

# P A P E R S

RELATIVE TO

CERTAIN DISAPPROVED ACCOUNTS OF THE RESIDENT MAGISTRATE, MANAWATU.

*[Return to an Order of the House of Representatives, dated 10th December, 1864.]*

That there be laid upon the Table of this House—"A copy of the Native Secretary's Letter to Mr. Mantell, dated 21st December 1863, and its Enclosures ; and of any subsequent Correspondence between the Resident Magistrate of the Manawatu District and the Government on the subject of those Enclosures ; also for Correspondence between the Government and the Resident Magistrate of the Manawatu District, relative to any increase in his salary during the present year.

*(Dr. Featherston.)*

WELLINGTON.

—  
1865.



PAPERS RELATIVE TO CERTAIN DISALLOWED ACCOUNTS OF THE RESIDENT  
MAGISTRATE, MANAWATU.

No. 1.

The NATIVE SECRETARY to W. B. D. MANTELL, Esq.

Colonial Secretary's Office, Native Department,  
Auckland, 21st December, 1863.

SIR,—

I am directed by the Hon. W. Fox to enclose the copies of correspondence between yourself,\* the late Native Minister, and Mr. Buller, relative to the transmission by Mr. Buller to the late Native Minister, for approval, of an abstract for an expenditure disapproved by you, as late Member of the Executive Council, Wellington.

\* See post.

I have, &c.,

EDWARD SHORTLAND,  
Native Secretary.

W. B. D. Mantell, Esq., Wellington.

No. 2.

Mr. BULLER to the Hon. W. B. D. MANTELL.

Manawatu, Monday Evening, 22nd June, 1863.

SIR,—

Enclosed is copy of a letter I have just received from Dr. Hewson, of Otaki.

I have thought it so important that its contents should at once be communicated to the police, that I have felt no hesitation in engaging an express to start with this at daylight to-morrow.

In connection with the events which it has been my duty within the last week to report specially upon, the information furnished by Dr. Hewson is important, and demands the immediate attention of the town authorities.

I have, &c.,

WALTER BULLER, R.M.

Enclosure to No. 2.

DR. HEWSON to WALTER BULLER, Esq., R.M.

MY DEAR SIR,—

Otaki, 22nd June, 1863.

I have just heard from a neighbour, of undoubted authority, that many of the Natives here are procuring ammunition in Wellington to a large extent—powder, caps, lead, &c. We hear that they are taking in horses, &c., to procure more.

The matter appears to us so serious, and admits of so little delay, that I was requested to call your attention to the subject without delay.

I do not think that Mr. Edwards is at home, and the district is under your surveillance.

I am, &c.,

CHAS. GEO. HEWSON.

Walter Buller, Esq., R.M., Manawatu.

No. 3.

MEMORANDUM by Mr. BULLER, forwarding Account to NATIVE MINISTER for approval.

I have no authority to engage special messengers, and I do so only in cases of pressing importance. In the present instance information had reached me that the Otaki Natives were obtaining large supplies of ammunition from Wellington. (*Vide* my report of June, 1863.) I lost not a moment in sending express to Wellington to put the police authorities on the alert. The inquiry thus set on foot led to the apprehension of George Waters, who has been committed for trial in the Supreme Court.

Manawatu, 23rd July, 1863.

W. BULLER, R.M.

NOTES by Mr. MANTELL on the above.

This was a case in which personal investigation was alone of pressing importance.—DR. HEWSON.

The express, useless as it was, arrived at 3 p.m. on 24th, bringing Mr. Buller's letter of the 22nd. Twelve hours should bring an express from Manawatu to Wellington.

The inquiry only began after the second express, of which, though badly managed, I allowed the expense.

REPLY by Mr. BULLER to Mr. MANTELL's Notes.

With reference to the Hon. Mr. Mantell's marginal notes on my memorandum, I desire to state:

1. "Personal investigation" on the spot could not have intercepted the fresh supplies spoken of.
2. Dr. Hewson's letter reached me after dark on the 22nd. I at once proceeded to the Awahou settlement, and engaged Natana to start at daylight. The distance from Manawatu to Wellington is considered seventy-five (75) miles.

3. If Mr. Mantell refers to the "legal inquiry," I believe it was not commenced till after the third express (Te Aomarere) went in. I used the word inquiry in the broader sense.

