Governor FitzRoy’s Debentures and their Role in his Recall

FROM THE viewpoint of the British Colonial Office, Governor Robert FitzRoy presented a classic case of the erring servant. Initially, in 1843, Lord Stanley¹ and his colleagues believed Captain FitzRoy, R. N., was an excellent choice. But by April 1845 the Secretary of State was forced to complain to his Prime Minister that FitzRoy had fallen short in crucial ways, two of the most important being his unauthorized issue of debentures, and his declaring that currency legal tender.² One month later FitzRoy was recalled.

It can be argued that FitzRoy, a committed Christian, resorted to disobeying his orders only because there were no practical alternatives. In financial matters at least, he was not so incompetent as he has sometimes been portrayed. Although he had his faults, he was an intelligent man with a high sense of his duties, among which those to the people of New Zealand were of more consequence than those to an office 12,000 miles away.

We possess no definitive account of FitzRoy’s administration. The theses that have examined it,³ the relevant material in Morrell’s classic work,⁴ and the unfinished biography by T. L. Buick⁵ are all out of date. McLintock’s account of FitzRoy’s term is full of insights, but he sometimes hypothesized beyond his sources — witness the ‘moral suasion’ myth that has been laid to rest by Ian Wards.⁶ Wards’s own study focused on the use

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¹ Edward Smith-Stanley was Secretary of State for War and the Colonies, 1841-45.
² Stanley to Sir R. Peel, Confidential Statement, 11 April 1845, Hope papers, papers of Colonel Hope of Luffness, p.11, Scottish Record Office, Edinburgh. This collection includes papers of George Hope as Parliamentary Under-Secretary at the Colonial Office, 1837-47.
⁴ W. Morrell, British Colonial Policy in the Age of Peel and Russell, London, 1930. Note especially p.iv, which is rather scathing on the subject of FitzRoy’s character.
⁵ Buick Papers, MS 58, F 33-39, Alexander Turnbull Library, Wellington. These are undated, but Porteous stated in 1933 that they were written ‘some time ago’. Porteous, p.2.
On presentation at the Colonial Treasury, at Auckland, in New Zealand, on or after the Tenth day of April, 1846, or on or after such earlier day as shall be fixed by the Governor, after two months notice thereof in the Government Gazette, the bearer will be entitled to receive ONE POUND Sterling, and interest thereon, at the rate of Five per cent. per Annum, from the date of issue, until the Tenth day of April, 1846, or such earlier day as may be fixed for payment.

This will be received as ONE POUND within one year from the day of issue, and as ONE POUND ONE SHILLING after that time, in payment of duties of Customs, or any debt or demand payable to the Colonial Government of New Zealand.

Dated at Government House, Auckland, this day of 1846.

Governor.

By Command of His Excellency.

Colonial Secretary.
of military force. There are also two impressionistic and at times inaccurate chapters in Mellersh's biography. No recent author, however, has given any detailed attention to FitzRoy's financial measures. The fullest such study — antagonistic to the Governor — was written in 1929. Yet there is a plethora of primary source material extant on the subject. Many manuscript documents have survived, and several newspapers were published in the period.

An admirable comment on FitzRoy and the sources was made in the House of Representatives during the debate on the second reading of the 1957 Archives Bill. James Edwards, the member for Napier, told the House:

There has always been the temptation to rewrite history. That can easily be done if there are no documents. When Sir George Grey became Governor of New Zealand he deliberately wrote down the results of the work of his predecessor. . . . people thought a remarkable improvement had been made in a short period. However, Sir George Grey was unable to destroy all the records. The records that have been kept of that period show that Governor FitzRoy was not the rogue which his successor made him out to be, and Sir George Grey was not the brilliant man he made himself out to be.

The situation on FitzRoy's arrival in December 1843 was much worse than he had been led to believe. An optimistic FitzRoy told his good friend, Captain Francis Beaufort, the Hydrographer of the Navy, that he felt 'so confident of being able to remedy the consequences of late misconduct on our part in New Zealand that I long to be there'. On arrival, however, FitzRoy found that neither Maori nor settler had confidence in the government.

FitzRoy's fundamental problem was that the Colonial Office had not told him what was expected of him beyond somehow rescuing the colony. He was unfortunate enough to suppose that his political masters (former parliamentary colleagues) really wanted to preserve New Zealand for the Maori, and to discourage European settlement. Furthermore, he had no adequate military assistance from the British Government and no money.

One major advantage which FitzRoy was denied but which Governor Grey was to receive from the outset was substantial parliamentary grants-in-aid of New Zealand's revenue. So FitzRoy was constantly short of

10 FitzRoy to Beaufort, 1 December 1843, F 191, Hydrographic Department records, Taunton, Somerset.
money, which led him to take some unauthorized, though necessary, measures. Among these his experiment of issuing government debentures stands out in New Zealand’s early financial history as a constructive effort to solve the colony’s monetary problems.

