall so contribute as well as the father in such proportions respectively and in such manner as such Justices shall think fit; and if in any such case it shall appear that the mother only is of such ability, it shall be lawful for the Justices to make an order in respect of her alone.

8. In every case where the order on the putative father shall be made in favour of the Half-caste child, or in favour of any other person of the Native race, it shall be lawful for such Justices to make an order on the putative father for the payment of an additional sum to be applied at such times and in such manner as they may direct to the education of such child in the English language and in the duties of the Christian religion: Provided always that the sum to be paid as last aforesaid shall in no case exceed one-fourth of the sum to be paid as hereinafter provided, in composition for such sum: Provided also that when and so soon as any such child shall by order of such Justices be committed to the custody of any person of the European race, such additional sum shall cease to be paid.

9. It shall be lawful for the putative father of any illegitimate child, who by virtue of the provisions of this Ordinance shall become liable to contribute towards its support, to pay such a sum of money for that purpose, not less than ten pounds and not more than fifty pounds, in lieu of and as a compensation for such weekly payment as aforesaid as the said Justices shall deem reasonable: Provided always that in case the putative father or the mother as the case may be shall consent to place such child at any school which for the purposes of this present provision may be afforded by the Governor, it shall be lawful for the said Justices to receive from such putative father or the mother, as the case may be, any sum of money which may be sufficient to provide for the maintenance and education of such child therein, although the sum may not amount to the sum of ten pounds. For every sum of money so paid as such composition or as last aforesaid the putative father or the mother as the case may be shall be entitled to a receipt from the person to whom the same shall be paid, and every such payment shall be deemed and taken to be in full satisfaction and discharge of all liability on the part of such father or mother as the case may be for the future maintenance and support of any such child.

10. In case of the death or insanity of the mother of any child in respect of whom any order as last aforesaid may have been made under the authority of this Ordinance, or in any other case, with the consent of the mother of any such child, it shall be lawful for any two Justices to appoint in writing some fit person who with his own consent shall have the custody of the child; and any two Justices may revoke the appointment of such person and may appoint another person in his stead as occasion may require; and every person so appointed to have the custody of any such child shall be empowered to make application for the receiving of all
payments becoming due under any such order as aforesaid in the same manner as the mother of such child might have done.

11. It shall be lawful for any two Justices with the consent of either of the parents, if living and within the limits of the Colony, but if otherwise then without such consent, to bind any child in respect of whose support any such order as aforesaid shall have been made and be then in force, and who shall have attained the age of fourteen years, as an apprentice, until such child shall attain the age of eighteen years, to any trade business or employment suitable to such child; and every such binding shall be as effectual in law as if the child had been of full age and had bound himself.

12. Previously to executing any articles of apprenticeship such Justices shall inform themselves as fully as may be of the age of the child so to be bound as aforesaid, and shall cause the age of the child so ascertained to be inserted in the articles of apprenticeship, and the age so to be inserted shall thereupon for the purposes of this provision be taken to be the child’s true age without further proof: Provided also that such Justices shall take care that in every such articles reasonable provision be made for the maintenance clothing and wages of the apprentice, and for the proper and humane treatment of such apprentice.

13. Upon the complaint of any master or mistress of the misbehaviour of any such apprentice, or upon the complaint of any such apprentice of ill-usage by the master or mistress, it shall be lawful for any Justice of the Peace to hear and determine the same in a summary way, and the party offending shall on conviction forfeit and pay any sum not exceeding five pounds.

14. If it shall appear to such Justice on any such complaint that there is or has been habitual ill-usage by the master or mistress, or incorrigible misconduct in the apprentice, it shall be lawful for such Justice to make an order cancelling the articles of apprenticeship.

15. In case of the death of any such master or mistress it shall be lawful for any two Justices of the Peace to assign any such articles of apprenticeship for the residue of the term then unexpired therein, or to cancel the same as to them shall seem meet.

