

DESPATCHES

FROM

THE GOVERNOR OF NEW ZEALAND

TO THE

SECRETARY OF STATE.

---

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF  
HIS EXCELLENCY.

---

WELLINGTON.

—  
1865.



## SCHEDULE.

## DESPATCHES FROM THE GOVERNOR TO THE SECRETARY OF STATE.

No. in Series.	Date.	Subject.	Page.
Separate.	1865. 13th July	Resignation of Ministers . . . . .	1
	97 4th Aug.	Address on opening General Assembly . . . . .	1
99	7th Aug.	Pensions and gratuities to friendly Natives . . . . .	1
101	10th Aug.	Petition from Bishop Selwyn and others . . . . .	2
102	12th Aug.	Ministers will retain office . . . . .	4
106	14th Aug.	" New Zealand Settlements Amendment and Continuance Act, 1865" . . . . .	4
107	14th Aug.	Colonel Warre's Correspondence with Colonial Government . . . . .	4
108	14th Aug.	Answers to accusations against Ministers by General Cameron . . . . .	5
111	30th Aug.	Forwarding copy of Letter from Turanga Chiefs . . . . .	5
112	12th Sept.	Relative to the decoration of the Victoria Cross not being extended beyond the officers and men of the regular army, and forwarding Memorandum by Premier . . . . .	5
113	12th Sept.	Forwarding copy of Letter from Major Heaphy, requesting that his claim for the decoration of the Victoria Cross may be reconsidered . . . . .	6
114	12th Sept.	Enclosing Memorandum from the Attorney-General of New Zealand, respecting the difficulties which have been experienced by the Chief Justice in bringing the Vice-Admiralty jurisdiction into operation within the Colony of New Zealand . . . . .	8
116	13th Sept.	Enclosing further Correspondence between the Governor and the General, relative to the Weraroa Pa . . . . .	8
118	15th Sept.	Enclosing Report from Captain Fraser, relative to successful operations against the fanatics on the East Coast . . . . .	9
119	15th Sept.	Enclosing Despatch from Captain Hope, of H.M.S. " Brisk," relative to the capture of Opotiki, the stronghold of the fanatics . . . . .	9



## DESPATCHES FROM THE GOVERNOR TO THE SECRETARY OF STATE.

## No. 1.

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
SIR,— Government House, Wellington, 13th July, 1865.

I have the honor to state that it is with great regret that I enclose for your information the accompanying Memorandum which I have just received from my Responsible Advisers, informing me that immediately after the General Assembly meets, upon the 24th instant, it is their intention to resign their offices. You will find from the enclosed Memorandum that their reason for adopting this course is the line of proceedings followed by the General in command of the Forces. I cannot help fearing that great political embarrassments are likely shortly to arise; but I should prefer that you should form your own opinion on this point from the Memorandum herewith transmitted.

I have, &c.,  
G. GREY.

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

## No. 2.

(97.) His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
SIR,— Government House, Wellington, 4th August, 1865.

I have the honor to enclose for your information a copy of the Address with which I opened the General Assembly of New Zealand, upon the 26th ultimo.

2. I have further the honor to enclose copies of the Addresses in Reply, which I have received from the two Houses of the General Assembly.

3. You will observe that both Houses of the Assembly thank me for my promise at once to issue orders for the return of five regiments to England.

4. I earnestly request that you will bring under the notice of the Right Honorable the Secretary of State for War the high terms in which both Houses of the Legislature speak of the services of Brigadier-General Waddy, C.B., of Colonel Warre, C.B., and of Lieut.-Colonel Trevor, commanding 14th Regiment, and of Her Majesty's Forces in this country.

I have, &c.,  
G. GREY.

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

## No. 3.

(No. 99.) His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
SIR,— Government House, Wellington, 7th August, 1865.

Adverting to your Despatch No. 41, of the 26th May last, in which you allude to the distinguished services rendered by the loyal Natives of Whanganui, I have the honor to enclose for your information a list of the pensions and gratuities granted by the Colonial Government on Her Majesty's behalf, to those Natives who were wounded in the actions of Moutoa and Ohotahi.

I have, &c.,  
G. GREY.

The Right Hon. Edward Cardwell, M.P., &c.

## Enclosure to No. 3.

(Enclosure to Despatch No. 99.)

7th August, 1865.

## BATTLES of MOUTOA and OHOUTAHI.

*Loyal Natives Wounded, and Pensions and Gratuities granted.**Pensions.*

1. Tamehana Te Aewa, 2s. 6d. per diem for life.
2. Aperaniko, 1s. ditto.
3. Pere Te Kainga, 2s. 6d. ditto.
4. Rutuna Punipuni, 1s. ditto.
5. Koroneko, 1s. per diem for twelve months.
6. Inaha, 1s. 6d. ditto.
7. Parahi, 6d. ditto.
8. Auaru, 1s. 6d. ditto.
9. Horopapera Te Peku, 1s. 6d. per diem for life.
10. Rihari Te Hina, 2s. 6d. ditto.
11. Te Reare Ponuia, 2s. ditto.

*Gratuities.*

1. Winiata Pakori, £5.
2. Aterea Te Whitu, £2 10s.
3. Tanirau, £5.
4. Aperahama Te Tuatara, £2.
5. Wi Pekapeka, £1.
6. Timoti Ngahi, £3.
7. Hapimana Te Uranga, £1.
8. Reihana, £1.
9. Rewi Raupo, £1.
10. Peretini Tainia, £3.
11. Paranihi (further information wanted).
12. Rotohiko Te Paurere.
13. Te Karira Kukuhu (believed to have died).