What got FitzRoy into most of his difficulties was lack of money. He would probably not have abandoned the Crown’s right of pre-emption over native land had he been able to continue buying land. He faced a huge drop in revenue from trade and customs duties. The results were colony-wide depression and a daily increasing colonial debt. By January 1844, New Zealand’s debt was three times greater than its credit.11

The financial instructions issued to Hobson still applied. Under the Royal Instructions of December 1840, he had been ordered not to establish a paper currency without first obtaining Crown permission.12 The 1841 provisional instructions from the Treasury Commissioners included an explicit prohibition on the issue of debentures,13 i.e., paper certificates redeemable in specie at a future date, on which a fixed rate of interest was payable. But, as Willoughby Shortland noted (in a comment later read by FitzRoy), Treasury made the qualification that ‘extreme cases may of course arise to which every such general rule must yield’.14

FitzRoy received additional financial instructions in September 1843. Stanley optimistically noted that it was desirable no further to rely on assistance from British funds. The local authorities must look to the colony’s resources to defray their expenditure, aided only by infrequent parliamentary grants for specified purposes.15

In spite of their bulk, FitzRoy’s instructions were not very useful. Many of them were no longer applicable to the existing situation. His problems were exacerbated when he found that Treasury would not honour several unauthorized bills drawn by Hobson and Shortland. Hobson had not explained why he felt warranted in drawing £15,000 in bills on Treasury. Therefore the bills had not been accepted, particularly since Stanley had learnt from Governor Gipps of New South Wales that they were negotiated with no certainty of their acceptance.16

The next portion of Stanley’s despatch, providing a loophole, struck FitzRoy as especially significant. It suggested a possible solution to his

14 W. Shortland to G. Cooper, 24 August 1842, quoted in Minutes of Executive Council, 30 October 1842, E.C. 1/1, National Archives (N.A.), Wellington.
15 Stanley to FitzRoy, No.27, 14 September 1843, C.O. 209/16, pp.52-54.
16 Stanley to Officer Administering the Government (Shortland), No.31, 9 April 1843, inwards despatches from the Secretary of State, archives of the Governor-General G1/9, pp.33-40, N.A.
grave financial problems. ‘At the same time Her Majesty’s Government are prepared to authorize the issue of Debentures for the amount of the Bills . . . provided it shall appear that the Bills were bona fide negociated in such a manner that the proceeds of them at a fair rate of Exchange were made available for the Public Service of the Colony.’

Stanley continued, however, that this could not be interpreted as sanctioning any future anticipation of the colonial revenue by any other issue of debentures. FitzRoy added a marginal note, ‘beyond £15,000’, meaning that these words could be taken as allowing the issue of debentures so long as their total value did not exceed that of the Hobson bills. He must have known that Stanley meant no such thing. The Governor later asked one of his clerks to have this despatch published, omitting the crucial last paragraph.

Stanley repeated his warning a few months later in a despatch FitzRoy received after he had decided to issue debentures. Although very definite concerning financial measures which FitzRoy was not to adopt, the Colonial Office offered no alternatives.

Meanwhile, there had been protracted negotiations between the office’s hard-working Permanent Under-Secretary, James Stephen, and the tight-fisted Treasury concerning how much assistance New Zealand should receive. The latter attempted to set up general principles. Stephen, however, disagreed with this approach. Conditions in the colonies were too diverse. Treasury could not rid itself of its liability for the expenditure of a Crown Colony. Since colonial opinion was opposed to taxation, revenue would always be inadequate. So governors would draw bills on Treasury which, in spite of its protestations, Treasury had to accept.

When the first parliamentary grant-in-aid for New Zealand was agreed on, only £7,545.15/- was voted, for 1843–44. But events in the colony refused to wait upon the pleasure of the Lords Commissioners of the Treasury.

In FitzRoy’s first despatch to Stanley, dated 11 January 1844, he advised that — although contrary to his instructions — he had drawn bills to a total of £2,850 on Treasury to pay government salaries. He shortly intended drawing more, for about £2,000. Out of the 1843–44 grant, Shortland had


18 Note by FitzRoy, n.d. [January 1844], on Stanley to Officer Administering, Gl/9, p.39.

19 Minute by FitzRoy, 21 January 1845, on ibid, p.40. Possibly the dating of the year was an error, for the despatch was received in January 1844.

20 Stanley to FitzRoy, No.34, 11 October 1843, Gl/10, pp.189-92, quotation from p.190.
21 Treasury thought that, in general, a new colony could expect financial aid under four heads: the exercise of the Crown’s authority in civil government and the courts of justice; the administration of the government; religious instruction; and military protection. See correspondence in C.O. 209/25.

drawn for £2,203, which after necessary deductions left only £4,480 available to him. On the basis of a statement by his Treasurer, Alexander Shepherd, putting the deficit at £11,785.17/8, FitzRoy pointed out that the revenue for 1844–45 was only likely to come to two-thirds of the expenditure at most. Clearly, it would be necessary to ask for help from the British Treasury, but he was not yet sufficiently acquainted with the colony’s resources to say how much would be required. The statistical returns he had obtained were imperfect, but he undertook to supply a figure for aid needed as soon as possible. FitzRoy closed by promising to do what he could to improve the colony’s financial position.

Until it received his first despatch, the Colonial Office was blissfully unaware of FitzRoy’s problems. George Hope apparently informed the outspoken New Zealand Company settler Walter Brodie, soon after FitzRoy had left England, that there was £50,000 in the colonial Treasury. Even after the despatch arrived, Colonial Office understanding was poor. Hope minuted that ‘the detailed estimate promised . . . must be waited for . . . the statement . . . does not apparently make the probable excess of annual expenditure over income as great as might be expected from this despatch’. Stanley wanted further action deferred until something more definite was received. In accordance with the usual procedure for all financial despatches, this one was forwarded to Treasury. The result was that no financial aid was given to FitzRoy.

FitzRoy wrote a second despatch on 11 January 1844 that contained much news. He mentioned Shortland’s resignation, and sent recent copies of Auckland newspapers (the Southern Cross and the Auckland Times) to show that the colony was quiet, except in the Cook Strait area, following the Wairau incident. The Governor gave notice of his planned visit to Wellington. During his absence from Auckland, Major Thomas Bunbury, the officer commanding the forces in New Zealand, would act for him. Stanley was also informed of a native address to FitzRoy at Auckland and his reply. FitzRoy pointed out that he might have to compensate the natives out of government funds if the New Zealand Company did not do so, and refuse to grant land titles until this money had been repaid. This would increase the financial strain on his administration. From this despatch, Hope noticed that the natives’ dislike of the Crown’s right of pre-emption over their land was apparent in their address to FitzRoy; and that in supporting them the Governor had

26 Minute by Hope, 12 June 1844, on FitzRoy to Stanley, No.1, 11 January 1844, C.O. 209/27, p.9.
27 See FitzRoy to Stanley, Confidential A, 15 January 1844, ibid., pp.48–77. The large part of the despatch on the resignation was not printed. See GBPP, 1845, (131), p.6.
disregarded his instructions.  

