

ERRATA IN A. No. 1A.

No. 20. Note to Paragraph 10.—“The wing of a Regiment detained here has been detained against my wish. It is a wing of the 50th. General Chute said one wing of the Regiment was in Australia, and the other would not be required at home, and that he had no orders for its disposal and should retain it here.”

Note to Paragraph 12, 19th line.—“This fifteen days is the time which has been calculated in my office it took to send a letter to General-Chute and to get an answer from him.”

No. 22. Paragraph 3, line 3.—After the words “guerilla war,” *read* “as meaning by this ‘guerilla war.’”

Paragraph 10, line 6.—After the word “seen,” *read* “that each house was strongly fortified.”

No. 33. Paragraph 6, 1st line.—After the word “between,” *read* “myself and.”

No. 38. 5th line.—Instead of the word “him,” at the commencement of the line, *read* the word “them.”

7th line.—Instead of the word “honor,” *read* the word “power.”

FURTHER DESPATCHES

FROM

HIS EXCELLENCY THE

GOVERNOR OF NEW ZEALAND

TO THE

RIGHT HON. THE SECRETARY OF STATE FOR THE COLONIES.

(In Continuation of Papers Presented 1st October, 1866.)

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

WELLINGTON.

—
1867.

DESPATCHES

FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE.

No. 1.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. EDWARD CARDWELL, M.P.

(No. 69.)

Government House, Wellington,

10th July, 1866.

SIR,—

I have the honor to state that my attention has been called to a statement made in a newspaper, alleged to rest on the authority of General Mete Kingi and another Native, that a Native Policeman of the name of Spain had been wantonly slain by Her Majesty's Forces under General Chute.

2. The statement made was, that this man had been one of the first to enter a captured pa; that he was coming out of one of the houses, where he had been to look for rebels, when he came upon a party of soldiers, whose officer ordered them to fire upon him; that Spain and others of the Contingent cried out not to fire, and that Spain said "I am Spain," and pointed to the badge on his cap, by which friendly Natives were distinguished; but that, before the order could be countermanded, he was shot dead.

3. I beg to acquaint you that within a few days after this man's death I heard of it, and immediately inquired into the subject, when I was informed by several Natives who were there, some of whom were relatives of Spain, that positive orders had been issued, before the place was taken, that no acts of pillage were to be committed.

4. This Native, however, who was an excellent man, led away by excitement, had, instantly he had got into the place, entered a house with two European troopers in search of booty, and, rushing out of the house, was seen and fired upon by a party of soldiers who were coming up, who took him for one of the enemy: he was thus accidentally shot.

5. I have now the honor to enclose a statement made by General Mete Kingi yesterday, which entirely confirms this account of the affair.

6. I have thought it my duty to make this statement to you, in order that you may be made aware that no single case of Natives, not engaged in action against us, being shot by the troops, which has been brought to my notice, has been overlooked by me.

I have, &c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P.

Enclosure in No. 1.

Statement by METE KINGI relative to the death of TE PEINA.

I CAME up a very short time after Spain's death. I was about two hundred yards off when he was shot. A Maori, whose name I do not recollect, called out—"O Mete, Spain is dead." I said—"Was he killed by the Hau Haus." He replied—"No, by the soldiers; the soldiers made a mistake; they took him for one of the Hau Haus; he had been in a house, and when he was coming out at the door of the house the soldier shot him."

I asked—"Was he shot deliberately by the soldiers." The reply was—"No; they mistook him." He and two troopers (Europeans) went into a house to get loot. While the troopers were busy looting, Spain came out. When the two Europeans came out, the shot had been fired, and Spain was dead. They cried out—"Hallo." After that we (the Maoris) gathered round and looked at the body. We then carried away the body.

That is all I have to say about it. He was of the Ngaraura tribe. His relations were all satisfied at the time that his death was accidental. I am not quite sure whether Spain had the white badge on his hat or not. He was a trooper. We (the Kupapas) all had white badges. I never heard a report that Spain pointed to the badge before he was shot. If an opportunity occurred for so doing he would not have been fired upon.

W. ROLLESTON,

Under Secretary.

This statement of what Mete Kingi said is correct:

E. W. PUCKEY, Translator.

DESPATCHES FROM THE GOVERNOR OF NEW

No. 2.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. EDWARD CARDWELL, M.P.

(No. 73.)

Government House, Wellington,

SIR,—

24th July, 1866.

I have the honor to report, by the mail which will be sent this day *via* Panama, that the state of affairs in New Zealand still continues rapidly to improve.

The General Assembly is sitting, and William Thompson, accompanied by three other Chiefs, reached this place on the 22nd instant, on board H.M. s. "Esk," Captain Luce.

I have, &c.,

The Right Hon. Edward Cardwell, M.P.

G. GREY.

No. 3.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. EDWARD CARDWELL, M.P.

(No. 89.)

Government House, Wellington,

SIR,—

8th September, 1866.

I have the honor to report that affairs in New Zealand continue to assume an aspect which becomes more satisfactory from day to day.