4. The only charge made for the second express was £1, to cover policeman's horse hire. To show that the bad management was no fault of mine, I may quote from Mr. Mantell's note of 28th June:—

"Dear Mr. Buller,—Le diable sauve toujours les enfans, and so to protect one of them, Mr. Hapeta must needs get spilt, and break his collar bone or arm; so Pehara brought on his letters and kit."

The accident was one I could not foresee or provide against.

WALTER BULLER, R.M.

#### No. 4.

MEMORANDUM by MR. MANTELL for the Hon. the Minister for Native Affairs, MR. WOOD, (in the absence of Mr. Bell.)

It is with unfeigned regret that I call your attention to the following subject.

On the 15th July I received from Mr. Buller, R.M., Manawatu District, an account (Enclosure 1) for sums expended. In this I marked the charge for his first express as one which I could not approve. The letters sent by that express and a copy of my memoranda thereon were forwarded by me to you on the 24th June—the day on which I received them.

I returned the original account to Mr. Buller by the next mail (20th July), and received from him by return of post (25th July) an account (Enclosure 2), omitting the disapproved charge. This account I returned with my approval on the 27th July.

Mr. Buller did not accompany the amended account with any protest or remark of any kind. He knew himself unable to justify that express to me on the ground of utility; as it aided in no degree the detection of the offender, and only facilitated his escape by putting him prematurely on his guard.

By the same post which brought this amended account, Mr. Buller appears to have forwarded to you for approval an account for the disallowed charge (Enclosure 3), accompanied by a memorandum (No. 3, p. 1), which appears to me inveterate from beginning to end. He does not inform you that there had been other expenses for the same service—that this charge had just been disallowed by me; but leads you to believe that this most useless express achieved that which it only tended to frustrate—the conviction of Waters.

The Sub-Treasurer having been aware of my disapproval of the first account, very properly informed me of the arrival and payment of that approved by you. I therefore instructed him (Enclosure 4) to surcharge Mr. Buller with the amount, and to furnish me with the documents necessary for your information.

I must leave it to you to submit this matter to the Governor, and should His Excellency decide upon removing Mr. Buller from his office, and his name from the Commission of the Peace, I shall see nothing in that course prejudicial to the Public Service, or unjust to an officer who for so small a consideration has practised such a deception on the Head of his Department.

September 23rd, 1863.

WALTER MANTELL.

#### Enclosure 1 to No. 4.

VOUCHER, 1863.—Province of Wellington, the DEPARTMENT OF GENERAL NATIVE PURPOSES  
Dr. to WALTER BULLER.

To undermentioned sums paid on Government Service—									
June 1, 1862,	}	Jenkins, Master "Sarah," for freight of Government	}	£	s.	d.			
to							supplies (as per Memo.)	...	...
June 1, 1863,									
*Natana, express to and from Wellington, letters to Hon. Mr. Mantell, powder business							3	0	0
Connected with this powder information—									
Hapeta's horse hire to Wellington							1	0	0
Natana to Otaki							1	0	0
Te Aomarere, from Otaki to Wellington (horse hire and expenses)							2	0	0
Pene, Otaki to Manawatu, Mr. Mantell's express (horse hire and expenses)							1	0	0
Total							£10	19	6

WALTER BULLER,  
Resident Magistrate.

15th July, 1863.

\* This charge must be omitted before I can approve the account.—WALTER MANTELL.

#### Enclosure 2 to No. 4.

VOUCHER, 1863.—Province of Wellington, the DEPARTMENT OF GENERAL NATIVE PURPOSES,  
Dr. to WALTER BULLER.

To undermentioned sums paid on Government Service—			
June 1, 1862,	} Jenkins, Master "Sarah," for freight of Government supplies (as per Memo.)	}	£ s. d. 2 19 6
June 1, 1863,			
Hapeta's horse hire to Wellington, to lay information against dealer in powder to Natives			1 0 0

## Powder affair—

Natana to Otaki ... ..	1	0	0
Te Aomarere, from Otaki to Wellington (horse hire and expenses)...	2	0	0
Pene, from Otaki to Manawatu, Mr. Mantell's express (horse hire and expenses) ... ..	1	0	0
Total ... ..	£7	19	6

WALTER BULLER,  
Resident Magistrate.

4th August, 1863.

## Enclosure 3 to No. 4.

VOUCHER, 1863.—Province of Wellington, the DEPARTMENT OF GENERAL NATIVE PURPOSES  
Dr. to WALTER BULLER.