In FitzRoy’s next despatch, he explained that he had been forced to draw the bills mentioned in his first despatch directly on Treasury because of the unwillingness of the new Army Commissariat Officer to take funds from the commissariat chest without instructions permitting this. He realized that this action was contrary to the instructions of February 1841, which stated that parliamentary grants should be obtained through the Commissariat Department. To demonstrate that he had wished to follow the proper course, he enclosed an extract from the minutes of the Executive Council, before which the Commissariat Officer, Mr P. Turner, had appeared.  

This episode is noteworthy because it again shows FitzRoy prepared to disobey his instructions. Nevertheless, he took a sensible and indeed necessary initiative in this instance.

On 16 January 1844, FitzRoy notified Stanley that he had negotiated the further bills intimated in his despatch of 11 January. Their total value was £1,630. The Colonial Office passed this despatch on to Treasury without comment. It was the last one mentioning financial matters that FitzRoy wrote before he left for Port Nicholson and Nelson.

FitzRoy returned to Auckland late in March 1844. There was still no prospect of raising a revenue anywhere nearly adequate to the colony’s needs. Something out of the ordinary had to be done.

His next financial despatch was dated 26 March 1844. In it FitzRoy mentioned that he had that day drawn more bills on Treasury amounting to £945.15/-, to enable him to pay long overdue salaries. The despatch bore a note of later date (probably 15 April) pointing out that the reasons for this action were explained elsewhere.

In this despatch, FitzRoy stated that pressing debts which he could not pay totalled £9,000. The establishment was reduced to that authorized by Stanley in a despatch declining to approve certain positions and salary rises implemented by Hobson. The deficit stood at more than £24,000. On the authority of Stanley’s despatch of 9 April 1843, FitzRoy had reluctantly decided to draw more bills locally. So he had summoned his Executive Council, and with its sanction had decided to draw bills on Treasury for, initially, a further £6,945.15/-, and in total, the previous year’s parliamentary grant, £7,545. He had done this believing that the 1844–45 grant would be for at least as much.

The Governor was not, however, able to secure an advance of this

28 Minute by Hope, 12 June 1844, on FitzRoy to Stanley, No.2, 11 January 1844, C.O. 209/27, p.38.
29 Minutes of Executive Council, 2 January 1844, extract, in FitzRoy to Stanley, No.3, 12 January 1844, ibid., pp.44-47.
31 FitzRoy to Stanley, No.6, 26 March 1844, ibid., pp.204-5. See also FitzRoy to Stanley, No.11, 15 April 1844, ibid., pp.245-55; GBPP, 1845, (131), p.13.
money. He could not give the New Zealand Banking Company — the only bank in Auckland — a guarantee that the bills would be accepted in London. Therefore Alexander Kennedy, the Company's Manager, was unable to undertake the negotiation of bills beyond £2,000, and that at an interest rate of between 12 and 15%.

Thus, legally, there was very little that FitzRoy could do. 'I cannot break up the Government establishment without your Lordship's express authority; I cannot reduce the salaries of officers whom your Lordship has authorised to receive them; I can neither raise a loan nor draw bills, — and until the Legislative Council has met and passed an ordinance, I cannot raise supplies by taxation.' There was not enough time to appeal to the Imperial authorities for relief and await their response, and a general suspension of payment would have caused far too much distress.

The only option that FitzRoy could see open to him was to produce government debentures, a decision which he had made by 10 April 1844. On that day he called his Executive Council together and informed them that difficulties had arisen that prevented the agreed value of bills being drawn. He explained that the only course open to him seemed to be to issue debentures. FitzRoy thought that these notes would relieve many of the problems caused by the existence of large debts. After full deliberation the Council unanimously agreed that issuing debentures was the only measure that could be adopted in the circumstances. The notes were payable in two years or sooner, bearing interest at 5% p.a., and were for small enough sums to become a circulating medium. Unfortunately, they bore such a late date that they became, to all practical purposes, inconvertible notes. On introducing such paper money FitzRoy trusted that the depression would pass and that the development of the colony's resources would eventually enable New Zealand to maintain itself unaided. The step was taken, indeed, in order to carry on the government until help arrived from England.

The Governor told Stanley unequivocally on 15 April 1844, that he was confident that in three years the colony would be able to maintain itself. In the meantime, he sought parliamentary assistance to enable him to clear off his government's debts, and an annual grant of £10,000 for the next three years.

FitzRoy's debentures were not the first government paper currency to be issued in New Zealand. As early as 1840, Hobson had issued notes which were unofficially used as currency. With insufficient money provided by the New South Wales Treasury, he adopted the unauthorized practice of drawing bills in anticipation of parliamentary grants from Britain. Government promissory notes were also issued as a deferred promise of payment for land bought from natives, and spasmodically in the 1840s this land scrip

34 Shepherd to A. Sinclair (Colonial Secretary), 20 March 1844, in FitzRoy to Stanley, No.11, 15 April 1844, ibid., pp.259-61.
35 FitzRoy to Stanley, No.11, 15 April 1844, ibid., pp.245-55.
36 Minutes of Executive Council, 19 April 1844, extract, in FitzRoy to Stanley, No.11, ibid., pp.256-58, encl.
also circulated unofficially. After Hobson’s death, Shortland could see no option but to continue in the same vein, incurring a sizeable debt. But these precedents were different from FitzRoy’s notes in one important respect. FitzRoy was to declare his notes legal currency.

