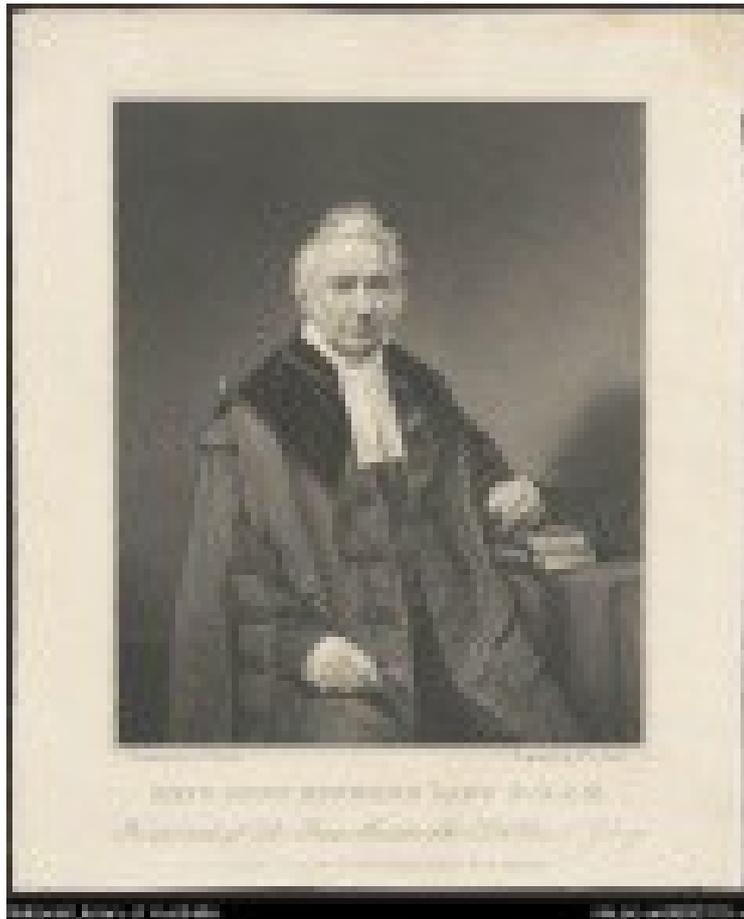


John Dunmore Lang and his Presbyterian gift to the Tiriti o Waitangi



Rev John Dunmore Lang 1873
Reproduced from the Dictionary of Sydney¹

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Whakatakoto Korero - Introduction

When church histories in Aotearoa New Zealand are recounted, you might hear Presbyterian historians lament that their church's arrival after the signing of the Tiriti o Waitangi in 1840 meant they had missed a critical opportunity to stake a strong denominational claim in the new colony. In *Forest Trails to City Streets* the Rev John Laughton sums up the total Presbyterian contribution from 1814 to 1914 by saying that "...we came too late, gave too little and then gave up what we had."²

While the Presbyterian church per se was not recorded in the early mission fields, it would be incorrect to say that Presbyterians did not make a significant contribution to the shaping of the political and religious landscape of this country prior to 1840. On the contrary, the right of pre-emption in Article One of the Tiriti o Waitangi might be considered the Presbyterian gift to the Tiriti through the advocacy work of the Rev John Dunmore Lang of New South Wales, Australia.

A charismatic and controversial minister and politician, Lang made a brief stopover in the Bay of Islands enroute to England in 1839 where he witnessed first hand the destructive impact of British annexation of Māori lands, waters and people. Lang composed four letters to the Earl of Durham, Governor of the New Zealand Land Company, lambasting the abysmal treatment of Māori, their lands and resources by officials of the Company. In doing so, Lang may have had a significant influence on the shape and spirit of the Treaty of Waitangi. In this paper, I will explore Rev John Dunmore Lang's possible influence upon the Tiriti within the wider context of his contribution to humanitarianism in this country and in doing so, demonstrate that far from Laughton's lament, Presbyterians did not come too late, they did not give too little and they certainly did not give up what they had in the early mission fields of Aotearoa-New Zealand.

Ngā Mihi

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Arohanui, Rev Wayne Te Kaawa

1. REV DR JOHN DUNMORE LANG AND HIS LETTERS

John Dunmore Lang was born near Greenock, Inverclyde, Scotland in 1799 and was dedicated to the Church of Scotland ministry³ while still a child. He graduated Master of Arts in 1820 from the University of Glasgow and two years later was ordained a minister of the Church of Scotland. The year following ordination, he joined his brother in Sydney, Australia becoming the first resident Presbyterian minister in New South Wales.

Lang ministered in New South Wales for 16 years and often found himself and his congregations at odds with the government and Church of Scotland-supported Presbytery of New South Wales. He travelled regularly to England on ecclesiastical business for the Presbyterian Church of the Australian Colonies⁴ and on his fifth trip to Britain in 1839 he pleaded a case for a new Synod with the same rights and privileges of the Presbytery of New South Wales which had earlier been enacted in law as the official Court of the Presbyterian Church in Australia⁵. Lang also intended to persuade Church and government officials that Presbyterians in the colonies should be independent of the Church of Scotland.



Rev John Dunmore Lang 1841

Reproduced from the Dictionary of Sydney 1941

It was during this voyage, that the ship the *Roslin Castle* sprung a leak at the western entrance of Cook Strait between the North and South Islands of Aotearoa New Zealand. The Captain headed for the Bay of

Islands for repairs as it was the only safe port in the country with a significant European population. At this time, New Zealand was considered a dependency of New South Wales and with a nine day furlough in the Bay of Islands, Lang took the opportunity to familiarise himself with the country and to talk with settlers to see how they are faring in the new land. Lang mixed with whalers, sealers and traders from Britain, America and France, discussed issues with local publicans and met some local Ngā Puhī leaders.