These Pensions and Gratuities have been estimated upon the Report of a Medical Board at the same rate as in cases of the European Militia.

If His Excellency sees no objection, the Natives should be at once informed of the amounts awarded, and that payments will be made through the proper authorities by the first opportunity for remitting money to Wanganui.

Colonial Secretary's Office, Wellington, 22nd July, 1865.

J. C. RICHMOND.

No. 4.

(101.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY of STATE for the COLONIES.  
SIR,—

Government House, Wellington, 10th August, 1865.

I have the honor to transmit herewith a Petition addressed to Her Majesty by the Bishops of the Church of England in the Colony of New Zealand, together with a Memorandum which my Responsible Advisers have prepared in relation to the enclosed Petition, and which they have requested me to bring under your notice.

I have, &c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

Enclosure 1 to No. 4.

The BISHOP OF WELLINGTON to the Hon. the COLONIAL SECRETARY.

SIR,—

Bishop's House, Wellington, 15th July, 1865.

I am instructed by the Bishop of New Zealand to forward the enclosed Petition to the Queen from the Bishops of the Church of England in this Colony, through the proper authorities, to His Excellency the Governor, with a request that he will transmit it to Her Majesty. I have, &c.,

The Hon. the Colonial Secretary.

C. J. WELLINGTON.

Enclosure 2 to No. 4.

PETITION of BISHOPS OF NEW ZEALAND.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,—

The humble Petition of the undersigned, Bishops of the Anglican Church in New Zealand, sheweth,—

1. That your Majesty's petitioners were duly consecrated according to the form and manner of making, ordaining, and consecrating of Bishops, according to the Order of the United Church of England and Ireland, and humbly express their conviction that all the powers necessary for the due administration of the office of a Bishop in this Colony were conveyed to them by the Ordinance of consecration.

2. That your Majesty's petitioners accepted Letters Patent from the Crown, the validity of which has now been denied by the Judicial Committee of the Privy Council, in the following words:

"Although in a Crown Colony, properly so called, \* \* \* a bishopric may be constituted, and ecclesiastical jurisdiction conferred, by the sole authority of the Crown, yet the Letters Patent of the Crown will not have any such effect or operation in a Colony or Settlement which is possessed of an Independent Legislature."

That the Letters Patent granted to your Majesty's petitioners were issued after the Colony of New Zealand had become possessed of an Independent Legislature.

3. That your Majesty's petitioners therefore humbly crave permission to surrender their Letters Patent, and to be allowed to rely in future upon the powers inherent in their office for perpetuating the succession of their order within the Colony of New Zealand, and securing the due exercise of their episcopal functions in conformity with the Church Constitution hereinafter described.

4. That your Majesty's petitioners, in conjunction with representatives of the clergy and laity from all the dioceses in New Zealand, and with Bishop Patteson, have agreed upon a Constitution for associating together the members of the United Church of England and Ireland in New Zealand by voluntary compact, for the ordering the affairs, the management of the property, the promotion of the discipline of the members thereof, and for the inculcation and maintenance of sound doctrine and true religion throughout the Colony.

5. That this Constitution has been recognized by an Act of the Colonial Legislature, empowering the Bishop of New Zealand to convey to trustees appointed by the General Synod as established under the provisions of the said Constitution, numerous properties formerly held by him; and that at the present time the residences of four Bishops and of many of the clergy, sites for churches and schools, burial grounds, lands for the endowment of bishoprics, parish schools, colleges, and of the Melanesian Mission, are vested in trustees appointed under the authority of the said General Synod: and further, that regulations have been framed for the administration of the properties so held in trust for the General Synod, and a tribunal has been established for the decision of any doubts which may arise in the course of such administration, in agreement, as it is believed, with the decision of the Judicial Committee of the Privy Council in the case of *Rev. W. Long v. the Bishop of Cape Town*.

6. That the General Synod at its last meeting, held at Christchurch, in May, 1865, framed rules or enforcing discipline within their body, and also established a tribunal to determine whether the rules so framed and assented to "have been violated or not, and what shall be the consequence of such violation;" and that all the Bishops in New Zealand, together with Bishop Patterson, assented to the rules so framed, and the establishment of the tribunal aforesaid, and are bound, in common with all the clergy and lay officers of the Church in this Colony, by all the rules adopted by the General Synod. And further, that this compact so entered into by all the Bishops in New Zealand before the receipt of the judgment of the Judicial Committee of the Privy Council, on petition of the Bishop of Natal, was afterwards found to be in agreement with the following words of that judgment: "The United

Church of England and Ireland is not a part of the Constitution in any Colonial Settlement, nor can its authorities, or those who bear office in it, claim to be recognized by the law of the Colony, otherwise than as the members of a voluntary association."

7. That this Constitution of the Church in New Zealand was framed after careful consideration of a Despatch of the Right Hon. H. Labouchere, to Governor-General Sir Edmund Head, Bart, and in accordance with the following suggestion in that Despatch:—"I am aware of the advantages which might belong to a scheme under which the binding force of such regulations should be simply voluntary."