There were other colonies where something similar had been done. FitzRoy may well have known of these precedents, having been an avid reader of The Times. In the 1830s, there had been a well publicized debenture issue in Jamaica, and he had found out about similar moves in Chile and Brazil when he had visited those countries. The most recent case, however, had occurred at another place visited by the Beagle, the Falkland Islands. Governor Moody — without authority — issued £1,000 worth of notes in 1843 to attempt to meet his deficit. He proposed to redeem them by bills on Treasury once sufficiently large collections of them were presented by the local traders. Moody requested instructions, urging the early despatch of specie for his parliamentary grant. The Colonial Office was furious. It was unfortunate for FitzRoy that Moody’s action was still fresh in the minds of the senior staff when they came to consider his own initiative. Stanley told Moody: ‘the estimate about to be submitted to Parliament, will, if approved, afford the means of redeeming all this paper . . . you are not hereafter, on any consideration whatever, again to resort to such an expedient’. Reiterated instructions were sent to Moody and to FitzRoy that no government paper currency was to be issued.

When informing Stanley of his debenture issue, FitzRoy employed his unfortunate habit of reminding London that his action contravened the regulations. ‘I am most painfully aware that the measure is at variance with my instructions . . . but there is no other course.’ He did not mention any intention to declare his notes legal tender. Probably he had not yet decided on this step. He intended debentures only to be a temporary expedient, and hoped that within two years the British Government would have sent sufficient assistance.

It is of crucial importance that there was a coin shortage in New Zealand during the early 1840s. Most coins received were hoarded: by some in order to pay for imports, and by others simply because of their rarity. In New Plymouth, particularly, there was almost no specie, so cheques to pay Company workers passed from hand to hand as currency. Gresham’s Law operated. The bad money drove out of circulation what little good money there was. The shortage of British coins resulted in barter becoming common, and foreign coins circulating freely. In the annual Blue Books, 1841-47, the government listed the current exchange rate for foreign coins

37 A. Sutherland, Numismatic History of New Zealand, Wellington, 1941, p.156.
38 Moody’s instructions in this regard were identical with Hobson’s. See ‘Copies of the Royal Instructions to the Governors of New Zealand and the Falkland Islands, relative to the Issue of any Government Paper Currency’, 1840, GBPP, 1845, (129), p.3.
39 R. Moody to Stanley, No.6, 28 March 1843, ibid., p.2.
40 Stanley to Moody, No.18, 10 April 1844, ibid., pp.2-3.
in use — including even the Indian rupee. The values of gold coins were listed. It was 1849 before British coinage moved unchallenged throughout New Zealand. There were other accepted forms of payment. In spite of heavy fines, there was still some trade in preserved Maori heads. Maori women cost various sums. Tobacco and blankets were common media of exchange. Small quantities would buy much during FitzRoy's administration.

FitzRoy's despatches of 26 March and 15 April, 1844 caused a stir in Downing Street and Whitehall. Stephen came to the crux of the matter when he asked: 'are the Treasury to be advised to honour these bills?' Hope just gave his affirmative initials two days later. Stanley commented: 'these bills are drawn in the anticipation that Parl[iamen]t w[oul]d vote the same sum this year that it did the last — and as it has done so, I think there can be no question about recommending the acceptance of the Bills. The question of an increased Estimate next year must be left separate.'

The Chief Clerk for the Australian Department, Gordon Gairdner, drafted a letter to the Treasury for Stephen, sending copies of the two despatches. The Colonial Office recommended that the bills be honoured. Treasury's attention was drawn, however, to the fact that FitzRoy had issued debentures. The letter ended by stating that consideration of New Zealand's parliamentary grant must await knowledge of the full financial position. Gairdner was dissatisfied with his draft, but he was not instructed to amend it. 'I am not sure that the latter part of this letter is drafted as intended. I am afraid that the Treasury will entertain very strong objections to the creation of a currency.'

In normal circumstances the Treasury Commissioners would have believed it their duty to express decided disapproval of FitzRoy's action, but the situation was peculiar. Yet they believed it was essential that measures be taken quickly to redeem the debentures. FitzRoy should be instructed to withdraw the notes. Stanley was reminded that the colonial government had already been warned not to rely on substantial aid from British funds. Considering the colony's resources, Treasury naively believed that with proper management the whole of the civil expenditure could soon be provided for from local revenue.

Treasury made two general observations on the parliamentary grant. First, to establish a claim to increased aid, it would be necessary to show

42 The doubloon was worth £3.4/- in 1844. Blue Book, 1844, archives of the Internal Affairs Department, I.A. 12/5, N.A.
44 Minute by Stephen, 18 September 1844, on FitzRoy to Stanley, No.6, 26 March 1844, C.O. 209/27, p.205.
45 Minute by Stanley, 22 September 1844, on FitzRoy to Stanley, No.11, 15 April 1844, ibid., p.255.
47 Minute by Gairdner, 23 September 1844, on FitzRoy to Stanley, Nos.6 and 11, April 1844 and on Gairdner's draft, ibid., p.206.
that every feasible measure had been adopted to raise funds, including taxation. Secondly, whatever help was given would be to assist the government to meet necessary current expenditure, and not for paying off debt.\footnote{48 Trevelyan to Stephen, 17 October 1844, ibid., pp.211-4.}

As it appeared, Treasury said, that there was ‘inconvenience’ in New Zealand due to the lack of a circulating medium, the void would have to be filled by specie. The Commissioners directed that £6,185.18/- in coin be sent to the Commissariat Officer, who would pay to FitzRoy’s administration the remaining portion of the grant for 1844-45 earmarked for paying salaries, and pay on 1 April 1845 a further £1,741.5/-, the remaining quarterly balance of the grant. Treasury also asked that the Commissariat Officer be told to issue any future parliamentary grant to FitzRoy, on the understanding that no further bills would be drawn on Treasury. Stanley was to impress upon FitzRoy that this arrangement would afford no relief unless the debentures were withdrawn.