After a week and a half in dock the ship was made sea worthy and recommenced its trip to England. With three months of sea travel ahead of him, Lang used the time to write his missive '*New Zealand in 1839*'. The *Roslin Castle* made a stopover in Pernambuco, Brazil where he obtained a copy of a report written by the Earl of Durham on the affairs of Canada⁶. After reading the report and finding that the Earl of Durham was also the Governor of the New Zealand Company, Lang decided to address his letters directly to Durham with the following intentions:

1. To inform the general public in England about colonisation of Aotearoa New Zealand.
2. To make known that if Britain were to colonise Aotearoa New Zealand, an Act of Parliament would not be necessary as it was made a dependency of New South Wales in 1787.
3. To argue for the right of Crown pre-emption in all land sales past and present in light of dubious land speculation that had been taking place.

Lang was aware of the New Zealand Company plans to colonise Aotearoa New Zealand and in his four letters he decried their obvious speculative intents. He opined that the Company plans would have disastrous effects upon Māori whom he wished to protect. He cited the destruction and displacement of Aborigines in New South Wales and the extermination of Tasmanian Aborigines under similar plans. His letters were a direct appeal to the New Zealand Company to surrender what land purchases they had made and for the Company to recognise the pre-emption right of the government. If colonisation were to take place, Lang appealed that it be based upon Christian and philanthropic principles to benefit both Māori and Great Britain, and he pleaded that the Company not adopt the methods used to colonise Australia. If this could be achieved, he wrote, then Aotearoa New Zealand had the potential to become the Great Britain of the Southern Hemisphere⁷.

The four letters were thematic:

Letter 1: 17 pages examining the resident European population and their influence in Aotearoa New Zealand.

Letter 2: 19 pages critiquing the missionaries and their mission tactics.
Letter 3: 13 pages examining the economic benefits for Great Britain in establishing British colonies in Aotearoa New Zealand.
Letter 4: 34 pages detailing principles and guidelines of colonisation of Aotearoa New Zealand by Great Britain.

Upon arrival in England, Lang's letters were compiled into one pamphlet and published and distributed in London by noted publishers Smith, Elder and Company on June 7 and 8, 1839.

Thirty four years after the publication of '*New Zealand in 1839*' Lang composed a ten page appendix reflecting upon how his original publication was received in London and Australia at the time of its publication and various responses to it. The appendix was added to the pamphlet and the whole document was reprinted and re-distributed in Sydney in 1873.

In the same year that he wrote the appendix, Lang made another trip to New Zealand to present a financial claim to the government for "...having contributed at least one foundation stone to the superstructure of this country."⁸ While here, he also fulfilled a number of speaking engagements including a lecture in Dunedin on the topic of the early colonisation of New Zealand. An historian in the audience commented that "no man probably could speak on that theme with more authority than he, for before any scheme had been drafted, or an emigrant had sailed from the England coast to settle on these distant shores, he had in a series of four letters which he addressed to Lord Durham, propounded a plan of colonising these islands, which his known sagacity and large experience entitled to respectful consideration."⁹ In the next section I will review each letter within the context of the impending colonisation of Aotearoa New Zealand.

2. I have the Honour to be.....

Lang was a prolific writer and researcher, and his frequent voyages back to England provided ample time for him to write. During an earlier voyage to Britain in 1833-34, he wrote *An Historical and Statistical Account of New South Wales Both as a Penal Settlement and as a British Colony* which he had published on his arrival in London. The work was widely distributed and was favourably received with the *Westminister Review* commenting that it should have been entitled *The History of Doctor Lang to which is added the History of New South Wales*¹⁰. Whilst at home in Sydney, Lang had kept a keen eye on the New Zealand situation collecting regular reports from travellers, traders and other visitors and

the stopover for ship repairs in Kororareka in 1839 provided him with the impetus for the new publication '*New Zealand in 1839*'.

At that time, Kororareka was known in the Pacific as a lawless, dangerous place and during the nine days of the repairs Lang was able to verify the reports he had received first-hand from residents, traders and even from Māori. Indeed, his concerns for the welfare and future of Māori in the lawless community and among racketeers and convicts was the main theme of Letter 1. Each letter is dated *June* and ends with the words, *I have the Honour to be*, which was the standard form of ending a letter.

Letter I:

In this letter, Lang was concerned about the influence and pressure that the new resident settlers were having not only on Kororareka but on the whole country. By 1839, Māori were familiar with European commerce and trade which saw trading posts, settlements and towns grow around raw material processing sites and ports¹¹. The demand for European labourers, mechanics, sawyers, traders, business entrepreneurs was high and they came, lured perhaps by the opportunity to start a new life, to ply their trades and wares or more likely, to become land owners. A new wave of artisan settlers supplemented earlier convicts, sailors, whaler and sealers who had been harvesting or trading in and around New Zealand since 1790 increasing the European population to about 2000 by the time of Lang's visit.

His attention is drawn first to the negative impact of the lawless Europeans upon the Māori and his opening descriptions of settler life are quite derogatory describing them as '*the veriest refuse of civilised society*' consisting of runaway convicts and convicts who have served their debt to society'¹². In the absence of a regulated common economy, trade between Māori and European was limited to barter with muskets, gun-powder, tobacco and rum exchanged for harvesting resources, labour, provisions and land. In very short time, Māori also found themselves working to pay off debt to European traders and saloons and whore houses were often close to pā where a ready supply of women could be found.