8. That your Majesty's petitioners have accepted and acquiesced in the decision of the Judicial Committee of the Privy Council—that the Church of England in this Colony "is in the same situation with any other religious body, in no better but no worse position, and the members may adopt, as the members of any other communion may adopt, rules for enforcing discipline on their body which will be binding on those who expressly or by implication have subscribed to them;" and they therefore humbly submit that the judgment of Lord Lyndhurst, in the case of Dr. Warren, points out the course of procedure in all questions which may arise between any of the members of the Anglican Church in New Zealand, whether bishops, clergy, or laity, who have bound themselves by voluntary compact under the authority of the General Synod, viz.:—

- (1.) That the question be tried and decided according to the rules of the Synod, as agreed to by the bishops, clergy, and laity.
- (2.) That on the petition of either party the Supreme Court of the Colony has authority to inquire into "the regularity of the proceedings, and the authority of the tribunal, and on those grounds merely" to affirm or annul the decision.
- (3.) That from any such decision of the Supreme Court of the Colony an appeal would lie to the Privy Council upon the same grounds, and therefore that the Anglican Church in New Zealand is effectually guarded against the danger apprehended by the Lords of the Judicial Committee, viz.: "That cases might occur in which there would be a denial of justice, and no remedy for great public inconvenience and mischief," without having recourse to a direct appeal to the Crown, in the case of any controversy, such as that which is presented by the petition of the Bishop of Natal.

9. That the above recited principle of the civil equality of all religious bodies has been affirmed by a resolution passed by the House of Representatives in New Zealand.

10. That your Majesty's petitioners humbly express their conviction that the right of appointment of Bishops in New Zealand is not part of the prerogative of the Crown, inasmuch as all the bishopricks were founded by private efforts, and endowed from private resources: and further, that the assertion of any claim may operate as a most serious discouragement to the clergy already in New Zealand, and tend to prevent other clergymen from coming out from England, by cutting them off from all hope of election to the highest offices of the Church in this Colony.

11. That your Majesty's petitioners therefore humbly pray that all doubts may be removed as to their *status* to the ecclesiastical and temporal:

- (1.) By the acceptance of the surrender of their Letters Patent, now declared to be null and void.
- (2.) By declaring the Royal Mandate under which your Majesty's petitioners were consecrated to be merely an authority given by the Crown for the act of consecration, and to have no further effect or legal consequence.
- (3.) By recognizing the inherent right of the Bishops in New Zealand to fill up vacancies in their own order, by the consecration of persons elected in conformity with the regulations of the General Synod without Letters Patent, and without Royal Mandate, in the same manner as they have already consecrated a Missionary Bishop for the islands in the Western Pacific, after communication with your Majesty's Principal Secretary of State for the Colonies, and with the Attorney-General of New Zealand.

And your Majesty's humble and loyal petitioners, as in duty bound, will ever pray.

(Signed)	G. A. NEW ZEALAND, 13th June, 1865.
"	H. J. C. CHRISTCHURCH, 6th July, "
"	EDMUND NELSON, 21st June, "
"	C. J. WELLINGTON, 23rd June, "
"	WILLIAM WAIAPU, 13th June, "

#### Enclosure 3 to No. 4.

##### MEMORANDUM BY MINISTERS.

Ministers are of opinion that the recent judgment of the Judicial Committee of the Privy Council, in Bishop Colenso's case, affects the Civil Government of Colonies in which Responsible Government exists, in two particulars:

It being established by the judgment, that the Crown has no authority over the Colonial branches of the Church of England, it follows that the Crown ought not to incorporate Bishops of that religious denomination within the Colony by Letters Patent, except under the advice of Colonial Ministers, advice which of course will not be given in the case of one religious body in exclusion of others.

The right to advise the Crown (through the Governor) in reference to the creation of Corporations within the Colony is one which Colonial Ministers ought to guard with jealousy.

It being also established by the judgment that Letters Patent purporting to confer Episcopal jurisdiction within the Colony are a nullity, and that Bishops so appointed have no jurisdiction or authority over the members of their religious communities, other than that which the governing authorities of all religious bodies possess over the members of their respective denominations, it follows that *quasi* judicial proceedings by Bishops (like those of other governing authorities of religious bodies) within the Colony, can only be regarded as proceedings *in foro domestico*, which ought not to be liable to be reviewed on appeal by the Judicial Committee of the Privy Council.

8th August, 1865.

HENRY SEWELL.

## No. 5.

(No. 102.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
 SIR,—

Government House, Wellington, 12th August, 1865.

Adverting to my Despatch of the 13th ultimo, marked "Separate," in which I transmitted for your information a copy of a communication I had received from my Responsible Advisers, acquainting me that it was their intention, immediately after the meeting of the General Assembly, to resign their office, I have now the honor to enclose the copy of a communication I have since received from them. You will be glad to learn from this that circumstances which have occurred subsequently to their determining to resign their offices have led them to alter their intentions; and I am happy to say that none of the political embarrassments I anticipated are now likely to arise.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

G. GREY.

## No. 6.

(No. 106.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
 SIR,—

Government House, Wellington, 14th August, 1865.

Upon the receipt of your Despatch No. 24, of the 24th of April last, I lost no time in calling the attention of my Responsible Advisers to the several questions you had raised in it.

2. In reference to the intimation you then gave me of "The New Zealand Settlement Act, 1863," my Responsible Advisers have requested me to transmit to you the enclosed memorandum, in which they state their reasons for believing that the disallowance of that Act would be fraught with consequences disastrous to the Colony of New Zealand.

3. They, at the same time, have requested me to forward, for your information, a Bill which is now before the General Assembly, for altering, amending, and continuing "The New Zealand Settlements Act, 1863."