2. In one small district of New Zealand a mere local disturbance still continues, the persons implicated in which are not more than from sixty to eighty in number.

Aihepene Kaihau
to Sir G. Grey,
August 14, 1866.

3. From the so-called Maori King I received, a few days since, the message contained in the letter a copy of which is enclosed, from which you will find that himself and his adherents acquiesce in the arrangements which have been made in regard to confiscated territory, and that the only other two points regarding which they were disturbed, they have left for my decision.

4. They still retain large and ample tracts of fertile territory, and no exertions shall be wanting on my part, or on that of the Local Government, to restore them, without delay, to a position of contentment and comfort. I hope, at the end of this month, when the Session of the General Assembly is ended, to be able to proceed on a visit to the Natives of the interior of this Island.

I have, &c.,

The Right Hon. Edward Cardwell, M.P.

G. GREY.

Enclosure in No. 3.

TO THE GOVERNOR,—

Tahurangi, Wiuku, 14th August, 1866.

O Parent, salutations to you. I have been to Kawhia to carry your word, that Tawhia, Te Paea, Tamati, and Rewi might hear it; but I did not see either Tamati or Rewi; I only saw Te Paea and Tawhia.

They mentioned three things to me. Waikato was the first; Kawhia the second; the road from Tauranga to Rotorua and Taupo the third. Waikato is settled. Kawhia and the Tauranga road, these two things are for you to settle and overrule; but the thought is with you. Better let your word come quickly, that Te Paea and Tawhia may soon hear the answer to their word. Finish.

AIHEPENE KAIHAU.

No. 4.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 102.)

Government House, Wellington,

MY LORD,—

12th October, 1866.

I have the honor to transmit for your information a copy of a Memorandum I have received from my Responsible Advisers, enclosing a copy of a vote of thanks unanimously passed by the House of Representatives, on the 6th instant, to Commodore Sir William Wiseman, Bart., C.B., and the officers,

seamen, and marines of the vessels under his command, for the many services rendered by them while employed on the coast of New Zealand.

2. Your Lordship will observe that my Responsible Advisers take this opportunity of expressing the sense entertained by the Government of this country of the great assistance which it has received from the Commodore and the Commanders of Her Majesty's ships on this station throughout the period of the Native disturbances, which assistance my Responsible Advisers think largely contributed to restoring Her Majesty's authority and securing peace in the disturbed districts.

3. I entirely concur in the opinion thus expressed of the value of the services rendered by the Commodore and H.M. Naval Forces to this Colony, and I shall be very glad if your Lordship would bring this subject under the notice of the Lords of the Admiralty, and if it should be thought right, to confer on Sir William Wiseman some further recognition of his services than he has yet received.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 4.

MEMORANDUM by Mr. STAFFORD.

Wellington, 8th October, 1866.

MINISTERS beg to transmit to His Excellency the Governor a copy of a vote of thanks to Commodore Sir William Wiseman, Bart., and the officers, seamen, and marines of Her Majesty's ships under his command, passed unanimously by the House of Representatives on the 6th instant, and have the honor to request that His Excellency will cause it to be forwarded to the Admiralty.

Ministers take this opportunity of expressing their sense of the very great assistance which the Colonial Government has received from the Commodore and the Commanders of Her Majesty's ships on this station throughout the period of the Native disturbances, and which has largely contributed to restoring Her Majesty's authority and securing peace in the disturbed districts.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure to Enclosure in No. 4.

RESOLUTION of the HOUSE OF REPRESENTATIVES, 6th October, 1866.

RESOLVED,—That on the occasion of the retirement of Sir William Wiseman, Bart., from the command on the Australian Naval Station, the thanks of this House be given to Commodore Sir William Wiseman, Bart., and the officers, seamen, and marines of Her Majesty's ships under his command, for the many important services rendered by them while employed on the coast of New Zealand.

D. MONRO, Speaker.

No. 5.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 104.)

Government House, Wellington,

MY LORD,—

15th October, 1866.

I have the honor to transmit, for your Lordship's information, copies of letters enclosing reports of the murder of a trooper of the Colonial Forces by the Natives, at Ketemarae.

2. I think the renewed boldness with which the rebel Natives acted in this and in other recent instances, is in a great degree to be attributed to the attitude of inaction observed by the Imperial Forces; and my power of taking any effective measures is completely paralyzed by the recent orders from the Secretary of State for War directing the Major-General to reside at Auckland, fifteen days' distance, in point of time, from myself, and from the seat of the disturbances which are again breaking out.

3. There is no officer of Her Majesty's Forces here with whom I can communicate. The Local Government is doing the best it can under these circumstances; but the Local Forces as well as the Imperial Forces are under the orders of the General, and the state of inaction caused by the instructions recently sent out will, I fear, lead to serious results. I earnestly recommend that the General should be directed to reside at the Seat of Government.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 6.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 105.)

Government House, Wellington,

MY LORD,—

15th October, 1866.