Lang wrote that the Europeans settled disputes amongst themselves and Māori by physical force and lynching was a common response to minor infringements. The Colonial Office's appointment of Mr James Busby in 1833 as official British Resident (at a cost of £500 per annum to the New South Wales government) to combat lawlessness was, according to Lang, an utter farce: "The official British Resident stands sentinel upon the British ensign while lawlessness, injustice and oppression reign around him."¹³ Lang felt that Busby's mandate "...to seize convicts, protect Māori and well meaning British settlers and to encourage the establishment of a

form of government” was impossible without a military escort on both sea and land.

While Lang agreed that a central government (along Westminster standards) and a legal system was a priority, he disagreed with the Colonial Office’s position that New Zealand was not a colony of Great Britain and thus could not have any form of government enforced upon it. Instead, Lang felt that as a protected country under New South Wales, New Zealand could opt for a mixture of local customs and colonial principles as a central governing body as was the case in some South Pacific countries. There, ten to twelve powerful chiefs each supreme rulers in their own regions combine to form a central government enforcing laws and regulating trade. He did comment however, that Māori had innumerable independent chiefs many of who were still at war with each other and that such a system would take some time to put in place¹⁴.

Whether as a mixture of British government and local customs, or as an interim government, Lang believed that the main task for the Colonial Office was to act as a responsible trustee for Māori whom he believed were vulnerable to land sharks from Australia in the absence of any common binding legal authority. Lang himself found Māori customary use and title difficult to understand but he recognised an urgency to regulate land sale and purchase so they would be equitable for both Māori and European. In this Letter, Lang raises a number of cases where land was obtained from Māori probably by coercion and quotes Pomare, a leading Nga Puhi chief’s comment that ‘Englishmen gave us blankets, powder and iron pots for our land but, we soon blow away the powder, the iron pots get broken and the blankets wear out but the land never blows away or wears out’¹⁵.

As well as the loss of land, Lang noted too that the Māori population itself had decreased by at least half since 1823, a situation he blamed on European vice and disease¹⁶. Māori women were being abducted onto whaling ships and later abandoned with venereal diseases that affected generations. In one case, Lang noted that the abduction of a Māori woman by a French whaling ship mistakenly lead to inter-tribal warfare that lasted five months with the loss of 80 people. Some Māori who were taken onboard ship as crew were never returned as promised, sometimes being abandoned in enemy territory or drowned at sea. In another case Lang noted that when the Māori crewmen did not return as promised by the captain of an English whaling vessel, the tribe retaliated by killing 40 crewmen of the next visiting ship who happened to be French. When the captain of another French vessel heard about the atrocity committed against his innocent countrymen, he sought retribution against the offending tribe with a predictable loss of life.

The first letter concludes to the Earl of Durham making an impassioned plea for British intervention¹⁷ citing the impotence of James Busby and the office of British Resident to effect any semblance of law and order.

Letter II:

In his second letter, Lang critically examines the influences of two Christian churches and one missionary society in New Zealand. The Church Missionary Society (CMS), the Wesleyan Church and the Roman Catholic Church were ministering to Māori since Rev Samuel Marsden arrived in the Bay of Islands from New South Wales in 1814. In the 25 years since Marsden proclaimed the gospel message, Christianity had gained tens of thousands of converts with mission stations and missionaries in all parts of the country.

In his opening paragraph, Lang immediately links the CMS to the defeat of the New Zealand Colonisation Bill before the Parliament in London. The Bill was partly sponsored by the New Zealand Company to gain political support for their colonisation plan. The CMS publically opposed the Bill based upon what first appeared to be philanthropic and Christian principles which Lang questioned and this letter examines the motives not only of the CMS but all the mission Churches resident in this country, to defeat the Bill.

A critique is offered of the missionising principle of first civilising and then christianising the natives using the services of artisan missionary settlers¹⁸ used by the Wesleyans and the CMS. He writes that the difference between a minister, a missionary and an artisan missionary is that both ministers and missionaries are well trained in seminaries and universities and are well-versed in biblical knowledge, doctrines, creeds, pastoral care, worship, sacraments, ethics, homelectics and hermeneutics among other ministry disciplines. An artisan missionary on the other hand, is often untrained lacking even the basic skills of ministry. Lang gives an example of the Rev Mr Butler who was a clerk in a London company before volunteering as an overseas missionary. The artisan missionaries were people who plied their trade during the week and conducted a service of worship on a Sunday or when called upon in their spare time.

Using a mission settlement as an example, Lang questioned whether there was any meaningful difference between an artisan missionary as minister and a lumberjack¹⁹. The settlement resembled a lumber yard or factory where a living was to be made first as a boatbuilder, carpenter, labourer, blacksmith, ropespinner, rope marker, etc. Underlying artisan ministry were two advantages: firstly, ministers had a trade and would not be a financial burden upon the Church and secondly, that through teaching their trade they would model a sober

lifestyle to both Māori and Europeans thus achieving the overall objective of civilising before christianising.

The majority of Letter II, nine pages in total, is a damning report against the CMS and their missionaries. At the time of Lang's writing, the CMS had the largest presence of any church with 30 missionaries and between ten to twelve thousand people nationwide under their care. Lang writes that the defining characteristic of the CMS is their "...utter inefficiency and moral delinquency unparalled in the history of Protestantism since the Reformation²⁰". He accuses the CMS of actively serving both Mammon and God by saying "...are disinterested in the conscientious discharge of their duties and have abandoned their Christian philanthropy to protect those in their care²¹".