This letter from Treasury became the basis of Stanley’s reply to FitzRoy. To term the Colonial Office reaction a ‘qualified approval’\footnote{49 Porteous, p.57, referring to Stanley to FitzRoy, No.38, 27 October 1844, C.O. 209/27, pp.208-17, GBPP, 1845, (131), p.16.} is to be over-generous. FitzRoy was instructed to redeem the debentures forthwith. They were to be replaced either by funds raised by taxes, or if redemption proved impossible, by new debentures for sums of £50 or more each. The British Government believed that such large notes would not circulate but be held as securities.

FitzRoy did not succeed in his attempt to redeem all the notes. In his defence it should be noted that few settlers were wealthy enough to amass the £50-worth of the old notes necessary for the exchange. Some writers charged that he did not attempt the substitution.\footnote{50 See, e.g., Bedford, p.262.} This is unjust, because the Executive Council minutes demonstrate that Matthew Richmond, the Superintendent of the Southern Division, had on FitzRoy’s orders attempted to dispose of the £50 debentures but had failed.\footnote{51 Minutes of the E.C., 27 August 1845, E.C. 1/1.} So the issue of small notes continued.

Stanley told the Governor that his application for financial assistance from Parliament had been refused. Specie would be sent, but the home government would only consider the grant on receipt of full financial statements. The Secretary of State ended with the order that FitzRoy was to draw no further bills on the Imperial Treasury.

There is a significant minute by FitzRoy on one of the copies of Stanley’s despatch that he received. The despatch was to be copied, but omitting the warning not to draw any more bills.\footnote{52 Minute by FitzRoy, n.d. (April 1845), on Stanley to FitzRoy, No. 38, 27 October 1844, G1/12, pp.813-33, minute on p.831. The G1 series at N.A. comprises both despatches marked ‘original’ and ‘duplicate’. A less complete set — also a mixture — is held by the Hocken Library.} FitzRoy thought this act of deception
was necessary to avoid total financial collapse.

At first, the debentures were welcomed by most people, although some settlers doubted their legality. Some officials regarded the experiment with misgiving — until they found they could again be paid. Many long overdue payments were made with what some colonists dubbed ‘government rags’.

Several speculators refused the notes. The fact that some previous notes still circulated also meant that FitzRoy’s debentures were soon being exchanged at a substantial discount on sterling. This drop in value caused panic. A run on the bank at Auckland ensued. Debentures had only been available for a week when depositors began to rush to the bank demanding the return of their deposits in coin. In May 1844, Dr Samuel Martin, editor of the *Southern Cross*, and Frederick Whitaker, both members of the Legislative Council, held a hurried interview with FitzRoy. They probably persuaded him that the notes should be declared legal tender.

The Legislative Council met on alternate days for a month from 14 May 1844. The Governor had drafted a bill to legalize his notes and authorize the initial issue of them. Such legislation, FitzRoy hoped, would halt the depreciation and prevent the failure of the bank. His bill was discussed at length. William Brown, one of the ‘non-official’ members, thought that a declaration of the notes as legal tender was an illegal move. FitzRoy said that he had Crown authority for his measure, regardless of the Council’s decision. He exceeded his authority here, which did not escape Colonial Office notice. Finally, with only Brown dissenting, the Council passed the Debenture Ordinance of 18 May 1844.53

The need for an accepted circulating medium was admitted by the whole press. But the Ordinance was to turn support into opposition for FitzRoy in the north, as it became common knowledge that the notes had no gold backing. Yet making them legal tender eased the pressure on the Auckland bank, as it was able to return deposits in debentures.

However, the Debenture Ordinance had not been authorized by the British Government and, when it finally reached London, it did not receive this authorization. If a colonial law did not receive sanction in London, its operation was automatically suspended.

FitzRoy allowed four months to pass before he sent a copy of the Ordinance to Stanley. The covering despatch contained no explanation of the measure. The Governor did state, however, that issuing debentures and rendering them legal tender ‘has saved the Colony generally much misery’.54

The likely reason for the Governor’s long delay before reporting the Ordinance was that FitzRoy knew his action was illegal and hence would not be sanctioned in spite of the lack of a practicable alternative. Convinced that debentures would help the colony, it seems that FitzRoy wished to give

53 *Minutes and Proceedings of the Legislative Council of New Zealand*, Wellington, 18 May 1844, copy at N.A.
54 FitzRoy to Stanley, No.29, 14 September 1844, C.O. 209/28, p.228.
them as much time as possible to circulate, thereby restoring confidence, and thus obviating any need to recall the notes. News of the disallowance did not reach Auckland until October 1845, when FitzRoy knew his successor would soon be taking over.

The Colonial Office received FitzRoy’s September 1844 despatch on 29 March 1845. Stanley pointed out to both Treasury and FitzRoy that the Crown had determined to disallow the Ordinance. It was contrary to the rules prevailing throughout the British colonies. It was also an assumption by the Legislative Council of a power which they did not possess. The Governor was again told to redeem the notes. FitzRoy minuted after receiving Stanley’s despatch that he would not comply with the order to revoke the Debenture Ordinance because to do so would cause too much harm to the colony. FitzRoy explained the continued issue of debentures to the Legislative

This despatch reached Downing Street in May 1845. Stephen minuted that the Debenture Ordinance had already been disallowed. He noted that no provision had been made for paying off the notes, and he did not think it possible to rectify any ‘mischief’ due to disallowance.