In reply to Mr. Cardwell's Despatch No. 66, of the 22nd of June, informing me that the Secretary of State for War had decided that the Head Quarters of General Chute were not to be moved from Auckland to Wellington, I have the honor to report that I believe that this decision was come to upon erroneous information as to what I had asked to be done, and that I feel satisfied, if it is adhered to, serious disaster will probably be entailed on the Colony, and a large expenditure on Great Britain.

2. The settlement of the affairs of a country in which a long and wide-spread rebellion has prevailed, is always a matter of the greatest difficulty and nicety. Such a rebellion, and the spirit of disaffection it has engendered, die out by slow degrees; constant changes are taking place in the circumstances of different districts; outbreaks occur, which, if met with promptitude, would be mere local disturbances, but which, if neglected, are likely to cause the flame of rebellion again to blaze up through a large extent of country. Almost hourly precautions require to be taken to prevent such disturbances from breaking out. Such is the actual state of New Zealand at the present moment in one district of the Province of Wellington, and it is essential, at such a time, that the Governor of the country should have constant communication with the Chief Military Authority, who also commands the Local Forces.

3. The Secretary of State for War has nevertheless instructed the General to maintain his Head Quarters at Auckland, fifteen days' distance, in point of time, from the Governor and the Government of the Country, who, under such an arrangement would lose all useful control even over their small local force, which they are doing the utmost to raise and place in a state of efficiency. In fact the means of working out their own safety from their own resources is taken from them.

4. The failure of the General for many months to comply with my request that he would move here, has, I believe, been one main cause of delaying the settlement of the country, and has entailed an unnecessary expenditure upon Great Britain and most serious evils upon the Colony.

5. The sudden removal of so large a body of troops from a country circumstanced as this is, is a very critical operation,—the withdrawal of every post held by the Imperial Troops, and the order in which this has to be done, involves serious questions, as also does the determination of which of these posts are to be held by the Local Forces. It is impossible to conduct such a service satisfactorily whilst the principal Military Authority is at fifteen days' distance from the Government which has to receive a great part of its information from him, and finally to give its instructions to him.

6. I earnestly hope, therefore, that the Secretary of State for War will alter the decision he has come to upon this subject, especially as the grounds on which he came to it, as set forth in General Chute's letter of the 7th of April and its enclosures, are in several respects erroneous, and more especially so in regard to the main statement that I wished all the Commissariat and Military Stores should be removed from Auckland to this place.

7. I shall do my best to make any orders given by Her Majesty's Government work as satisfactorily as possible, but I cannot recommend an adherence to an arrangement which I believe to be likely to be so disastrous a one to this Colony, as that which it is now ordered should be carried out.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 7.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(Separate.)

MY LORD,—

Te Whenuku, 2nd November, 1866.

I have the honor to enclose for your information a copy of a letter which has, by direction of the Major-General Commanding, been addressed to my Private Secretary, in relation to a Memorandum I received from my Responsible Advisers regarding the inaction maintained by Her Majesty's Imperial Troops in a disturbed district.

2. In transmitting this Memorandum to the Major-General, which I thought it right he should see, I made no remark upon it because I was unwilling to raise any discussion regarding it, but my opinion must have been known to the Major-General.

3. I believe Her Majesty has no more gallant officers and men than those now serving in New Zealand, but the operations of the Military Forces of all kinds are paralyzed by the absence of the Head Quarters from the Seat of Government. Events of urgency occur from day to day which may render necessary constantly varying instructions to Officers commanding different posts, which instructions can only be given through the General.

4. Having seen this country I believe that if vigorous measures had been followed up, after General Chute's march through it, the entire country would have submitted in a period of two or three months or less; and that the subsequent great expenditure entailed upon the Colony and Great Britain has been unnecessarily spent.

I have, &c.,
G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 7.

SIR,—

Head Quarters, Auckland, 24th October, 1866.

I have the honor to acknowledge the receipt of your letter of the 15th instant, forwarding, by desire of the Governor, and without any remark from His Excellency, for the information of the Major-General Commanding, the copy of a Despatch addressed by Major McDonnell to the Minister for Colonial Defence, and also a Memorandum of the Colonial Ministers', dated the 12th October, 1866, commenting on the conduct of Her Majesty's Troops in respect to the subject of Major McDonnell's Report.

In reply, I am desired by the Major-General to request you will be good enough to inform His Excellency that, although he is at all times most glad to receive and to attend to any communication of His Excellency's own directions, wishes, or opinions, on any subject, he has no desire to be made acquainted with any opinions which the Colonial Ministers may entertain with respect to Her Majesty's Troops which he has the honor to command. As, however, His Excellency has thought proper to make him acquainted with their opinion in this instance, the Major-General will submit to Her Majesty's Government, through the Secretary of State for War, a full explanation of the circumstances which have led to the Officer Commanding Her Majesty's Troops being subjected to the receipt of such a communication.

I have, &c.,

The Private Secretary,
Government House, Wellington.

GEO. DEAN PITT, Lieut.-Colonel,
Assistant Military Secretary.

No. 8.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(Separate.)

MY LORD,—

Te Whenuku, 3rd November, 1866.

I have the honor to transmit for your information the copy of a letter I have received from Major-General Chute, on the subject of his Head Quarters remaining at Auckland.