Two allegations are laid here against the CMS missionaries firstly for what he considers their immoral behaviour and secondly for land grabbing for personal benefit. In the first, at least six of their heads of mission had been dismissed for immoral behaviour and despite the missions being recently purged, the majority of their members continued to commit abuses that were widely tolerated. In the second allegation, both the CMS missionaries and their sons secured large tracts of Māori land for personal gain. Lang alludes to six cases of land alienation by Mr S, Mr F, Rev Mr W, Messers C, P and K. and he wrote "...politicans would face impeachment for similar offences²²".

Lang was no stranger to criticising churches especially the Church of England for their priviledged position in New South Wales. In a previous document Lang wrote 105 pages criticising the Church of England for their religious domination of New South Wales accusing them of taking both the the flecce and hide of the flock²³. Their Clergy were also appointed colonial chaplains and often became Magistrates recieving from the State; free homes, a salary, expenses and grants of land. Their income would be supplemented by charging a fee for their service when conducting baptisms, burials and marriages. The education market in New South Wales was also captured by the Church of England with the State assigning to them education and provided State funding and a grant of land equal to one-seventh the size of New South Wales which equated to the size of Great Britain in total.

In Australia a history of antipathy developed between the Rev John Dunmore Lang and the Rev Samuel Marsden who would often become the target of his public attacks. Samuel Marsden he considered to be a major beneficiary of the priviledged position of the Church of England as the senior Episcopal cleric in New South Wales, a colonial chaplain, and a magistrate in Parramatta. For his services to the State, Marsden recieved land grants of three thousand acres. Marsden was one of the clergy that Lang accused of turning the house of the lord into a house of merchants²⁴.

Criticism also followed for Marsden's poor attitude towards Aborigines who he considered were so degraded and impossible to reach with the Gospel until they were better civilised²⁵. Marsden was a critical figure in bringing Christianity and the CMS to Aotearoa New Zealand.

The Wesleyan mission receives a favourable one paragraph rating them more successful than the CMS. The Wesleyan constitution ensured that missionaries and ministers were very clear about what was acceptable practice and what practices were prohibited, such as acquiring property for personal benefit while in ministry. Due to the stringent standards, more suitable people were attracted into Wesleyan missions as workers compared to the CMS missions.

A whole page in the letter is spent cautioning Protestants to be vigilant against their traditional rivals, the Roman Catholic Church, and to be strong against the Papal incursion into the southern hemisphere. He writes that the major Roman Catholic presence in New Zealand is France who have their own colonisation plans for this country and other South Pacific islands²⁶. Even worse than the French, Lang Laments, was the Irish Roman Catholic former convicts from New South Wales who had married Māori women in the Hokianga and were making their presence felt in the proto-colony.

The second letter concludes once more with an impassioned plea for official British intervention: "The problems experienced in this country are due to the result of British commerce and colonisation being extended without any formal plan, monitoring or accountability. Intervention should be official and a British colony founded on Christian principles that safeguards the New Zealanders from the threats they are currently experiencing"²⁷.

Letter III:

This is the shortest of the letters, where Great Britain are encouraged to capitalise on the untapped commercial potential of New Zealand before France or America laid claim to the country. Of the 160 whaling ships in and around New Zealand in 1839, 100 were registered in America, 30 in France and 30 registered in Great Britain. Although the Americans had the greatest presence, the biggest threat to the industry were the French who were the more technologically-advanced and had financial backing from Swiss merchants. The French ships also had military support with a frigate and two other warships to protect their interests. The market price in 1838 for whale oil fetched £4 per ton with harvests of 129,400 barrels of sperm whale oil and 228,710 barrels of black whale oil arriving in the United States alone.²⁸ Whale bones were also worth £145 per ton on the London market and with each black whale weighing at least half a ton, profits could be easily made.

In this letter, Lang suggested that whalers from the northern parts of England and Scotland (including both the Shetland and Orkney Islands) be relocated to the ports of Bay of Islands the River Thames in the Hauraki Gulf, Port Nicholson in the Wellington Harbour and Queen Charlotte Sounds and Dusky Bay in the South Island²⁹ in order to capture and dominate the market. An input of British capital to grow business and settlement around the processing ports would put Great Britain in a prime position to capture the whole of the South Pacific whaling industry from their American and French rivals. Failure to do so would hand the industry to their competitors.

The climate in New Zealand he felt was also a more favourable climate than Australia for growing export quality fruit, vegetables, wheat, maize, potatoes and tobacco for the Australian, British and European markets. Kauri gum was selling for £18 per ton in the United States for processing into varnish and during his visit to the Bay of Islands, Lang saw four ships loading kauri. There was further potential to exploit the minerals that the land offered with sulphur at White Island in the Bay of Plenty and copper, iron ore and coal in other parts of the country. Flax harvesting was an established industry with processing plants as far afield as Sydney manufacturing whaling gear, ropes, sails, fishing nets and canvas for ships. As well as this, there was a good market in Māori woven mats that Lang considered comparable in quality to those discovered adorning ancient temples in Mexico and Rome³⁰.

The River Thames in the Hauraki Gulf he proposed could become the capital of an official British colony, located as it was with easy access to both the east and west coasts of the North Island. While Thames would be the capital, the Hokianga and Kaipara harbours would each become commercial settlements supporting the agricultural, horticulture and maritime export industries. Lang saw potential for the region to develop as the biggest commercial hub in the southern hemisphere. Yet much of the commercial opportunities that Lang identified was already being exploited by Māori entrepreneurs (some supported by settlers) who were already trading in their own right with Australian and European markets. Had Lang's ideas been fully adopted, it is likely that the burgeoning Māori enterprises of the time would have been seriously curtailed.