4. When that Bill has become law I will again write to you on this subject, should it appear necessary to do so. In the meantime you may rest assured that nothing shall be done under "The New Zealand Settlements Act" which would not, in my belief, meet your entire approval.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

G. GREY.

## No. 7.

(No. 107.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
 SIR,—

Government House, Wellington, 14th August, 1865.

I have the honor to transmit for your information a copy of a letter from Colonel Warre, C.B., in which he informs me that it is the intention of Sir D. Cameron to bring under the notice of the authorities at home an allegation that Colonel Warre has been in the habit of giving his opinion to me freely, on military operations and military subjects of every kind, without Sir D. Cameron's knowledge.

2. I beg to state that, in as far as I am concerned, this statement of Sir D. Cameron's is wholly untrue, and I trust that, in justice to myself, an inquiry may be without delay instituted into the matter.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c., &c., &c.

G. GREY.

## Enclosure to No. 7.

Colonel H. T. WARRE to His Excellency SIR GEORGE GREY, K.C.B.

MY DEAR SIR GEORGE GREY,—

New Plymouth, New Zealand, 2nd August, 1865.

In my endeavour to answer candidly, and in a friendly spirit, certain questions addressed to me in a private or semi-official letter (dated Auckland, 1st July, 1865) from Lieut.-General Sir D. A. Cameron, prior to his departure from this country, I have unfortunately exceeded my object, and he has arrived at a conclusion so entirely at variance with that I intended to convey, that I feel it is due to your Excellency and the Colonial Ministers, as well as to myself, to request you will do me the favour to make known to the authorities at home, to whom Sir Duncan Cameron intends to refer the question, how far he is justified in making the following remarks, viz.:—

"Auckland, 26th July, 1865.

"It was not without good reason that I asked you the questions contained in my letter of the 1st of July, and I fully expected to find what you admit—that you have been in the constant habit of giving your opinions to the Governor and the Colonial Ministers freely on military subjects of every kind without my knowledge. I can hardly believe that your conduct will be approved by the authorities at home."

The admissions contained in my letter to Sir Duncan Cameron were confined to the expression of my opinion *privately* on all subjects connected with the Native insurrection, and in replying to questions verbally on subjects that your Excellency or your Ministers, while resident in Taranaki, may have put to me.

I appeal to your Excellency whether I ever presumed to offer such opinions as "advice," or whether I ever originated or suggested any military operations opposed to the known wishes or views of the late Lieut.-General Commanding.

I remain, &c.

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

H. T. WARRE, Colonel.



## No. 8.

(No. 108.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.

SIR,— Government House, Wellington, 14th August, 1865.

I have been requested by my Responsible Advisers to transmit for your information their answers to certain accusations brought against them by Sir D. Cameron.

2. By the next mail I will send that officer's memorandum, with complete answers to his several allegations. I have not time by this opportunity.

3. The simple fact is, that he has availed himself more or less of political feelings prevalent in the country to create ill feeling against either the Governor or his Advisers.

4. The removal of the Seat of Government from Auckland to Wellington has necessarily at the present time created a strong political feeling in the country, of which the General has availed himself to create a party in his favour, and has made the statements of which my Responsible Advisers complain, I think not unnaturally.

I have, &amp;c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P., &amp;c., &amp;c., &amp;c.

## No. 9.

(No. 111.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.

SIR,— Government House, Wellington, 30th August, 1865.

I have the honor to transmit for your information, the copy of a letter which has been addressed to me by the Chiefs of Turanga, which is important as showing the effect produced on the Native mind from the extreme slowness with which operations have been carried on.

I have, &amp;c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P., &amp;c., &amp;c., &amp;c.

## Enclosure to No. 9.

To Governor GREY, to him and his RUNANGA,—

Turanga, 5th August, 1865.

This is a setting forth, so that you may all know the state in which we are living at present in this portion of our island. Much are we put out of breath by the impertinent doings of the Hau Haus, for the greater portion of the people of this part have joined the Hau Haus, and we who still stick to the Government are few. The chief word of the Hau Haus at the present time is, that they will shortly overrun this island, that is to say, the Europeans will all be destroyed by them. They are continually trying to alarm us, the Queen's Natives, so that we may join them. This is their word: "Do you make haste and join us, because when the day comes wherein the blade of my weapon will be raised, I shall not consider whether there be relatives, children, elder brothers, or parents, but they will be totally destroyed."

These are the reasons why the Hau Haus are at the present time so impudent.

One (reason) is, that there is fighting at Te Waipū, and assistance is so long a time coming to Te Mokena and his people. They say, moreover, that Te Ua (Porini) has caused all the soldiers to "fall in," so that they may join his party, so that the fighting at this part may not be active.

Another cause is the death of the Rev. Mr. Volkner, who was murdered at Opotiki. Steps have not been taken in that matter hitherto, and they (the Hau Haus) say that on account of (their influence) them, that that cause (death) has been abandoned—payment will not be extorted. Now therefore, (we say to you,) follow the matter up\* (the murder of Mr. Volkner.) We replied to them: "Leave it to lie there; it is a party of old men who are there digging." So says Paraki.

Another cause is, the intermittent mode of fighting which has been carried on this island. They say it is because the soldiers have been so utterly defeated, that the fighting during these fightings which have taken place has not been continuous. But, O friend, we are aware that you still entertain love for us, and this is a word of ours to you, that you consent that the men of war which sail by in the sea to touch in here to look at us, and then proceed on their courses; and this is also a request of ours to you, that you let those little words which we have sent to you have weight with you. If you give your consent to them, write and let us know; if not, write and let us know, so that our hearts may be glad who are here crouching away from the presumptuous doings of the Hau Haus. This is all.

