

P A P E R S

RELATIVE TO THE

RE-ORGANIZATION OF THE WANGANUI MILITIA,

PRESENTED BY COMMAND TO BOTH HOUSES OF THE GENERAL ASSEMBLY.

PAPERS RELATIVE TO THE REORGANIZATION OF THE WANGANUI MILITIA.

No. 1.

MR. STAFFORD TO OFFICER COMMANDING MILITIA, WANGANUI.

Militia Branch,
Colonial Secretary's Office,
Auckland, 7th May, 1861.

SIR,—

I have the honor to acquaint you that the Government are desirous of enrolling, and classifying under the Militia Act of 1860, all men liable to serve in the Wanganui Militia.

On the receipt of this letter you will consequently be good enough to dismiss from duty (with the exception of the permanent paid Militia Staff sanctioned by the Legislature) the Officers, Non-commissioned Officers, and men of the Wanganui Militia under your command, reporting your having done so to this office, and also to the Commissariat Department from whom the force in question receive their pay.

I have, &c.,
E. W. STAFFORD.

The Officer Commanding Wanganui Militia,
District Wanganui.

No. 2.

THE OFFICER COMMANDING MILITIA, WANGANUI, TO COLONIAL SECRETARY.

Wanganui, 12th May, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 7th May, No. 155, and beg to inform you that I have commenced enrolling and classifying the men liable to serve in the Militia of this District, in accordance with the provisions of the last Militia Act.

The directions contained in your letter No. 155, relative to dismissing the Militia under my command from duty, shall be complied with as soon as possible.

I have, &c.,

I. R. COOPER,
Major Commanding
Wanganui Militia and Volunteers.

The Honorable the Colonial Secretary,
Militia Branch, Colonial Secretary's Office, Auckland.

No. 3.

THE OFFICER COMMANDING MILITIA, WANGANUI, TO THE COLONIAL SECRETARY.

Wanganui, 16th May, 1861.

SIR,—

In accordance with instructions contained in your letter No. 155, I have the honor to inform you that I have this day discharged from duty the officers, non-commissioned officers, and privates of the Militia enrolled under the old Act, and that 54 men of the number, of all ranks exclusive of Officers, have volunteered, and were re-attested under the new Act, and I have reason to believe that in a few days several others will join the force.

I conceive that the present aspect of affairs here does not warrant any reduction of the Militia Force; it should rather be increased. The Natives up the river are nearly to a man of the King's party and will, I believe, act on the moment as directed by the King. Their communication with Waikato

PAPERS RELATIVE TO THE

and the central tribes is frequent, and much more regular than our communication with Government; and the mail road between this Garrison and the Waitara, including the Ngatiruanui and Taranaki country, is open to the Natives *only*.

The least cause or imaginary cause would excite the Natives to act against us, and probably a larger Native force could be brought against Wanganui, in a short space of time, than against any other settlement in the country; and its means of receiving support from without are limited, as only small vessels can enter the Wanganui river.

The Garrison consists of only 200 men, and it would require at least 400 of another Regiment to replace these 200 of the 65th, every man of the 65th being worth two of a Regiment fresh from home, for service in this country; and an increased force of another corps would, I believe, excite suspicion in the Native mind.

I shall be obliged by your informing me who is to act as the Governor's Deputy for calling out a part or all of the Militia, as the Magistrates empowered to act, under the old Act, seem to imagine that their power has expired with the new Act.

I have, &c.,

The Honorable the Colonial Secretary,
&c., &c.,

I. R. COOPER,
Major Commanding Wanganui Militia.

No. 4.

MR. STAFFORD TO OFFICER COMMANDING MILITIA, WANGANUI,

Militia Branch, Colonial Secretary's Office,
June 6th, 1861.

SIR,—

With reference to your letter of the 18th ultimo, forwarding an Estimate for the pay of the Wanganui Militia from the 1st to the 16th May, 1861, I have the honor to acquaint you that in conformity with arrangements entered into between the Civil and Military Authorities, the sum of One hundred and forty-five pounds fifteen shillings and seven pence has been placed to the credit of the Paymaster of the Wanganui Militia, with the Commissariat Officer in charge at that Station.

I herewith return you your Estimates, the duplicate of which has been forwarded to the Military Secretary.

Until further orders on the subject, the Paymaster of the Wanganui Militia and yourself will take for your guidance, with respect to the method of payment and rendering the pay lists to the Colonial Secretary, the form prescribed by the War Office Explanatory Directions to Paymasters, whose Department embraces in this respect the duties performed by the Secretary of State for War at Home.