16. It shall also be lawful for any such Justices, on the application of any such master or mistress, to assign any such articles of apprenticeship to any other person if it shall appear to the said Justices to be for the benefit of the apprentice so to do: Provided that in every assignment the assignee shall be as much bound to perform the several covenants contained in any such deed as if he had been named therein.

17. In case the sum directed to be paid by any order made in pursuance of the provisions of this Ordinance shall be in arrear or unpaid for the space of one calendar month or upwards, it shall be lawful for any Justice of the Peace, on the application of the person entitled to receive the same, by warrant to cause any person making such default to be brought before any two Justices, and if such person shall fail to make payment of such arrears, the amount then due shall be determined by the said Justices and shall be recovered in a summary way: Provided always that if the sum to be paid in pursuance of any such order shall have been allowed by the person entitled to receive the same to be in arrear for more than thirteen weeks without making such application as aforesaid, the person liable to pay the same shall not be compelled to pay more than the amount due for thirteen weeks in discharge of the whole debt, and no warrant of distress shall be issued for more than the amount of arrears for thirteen weeks’ payment in discharge of the whole arrears.
18. If the amount of arrears so adjudged to be due as aforesaid shall not immediately be paid, it shall be lawful for such Justices at their direction to order the person liable for the payment thereof to be detained in safe custody until return can conveniently be made to any warrant of distress to be issued for the levying of nay such arrears, unless he shall give sufficient security to the satisfaction of the said Justices for his appearance before two Justices on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security.

19. In case it shall be made to appear upon oath to the satisfaction of any two Justices that any person hath quitted the Colony, or keeps himself concealed or away from his usual place of abode, and hath left his wife or children without means of support, or that such person is so absent with the intent to avoid the payment of any sum of money he may have been ordered to pay under the authority of this Ordinance, it shall be lawful for any two Justices, by warrant under their hands, to authorize some person to receive so much of the rents and profits of the real estate of such person, and to sell such portion of his personal estate as the said Justices may from time to time direct, not exceeding the rate hereinbefore provided, and to appropriate the money so received towards the support of the wife or children of such person as the case may be in such manner as to the said Justices shall seem meet: Provided always that nothing herein contained shall be construed as to interfere with the just rights claims or remedies of any person to whom the person so quitting the Colony or keeping concealed or away from his usual place of abode may be indebted: Provided also that the receipt of the person so authorized as aforesaid shall be a good discharge to any tenant or other person for all moneys paid by him and acknowledged in such receipt to be paid.

20. In case any person who may be bound by an such order as aforesaid shall attempt to remove from the Colony, it shall be lawful for any two Justices of the Peace, on the application of any officer appointed by the Governor to act in that behalf, to cause such person to be arrested and to be detained in safe custody until he shall give security, to the satisfaction of such Justices, for the due performance of such order, or shall make a composition for the same as hereinbefore provided: Provided always that no such arrest shall be made unless the person applying for the same shall make a direct and positive affidavit to the satisfaction of such Justices, that such order is then in force and unsatisfied, and that he believes that the person bound thereby is about to remove from the Colony, and shall also show in such affidavit that there is probable cause for such belief.

21. Every person who shall wilfully make any false mis-statement on oath or affirmation in any proceeding before any Justice of the Peace under the provisions of this Ordinance shall be deemed guilty of a misdemeanour.

22. If any person shall feel aggrieved by any conviction or order to be made under the authority of this Ordinance, and shall, within five days after such conviction or the making of such order, give notice of appeal to the party on whose information or complaint such conviction or order may have been made, and also within seven days give sufficient security, by recognizance or otherwise for the payment of costs to satisfaction of some one Justice of the Peace, it shall be lawful for he person so feeling aggrieved as aforesaid to appeal to the General Quarter Sessions of he Peace to be holden after the period of fourteen days next after the making of the said order, and the Justices in such Quarter Sessions assembled shall thereupon hear and determine such appeal, and shall order such costs to be paid by either party as to them shall seem fit. Every such appeal, except so far as otherwise herein provided, shall be made in manner and subject to the conditions
prescribed for regulating appeals by the Summary Proceedings Ordinance, Session II., No. 5: Provided always that if there shall be no Court of General Quarter Sessions having jurisdiction over the county or district in which any such conviction or order shall be made, it shall be lawful for the party aggrieved to appeal to the Supreme Court.