His plans of creating colonial settlements complete with industries were similar to plans presented by Richard Bourke Governor of New South Wales who presented his plans two years earlier suggesting that trading factories be set up along the lines of early British trading factories in India³¹. Governor Hobson also presented a similar report supported by Bourke but James Busby the official British resident dismissed the idea preferring the creation of a British protectorate with the Crown administering affairs in trust for all inhabitants similar to the Ionian

Islands³². As Governor Bourkes plans were public knowledge two years prior to Lang presenting his suggestion and with Lang knowing Governor Bourke it is quite possible that Lang had knowledge of Bourkes plans and included them in his own writings as his own plans.

Letter IV:

In 1838, the New Zealand Company sponsored a Bill to the British Parliament outlining plans to formally colonise the country. Lang makes it clear that he was not involved in either promoting or opposing the Bill and his only interest lay in protecting Māori from the detrimental effects that interaction with the developed world would bring if contact, trade and settlement were not carefully planned and monitored. The Bill was eventually defeated after strong opposition voiced on behalf of the Christian missions who argued that Māori were already becoming a civilised, Christian nation as a natural result of contact and interaction with Britain, France and America and annexation would not only be unnecessary but also be illegal.

In this letter, Lang makes a case that Great Britain could still legally make New Zealand a British colony without infringing upon the rights of Māori based upon the internationally recognised right of discovery. Under this law, civilised nations had the right to take possession of, and to colonise, any uninhabited or waste land they discovered provided that such lands were not already under the rule of a single government³³. Technically, the Netherlands government could claim this right over New Zealand by Abel Tasman's 1642 discovery. Lang argues that the Dutch government forfeited this right as they had not exercised ownership since registering their discovery. The rights to uninhabited or waste land would then pass to Great Britain after Captain James Cook's 1769 voyage during which he surveyed the entire coastline of the major islands and made landfall.

A comparison is given with Australia where Abel Tasman had discovered Van Diemens Land (Tasmania) and again the Netherlands did not exercise their right of discovery. After another survey voyage by Captain James Cook, Great Britain took possession of Van Diemens Land and appointed Captain Phillips as Governor of New South Wales in 1787. Under the right of discovery, Great Britain also annexed all the countries in the South Pacific mapped and surveyed by Captain Cook³⁴ including all land between Cape York and the South Cape and the islands adjacent to the the Pacific Ocean³⁵. As a result, Norfolk Island, the North and South Islands of New Zealand, Stewart Island, the Chatham Islands and the Auckland Islands all became dependencies of New South Wales and under British control. Lang makes the point that unlike the Dutch, Britain never

forfeited their right of discovery over these dependencies, establishing a penal colony on Norfolk, engaging in commerce (whaling, sealing and resource harvesting), planning colonies and establishing missions on the other islands.

In spite of arguing for annexation, Lang adds that Great Britain did not have the right to colonise or claim sovereignty over the islands without the consents of the native inhabitants. Lang introduces the notion of the right of pre-emption retrospective on all land purchases and advocates that this right be enacted citing the case in New Holland (Australia) where the government claimed pre-emption and voided a blatantly prejudicial land transaction signed by both parties. This same principle could be applied here on all previous land sales. From his nine days in the Bay of Islands, Lang formed the impression that Māori chiefs would opt for British overseer control while they sorted out their historical conflicts among themselves. While Lang doubted that Māori were capable of self governance³⁶ he did suggest that a former Act of Parliament used to colonise New Holland (Australia) could be extended to advance settlement in New Zealand as an “adjacent island in the Pacific”³⁷. British settlement would still require the consent of Māori and earlier land purchases could be reviewed under the right of pre-emption of the British government.

Lang reviewed the colonisation processes used in Australia and American and formulated the following proposal ³⁸:

1. An independant Board of Protectors of [Māori] Aborigines be established and payment of the Directors come from land sales.
2. A Commission be established by government with a Board of Protectors to certify that all previous land sales were in the best interests of the Māori owners. The Board would:
 - Adjudicate all land matters.
 - Nullify previous land sales.
 - Judge each case upon its own merits.
 - Issue the holder of the native deed with a Deed of Grant and restrict any subsequent offers firstly to the government at a government-fixed price.³⁹
3. That the Commission be the official purchaser of land from the Māori owners on behalf of the government and the purchased land be sold by the Commission at a fixed price. The proceeds of the sales to be distributed in the following manner:
 - Payment of the original sale price
 - Establishment of schools and other institutions that promote the advancement of Māori.

- Support voluntary emigration from Great Britain and Ireland.

Prior to the signing of the Treaty of Waitangi, Hobson made a number of proclamations that land purchased in New Zealand would only be valid if derived and confirmed by the Crown, and any further purchases of land would be null and void⁴⁰. Hobson also appointed a number of Commissioners to investigate land purchasers. These proclamations were made to British settlers in the Bay of Islands on the 30th of January, six days before the Treaty was signed. These measures taken by Hobson were supported and sanctioned by George Gipps Governor of New South Wales were very similar to the ideas of Lang who certainly knew Governor Gipps but whether Gipps and Hobson drew upon Lang's ideas are unknown.