Gen. Chute to Sir
G. Grey, Oct. 24,
1866.

2. General Chute informs me that he has transmitted a copy of this letter to the Secretary of State for War, remarking, in reference to my request that he would, under the serious aspect of affairs now prevailing in this country, reside near me, "that he is unable to gather from my letter what useful object to the "Public Service will be attained by his absenting himself from the place where "the usual and regular duties of his command can be best conducted."

N.S. 66-998, R.M.,
 Raglan.
 66-3276, Gov.
 Agent, Auckland.
 N.S. 66-2002,
 R.M., Waiuku.
 N.S. 66-1991,
 R.M., Upper
 Whanganui.
 N.S. 66-2000,
 C.C., Tauranga.
 N.S. 66-1992,
 C.C., Auckland.
 N.S. 66-1995,
 R.M., Napier.

3. In answer to this I beg to enclose copies of letters which reached me the same evening by the same mail as General Chute's letter herewith enclosed, from various parts of the Island. I believe when your Lordship has read these, you will think it incredible that under such a state of things the General Officer Commanding here should maintain his Head Quarters at a distance in point of time of fifteen days from the Government of the country.

4. I have in vain represented that in a country settling down from rebellion and from which a large Military Force is being withdrawn, the order of the removal of each separate detachment is a matter of the greatest nicety requiring much thought, and that frequent changes in the state of the country may require a corresponding change in the intended removal of detachments even at the last moment, and that it was essential that the General should be near me. A reference to my correspondence will show how earnest and repeated have been my statements to this effect to the Home Government and to General Chute. The evils I stated would arise if I was deprived of the assistance I needed, have now I fear come. Some of them have already fallen on the Colony, and nothing but vigorous and united action can avert the others.

5. The Home Government has, unfortunately, from imperfect knowledge, sided in view with the Major-General. I shall, however, now require him to reside at the Seat of Government until further orders are received from home, unless he is in the field, and at all risks I shall enforce this determination; but I believe that General Chute, when he sees this Despatch and its enclosures, will himself feel the necessity of rendering me that assistance he is so well capable of doing, and will earnestly and well support me in the crisis which has come, and will regret the course he has adopted. I think, however, that the General here should be told that in a country in a state of rebellion it is his duty in all instances, in a conciliatory and proper spirit, to comply with the lawful requisitions of the Governor, and not to raise factious or needless questions regarding the propriety of these: and even if he thinks it right to raise questions, to comply cheerfully in the first instance with the requisition, and then refer the question home, rather than contest a matter point by point and refer it home, either not complying with the requisition or yielding it an imperfect and therefore useless compliance until an answer has been received; and above all things he should be instructed not to refer such questions home, without affording me an opportunity of reporting on them by the same mail by which his letter goes.

6. The Home Government does not rightly appreciate the position of the Military Staff in this country. They become from many causes liable to identify themselves strongly with party questions, and the Secretary of State for War may, under the system of correspondence pursued with him, entirely without his own knowledge, and in ignorance of the merits of the case, be made the head of a powerful party in this country acting in direct opposition to the Governor and defeating his views on most vital points.

7. In the case under consideration, the question of the place where the General's Head Quarters were to be located was referred to the Secretary of State for War without my having been informed that this had been done. But the Editors of Auckland newspapers knew it, as also some of the reasons on which the General justified his non-compliance with my orders, and this knowledge was used for the purpose of attacks in the Press here; and ultimately the Home Government came to a decision upon General Chute's letter to them, before they had received any report from me on the subject, and entirely under a misapprehension, that I had asked something to be done which had never entered into my imagination, and upon other grounds, some of which, after the difficulties which have arisen, it is painful to those acquainted with the country to read: such as that Wellington is unfitted to be the Head Quarters, from the dangerous navigation of Cook Strait and from the inexperience of Wellington merchants in taking military contracts. It is more disadvantageous than might at first be supposed, that the Home Government should be hurried into a wrong decision upon such questions, for I have generally found that the Departments at home, before coming to a decision, will carefully consider the evidence they have before them, but that it is very difficult to get them to reconsider a subject, or to reverse a decision once taken, however erroneous that decision may have been.

8. But this at least must be conceded, that a man governs a country under great disadvantages when officers in that country can write direct to Her Majesty's Government, without informing him that they have done so, and on a most important subject, regarding which they have differed with him in opinion, and have their own views peremptorily confirmed and his set aside without any report from him on the subject having been sent to Her Majesty's Government or having been asked for, and this especially when one portion of the Press in this country has been informed of the purport of the letters written to Her Majesty's Government.

9. The fact of Editors of papers having been informed of the steps taken by the Military Authorities here, shows that some of these authorities regarded it as a party or personal question. If persons who act thus can have their wishes pressed on the Secretary of State for War without the Governor knowing that this has been done, and the Secretary of State for War moves the Colonial Minister to issue orders in conformity with their wishes, and in direct opposition to the views of the Governor, who has had no warning that the question has been referred home, then these gentlemen become really the hidden and irresponsible rulers of the country.