I have &c.,

Major Cooper,
Commanding Militia and Volunteers,
Wanganui.

E. W. STAFFORD.

No. 5.

OFFICER COMMANDING MILITIA, WANGANUI, TO THE COLONIAL SECRETARY.

Wanganui, 14th June, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter, No. 202, of the 6th instant, directing that the Paymaster of the Militia is to take for his guidance the War Office Explanatory Directions with respect to the method of payment, rendering pay lists, &c. Hitherto I have been unable to obtain a copy of that work, but hope to get one from the 57th Regiment.

The Estimate you allude to did not accompany your letter, and as there is some difference in the amount of pay estimated for by the Paymaster, and the amount actually received from the Commissariat Officer, it will be requisite that I should obtain the Estimate or a copy of it.

I have &c.,

The Hon. the Colonial Secretary,
&c., &c.,

I. R. COOPER,
Major Commanding Wanganui Militia.

No. 6.

MR. STAFFORD TO OFFICER COMMANDING MILITIA, WANGANUI.

Militia Branch, Colonial Secretary's Office,
Auckland, 3rd July, 1861.

SIR,—

With reference to the Warrant of the 6th May last, bringing the "Militia Act Amendment Act 1860," into operation, I have the honor to transmit a Warrant renewing the authority to appoint the times and places for training and exercising the Militia of the Wanganui District.

A question having arisen as to the necessity of re-swearing Militiamen sworn under the Militia Act of 1858, the Honorable the Attorney General is of opinion that Militiamen can only be sworn when they appear at the time and place appointed for exercise, and that it is not necessary to reswear those Militiamen who have been properly sworn in the above mentioned manner.

I have, &c.,

Major Cooper,
Commanding Militia, Wanganui.

E. W. STAFFORD.

No. 7.

OFFICER COMMANDING MILITIA, WANGANUI, TO COLONIAL SECRETARY.

Militia Office, Wanganui,
31st August, 1861.

SIR,—

I have the honor to forward the quarterly estimates for the pay, &c., of the Wanganui regiment of militia, for the period commencing the 1st July and terminating 30th September, 1861, amounting to £622 9s. 8d. I have also enclosed the vouchers for the contingent expenses during the same period, which amount to £34 8s. 2d. The duplicates have been forwarded to the Sub-Treasurer at Wellington.

I have, &c.,

The Hon. the Colonial Secretary,
Militia Branch, Auckland.

CHAS. WM. BROUGHTON,
Paymaster W. M.

No. 8.

THE UNDER-SECRETARY TO OFFICER COMMANDING MILITIA, WANGANUI.

Militia Branch, Colonial Secretary's Office,
Auckland, 23rd October, 1861.

SIR,—

With reference to Mr. Stafford's letter, No. 155, of the 7th May last, in which you are directed to dismiss from duty (with the exception of the permanent paid militia staff) the Officers, Non-commissioned Officers, and Privates of the Wanganui Militia under your command, I have the honor, by direction of Mr. Fox, to request that you will be pleased to inform me why (after the receipt of that letter) and under what authority you re-engaged their paid services, as it appears from the quarterly estimate of the probable amount required for their payment for the quarter ending the 30th September, 1861, transmitted in paymaster Broughton's letter of the 22nd August last, it is proposed to do.

Mr. Fox desires to know if any and for what periods, you have resided in the Militia Office, or the building for which the Government has been charged with rent, during the time you have been in receipt of lodging allowance, as has apparently been the case from Mr. Halse's report.

You will also be good enough to state under what authority Captain Durie is estimated for as in the receipt of full pay, it being an invariable and well known rule that civil officers in the pay of the Colonial Government only receive half the militia pay attached to their militia rank. If Captain Durie has received full pay to the date of the last pay list, the authority under which it has been issued is to be stated.

I enclose the copy of a letter on the last-mentioned subject addressed to Major Trafford when commanding the Wellington Militia.

I have, &c.,

Major Cooper,
Commanding Wanganui Militia.

W. GISBORNE,
Under-Secretary.

No. 9.

THE OFFICER COMMANDING MILITIA, WANGANUI, TO THE COLONIAL SECRETARY.

Wanganui Militia,
Wanganui, 25th November, 1861.