He further noted that in the Bay of Islands land had a differential value depending on its location and he proposed that all land be brought by the Commission at one penny per acre then on-sold for £1 an acre. In this way, large tracts of land could be brought then sold at a profit to fund a fledgling civil government and begin systematic emigration from the British Isles. Civil order could be maintained by a paid colonial police force supported by unpaid Māori constables with one or two warships patrolling the coastline. As well as this, alcohol (which Lang felt was the source of lawlessness) could either be banned altogether or a tax imposed on both importing and selling which might curb civil disobedience and improve the attractiveness for emigration.

To help with the financial stability of the new colony he suggests that Port charges be imposed nationwide on all vessels entering New Zealand harbours. During 1838, in the Bay of Islands alone, 132 vessels were recorded as berthing from seven different nations⁴¹ all without any charges or regulations. Purchases, sales, charges, taxes, fees, tariffs and levies were all part of a capital-based economy and Lang suggested that a joint Stock Company be established in London to develop and drive a fiscal monetary system for the new colony.

Careful selection of the "right type" of emigrant was also central to building a self-sufficient new colony in his plan. Emigration should focus on settlers not only from Britain but also from Germany, Switzerland and France who could introduce viticulture and agriculture into the economy. Self-sufficiency in every endeavour for both Māori and settlers was a critical issue for Lang which extended to his final comments which warn against any government financial support of churches and the favouring of one denomination over all others in the new colony.

Some of the ideas as proposed by Lang in this letter were enacted by Hobson who was advised by Lord Normanby to form a local militia, establish a new government to handle all land transactions, create a land fund to assist with administration and emigration supplemented by import

duties and to appoint a Protector to safeguard Māori interests⁴². Port changes were later incorporated. Lang was no stranger to emigration having overseen his own successful emigration schemes from Europe to Australia. Although he advocates for these measures which were taken up it must be remembered that Britain were experts in this field of annexation, colonisation and emigration with world wide experience in India, Africa, the Caribbean and Australia. With this history of experience Lang can not be accredited for what did eventuate but can be acknowledged as contributing to the wider conversation.

The 1873 Appendix:

Thirty four years after his first visit to this country and the publication of *New Zealand in 1839*, John Dunmore Lang returned and made a claim to the government for what he called "...his contribution to at least one foundation stone" of the new country⁴³. His claim was largely ignored but he produced a nine-page commentary on how his 1839 pamphlet was received by a wider audience in London than it was originally intended. He appended the commentary to the original pamphlet and re-published it in Sydney in 1873. The re-reading of the document portrays a more convincing argument that his original publication and might have had a bigger impact upon the founding of the new colony than anyone had given him credit for. While it might be speculation, it is not difficult to find dots to connect that suggest that Lang may indeed have influenced the very content of Te Tiriti o Waitangi.

In 1838-39, New Zealand's lawlessness had becoming a major issue in the halls of power in London and an official decision needed to be made on whether it was to become part of the British Empire if only to control her own citizens. Lang's pamphlet was published in early July 1839 by the reputable London publishers Smith and Elder who also published reports for the government. A month later, Hobson was issued with his instructions to begin the annexation process in preparation for colonisation and made immediate plans to sail for the Bay of Islands. In his Appendix, Lang writes that Hobson had managed to secure a copy of the pamphlet and approved of Lang's ideas of annexing and colonising the new country.

Lang writes that on the 30th May 1839 and prior to issuing Hobson with his Letter of Instructions for the new colony, Lord Normanby of the House of Lords sought a legal opinion from the Solicitor General of London on two matters; firstly, if it was lawful to annex any part of New Zealand to the New South Wales government and secondly, whether the Governor and the Council of New South Wales could legally exercise any authority over British subjects in New Zealand. Unfortunately, any suggestion that

Normanby had read Lang's pamphlet beforehand cannot be substantiated because it was published five weeks after the legal opinion was sought.

Lang declared that Hobson's negotiations with Māori were nothing more than a farce, that Māori did not fully understand what they were losing when they ceded sovereignty, and that Hobson himself proclaimed sovereignty over both the North and South Islands before negotiations had even been completed⁴⁴. Had Māori been capable of making good land value judgements knowing the land was never to return, Lang argued, that twenty million acres of the South Island would not have been exchanged for a few pounds, some blankets, muskets and some gunpowder.

On June 9th, 1840, the New South Wales Parliament received a second reading on a New Zealand Bill which followed closely Lang's ideas in Letter IV advocating for the government right of pre-emption retrospective on all land sales and the appointment of Commissioners to oversee all Crown land sales and purchases. However, five months later on November 16th and a mere nine months after Treaty negotiations began in Waitangi, a Charter was issued under the Seal of the United Kingdom pronouncing New Zealand an independent colony of the British Empire. This effectively severed any protection that the New South Wales' Bill might have afforded to Māori and their lands.

Lang wrote of unscrupulous land theft as, with colonisation imminent, land-sharking, particularly by Australians increased. It seemed to Lang that no-one was above making a quick pound or two including the former President of the Upper House of Parliament, the Hon. Mr W C Wentworth, who acquired the twenty million acres in the South Island mentioned earlier. Lang also publicly questioned land purchases made by Mr James Busby, the official British Resident. Lang noted that by the time of Hobson's arrival in the Bay of Islands at least 45 million acres of land, or two-thirds of the entire country, were claimed as having been purchased by various individuals.

The Appendix concludes with Lang saying that that he wished the new colony had followed the recommendations in his Letters more closely but that "...he is happy to have the honour of contributing at least one foundation stone towards the noble superstructure of this country".⁴⁵

The Presbyterian Gift to the Tiriti o Waitangi?