Depreciation was not halted by the Ordinance, and debentures continued to change hands at about 10% below face value. Chief Justice Chapman was one of many who complained that the debentures that paid his salary could only be converted at considerable financial loss. Having once begun to issue paper money FitzRoy could not stop. He issued further notes of small denominations intended to circulate freely — which was partly in line with the instructions from Stanley that he had yet to receive. Inevitably, their value dropped also. Public meetings protested against the Governor’s policy. FitzRoy later claimed that Stanley’s despatch of 9 April 1843 gave him the power to continue issuing any notes. He must have realized that this was an overly liberal interpretation.

55 Stanley to FitzRoy, No.4, 30 April 1845, ibid., pp.231–3, draft; Entry books of outward despatches, C.O. 406/4, pp.145–47, final version.
56 Minute by FitzRoy, 3 October 1845, on Stanley to FitzRoy, No.4, 30 April 1845, G1/13, pp.77–84, minute on p.83. Cf. discussion in Buick papers, folder 34.
58 Minute by Stephen, 29 May 1845, on ibid., p.101.
Council on 5 April 1845. He wanted to give the best security he could. The new notes would be, if not actual payment, security until he ascertained from England how far the British Government would assist the colony. \(^60\) Bedford, a conservative economist writing in 1916, believed that this 'establishes the recklessness with which debentures were issued'. \(^61\) But something had to be done about the precarious state of the government’s finances or total disaster would have struck.

By November 1845, FitzRoy had issued debentures totalling £37,000 in face value, of which more than £20,000 worth were still in circulation. As the notes were being used they can be judged a success.

FitzRoy’s example was followed by shopkeepers, who issued their own promissory notes. For while his debentures offered some relief, they did not solve the problem of the shortage of small change for daily transactions. Before long, many privately issued notes were circulating. Some private notes were picturesque, such as those of the proprietor of the Antipodean Ginger Beer Company of Wellington. ‘On Presentation of TEN of these Notes, I promise to pay the Bearer the sum of FIVE SHILLINGS in Government Debentures, or the worth in my celebrated ANTIPODEAN GINGER BEER, well up, but like Governor FitzRoy’s head, rather weak!’ \(^62\)

There were several problems associated with private notes. They relied for value on the willingness of the issuer to redeem them; and they were susceptible to forgery and accident, being printed on extremely perishable paper. Some issuers used their notes to raise a fictitious capital. By spreading rumours that their firms were financially unstable they could enable their agents to buy back their own notes for well below their nominal value. While public opinion was against private notes, they were not withdrawn until Grey withdrew FitzRoy’s debentures when more sterling arrived. Issuers began in November 1845 to redeem their notes with coins, bringing private notes to a rapid end.

Once it became known in England, FitzRoy’s debenture issue occasioned several critical references in Parliament and the London press. The _Morning Chronicle_ based its attack on the fact that the debentures were issued in low denominations and therefore would move freely among the lower classes, and so be liable to excessive fluctuation in value. \(^63\) In his _Remarks_, FitzRoy defended himself against such criticism: ‘Their principle has been much condemned by some theorists, (who reason about a young struggling colony without capital, as if it were really circumstanced like any portion of the parent state — supported by banks and capitalists); but since their beneficial effects were practically felt, and fully appreciated by those

\(^{60}\) Summary by J. Coates, Clerk of Councils, of FitzRoy’s speech, _Minutes and Proceedings of the L.C._, 5 April 1845, C.O. 211/1, N.A. FitzRoy received the Council’s support in a resolution five days later, ibid.

\(^{61}\) Bedford, p.262.

\(^{62}\) Hargreaves, p.49, illustration (original in Turnbull Library).

\(^{63}\) The _Morning Chronicle_, London, 16 March 1845.
who might have been actually starved without them, the objections of theorists may be less regarded.' The same pamphlet shows that FitzRoy did not believe that disobeying instructions was necessarily a terrible thing. Many times such action had been 'productive of public benefit, however indefensible according to a general rule . . . whether this was one of such occasions, the wretched state of the colonists in New Zealand may shew.'

FitzRoy had no prospect of extricating himself from his financial embarrassments with honour. Soon after the arrival of Stanley’s despatch of 27 October 1844 instructing him to recall his debentures, it was published by the colonial press.

A common criticism which was levelled at FitzRoy’s currency was that it could readily be forged. One forger, Timothy O’Meara, received the severe sentence of ten years’ transportation to Van Diemen’s Land for forging a pound debenture. From prison he petitioned FitzRoy for pardon. Unfortunately for him — since FitzRoy was often lenient towards prisoners — it was Grey who considered the petition, together with Attorney-General Swainson. It was dismissed.

Some settlers contrasted the harsh treatment of O’Meara with the case of a prominent official when a book containing 250 ten shilling debentures was stolen. Two notices appeared in the Government Gazette that led many to conclude, perhaps unfairly, that the Chief Clerk in the Colonial Secretary’s office, James Freeman, was the thief. The first, dated 1 July 1845, announced that his resignation had been accepted; the second, dated a day later, warned people not to accept debentures from a book stolen from the Colonial Secretary’s Office. Many were outraged that Freeman received a complimentary letter from FitzRoy regretting that he had had to resign.