10. In reference to the statement made in the letter from General Chute herewith enclosed, that military operations against the disaffected Natives in the Wanganui District have been placed in the hands of an Officer of the Colonial Forces without any reference to the General's control or authority, I would state that we are in the field here a small mixed force of Her Majesty's Imperial Troops, Her Majesty's Colonial Forces, and Natives, trying our utmost to extinguish a local rebellion which was rapidly spreading. How can we, in moments of immediate peril, appeal to the control or authority of a General more than fifteen days' distance from us in time? The operations are under the direction of Major Roche, of the Eighteenth Royal Irish, a good and promising officer, and are not under the direction of a Colonial officer.

11. The fact is that the operations of the Military Forces of all kinds are paralyzed by the absence of the General. Events of urgency occur from day to day, which render necessary constantly varying instructions to officers commanding different posts. These instructions the Governor can only give through the General: it is useless to attempt to do so through an officer at such a distance as it is proposed the General should be kept from me. I am certain your Lordship and the Secretary of State for War will feel this as strongly as I do, when this Despatch and its enclosures have reached England. I also am sure that if the instructions I asked for are issued to the General, no more such difficulties will take place. A great peril has again arisen in this country. I believe that it has probably taken General Chute by surprise, and I feel confident that he will now see how necessary it is his Head Quarters should be near me, and that with the assistance I know he will give myself and the Colonial Government, the existing difficulties will be got through.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure 1 in No. 8.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

SIR,—

Head Quarters, Auckland, 24th October, 1866.

I have the honor to acknowledge the receipt of your Excellency's letter of the 15th instant, stating that in your opinion it is essential with reference to the state of affairs now prevailing near Wanganui, that the Officer Commanding the Troops in New Zealand should be present at the Seat of Government, or in the vicinity of the disturbed country, and in reply I beg to inform your Excellency that I am proceeding to Wanganui by the first opportunity. I think it right however to state very decidedly my opinion, that except your Excellency has really any instructions to give me with regard to any special employment of Her Majesty's Troops, it is very inconvenient to the Military Service that I should for any lengthened period be absent from Auckland, where the Military Establishments are located, and where Her Majesty's Government have already decided that the Military Head Quarters should be stationed.

As I understood from your Excellency that the Wanganui country would in your belief settle down, and as the conduct of military operations against the disaffected Natives in that district has

been placed in the hands of an Officer of the Colonial Forces, without any reference to my control or authority, although Her Majesty's Troops are occupying the district, I am unable to gather from your Excellency's letter under acknowledgment, what useful object to the public service will be attained by my absenting myself from the place where the usual and regular duties of my command can be best conducted.

At the same time, in deference to your Excellency's opinion, I am proceeding to Wanganui, and will remain there until either I receive instructions from your Excellency for the employment of Her Majesty's Troops, or in the absence of such instructions, until the calls of duty compel my return to Auckland.

It will be my duty to forward a copy of this correspondence to the Secretary of State for War.

I have, &c.,

T. CHUTE,

Major-General.

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

Enclosure 2 in No. 8.

The RESIDENT MAGISTRATE, Raglan, to the CIVIL COMMISSIONER, Auckland,

SIR,—

Resident Magistrate's Court, Raglan, 13th October, 1866.

I have the honor to enclose a letter and its translation just received from Hone Wetere, stating that a report has reached him that an European has been murdered at Hangatiki.

I have, &c.,

The Civil Commissioner, Auckland.

T. R. HAMILTON, R.M.

Sub-Enclosure to Enclosure 2 in No. 8.

HONE WETERE, to the RESIDENT MAGISTRATE, Raglan.

SIR,—

Information has just reached me to the effect that an European has been killed at Hangatiki. When I hear the facts of the case, I will then write to you again.

HONE WETERE,
Kawhia.

Enclosure 3 in No. 8.

MR. WHITAKER to the COLONIAL SECRETARY.

Office of the Agent of the General Government,
Auckland, 18th October, 1866.

SIR,—

I have the honor to forward, enclosed for the information of the Government, copies of letters received this day from Mr. Mainwaring, the Resident Magistrate at Whatawhata.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

FREDK. WHITAKER.

Sub-Enclosure to Enclosure 3 in No. 8.

The RESIDENT MAGISTRATE, Whatawhata, to Mr. WHITAKER.

SIR,—

Alexandra, 22nd, October 1866.

I have the honor to report for the information of your Honor that, immediately on the conclusion of the business of the Native Land Court, I proceeded to Te Awamutu to ascertain the truth of the report of the murder of a man named Tom the Goat-eater. I had an interview with the man himself, who is in perfect safety at Te Awamutu. His name is Purdon, a deserter from the 65th Regiment, who has since purchased his discharge, and is employed by Mr. Allen, storekeeper at Te Awamutu, in purchasing cattle from the Natives. It appears that the Natives at Orahiri, headed by Tamiti Ngapora, have closed the road at that place to all parties, Europeans or friendly Natives.