To amount paid Natana (express to Wellington) bearer of letters to  
Hon. Mr. Mantell ... .. £3 0 0

W. BULLER,  
Resident Magistrate.

15th September, 1863.

Submitted for approval, H. HALSE, 10th August, 1863. Approved, R. Wood, 10th August, 1863.

## Enclosure 4 to No. 4.

MEMORANDUM for the SUB-TREASURER, Wellington.

Surcharge Mr. Buller, Resident Magistrate, Manawatu District, with the sum of three pounds (£3), being the amount of his account,—“To amount paid Natana, express to Wellington, bearer of letters to the Hon. Mr. Mantell,” approved by the Hon. Reader Wood.

Be good enough to forward to me duplicate or copy of that account and of the Memorandum (dated 23rd July, 1863) by which Mr. Buller accompanied it.

19th September, 1863.

WALTER MANTELL.

## No. 5.

WALTER BULLER, Esq., R.M., to the Hon. W. MANTELL, Wellington.

SIR,— Resident Magistrate's Office, Manawatu, 6th October, 1863.

I received to-day (through you) from the Acting Native Minister, copy of a Memorandum dated 23rd ultimo, and addressed by you to the Hon. Mr. Wood, in the absence of the Minister for Native Affairs.

I now learn to my unutterable surprise, that you have directly charged me with the most serious offence of which a public officer can be guilty, and without even affording me the opportunity of a defence, have suggested to your colleague at the head of my department, my summary dismissal from office, and the removal of my name from the Commission of the Peace.

I am prepared to lay before His Excellency's Government such explanation as will fully and completely clear me from the charge of deception, and vindicate both my personal and my official character, and it is a matter of extreme pain and regret to me that you did not afford me an opportunity of doing this before condemning me.

The Hon. Mr. Mantell.

I have, &c.,  
WALTER BULLER, R.M.

## No. 6.

WALTER BULLER, Esq., R.M., to the Hon. READER WOOD.

SIR,— Resident Magistrate's Office, Manawatu, 9th October, 1863.

I have the honor to acknowledge receipt of the Native Secretary's letter of 28th ultimo, covering copy of a Memorandum by the Hon. Mr. Mantell (with enclosures), and requesting my explanations thereto.

I have read Mr. Mantell's remarks with unfeigned surprise, and I can hardly realize that I am put on my defence on the most serious charge that could be brought against a Government officer.

Mr. Mantell has deliberately accused me of “practising a deception on the head of my department” to obtain payment of a charge “disallowed” by him, and of supporting my claim thereto by a Memorandum, which appears to him “inveracious from beginning to end;” and without previously affording me an opportunity of rebutting the charge, has indirectly recommended that I should be removed from office, and my name from the Commission of the Peace.

To the charge of deception, I give my unqualified and indignant denial.

The Memorandum referred to, I am prepared, if required, to substantiate on oath.

If ever I performed a service entitling me to the thanks of Government, it was in regard to this “powder business.”

To prosecute the inquiry without loss of time I swam my horse across the Manawatu in a heavy flood (at the risk of losing him), when several travellers refused to venture,—rode twenty-five miles in very boisterous weather, and sat up a great part of the night at Otaki.

Instead of thanks however, I received from Mr. Mantell a virtual censure at the time, and I am not only surcharged with an amount paid to a special messenger, but am accused of having obtained this money under false pretences, while it is suggested that I should be dismissed from the service in disgrace.

I must pray your patient attention to the following facts in vindication of the course I took.

In June last I received from Dr. Hewson information that the Otaki Natives had received large

supplies of ammunition from Wellington, and were sending in horses for more. I at once sent Natana to Wellington with a copy of Dr. Hewson's letter, for the information of the police authorities. (I paid Natana £3, *vide* receipt.)

Mr. Mantell says that this "aided in no degree the detection of the offender, and only facilitated his escape by putting him prematurely on his guard." I held a different opinion; and His Honor the Superintendent (to whom Mr. Mantell referred the letter) informed me, soon afterwards, that the express had done good by putting the police on the alert.

When I sent in my claim on account of disbursements (Doc. I), Mr. Mantell struck out the item (express Natana, £3), with the note, "This charge must be omitted before I can approve the account." I at once withdrew this item, reserving it for the Native Minister, and sent the account back for approval.

Mr. Mantell says:—"Mr. Buller did not accompany the amended account with any protest or remark of any kind. He knew himself unable to justify that express to me, on the ground of utility."