SIR,—

With reference to your letter, No. 379, I have the honor to give you the following answers to your queries, viz.:—1st. In accordance with letter No. 155 of the then Honourable Colonial Secretary, I discharged the Militia and again enrolled most of the same men as Volunteers for actual service in the Militia, in accordance with directions in said letter No. 155, thus expressed, "the Government are desirous of enrolling," &c., &c.; moreover, I should have enrolled the men again even without instructions, as I have the power vested in me to do so, and I did enroll them, as I considered the late Government would remain in office, and consequently, as a matter of course, the supremacy of the Queen would be maintained, the honour of the English name upheld, English law supported, roads made through the country, the Taranaki murderers punished, and our fellow

subjects compensated for their losses by those Natives who have devastated the Province of Taranaki : and as I believed, and still believe, that none of these ends are to be attained without war, I deemed it necessary that every man should continue accustomed to the use of arms, and just that those who could not afford to volunteer their services for nothing, should be paid.

Most of the Militia are old soldiers, and their trained service is as much worth pay as the trained service of any other person ; further, nearly every man who could afford to serve for nothing in this district has volunteered, and it would not have been fair to have expected them, the volunteers, to have done all the duty if war arose, as it was then likely to have arisen every day.

I further refer you to your own letter No. 300, of the 6th August, on the subject of pay for the current month, and to letter No. 202, bearing on my letter No. 102, and your own letter No. 294, on the subject of pay ; moreover, your department has sanctioned pay for the latter part of May and all June, after the Militia was disbanded, without comment.

2nd. I never resided in the Militia Office ; the Militia Office was in my house about six months ; a large house was taken so that one part might be used as a Militia Office, at a much higher rate of rent than I should have paid for a house for myself, and as soon as I could obtain a house in a central position for the sum allowed for an office, I did so.

3rd. Captain Durie was paid under the authority of an order from General Pratt,* copy transmitted herewith, and in accordance with Mr. Stafford's No. 80.

I have, &c.,

The Honourable the Colonial Secretary,
Militia Branch,
Auckland.

I. R. COOPER,
Major Commanding Wanganui Militia.

* P.S.—I believed the regular pay for Militia Officers on service would have been paid by the Home Government, and still believe this would be the case had Mr. Stafford remained in office.

Enclosure in No. 9.

EXTRACT FROM GENERAL ORDERS.

Head Quarters,
New Plymouth, 8th October, 1860.

No. 487.

2. The Deputy-Commissary-General is authorized to issue on the regular vouchers daily pay and subsistence, to the Officers and Non-commissioned staff of the Wanganui Militia, from the date of their respective appointments as vouched by Major Cooper of that corps, Major Cooper's daily pay and lodging allowance as Major in the Line, forage allowance 3s. per diem:—1 sergeant, 4s.; 1 corporal, 3s.; 1 bugler, 2s. and 6d.; and to 1 company of Militia from 1st August, 1860, at the following rates:—

Officers the same daily pay as Officers of the same grade in the Line, without any Colonial or other allowances, Non-commissioned Officers and Men the same pay and allowances as Her Majesty's Troops serving in New Zealand; one suit of clothing, or one similar in value to that issued to Her Majesty's Troops.

The whole of the above charges to be borne by the New Zealand Government.

By command,

True copy of Extract,

I. R. Cooper, Major commanding the Wanganui Militia.

R. CAREY,

Deputy-Adjutant-General.

No. 10.

LIEUTENANT-COLONEL BALNEAVIS TO MAJOR DURIE, WANGANUI.

Deputy-Adjutant-General's Office,
Auckland, 5th February, 1862.

SIR—

With reference to the letter noted in the margin, I am directed by Mr. Fox to write to you to the following effect, and to request you to publish in a General Order that part of it which relates to the pay of the Militia men, and to forward a copy of it to Captain Cooper.

In placing a portion of the Wanganui Militia on pay, subsequent to the receipt of distinct instructions to the contrary given in the letter of the late Colonial Secretary, Mr. Stafford, of 7th May, 1861, Major Cooper was guilty of disobedience, which, had he continued in the service of the Government, would have entailed upon him very serious consequences.

The excuses offered by him for having done so are:—

1st. That he had instructions to re-enroll the men.

This is perfectly true, but he had no instructions to put any of them on pay; on the contrary, it was distinctly stated in Mr Stafford's letter before referred to, that all pay, except that of the Staff, was to cease.

2nd. Major Cooper says, "that if he had received no instructions to re-enroll the men, he would have done so without instructions, as he had the power to do so."