It is also true that Awaru, who headed the rebels at Waiapu, is now in this vicinity together with Rewi and Kereopa, and I have little doubt, from a quantity of collateral evidence, that their object is if possible to renew disturbances, not by erecting pas, but to attempt to irritate the Europeans by attacking and murdering out-settlers. Several Europeans have informed me that the conduct of the semi-friendly Natives is daily becoming more and more threatening. I am now on my way to Te Kopua, where I shall spend the night, and proceed to-morrow as far as I am allowed in the direction of Paiwhenua, returning thence to Te Awamutu, by way of Arai Kotou, where Patune Poutama's people are residing. I am glad to say that I found that the Kihikihi settlers, aware of the possibility of an outbreak, have voluntarily organized a party who nightly patrol the settlement from two a.m. till four a.m.

At Harapipi there are a large number of breach-loading carbines, revolvers, and ammunition stored in the blockhouse, which is only secured by a small padlock, and the Natives, being aware of this fact, I do not consider an attempt to possess themselves of those weapons improbable. There is now, the detachment of the 1st Waikato Regiment being removed, not even a constable to take charge of the building, and therefore I would urgently request your Honor to confirm the appointment of the man whom I recently recommended to you, if even only as a temporary measure.

As I am in great haste, and away from home, I trust your Honor will furnish me with a copy of this communication, and also forward it for the information of Mr. Commissioner Mackay.

A storekeeper has just informed me that a quantity of Natives visited his store this day, and urged him to sell them arms and ammunition, offering most extravagant prices.

I have, &c.,

His Honor the Superintendent, Auckland.

R. C. MAINWARING.

The RESIDENT MAGISTRATE, Whatawhata, to Mr. WHITAKER.

SIR,—

Te Kopua, 21st October.

With further reference to your telegram, I have the honor to report for your information that, on inquiry, I find that at every station there are large quantities of arms and ammunition entirely unprotected. I know for a fact that the Natives are aware of this fact with reference to the blockhouse at Harapipi, and even if they could not effect an entrance, there are numbers of Europeans who would not hesitate to assist them for a very small sum.

Added to this, the population at Alexandra and Harapipi is daily decreasing, while that of the disaffected Natives is increasing in a larger proportion.

His Honor the Superintendent, Auckland.

I have, &c.,
R. C. MAINWARING.

The RESIDENT MAGISTRATE, Whatawhata, to Mr. WHITAKER.

SIR,—

Te Kopua, 23rd October, 1866.

I have the honor to report, for your information, that I arrived at this post this evening for the purpose of gaining information as to the many reports current of the probability of an outbreak.

I found Takerei Te Rau, if possible, more unwilling than ever to give me information, and the only one who appeared willing to do so was a Ngapuhi Native named Pene Tuaea.

From his statement, it appears that there are a very large number of Natives at Orahiri, Kereopa, Tahahawaiki (two murderers), and also Reehana Tai Porutu, and a number of Waikato Natives who recently left Waikato.

Their story, on arrival at Hanganiki, was as follows:—They said Mr. Searancke, R.M., told them that the Government was about to fight and they must leave immediately to go as prisoners to Auckland. That consequently they went in their canoes over Waikare Lake, and when near the bank, they saw the “Rangiriri” in full pursuit of them. They reached the bank first, and the “Rangiriri” immediately stopped her engines and fired big guns at them. It had also been reported to me that Ngatihikairo were anxious to have a portion of their land at Pirongia surveyed preparatory to bringing it before the Native Land Court. Takerei Te Rau, acting as he said on behalf of the King, said that any surveyor who persisted in carrying out the survey would be killed.

I explained to him that the fact of the survey did not settle the ownership of the land, but after a long discussion on the subject, he said abruptly: “Herano, ekou e whaka aetiu te ruritanga. Ka whai maaa Te Tugike.” “Enough, the survey will not be allowed. The King has the influence.” And this is the friendly chief whom the Government pay £50 per annum.

I proceed at once to the places mentioned in my letter of yesterday's date.

I have to make the same request that your Honor will furnish me with a copy of this letter, and also forward it to the Civil Commissioner on his arrival in Auckland.

His Honor the Superintendent, Auckland.

I have, &c.,
R. C. MAINWARING.

Enclosure 4 in No. 8.

The RESIDENT MAGISTRATE, Waiuku, to the NATIVE MINISTER.

SIR,—

Resident Magistrate's Office, Waiuku, 18th October, 1866.

I have the honor to enclose a letter from Aihapene Kaihau (with translation) in which he mentions having received further intelligence from the King Natives of their hostile feeling to the Government and Europeans, and advises that we should be on our guard, as there may be no further notice given before an onslaught is made on the Europeans in the outlying districts.

These fears appear to exist very generally among the Waiuku Natives.

The Honorable the Native Minister, Wellington.

I have, &c.,
JAS. SPEEDY,
Resident Magistrate.

Sub-Enclosure to Enclosure 4 in No. 8.

AIHEPENE KAIHAU to the Native Office.

[TRANSLATION.]

TO THE GOVERNMENT,—

Takurangatira, Waiuku, 16th October, 1866.