23. For the purposes of this Ordinance every word importing the masculine gender shall extend and be applied to a female as well as a male, except where the context excludes such construction.¹⁴⁸

¹⁴⁸ 1846b, An Ordinance for the Support of Destitute Families and Illegitimate Children, pp. 213 - 217
Appendix II

No. X

AN ORDINANCE for promoting the Education of Youth in the Colony of New Zealand [7th October, 1847]

WHEREAS it is fitting that provision be made for promoting the education of youth in the Colony of New Zealand:

BE IT ENACTED by the Lieutenant-Governor of New Zealand, with the advice and consent of the Legislative Council thereof, as follows:-

1. It shall be lawful for the Governor for the time being, with the advice of the Executive Council, out of the public funds of the Colony, to establish and maintain schools for the education of youth, and to contribute towards the support of schools otherwise established, as he shall from time to time see occasion.

2. Every such school shall be subject to inspection in manner hereinafter provided.

3. In every school to be established or supported by public funds under the provisions of this Ordinance, religious education, industrial training, and instruction in the English language shall form a necessary part of the system to be pursued therein; but in order to provide for the instruction of the children of parents dissenting from the religious doctrines to be taught in any such school, such children as shall attend the same as day-scholars only may, upon application to be made in that behalf by their parents or guardians, be taught therein without being instructed in the doctrines of religion.

4. Every such school shall be placed under the superintendence and management of such one of the persons named or referred to in the Schedule hereunto annexed as the Governor, with the advice of the Executive Council, shall in the case of each such school especially direct.

5. The teachers of every such school shall be appointed by the person under whose superintendence and management the same shall respectively be placed as aforesaid, and shall be removable by him at pleasure.

6. In order to secure the efficiency of schools to be supported by public funds, every such school shall be inspected once at least in every year by an Inspector or Inspectors to be for that purpose appointed by His Excellency the Governor.

7. As soon as conveniently may be after the inspection of any such schools, such Inspector or Inspectors shall make a report in writing to the Governor for the time being, setting forth the name or description of such school, the number of children educated therein, the funds out of which the same may be supported and the amount thereof respectively, the salaries paid to the teachers thereof, and the yearly cost incurred for the support and education of each pupil maintained therein, and shall also report upon the discipline and management of the school, the nature and extent of the industrial instruction pursued therein, the attainments of the children, and the state of the school generally as regard its efficiency.

8. As soon as the several schools which may be supported under the provisions of this Ordinance shall have been inspected as aforesaid, the whole of the reports relating thereto shall be together laid before the Colonial Legislature.
if the said Legislature shall be then in Session, and if not then within one
calendar month next after the commencement of the then next ensuing Session.

9. Provided always and be it further enacted, That the whole amount of the
sums to be advanced under the authority of this Ordinance in any one year shall
not exceed one twentieth part of the estimated revenue of the Colony or
Province as the case may be for such year.

10. In the construction of this Ordinance the word “Governor” shall be taken
to mean the Lieutenant-Governor or the Officer Administering the Government
of the Colony for the time being.

SCHEDULE

The Bishop of New Zealand.
The Bishop or other the head of the Roman Catholic Church in the Colony of
New Zealand.
The Superintendent of the Wesleyan Mission.
The Head or Minister of any other Religious Body who shall have engaged in
the education of youth in the Colony of New Zealand.

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1847b, An Ordinance for promoting the Education of Youth in the Colony of New Zealand, 292-293
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