I had already told Mr. Mantell officially that I believed I had done what was right, and I therefore concluded that to refer the claim to the head of my department was preferable to disputing it with Mr. Mantell (as I should otherwise have done). I simply sent him such as he was ready to approve, to expedite payment, reserving the disputed item for reference, but never contemplating the withdrawal of a legitimate claim.

Mr. Mantell did not by his note "disallow" the claim, or "make it as one he could not approve." He simply declined to approve it.

In some cases he has referred the whole of my account to the Native Minister, in others he has approved. I understood that in this instance he was willing to approve all but this particular item.

If, in thus referring my claim to head-quarters, I did not adopt a proper course, I can only plead the conflicting nature of my instructions, and the uncertainty as to my true position in relation to the Hon. Mr. Mantell.

In the early part of this year, the Native Minister, in approving my account for contingencies, "requested that Mr. Buller would not again incur the expense of special messengering."

As the expenses which provoked this minute had been incurred by command (when His Excellency was in this district), I felt that Mr. Bell's minute left me no latitude or discretion.

Accordingly when, some months afterwards, Mr. White, R.M., sent me a letter with a verbal request to forward it by express to Wellington, I declined to engage a messenger and sent it (after some delay) by private hand.

I justified myself to Mr. Mantell by quoting Mr. Bell's minute, but received a reprimand in what Mr. Mantell himself styled a "grim" Memorandum. (The Memorandum and my reply were forwarded to the Native Office.)

Mr. Mantell nevertheless admitted to me in conversation that this letter was not of sufficient importance to warrant an express.

I at that time asked Mr. Mantell for written authority to engage special messengers. He declined to give any general authority, but requested me to use my discretion in such matters. I did so in sending my first express (Natana.)

When I was appointed to this district I was ordered to correspond with the Native Minister (*vide* letter 17th February, 1862.)

In December, 1862, I received instructions to send through the Hon. Mr. Mantell such of my reports only as "should relate to matters of importance, and to consider as coming from the Native Minister any instructions I might receive from Mr. Mantell in cases of emergency, and to act upon them accordingly." Mr. Mantell however appears to have assumed the entire control and direction of my department, and his instructions have been in every instance obeyed.

Mr. Mantell says that my Memorandum leads you to believe that "this most useless express achieved that which it only tended to frustrate."

Whether the express was useless or not, is, I submit, quite a matter of opinion. I have already quoted Dr. Featherston's opinion; and for my own part, I can only say that under similar circumstances again (if left to my own discretion) my judgment would dictate the same course.

I refer the Government to the letter itself (Enclosure to No. 2, p. 1.) The announcement that the Natives had not only received large supplies of powder, &c., from Wellington, but were sending in horses for more, seemed to me of sufficient importance to be at once communicated to the police. With all deference to Mr. Mantell, I am still firmly of opinion that "the inquiry thus set on foot led to the apprehension of George Waters," and I expressed this opinion in my letter to Dr. Hewson (of July last) thanking him for his information.

I could not have pretended that this express had led directly to the apprehension and conviction of Waters, because the whole of my correspondence, detailing the subsequent steps, was already before the Native Minister.

My Memorandum (Enclosure 1) was intended to convey my opinion, not Mr. Mantell's. His view of the matter was already before the Native Minister (*i. e.*, his strong minute on my letter of 22nd June).

If I had charged the Government with a sum which I had not expended I should have been open to the censure and the punishment to which Mr. Mantell considers me liable; but I beg the Government to observe that the payment I sought to recover back had been actually made by me out of my own private pocket in the *bona fide* belief that I was acting for the good of the Public Service in a matter on which I had an official discretion allowed me by Mr. Mantell himself. I do not complain of the loss of the paltry amount involved, but I do complain of the attempt which is made to convert my personal loss into the basis of an attack on my personal character.

If I have unwittingly offended the Hon. Mr. Mantell I am extremely sorry for it; but I respectfully submit that in this matter he has done me a grievous wrong and injustice by condemning me unheard, and I do trust that the Government will not hesitate to vindicate the character of an officer whose

integrity (during more than eight years' service) has never been impugned in the slightest degree, from a charge of the most offensive and injurious description.

I have, &c.,

The Hon. Mr. Reader Wood.

WALTER BULLER,  
Resident Magistrate.