Friends salutation to you. A man from the Ngatimahuta (tribe) has come to me; this is his word: In a little time the rising will be at all places, viz., at Hawaka, Tauranga, Waikato, Taranaki, Whanganui, Tauranga, Whakatane, and the East Coast; all the door of strife will be open, as the word of Tamati Ngapora has passed that he will not allow peace to be made, that it is only now he will be firm. His reason for acting thus is his anger at the perverseness of Tawhiao and Rewi in adhering to the war and refusing to make peace.

This is my advice to you, O friends, be on your guard, presently the day will be when an attack will be made by the Hau Haus; be wisely on your guard, lest you suffer. My information to you is not what I have seen with mine eyes, but it was sent me by a messenger. One word was spoken by Tawhiao, advising me to go aside that the Europeans may be clear. I answered that messenger: I am not willing to leave them, I would rather die with my European friends. Do not be incredulous although the time may be delayed, their plans are settled, which they are concealing, that the first intimation of it may be when the weapon has touched. I know it is correct that presently the rising will be.

From your friend,
AIHEPENE KAIHAU.

Enclosure 5 in No. 8.

The RESIDENT MAGISTRATE, Upper Wanganui, to the Under NATIVE SECRETARY.

SIR,—

Upper Wanganui, 23rd October, 1866.

I have the honor to report that on Sunday morning last, in accordance with instructions received from His Excellency the Governor, I sent up messengers from Pipiriki to Mangaio with a letter inviting the Upper River Chiefs and people to come as soon as they could collect together and meet His Excellency at Pipiriki. In the evening the messengers returned. They report that in consequence of a letter received from Matutaera and Tamehana te Waharoa, almost all the Upper River Chiefs and people have gone to Waikato.

From the tone of Tamehana's letter, it is supposed by the Natives that there will be fighting again shortly at Waikato.

The Wanganui Natives, who paid a friendly visit at Ranana in June last, together with Topia Topini and the other chiefs, say that their object in visiting Waikato is, to state before Matutaera and Tamehana their intention to give in their allegiance to the Queen.

I have further to report that this morning, at daylight, I sent off messengers to Taupo, as instructed by His Excellency the Governor, inviting the Taupo Chiefs to come to Wanganui to meet His Excellency.

W. Rolleston, Esq., Under Secretary, Native Office.

I have the honor, &c.,

JAMES BOOTH, R.M.

Enclosure 6 in No. 8.

The CIVIL COMMISSIONER, Tauranga, to the NATIVE MINISTER.

SIR,—

Civil Commissioner's Office, Tauranga, 25th October, 1866.

In obedience to the request contained in the latter part of your letter of the 6th instant, No. 727, I have the honor to report for the information of His Excellency's Government, the present state of the Bay of Plenty Districts as far as I have been able to gather from different sources.

Various rumours have been in circulation which for the most part I have treated as idle reports, but when I find that those reports have been confirmed by recent events at Napier, I am led to look upon them in a more serious light.

About a month ago I heard that the Natives were on the move for Napier, and that the destruction of the Town was intended.

Native letter with
translation here-
with enclosed.

You will doubtless have heard that some of the Arawa, in an attempt to go overland to Cambridge for the purpose of advancing claims to land about to be investigated in the Native Lands Court, were prevented from crossing the King's boundary line. They were threatened first by letter, afterwards in person. A second attempt was made by a different route, with a like result. The Arawas were unarmed.

The "Kati" spoken of has not been established specially to prevent the Arawa from being present at the Land Court, but is a part of the policy established by the disaffected Natives to prevent information being brought out of their district.

Harawira, a young chief of some note, came to me last week and warned me not to allow any surveyor to go to the north side of Te Wairoa, as they would certainly be murdered. He informs me that he had held personal communication with a party of Natives, headed by a Native named Popata, of the Ngatiporou (East Cape). He states that Popata abruptly addressed him to the following effect, "Keep your ears listening, and don't be startled if you hear great news." This led Harawira to question him closely. Popata stated that five of his companions were from Taranaki, that they had been sent to murder any surveyors they could find at work on any confiscated land. In consequence of this information, the Natives engaged in the surveying parties left their work.

This report has been confirmed by Hori Tupaea. Some time since the old Chief promised me that if he heard anything of importance which he believed, he would himself come and tell me. Two days ago he informed me, that he and the Natives on the north side of Tauranga had received a letter from the Ngatiporou, who reside on the coast a little to the north of this district, requesting them to collect in one body and move out of the way, as "it was near."

That since the receipt of that letter, a deputation of Ngatiporou and Taranaki Natives had visited Moanaunio (of Tauranga) Kainga, to inquire whether any surveyors were at work. Hori Tupaea begged me not to allow surveyors to go anywhere on the north and west side of Te Wairoa.

Yesterday a Native named Te Keepa Matu, living in the ranges near Katikati, called upon me to ask for a certificate to the effect that he had made a declaration of allegiance to the Queen twelve months before. When I asked him why he wanted the certificate, he replied,—“I do not properly belong to this district, I am a Ngatiwhatua (near Auckland), and I am not going to be put again in the same position as I was at the breaking out of the war at Waikato. I went to Waikato to fetch my wife and children, when I got there I could not get back again.” I asked him whether he apprehended anything here, and from his replies I could see he knew more than he would reveal.