From your friends,

TE RUITINE AHUMUKU,  
TAMEHANA RUATAPA,  
HAPI KINIHA.

\* An old Maori saying.

## No. 10.

(No. 112.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.

SIR,— Government House, Wellington, 12th September, 1865.

I have the honor to acknowledge the receipt of your Despatch No. 36, of the 22nd of May last, informing me that the Royal Warrant relating to the decoration of the Victoria Cross could not properly be extended beyond the officers and soldiers of the regular army.

2. My Responsible Advisers have requested me to bring under your notice the expression of their regret that technical rules prevent so honorable a distinction from being conferred on officers and men of H.M.'s Colonial Forces.

3. Had it been found possible to confer this distinction on officers and men of H.M.'s Colonial Forces, I had intended to recommend two other persons besides Major Heaphy as worthy to receive it, one of whom is a Native, and who has by his gallantry established unusual claims to some such distinction.

4. So many ties which connected the Colonies to the Mother Country being gradually rent away, I would venture to suggest that it has become the more necessary to unite them by inhabitants of all parts of the Empire sharing in honors and distinctions derived from their common Sovereign as from the fountain of honor. I believe that such honors and distinctions would be most highly prized, and would greatly tend to keep alive a spirit of loyalty and personal attachment to the Sovereign amongst Her Majesty's subjects in every part of the empire.

5. If, therefore, such a course is possible, I would recommend that a special warrant should be issued, extending the distinction of the Victoria Cross to New Zealand and other Colonies, some distinctive mark being placed on the decoration which should show in which Colony it was issued.

6. I feel sure that the General Assembly of New Zealand would cheerfully vote all funds necessary for paying all the expenses incident to the extension and maintenance of this distinction, in so far as the Colony of New Zealand was concerned.

I have, &c.,

To the Right Hon. Edward Cardwell, M.P.

G. GREY.

### No. 11.

(No. 113.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.

SIR,—

Government House, Wellington, 12th September, 1865.

I have the honor to transmit for your consideration the copy of a letter received from Major Heaphy, conveying his respectful request that his claims for the decoration of the Victoria Cross may be again considered by Her Majesty's Government, for the reasons set forth in his letter.

I have, &c.,

The Right Hon. Edward Cardwell, M.P., &c.

G. GREY.

### Enclosure 1 to No. 11.

MAJOR HEAPHY to the Hon. the DEFENCE MINISTER.

SIR,—

Auckland, 16th August, 1865.

Observing that the recommendation forwarded on my behalf for the distinction of the Victoria Cross has been unsuccessful, owing to my not belonging to the Imperial Service, I have the honor respectfully to request that you will favor me by moving His Excellency the Governor to forward to the proper authorities my humble request for a further consideration of the subject, on the following grounds, viz.:—

1st, That although not in the Imperial Service, it was yet my good fortune to be at the time in charge of men (not belonging to the Colonial Forces) but to Her Majesty's Regiments—a position for a Volunteer Officer unprecedented, and probably not likely to recur.

2nd, Further, that I was placed in such position on the exigency of the moment by Lieut.-Colonel Havelock, Bart., V.C., a Lieut.-Colonel of the Imperial Troops, being the Senior Officer on the field.

3rd, That it was in attempting to bring off a man who had been thus placed under my charge—Private Cussan, 50th Regiment—who had fallen severely wounded amongst the enemy, that I received the volley which Captain Fisher and Colonel Havelock mention.

In evidence of this, I respectfully refer to the Despatch of Lieut.-Colonel Havelock of 12th February, 1864, which states: "Captain Heaphy took charge of a party and ably directed it, in gallantly assisting a wounded soldier of the 40th,\* who had fallen into a hollow amongst the thickest of the concealed Maoris, he became," &c.

In Lieut.-Colonel Havelock's statement of 31st October, 1864, that officer says: "Some thirty-five men of the 40th and 50th Regiments accompanied us, with whom there appeared to be no other officer, consequently, as it struck me that the Natives in the pa would move down to help those engaged with our pickets, and as I could not myself leave the spot where I had extended all the available men to watch and counteract this, I availed myself of Major Heaphy's services to take charge of about a third of those present, whom I pushed forward to where sharp firing on my right showed that a small party under Captain Fisher were pressed. This Major Heaphy did, conducting them promptly and with great intelligence to support Captain Fisher, with whom he entered the old entrenchment where the Maoris were standing at bay."

Captain Fisher states, on the 24th October, 1864: "I beg to certify to having seen Major Heaphy in the Maori pa at Waiari, along with a few men of the 40th and 50th Regiments, they having crossed the River Mungupiko by a canoe bridge, thereby cutting off the retreat of the Maoris."

I would draw attention to the fact that there were at this time no Colonial troops on the ground; it was in seeking to aid Private Cussan, 50th Regiment, a soldier who had been placed under my charge, and who was lying severely wounded amongst the enemy, that I received the volley of which Lieut.-Colonel Havelock and Captain Fisher speak.