### No. 7.

#### MEMORANDUM for MINISTERS.

The Governor having directed that when Mr. Buller's explanation, relative to Mr. Mantell's Minute, September 23rd, should be received, the case should be laid before the Executive Council, I have to make the following remarks:—

I saw Mr. Mantell's Minute for the first time to-day, just before receiving from Mr. Fox a copy of a letter containing Mr. Buller's explanation, the original of which has not, however, been received.

It appears to me that Mr. Buller's explanation evades the point at issue, and aggravates his real offence. Mr. Buller sent an account to Mr. Mantell for approval, from which Mr. Mantell struck out an item which he would not approve. Mr. Buller then sent up the account for this item for approval at head quarters, saying nothing of Mr. Mantell having struck it out. This was an act of deception, which has nothing to do with the circumstances under which the expenditure was incurred, and which no statement of those circumstances can in any way excuse. Mr. Buller of course knew that if he had said on the face of the account that the item had been struck out by Mr. Mantell, the account would not have been approved by Mr. Wood; and but for the accidental discovery at the Sub-Treasury, the fact would have been that Mr. Buller would have continued to have a sum which, though approved by one Minister, had been already disallowed by another.

Mr. Buller misquotes my instructions of December, 1862, and leaves out the part which related to requisitions for the Public Service. The draft of those instructions is appended.

29th October, 1863.

I have, &c.,  
F. D. BELL.

### No. 8.

The Hon. the COLONIAL SECRETARY to Mr. BULLER.

SIR,— Colonial Secretary's Office, Native Department, 9th November, 1863.

The correspondence between yourself, the late Native Minister, and the Hon. Mr. Mantell, relative to your transmission, to the Native Minister for approval, of an abstract for an expenditure already disapproved by Mr. Mantell, without any reference to that fact, has been laid before the Executive Council.

The Government entirely disapprove of the course pursued by you. It does not attribute to you any sordid motive in reference to the pecuniary element in the transaction, and is quite willing to believe that a desire to recover the paltry sum in dispute had no influence in determining your action. But on the other hand it is equally clear that your intention was to evade the control of the Hon. Mr. Mantell, and although the instructions given to you by the late Native Minister required you only to refer to Mr. Mantell matters of pressing importance, yet they also expressly directed you to make all pecuniary requisitions through him. In this case you acted on that rule in the first instance, and in the ordinary routine of your department submitted the item in question, in common with others, to Mr. Mantell's official judgment. That you might have appealed from that judgment to the Native Minister is true, but you ought in such case to have made it distinctly an appeal, and not to have put the matter before the Native Minister in a manner calculated to mislead, as if it had not been previously disposed of elsewhere, and without any reference whatever to that fact.

It is the unanimous opinion of the Government that you should be reprimanded for the course you have pursued, and you are hereby reprimanded accordingly.

Walter Buller, Esq., R.M., Manawatu.

I have, &c.,  
W. Fox.

### No. 9.

#### MEMORANDUM for HIS EXCELLENCY.

The Superintendent of Wellington having expressed great satisfaction at the assistance rendered by Mr. W. Buller, in his negotiations with the Manawatu Natives, which resulted in the purchase of 300,000 acres of land,—and Mr. Buller having a very heavy amount of work, which he performs with great ability over an extended district,—it is recommended that his salary be increased from £400 to £500 per annum, from the 1st October instant.

27th September, 1864.

WILLIAM FOX.

### No. 10.

WALTER BULLER, Esq., R.M., to the Hon. the COLONIAL SECRETARY, Auckland.

SIR,— Resident Magistrate's Office, Manawatu, 18th October, 1864.

I have the honor to acknowledge receipt of your letter of 28th ultimo, informing me that, in consequence of the very satisfactory manner in which the Superintendent of Wellington has spoken of the services rendered by me in the purchase of land at Manawatu, and the general ability with which I have performed my duties over an extended district, my salary has increased from £400 to £500 per annum.

ACCOUNTS OF RESIDENT MAGISTRATE, MANAWATU.

I need hardly say that this substantial recognition of my services is extremely gratifying to me.

While I value very highly this expression of approval on the part of the Government, I feel bound however to acknowledge, that for any success that has attended the local administration of affairs in this district, I am greatly indebted to the sympathy and support so freely accorded to me on all occasions by yourself and his Honor the Superintendent.

I have, &c.,

WALTER BULLER,  
Resident Magistrate.

The Hon. the Colonial Secretary, Auckland.

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