FitzRoy’s enemies made political capital from the alleged theft. A clever anonymous poem was prompted by his refusal to punish Freeman:

‘The Ballad of King Robert: A Satirical Poem’

... One day Sir Liber, wanting cash,
This paper money stole,
And the names were wanting, soon he placed,

64 R. FitzRoy, Remarks on New Zealand in February 1846, London, 1846, p.26. This well-reasoned defence of FitzRoy’s term of office is almost completely devoid of bitterness.
65 ibid.
66 See R. Burnett, Executive Direction and Criminal Justice: The Prerogative of Mercy . . ., Wellington, 1977. FitzRoy exercised this prerogative far more than Hobson or Grey. But every pardon contributed to public feeling against him.
68 Notice by Sinclair, 1 July 1845, New Zealand Government Gazette, 4 July 1845. See also Freeman’s letter, stating family business necessitating his return to London as the reason for his resignation. Freeman to Sinclair, 1 July 1845, inwards letters of the Colonial Secretary, I.A. 1, 1845/1059, N.A.
69 Notice by Sinclair, 2 July 1845, ibid.
To make the paper whole.  
When this was told unto the King,  
He thought it right good fun;  
And said, 'Sir Liber, I applaud  
The deed that you have done.'

Cases of forgery were not surprising, for the official method of handling government debentures was very lax. During preparation they necessarily passed through many hands, but at no stage did any checking system operate.

Nor did the system allow for memory lapses by staff. The Nelson Examiner in July 1845 reported that debentures were changing hands in that settlement without the Colonial Secretary’s signature, the date of issue, or the note’s number. Such invalid notes were supposed to be refused by officials, although this merely increased local annoyance. Some Nelson settlers stipulated before they made any sales that payment in government debentures would not be accepted. But throughout the dispersed settlements, colonists had no option but to accept FitzRoy’s notes or they could do no business.

It FitzRoy’s moves to combat the colony’s monetary crisis just produced worthless paper, as some Company settlers claimed, it is difficult to reconcile the action of 170 Auckland businessmen who, on the eve of FitzRoy’s departure for England, presented him with an address complimenting him on his financial policy, and asking opponents of debentures to specify what they would have done.

In many ways, FitzRoy’s views on money were ahead of his time. He argued that a new colony did not need a universal currency acceptable overseas, but rather a circulating medium of exchange which was not recognized outside the colony. This would force a country to promote its own industries so that it could export produce rather than specie.

By Grey’s arrival, FitzRoy’s debentures were circulating, on average, at a 20% discount. The inconvenience this depreciation had caused many settlers, and high estimates of the total sum of debentures issued, were two factors that contributed to colonial demand for FitzRoy’s recall. The Colonial Office, however, had already decided to replace him.

The fate of FitzRoy’s notes under Grey deserves brief consideration.

71 Nelson Examiner, 12 July 1845.
72 Address of 170 Auckland ‘Merchants, landowners, settlers and tradesmen’ to FitzRoy, February 1846, cited in Hargreaves, p.43.
73 FitzRoy, Remarks, p.27.
74 Some officials had early forebodings that FitzRoy might be dismissed. J. W. Hamilton, his private secretary, wrote: ‘Captain FitzRoy may be superseded: and any other Governor might be much more inclined to pay attention to recommendations from his friends.’ J. Hamilton to Hamilton Snr, 2 January 1845, Hamilton Papers, Canterbury Museum.
Immediately after reaching Auckland, the new Governor prepared to implement Stanley's orders. On 22 November 1845, he made the disallowance of the Debenture Ordinance public. This led to a minor panic in Auckland, for Grey made the mistake of omitting to announce how he proposed to withdraw the debentures. So shopkeepers would not accept them, and a speculative traffic saw them transferred at discounts up to 45%. Therefore Grey issued another announcement two days after the first, declaring that on presentation of debentures of at least £70 total face value, one quarter of the amount would be paid in specie, and a new debenture bearing interest at 8% would be issued for the remainder, including interest due. This news was welcomed by those who held many debentures, but did not help the huge majority who possessed only a few.

By the time Grey was appointed, Stanley had a better appreciation of the colony's plight, and the government at home belatedly recognized its need. If similar aid had been available to FitzRoy the need to issue debentures would never have arisen. Grey held all the cards; FitzRoy had held none.

FitzRoy's debenture action played a major role in his dismissal. Stanley's grievances were, in essence, that FitzRoy was a poor correspondent; that he adopted forbidden financial measures; that he imposed and then withdrew customs duties without a word of explanation to London; that he made New Zealand's land problems worse by waiving the Crown's right of pre-emption and overruling Commissioner Spain's Taranaki award; and that he totally mismanaged the native question, in particular by failing to obey the instruction to form a militia. The setbacks at the hands of Hone Heke and Kawiti did not really contribute to the dismissal as Stanley was unaware of all but the initial incidents of the 'War in the North' when he decided to replace FitzRoy. Some defence of FitzRoy can be made on all the charges, but the present concern is only with the second one, and the related first one.

Clear signs of what was to come appeared in Stanley's despatch of 3 February 1845. Previously, the tone of Stanley's approval in November 1844 of FitzRoy's Wairau actions had been maintained. But now Stanley criticized the absence of any major news from the Governor dated later than 15 April 1844. Stanley had heard unofficially that FitzRoy had adopted some most important measures, most notably the Debenture Ordinance. Stanley thought that the arrival of some despatches must have been delayed. It was 'most inconvenient' when individuals possessed 'apparently well-founded reports' of the Governor's actions over a long
period during which Stanley had received no information from him. FitzRoy’s minute on this despatch made no comment on any of the criticisms. By then, to point out that later despatches had been sent would have been superfluous.