It being an occasion of surprise or ambush, it happened that there were not officers of the Imperial Troops enough for the occasion on that particular part of the field, and a deep river prevented communication being had with the rest of the troops. The men I had charge of entered the entrenchments from behind, whilst the attack was being pressed by a more organized force in front. In about two hours after the circumstance mentioned, Colonial Troops came on the field, and I joined them, and with them covered the retreat of the latter parties; but at the time of my entering the entrenchments and assisting Cussan, I was employed as an officer in temporary charge of men of Imperial Regiments alone.

\* 40th should be 50th.

See Despatch of  
Lieut.-Colonel  
Havelock, 12th  
February, 1864.

Statement of Capt.  
Fisher, 40th Regt.  
to D. A. A. Gen.  
Baker, on 24th  
October, 1864.

Under these circumstances, peculiar as they are, and of a character not likely to occur often; and as there are precedents for persons unconnected with the Imperial Forces having received the distinction of the Victoria Cross, I humbly submit that my case may present features for recommendation.

I have, &c.,

CHARLES HEAPHY,

Major unattached, Auckland Militia.

The Hon. the Colonial Defence Minister.

### Enclosure 2 to No. 11.

SIR—

Te Awamutu, 31st October, 1864.

In reply to your Memorandum directing me to record what I know of the conduct of Major Heaphy, Auckland Volunteers, in the skirmish at Waiari, on the 11th February last, I have the honor to state that at the moment of the alarm of an attack on our bathing party, he was sitting in my tent, and immediately ran out with me.

2. We took the same line to the scene of action, viz.:—one that interposed between Paterangi pa and the Maoris, and thus intercepted their retreat.

3. Some thirty-five of the 40th and 50th Regiments accompanied us, with whom there happened to be no other officer, consequently, as it struck me that the Natives in the pa would move down to help those engaged with our pickets, and as I could not therefore myself leave the spot where I had extended all the available men to watch and counteract this, I availed myself of Major Heaphy's services to take charge of about one-third of those present, whom I pushed forward to where sharp firing on my right showed that a small party under Captain Fisher were pressed. This, Major Heaphy did, conducting them promptly and with great intelligence to support Captain Fisher, with whom he entered the old entrenchment where the Maoris were standing at bay.

4. I next saw him when I myself joined Captain Fisher, he was then forwardly engaged and usefully, being armed with a breech-loading rifle.

5. Being myself busy in directing the movements of the several parties, I did not actually see the precise act to which he now draws attention, but I know that a man of ours (I believe Private Cussan, of the 50th) was lying severely wounded at the bottom of one of the deep overgrown ditches within reach of many Maoris concealed there, and that Major Heaphy originated the idea of going down and bringing him away. In attempting to carry this out, he received five bullets through his clothes, two of them slightly wounding him; and, mainly by his efforts, the soldier was brought away without receiving further injury, though he subsequently died.

6. I cannot attempt to apportion the exact degree of merit belonging to each person engaged in this act (for the reason above stated—that my attention was required elsewhere), but I fully believe Major Heaphy suggested it, and that it was chiefly carried out by him. Two men, one of the 40th and one of the 50th (I think), were shot dead in this or a similar attempt.

7. This act on his part was thus voluntarily exceeding the immediate limit of his duty, equally creditable to his humanity and his courage, and performed at a great personal risk.

8. After Private Cussan was finally placed in safety, seeing Major Heaphy wounded, I had urged him to go back to camp, saying "you have had enough for one day;" this he did not do, but remained in the skirmish to the end, after aiding Dr. Stiles in attending to the wounded.

9. Lastly, as we withdrew to camp after dusk, when some ten files of Major Von Tempsky's Rangers were covering the rear of the stretcher parties, he remained with them, only crossing the River Mangapiko with the last man. In the very moment of fording the stream, a ball passed somewhere between him and me, and struck a man of the 40th further on through the wrist. I mention this to show that he remained exposed to the last.

10. I consider that Major Heaphy's whole conduct was marked by a spirit that would have called for mention on the part of any soldier, and that his disinterested self-denial for the public service and in the interests of others, and his forward gallantry, merit high praise.

I have, &c.,

H. M. HAVELOCK, Lieut.-Colonel,  
Major Unattached.

### Enclosure 3 to No. 11.

SIR,—

Te Awamutu, 24th October, 1864.

I beg to certify to having, on the 11th February, 1864, seen Major Heaphy, Auckland Militia, in the Maori pa at Waiari, along with a few men of the 40th and 50th Regiments, they having crossed the River Mangapiko by a canoe bridge, thereby cutting off the retreat of the Maoris; and I did afterwards, in the same pa, observe Major Heaphy advance into a thick scrub occupied by Maoris, where was lying one of our wounded to whose rescue he was hastening, from which thick scrub he received a volley from two or three double-barrelled guns within a few feet of him, which wounded him in two or three places.

I considered his conduct at the time most gallant.

I have, &c.,

J. W. FISHER,  
Captain 40th Regiment.

### Enclosure 4 to No. 11.

Having carefully read over the evidence relative to the conduct of Major Heaphy, A. M., at the skirmish on the bank of the Mangapiko, on the 11th February, 1864, I am of opinion that he has established a very strong claim to the distinction of the Victoria Cross, which I earnestly hope may be conferred upon him for his conspicuous gallantry on that occasion.

D. A. CAMERON,  
Lieut.-General Commanding in Chief.

Auckland, 14th November, 1864.

## Enclosure 5 to No. 11.

MY DEAR SIR,—

Ngahinepowri, 13th November, 1864.

According to your desire I now forward to you a statement of what I know of the part you took in the latter part of the engagement at Waiari.