So what are we to make of the Rev Dr John Dunmore Lang and his Letters concerning the colonisation of Aotearoa New Zealand and his claim of contributing to the foundation of this country? Little mention is made about Lang in New Zealand history books and what there is, is not very informative. Dr Allan Davidson has written an article on Lang in *Pious*

Energy published in 1989 in which Dr Davidson points out that for New Zealand Presbyterians, however, there is symbolic significance in Lang's visit in 1839 and the pamphlet he wrote, It gives them a point of contact with the events leading to the signing of the Treaty of Waitangi and the beginnings of New Zealand⁴⁶. Fellow church historian Professor Peter Matheson also makes reference to Lang in *Presbyterians in Aotearoa* and says that unlike other Presbyterian ministers Lang had no settler opinion to appease⁴⁷.

By comparison, he is widely venerated in Australia, with numerous books, articles and essays about him and his substantial contribution to the establishment of Australian politics, education, religion, land reform, emigration and his staunch patriotism. Libraries, schools and sports venues have been named after him in Australia attesting to his greatness. Thus it would be a disservice to ignore Lang's writings about this country and to relegate his ideas, claims, schemes and appeals as mere speculation.

We know that Lang was well-versed in colonisation policy-making and emigration processes and even the Scottish Dictionary of Church History and Theology described him as 'minister, politician, journalist and emigration agent.'⁴⁸ Lang felt that if Australia (and then New Zealand) was ever to have a great future, purposeful and selective colonisation from reputable countries and settlements needed to be the order of the day rather than taking in more of the majority uneducated and unskilled convicts that Britain had sent there.

Lang campaigned to focus Australian immigration on the skilled and educated middle class and he became a champion of the government-sponsored Bounty Scheme that brought over five thousand Scottish migrants from 1837-1840. It was initiated as a relief measure from the over population and poverty in Great Britain by Lord Glenelg, Secretary of State for the Colonies and Lang vigorously promoted this scheme. It became known as the 'Lang Bounty Scheme' with as many as twenty chartered ships used to transport experienced farmers and skilled craftsmen, schoolmasters and ministers: at times Lang paid emigré fares from his own pocket. It was from this successful experience that Lang was able to advocate for a similar policy for New Zealand colonisation. He believed that thus far, settlers and traders were only interested in racketeering and were doing New Zealand a disservice. The selective immigration of skilled workers would open up the country to new industry with positive outcomes for Māori and their future.

In *New Zealand in 1839* reference is made to protecting Māori from fraudulent swindlers and cheats including missionaries from the Church of England and the Church Mission Society. His writings, while sometimes redolent of the colonial imagery of the noble savage, reflected a deep

concern that if settlement were to remain unchecked Māori might suffer the same fate as the Aborigine's in Tasmania and New South Wales who had been widely hunted and exterminated. He was known to publicly criticise anyone involved in the genocide of Aborigine's and on one occasion remarked that 'all the waters of New Holland would be insufficient to wash away the stain of blood from the hands of some gentlemen of good repute.'⁴⁹ Lang's witness there gave him a strong voice with which to advocate for a protection barrier between European settlers and Māori.

Yet, in making a case therein that New South Wales could oversee a responsible colonisation process for New Zealand because of New Zealand's dependent relationship with New South Wales, Lang seems to be unaware of the 1835 Declaration of Independence that had declared New Zealand to be an independent sovereign nation under the authority of the chiefs of the United Tribes of New Zealand. The Declaration of Independence was acknowledged by the Colonial Office with the assurance of Royal protection and Lord Normanby acknowledged New Zealand as a Sovereign and independent state⁵⁰. Five years after its signing the Declaration was further acknowledged in the Treaty of Waitangi as the chiefs of the United Tribes of New Zealand are referenced throughout the Treaty document. Under the Declaration selected tribal representatives would meet annually in congress to frame laws for the country and there was an official flag that the sovereign nation could sail under and Lang would no doubt have seen the flag flying from the mast at Waitangi on his visit. It is anomalous then, that Lang did not consider or even mention the Declaration of Independence when advancing his humanitarian cause in New Zealand.

We can see then the deeply humanitarian side of Lang and his real concern for the welfare of indigenous peoples. He believed strongly that the gospel should be brought to indigenous peoples within their own cultures and that christianity would inevitably bring civilisation.⁵¹ He argued that nineteenth century European culture did not necessarily bring Christianity nor improvement for indigenous peoples. In New Zealand, however, the predominant colonial attitude since Samuel Marsden's arrival in 1814 was to civilise first and christianise later but here Lang could see seeds being sown culturally and politically (and by inference, watered by missionaries) that would lead to the extermination of Māori. Three months after the publication of *New Zealand in 1839*, the Times in London quoted large extracts in its October 7th edition. The negative outcry that resulted proved disastrous for the CMS as many of its supporters withdrew funding for missions in New Zealand⁵².

Lang wrote his letters based upon his extensive experience in the convict colony of New South Wales alongside damning reports garnered

from other colonial settlements around the world. His intention was to influence the Earl of Durham and the New Zealand Company to adjust their plans towards a more egalitarian and self-sufficient colonisation process to benefit Māori and non-Māori alike. The prospect of annexation by France or America did hasten the decision-making of the Company but Britain's appalling treatment of natives, their lands and resources in Canada, America, Australia, Africa and islands in between also needed to be addressed through purposeful humanitarian intervention if Britain was to prove it could be a beneficent power in another indigenous land. In 1840, the Treaty of Waitangi was created and signed between Māori chiefs and the British Colonial Office representative Hobson, formalising New Zealand as a British colony and heralding unprecedented change for Māori. Yet within the Treaty Articles are shadows and echoes of Lang's letters to the Earl of Durham, although no acknowledgment was made then or since of any contribution other than those of the Church of England's own ministers. Perhaps Lang's contribution to New Zealand might have ended there and only in Australia would he be recognised and celebrated for his services to Presbyterianism and humanitarianism, if not for what he did many years later.