A month after his despatch of February 1845, Stanley sent a more strongly worded one. The embarrassment due to FitzRoy’s silence was increased because the New Zealand Company had received stunning news. The Secretary of State had clearly shown his concern at the issue of debentures. FitzRoy must have been aware that this ‘was a measure . . . so entirely contrary to your instructions, that nothing but the most extreme necessity could have warranted . . . it; and that it was your imperative duty . . . to have reported the measure, without a moment’s delay . . . with the amplest explanation . . . to afford them [the British Government] the very earliest opportunity for an expression of their opinion’. If no satisfactory explanations were provided for this and other actions, it was so serious a dereliction of duty that it would be impossible for Stanley to advise Queen Victoria to continue her confidence in FitzRoy’s governorship.

Later that same month a further ‘separate’ despatch was sent to Auckland. This time Stanley illustrated the discomfort FitzRoy’s lack of information was causing by enclosing the transcript of a debate in the House, in which Joseph Somes moved for ‘a variety of Papers respecting which, in his capacity of Governor of the New Zealand Company, he appeared to have full information from the Colony’. Somes’s first request was for all correspondence between the Colonial Office and FitzRoy about the issue of debentures and declaring them legal tender. Hope had only been able to supply FitzRoy’s despatches of 26 March and 15 April 1844, having to admit that Stanley had received no information on legalizing the notes.

Although more despatches did reach London on 29 March 1845, including the one forwarding the Debenture Ordinance, Stanley was far from satisfied. Only days after Somes’s motion, FitzRoy’s alleged mismanagement had been the excuse for bitter attacks on Stanley in the House of Commons, inspired by Charles Buller. By 11 April 1845, Stanley found it necessary to direct that a confidential paper be written explaining to Peel why he recommended FitzRoy’s recall.

In analyzing the despatches received from FitzRoy, the paper isolated four main general areas where his performance was unsatisfactory. The second of these was the state of the colonial revenue and the means used to

79 Minute by FitzRoy, 17 August 1845, on Stanley to FitzRoy, Separate No.1, G1/13, pp.33-40, minute on p.40.
81 Stanley to FitzRoy, Separate No.3, 14 March 1845, ibid., pp.139-42, quotation from p.139. Somes’s request is in GBPP, 1845, (131).
83 Great Britain Parliamentary Debates (GBPD), Vol.78, cols. 891-90, 962-63, 14 and 17 March 1845.
further it. By April 1844, ‘Captain FitzRoy’s financial prospects had much darkened... he announced that the local treasury was in debt to... £20,000. He stated that the bills he had drawn... could scarcely be discounted to all... that he had therefore issued a series of Government notes.’

The Colonial Office’s reply of 27 October 1844 required FitzRoy to replace the debentures with notes of higher denomination. Some time later, Stanley had received the astonishing news that debentures had been declared legal tender, in violation of the royal instructions. ‘In a postscript of the 28th September... he refers to that prohibition, but states that by disobeying it the Government had saved the colony from much misery. This is the single allusion he has made to the subject.’

Stanley told his Prime Minister that he now believed that FitzRoy did not have the necessary qualities for his position. He could see no alternative to advising the Governor’s immediate recall.

The despatch of dismissal was dated 30 April 1845. Stanley explained that on 29 March he had received seventeen FitzRoy despatches, dated from April to September 1844. He had read them hoping that they would restore his confidence in FitzRoy. Sadly, they did not. Stanley said that at a later date he would fully explain why his opinion was unaltered. For the time being he would only state that the Governor’s measures had impaired the confidence which the home government had placed in him. They had therefore advised the Queen to revoke his commission. Stanley added that they retained their good opinion of his character and zeal; but he ended with rather blunt notice that FitzRoy could expect his successor’s arrival within a few weeks of receiving this despatch.

On 5 May 1845, Hope informed the House of Commons that FitzRoy was to be replaced. Everything possible was done to soften the blow for FitzRoy’s influential family connections.

The promised fuller explanation of the recall was dated 14 May 1845. The detail of this despatch largely duplicated the statement to Peel. The reasons for FitzRoy’s downfall were not made public until Hope informed the House in June 1845. He made it clear that the most grievous fault was FitzRoy’s wilful disregard of his instructions, especially in relation to debentures. Many non-government speakers argued that FitzRoy was being made a scapegoat — a belief that was to grow in New Zealand also. Most initial reaction in the colony, however, to FitzRoy’s recall was euphoric. The settlers found out in October 1845 and many rejoiced.

84 Stanley to Peel, 11 April 1845, Hope Papers, pp.3-4.
85 ibid., p.4. Stanley referred to FitzRoy to Stanley, Confidential B, 16 September 1844, G30/6, p.150, postscript.
86 Stanley to FitzRoy, Separate No.4, 30 April 1845, C.O. 406/4, pp.143-4. FitzRoy, who received this on 10 October 1845, made many notes on it. Beside the words ‘infrequency... of your official communications’ he wrote ‘unavoidable’ (ibid., p.69), p.69), and beside ‘generally unsatisfactory character’ noted, ‘not true — see Nov 3/44 the last despatch in reply — 15 days after I received various despatches’ (ibid.).
87 Speech by Hope, 5 May 1845, GBPD, Vol.80, cols.172-3.
88 Speech by Hope, 13 June 1845, GBPD, vol.81, col.752.
especially in Nelson, where the lack of punishment for the Wairau murderers still rankled.

In the midst of a busy year both officially and personally, FitzRoy felt very hard done by. He returned to England in February 1846 but before departing gave Grey considerable assistance for which he received no thanks at all.

It is clear that the unauthorized issue of debentures and their proclamation as legal tender were prime causes of FitzRoy’s dismissal. Nevertheless, the financial policy represented by these measures was the only course open to him in the indebted circumstances in which he found himself. He knew that in taking these steps he left himself open to Colonial Office censure, but laudably, he preferred to sacrifice his own reputation rather than the viability of the colony.

89 His wife had just undergone a very difficult but successful fourth pregnancy.