I remember that when Colonel Havelock gave me the order to cover the rear of our troops returning to Te Rore, you were with me at the time and took part in the skirmishing we carried on against the Maori reinforcements from Paterangi.

When I faced about for the last time, while the rear of our troops crossed at the ford of the Mangapiko, you then rejoined the litter party at the time that the last casualty occurred amongst our men.

There was no other officer with us except yourself and myself, after Colonel Havelock's order mentioned above.

I am, &amp;c.,

G. F. VON TEMPSKY, Major F.R., No. 2 Co.

Witness to signature of Major Von Tempsky

Alex. S. Skerrett, Ensign 2nd Co. Forest Rangers.

To Major Heaphy.

## No. 12.

(No. 114.)

SIR,—

Government House, Wellington, 12th September, 1865.

I have been requested by my Responsible Advisers to bring under your notice the enclosed Memorandum from the Attorney-General of New Zealand, regarding the difficulties which have been experienced by the Chief Justice in bringing the Vice-Admiralty jurisdiction into operation within the Colony of New Zealand.

I have, &amp;c.,

The Right Hon. Edward Cardwell, M.P., &amp;c., &amp;c., &amp;c.

G. GREY.

## Enclosure to No. 12.

(Enclosure to No. 114.)

FOR THE CABINET,—

Difficulties have presented themselves in bringing into operation the Vice-Admiralty jurisdiction within the Colony of New Zealand.

The Chief Justice of the Supreme Court entertains a doubt whether it is competent to him to appoint Proctors and Advocates, without whom the machinery of the Court is defective.

It is desirable that such doubt should be set at rest.

Another difficulty arises from the peculiar circumstances of New Zealand. The Colony is divided into Judicial districts. The Chief Justice resides at Auckland; one Puisne Judge at Wellington, another at Canterbury, and two at Dunedin.

It is extremely desirable that the jurisdiction of the Admiralty Court should be extended to each Puisne Judge in his own judicial district.

I respectfully suggest that this Memorandum be brought under the consideration of Her Majesty's Secretary of State for the Colonies.

Attorney-General's Office, 30th August, 1865.

HENRY SEWELL.

## No. 13.

(No. 116.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.

SIR,—

Government House, Wellington, 13th September, 1865.

I have the honor to transmit for your information the copy of an extract from a Melbourne newspaper of the 1st of September, which has been handed to me by my Responsible Advisers, which contains a letter from General Cameron to myself, dated Melbourne, 20th August last, enclosing the copy of a letter to him from Brigadier-General Waddy, dated Wanganui, 7th August last. I wish to call your attention to the fact that General Cameron in his letter to myself, which he furnished to a newspaper in another Colony, alleges that a statement I made in my Speech on the opening of the General Assembly of New Zealand had no foundation in truth.

2. On the same evening that this Melbourne newspaper was brought to me, I received a copy of General Cameron's letter direct from that officer.

3. Regarding the charge of untruth preferred by General Cameron, I think it unnecessary to say anything. The correspondence regarding the Weraroa Pa is already before you. Her Majesty's Government can judge from my two letters to General Waddy of the 19th of July last, from his replies to these letters, and from his letter to General Cameron of the 7th of August, now transmitted, whether or not the statement I made was correct. I have no doubt it was so.

4. It will be for the Military Authorities to determine whether General Cameron has acted rightly, or unbecomingly and unfairly, in the course he has pursued in furnishing such letters to a newspaper in another Colony, and whether the correspondence between himself and Brigadier-General Waddy is satisfactory, and sufficiently explains circumstances which require explanation. With that I have nothing to do. My desire was, that the fortress should be taken; that having been accomplished I am satisfied, and am quite willing to let the matter rest there—unless I am called on for further explanations, which I shall be happy to furnish.

5. Brigadier-General Waddy is quite right in saying I told him at Wanganui, after the affair was over, that had he arrived in camp before the Weraroa Pa I should have left the command in his hands. I knew him to be a good and gallant soldier, anxious to do his duty; and I believed, if I only got him into the fray, he would have fought his way well through it, whatever his orders were. The moment, therefore, I saw him thoroughly engaged in the affair, I should either have left the place or have served on his staff if he would have allowed me to do so.

6. I beg further to observe, that neither General Cameron nor Brigadier-General Waddy have informed me of, or in any way alluded to, the nature of the instructions under which the latter was acting, nor of why these were, and still are, kept secret from me. A simple furnishing of these instructions to me at the time, which was what I was clearly entitled to, would have set the whole matter at rest. These instructions ought not to have empowered the Brigadier-General, at a moment of great peril, to decline to perform necessary and urgent military service, until he could receive direct instructions from General Cameron on the subject, although that officer was then at so great a distance. This point, which is the real question at issue, is left out of sight by General Cameron.

I have, &c.,

The Right Hon. Edward Cardwell, M.P.

G. GREY.

#### No. 14.

(No. 118.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
SIR,— Government House, Wellington, 15th September, 1865.

The disturbances which commenced upon the East Coast of this Island by the murder of the Rev. Mr. Volkner unfortunately still continue, although the rapid successes gained by H.M.'s Colonial Forces and the friendly Natives will, I trust, shortly bring them to a close.

2. From the Enclosure\* herewith transmitted, you will find that H.M.'s Colonial Forces, under Captain Fraser and the Native Chief Te Mokena, gained an important success over the fanatics, whose loss has amounted to 87 killed and 47 prisoners. On this occasion H.M.'s Colonial Forces behaved with the greatest gallantry.