His strongest argument in his Letters was the need to include the right of any government to exercise pre-emption on all land sales. Somehow, the right of pre-emption found its way into the Treaty of Waitangi and became law. Perhaps this is evidence enough that Lord Normanby did read Lang's publication and that his Letter of Instruction to Hobson reflects the course of action suggested in the pamphlet. According to Lang, Hobson read Lang's pamphlet while in London and approved of it and could have incorporated some of Lang's suggestions in his Treaty drafts. If either scenario were the case, then Lang's claim that he "contributed at least one foundation stone to the superstructure of this country" would be correct and should be celebrated. The pre-emption clause then might be considered a Presbyterian gift to the Treaty of Waitangi through the legacy of Rev Dr John Dunmore Lang and would give the Presbyterian Church a critical place in New Zealand history prior to the signing of the Treaty of Waitangi on February 6th 1840.

Endnotes:

- ¹ Photo taken from: Dictionary of Sydney
- ² Laughton J: *From Forest Trail to City Street*: Presbyterian Bookroom, Christchurch, 1961. pg 10
- ³ <http://en.wikipedia.org/wiki/John-Dunmore-Lang>
- ⁴ Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873*. Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. P.iii.
- ⁵ Baker D W A: Lang J D (1799-1878). Australian Dictionary of Biography. National Centre of Biography, Australian Nation University.
- ⁶ Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873*. Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. p.81.
- ⁷ *Ibid.*, p. 86.
- ⁸ *Ibid.*, p.96.
- ⁹ White C A: *The Challenge of the Years: A History of the Presbyterian Church in the State of New South Wales, Sydney*. Angus and Robertson, London. 1951: p12.
- ¹⁰ Baker D W A: Australian Dictionary of Biography. National Centre of Biography, Australian Nation University.
- ¹¹ Bentley, T. (1999). *Pakeha Maori: The extraordinary story of the Europeans who lived as Maori in early New Zealand*. Auckland; Penguin Books: pp15-16
- ¹² Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873*. Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. p.3.
- ¹³ *Ibid.*, p.5.
- ¹⁴ *Ibid.*, p.6.
- ¹⁵ *Ibid.*, p.10.
- ¹⁶ *Ibid.*, p.16.
- ¹⁷ *Ibid* pg 17.
- ¹⁸ *Ibid.*, p.20.
- ¹⁹ *Ibid.*, p. 20.
- ²⁰ *Ibid.*, p.23.
- ²¹ *Ibid.*, p.28.
- ²² *Ibid.*, p.29.
- ²³ Lang J D: *An Historical and Statistical Account of New South Wales both as a Penal Settlement and as a British Colony*. Cochrane and McCrone, London, 1834. Pg 248
- ²⁴ *Ibid.*, p. 294.
- ²⁵ Munro G S: *John Dunmore Lang: Patriot, Republican, Statesman, Evangelical and Enigma*. www.dokimon.net.au/text/essays/lang.html
- ²⁶ *Ibid.*, p.34.
- ²⁷ *Ibid.*, p.37.
- ²⁸ *Ibid.*, p.41.
- ²⁹ *Ibid.*, p.43.
- ³⁰ *Ibid* pg 50
- ³¹ Orange C: *The Treaty of Waitangi*. Allen & Unwin, Wellington, 1987. Pg 24
- ³² *Ibid.*, p.25.
- ³³ Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873*. Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. p.55.
- ³⁴ *Ibid.*, p.57.
- ³⁵ Latitude of 110 37' South to latitude 400 30' South as far as 1350 East longitude.
- ³⁶ Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873*. Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. p.60.
- ³⁷ *Ibid.*, p.61.
- ³⁸ *Ibid.*, p.62.
- ³⁹ *Ibid.*, p.78.
- ⁴⁰ Orange C: *The Treaty of Waitangi*. Allen & Unwin, Wellington, 1987. Pg 34
- ⁴¹ *Ibid* pg 69

⁴² *Ibid* pg 30

⁴³ Lang J D: *New Zealand in 1839: Four Letters to The Right Hon. Earl Durham, Governor of the New Zealand Land Company on the Colonisation of that Island and the Present Condition and Prospects of its Native Inhabitants, with a preface and appendix for 1873.* Smith, Elder and Co, London. 1839. Republished, Sydney, 1873. p.96.

⁴⁴ *Ibid.*, p.90.

⁴⁵ *Ibid.*, p.96.

⁴⁶ Davidson A K: *Pious Energy: Presbyterian Personalities and Perspectives.* Presbyterian Church of New Zealand, 1989. p4

⁴⁷ Matheson P: *1840-1870 The Settler Church.* In McEldowney D (ed): *Presbyterians in Aotearoa 1840-1990.* Presbyterian Church of Aotearoa New Zealand, Wellington, 1990. p.23.

⁴⁸ Roxborough J: *Presbyterians in the 19th Century.*

⁴⁹ *Ibid* pg 44

⁵⁰ Orange C: *The Treaty of Waitangi.* Allen & Unwin, Wellington, 1987. Pg 21

⁵¹ *Ibid* Pg 45.

⁵² Rogers L: *Te Wiremu. A Biography of Henry Williams.* Pegasus, Christchurch, 1973. p.225.

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