This is an entire misapprehension on Major Cooper's part, he had no power of the sort. If he conceived that his appointment of Governor's Deputy gave him such power, he is mistaken; and even if it had done so, that appointment was not conferred on him till 3rd July, and could not be known to him for at least a fortnight afterwards, while the enrollment took place some weeks previously.

But even supposing that he had the power to enroll without instructions, still, as before stated, he had no power to put the enrolled men on pay, and that contrary to express instructions "that all pay except that of the staff was to cease."

3rd. Major Cooper assigns a great variety of political objects which he had in view, which he believed could not be attained without war, and he says "that he deemed it necessary therefore that every man should continue accustomed to the use of arms."

Neither Major Cooper's political opinions, nor what he deemed necessary, are any justification of a deliberate disregard of positive orders; it is for the Government to consider the political necessities of the case, and it is to be presumed that Mr. Stafford had duly considered them when he wrote the letter directing all pay to cease.

The course pursued by Major Cooper therefore appears entirely without excuse, and the Government feels that it would be perfectly justified in throwing the responsibility upon him, and declining to sanction the pay lists now under consideration.

But as it appears that Major Cooper, while holding a commission of Officer Commanding the Militia, and so far representing the Government, did virtually pledge it to the payment in question, although entirely without authority, and against positive instructions, the Government will not disappoint those to whom such pledge was made, and will sanction pay for Company No. 1 as per pay lists, to 20th November 1861, the date of the general order issued by Major Cooper.

As regards the explanation offered by Major Cooper in reference to his receiving lodging allowance while residing in the Militia office, the Military rule on this subject is perfectly well known, and in Her Majesty's any service infringement of it is visited with severe punishment. The Government will not require any refund on this account, but it must be struck out of the pay lists now pending.

The same rule applies to Captain Durie's pay. The rule of the Colonial Service, that officers of the Colonial Government having an additional office or appointment conferred on them shall only receive half the usual salary of the second office, is well known, and Captain Durie ought not to have received more than half a Captain's pay. In this case also the Government will not require a refund, but in the pending pay lists Captain Durie's pay must be reduced accordingly.

I have, &c.,

H. C. BALNEAVIS,

Major Durie, &c, &c., Wanganui.

Deputy Adjutant-General of Militia and Volunteers.

No. 11.

MAJOR ROOKES TO THE COLONIAL SECRETARY.

District Militia Office,
Wanganui, 14th May, 1862.

SIR,—

Adverting to the correspondence of the numbers and dates quoted in the margin, and especially to that portion of your letter to Major Durie, of the 5th February, 1862, No. 21, directing that Officer to publish in a General Order the part of it which relates to the pay of the Militiamen, I have the honor to acquaint you that Major Durie has informed me that he has not done as directed, as no one attended the parade he ordered for the purpose of reading the letter in question, except the Officers and Non-commissioned Officers, and that consequently no further steps were taken in the matter.

I think it but right to mention that a sense of injustice with respect to being deprived of their pay at present exists amongst the Militia, which it is probable the publication of your letter written by Mr. Fox's direction might remove.

I have, &c.,

CHARLES CECIL ROOKES,
Major Commanding.

The Deputy Adjutant-General
of Militia and Volunteers, Auckland.

No. 12.

LIEUTENANT COLONEL BALNEAVIS TO MAJOR ROOKES.

Deputy Adjutant-General's Office,
Auckland, 4th June, 1862.

SIR,—

In reference to your letter No. 9, dated 14th May, 1862, I am directed to inform you that the Government authorise the publication of my letter No. 21, of the 5th February, addressed to Major Durie.

You will be pleased to read it on parade, and have it published in the local paper.

I have, &c.,

H. C. BALNEAVIS,
Deputy Adjutant-General of Militia and Volunteers.
Major Rookes, Commanding Militia District,
Wanganui.

FURTHER PAPERS RELATIVE TO THE

No. 2.

MAJOR COOPER TO HIS EXCELLENCY THE GOVERNOR.

Wanganui, 10th June, 1862.

SIR,—

I have the honor to remind you that the accounts between the Government and myself are still unsettled, and that I am consequently detained at Wanganui to the detriment of my private interests. It is now 11 months since I have received any pay from Government, and I hold your Excellency responsible as I received my appointment from your predecessor, and the order for my pay was signed by himself.

I have, &c.,

His Excellency Sir George Grey, K.C.B.,
Wellington.