3. Our loss in these operations has been :—of the Native Contingent, 15 killed and 14 wounded ; and of the European Contingent, 10 wounded.

I have, &c.

G. GREY.

The Right Hon. Edward Cardwell, M.P.

\* Printed in *Gazette* No. 34, 24th August, 1865.

#### No. 15.

(No. 119.)

His Excellency the GOVERNOR to the Right Hon. the SECRETARY OF STATE for the COLONIES.  
SIR,— Government House, Wellington, 15th September, 1865.

I have the honor to transmit for your information, a copy of a Despatch\* I received late last night from Captain Hope, of H.M.S. "Brisk," the senior Naval Officer in New Zealand. You will be glad to learn from this Despatch that Opotiki—the stronghold of the fanatics, and the place where the Rev. Mr. Volkner was murdered—has been taken by Her Majesty's Colonial Forces; from other letters I find that the enemy have sustained a severe loss, whilst we have only had a few men slightly wounded.

2. You will be gratified to see the terms in which Captain Hope speaks of the conduct of Her Majesty's Colonial Forces. In a private letter he tells me: "The Native Contingent were the admiration of us all yesterday; we could see it all from the ship, and it was beautiful."

I have, &c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P.

\* Report printed in "Independent" Extra of 14th September, 1865.

#### Enclosure to No. 15.

SIR,—

H.M.S. "Brisk," off Opotiki, 12th September, 1865.

I have the honor to inform your Excellency that I arrived at Hicks' Bay on the 2nd instant, and that the steamers conveying the expedition for Opotiki arrived on the morning of the 7th.

The expedition sailed from Hicks' Bay that evening, and arrived off this place at daylight on the morning of the 8th.

The division on board the "Lady Bird" immediately embarked on board the steamer "Huntress," and the weather being fine and bar favorable, she proceeded into the river piloted by Mr. Levy, but although that person professed a perfect knowledge of the place, and also examined the bar from the masthead of the "Brisk," from whence I also took a survey of it, and saw a clear and distinctly marked channel, which I pointed out to him—either from utter imbecility or gross treachery, he deliberately ran the steamer aground completely out of the channel. Meanwhile I had ordered the boats of the vessel to land the Native Contingent from the "Storm Bird," but when this disaster happened every boat was in requisition to land the twenty men from the "Huntress," which vessel was hopelessly aground for that tide at all events, and this party could only be landed on the sandspit at the mouth of the river, where they entrenched themselves as they best could.

Scarcely was this done, when the wind suddenly set in strong from the N.W., and a heavy sea got up, which not only rendered the bar impassable, but obliged the squadron to put to sea, and after laying-to for the night, we anchored next morning under the lee of Whale Island.

The position of Major Brassey and his men was a very critical one, as they were only two hundred strong, surrounded by the enemy, with but a small quantity of provisions and not much ammunition. I had however placed a six-pounder gun on board the "Huntress" with an officer and men to work it, and also left a boat and crew in the river to assist. Nevertheless, I was extremely anxious for their safety, and the wind having moderated, I ran down to Opotiki in the afternoon, leaving the steamers at Whale Island, as the sea was still running high. I had the satisfaction of seeing the "Huntress" afloat, and the troops in safety, but the sea was so heavy I could not even anchor, and returned to Whale Island for the night.

Next morning, the 10th, the vessels all weighed at daylight and proceeded to Opotiki, but the bar was still impassable. Lieutenant Fitton, with a boat's crew, volunteered to land in order to communicate with Major Brassey, but the boat was capsized, and although they got safe on shore, they had a narrow escape.

Yesterday morning at daylight, the sea having greatly subsided, the vessels all moved close in to the bar, and the work of disembarkation commenced. The "Huntress" was disabled, having broken her steam-pipe, and everything had to be done by the boats. In the course of the day we succeeded in landing nearly all the Native Contingent, besides a supply of tents, ammunition, provisions, and other stores, though the bar was at times breaking heavily, and two boats were swamped. Happily however no lives were lost.

The Natives, on landing, immediately spread in skirmishing order, drove before them a party of the enemy, seized a pa, burned the surrounding whares, and then occupied the town, which they now hold; and I should think this must have had a dispiriting effect upon the Hau Haus, of whom I hear that several were killed.

On the first evening after landing, the enemy opened fire upon Major Brassey's party, but I have not heard as yet of any casualties on our side, beyond one or two slightly wounded.

There still remains to be landed about one hundred and fifty men, besides a quantity of stores, provisions and ammunition. If it has all to be done by the boats it will take some days, even if the weather remains fine, but I trust that the "Huntress" may soon be got ready for service again, as our engineers are at work upon her defects.

I have desired the master of the "Huntress" to remain at Opotiki for the present, as the vessel will be extremely useful in the river, but she will require a supply of coals soon.

It is absolutely necessary that there should be a steamer of light draught stationed here to take supplies across the bar, or else there must be surf boats established. The "Huntress" is not well adapted for this service, as she has not sufficient power to steam against the strong freshes.

Nothing can exceed the cheerful behaviour of the Colonial troops under these trying circumstances; the first three nights they were landed they had neither tents nor blankets, and it rained in torrents.

I have omitted to mention that I have landed a twelve-pounder howitzer, and a twenty-four pounder rocket tube, with a small party to assist until the force is all disembarked.

I have, &c.,

CHARLES W. HOPE,  
Captain and senior Naval Officer, N.Z.