I. R. COOPER.

P.S.—Even though willing to abandon the money due to me, I could not leave Wanganui till I am told to whom I am to hand over money due by me for the sale of ammunition.

No. 13.

THE UNDER SECRETARY TO MAJOR COOPER.

Colonial Secretary's Office,
Wellington, 28th July, 1862.

(No. 17.)

SIR,—

I am directed by Mr. Fox to acknowledge the receipt of your letter of the 10th ultimo to the Governor, and referred by His Excellency to His Ministers, relative to the unsettled state of accounts between the Government and yourself, and in reply to inform you that the Government cannot recognize any special claim on your part against them for the delay of the adjustment of the accounts of the Wanganui Militia, inasmuch as your own disregard of the orders of the Government has occasioned this delay, and, otherwise, much injury to the Public Service.

With respect to the public money which you state you hold, and which you profess you are not aware to whom to pay over, I am to remind you that, when you were superseded, you were instructed to transfer every thing in your possession connected with the Militia Department to Major Durie. As you have failed to comply with that instruction, I am to request you to pay all such money at once into the hands of the Sub-Treasurer, (Capt. Sharp) at Wanganui.

I have, &c.,

W. GIBBORNE,
Under Secretary.

Major Cooper,
Wanganui.

No. 14.

MAJOR COOPER TO THE UNDER SECRETARY.

Wanganui, 4th August, 1862.

SIR,—

With reference to your letter No. 17, bearing on the copy of letter No. 21 of the 5th February, (written by Adjutant-General of Militia) forwarded to me from the Militia office of this district I beg to state for the information of Mr. Fox, that unless the Government recognise my claim for compensation for the time I have been detained from my own affairs, I shall have to bring the matter before the General Assembly; I make claims on the following grounds:—1st, Mr. Fox directed my pay to cease on the day I received his letter, No. 376; this was evidently unjust as it took me a month to return to my own district (Auckland), after the receipt of the said letter, and of course I should receive pay till my return there or till I was gazetted out of the Militia.

2nd, I have had to pay three months lodging money, for Militia purposes more than I received.

3rd, When I spoke to you in Auckland, about my pay, you intimated to me that the Wanganui Militia accounts were to be settled at Wanganui, and I have been detained here till the 26th ult., for the settlement.

Regarding the remarks Mr. Fox has directed you to make to the effect that my disregard of orders of the Government has occasioned the delay in the settlement of accounts, I deny its truth *in toto*. I never disregarded any orders of Government relative to pay and Government had no right to give me orders on other subjects. I did not, nor could I if I desired it, have put the Militia on pay, without orders, and the militiamen were distinctly told by me on the 15th May, 1861, when they were re-enrolled that they would not receive pay, till I heard from Auckland on the subject. I wrote to the Colonial Secretary and received instructions to estimate for pay for the Militia in accordance with the directions

to paymasters in the War office explanatory directions; and the estimates have been regularly transmitted and never objected to, from the 15th May, to the 22nd October, 1861, the date of the letter which directed pay to cease on receipt of the said letter, viz., on the 20th November, 1861, an order to which effect was at once published. When it is considered, that in addition to what I have stated, have been at heavy pecuniary loss through absentsing myself from my own affairs, in the first instance, at the request of the Governor on an emergency of the Colony, and not for my own benefit, or at my own seeking; and subsequently, through the delay in settling the accounts on the part of the Government, that I am entitled to a liberal compensation. With respect to the public money, collected by me for the sale of ammunition, it was paid to the Officer commanding the Wanganui Militia, on the 26th ult., by his directions in the settlement of accounts made on that day.

I have, &c.,

I. R. COOPER.

W. Gisborne, Esq., Under Secretary,
Wellington.

No. 15.

THE UNDER SECRETARY TO MAJOR COOPER.

Colonial Secretary's Office,
Wellington, August 9th, 1862.

(No. 17.)

SIR,—

I am directed by Mr. Domett to acknowledge receipt of your letter of the 4th inst., on the subject of your claim for compensation in consequence of the delay that has occurred in the payment of arrears of salary due to you as Commanding Officer of the Militia at Wanganui, and in reply to inform you that copies of the correspondence and of other documents connected therewith have been laid before the House of Representatives.

Under the circumstances, if you feel yourself aggrieved by the refusal of your claim, your best course would appear to be to submit your case to the consideration of that Body.

I have, &c.,

W. GISBORNE,
Under Secretary.

Major I. R. Cooper,
Wanganui.