This is the position of matters in these districts. It is hard to tell what amount of truth is mixed up in these rumors, but without wishing to be an alarmist, I believe there is some important movement in contemplation; in what shape it will develop itself, or where it will burst forth, it is at present impossible to conjecture. The greatest vigilance will be required.

It has been stated that there are designs on foot against the Arawa on account of the assistance they have rendered us. The Arawa are on the watch, and will guard against surprise. They will not take any offensive steps to force the "Kati" without the sanction of the Government.

The Ngatiporou between this and the Thames District are a constant source of annoyance to this district, and the party under the immediate influence of the notorious Hakaraia cause the Arawa some anxiety. From the close proximity (only six miles) to Maketu on the coast, a hostile force might easily be concentrated at that point without the least chance of discovery, and fall either upon

Tauranga or Maketu with telling effect. I know of my own personal knowledge that Hakaraia has sent emissaries to Waikato. The Government may rely upon my doing my utmost to preserve peace in these districts, and at the same time carefully watch the course of events with a view of guarding against surprise. I have arranged to meet Dr. Nesbitt and Mr. Mair on the 30th instant, at Maketu, to confer upon these subjects, and to make arrangements about the distribution of food amongst the Arawa.

I have, &c.,

H. T. CLARKE,

Civil Commissioner.

The Hon. the Native Minister, Wellington.

Enclosure 7 in No. 8.

The CIVIL COMMISSIONER, Auckland, to the UNDER NATIVE SECRETARY.

SIR,—

S.S. "Queen," 26th October, 1866.

I have the honor to inform you that the friendly Natives in the seaward portion of the Thames District continue firm in their loyalty to the Crown, and are very well behaved in every respect at present. The ex-rebel portion of the population inhabiting the valley of the Thames are in rather an uneasy state, they being all under the influence of Hau-Hauism, and also frequently visited by delegates either from Kawhia or Taranaki, which prevents them from settling down.

I understand that at the late meeting held at Ohinemure a large number of Natives advocated peace, and others proposed war. Three war garments had been sent from Matutaera to Taraia and Te Hira, but they would not consent to a renewal of hostilities. A trustworthy Native, who happened to be travelling through the district at the time, was present at the meeting, and he supplied me with the accompanying sketch of the garments. There was a large open-air meeting in the day-time and a secret one at night. I shall shortly be in possession of information respecting the secret meeting. Only ex-rebels were present with one exception, and that was a Ngatimaru Native, who was supposed to be friendly to the fugitive Waikato from having allowed them to settle on his land.

I have heard that Thompson counselled that "Surveyors should be stopped at Tauranga, but not injured; that their instruments should be taken away, retained for a time, and then be returned to them." He also said "that the General Assembly had offered to return him all Waikato south of Ngaruawahia," and he had refused this. They finally proposed to make Rangiriri the boundary, but he declined. He had consented to take to the Maungatawhiri. He had, on leaving, told the Governor he would fight.

Most absurd and exaggerated reports are in constant circulation at Auckland respecting the movements of the Natives, which, after being published and circulated, are generally contradicted within a day or two. These, however, do no good, and engender a spirit of mistrust and suspicion between the two races. I, however, believe that the Natives generally are not so well disposed as they were, and this is principally to be attributed to a renewed confidence in their own strength, caused by the withdrawal of the troops. They have also an idea that it is the intention of the Government to renew hostilities at midsummer.

I this day saw a letter written by a Tuparoa Native to the Ngatiporou residing at Kennedy's Bay and Mataora. The following is an extract from it:—"A person will shortly go to fetch you. If you do not consent you will not then know on what day you will be taken by the Europeans or by us friendly Natives. You will see by-and-bye. This is another word you ask — and — what took place when we went on board the steamer. The Captain asked me how many there were going with me. I said six persons. He then said, 'If they will not agree to come away, an application will be made to the Governor for a man-of-war to take them prisoners,' and the other heard this. Be cautious. In the summer will be the great fight in the centre of the island. The Europeans will not spare a remnant, all will be killed."

The Ngatiporou residing at Kennedy's Bay made a similar statement to me on Monday last (22). This I of course contradicted.

Several of the Natives who lately migrated from Waikato are now at Piako. They say they have no complaint against the Government. The Government gave them land, but the friendly Natives would not let them enjoy quiet occupation of it. They were constantly making claim to it. This I believe is untrue. Reihana Taiporutu and the Ngaunga party have proceeded to Hangatiki.

I am now on my way to Tauranga, to assist Mr. Commissioner Clarke at a land meeting to be held at Motuhua on Monday next. It is my intention to return to Auckland on the 4th November.

I have, &c.,

JAMES MACKAY, Jun.,

Civil Commissioner.

The Under Secretary, Native Department,
Wellington.

Enclosure 8 in No. 8.

The RESIDENT MAGISTRATE, Napier, to the NATIVE MINISTER.

SIR,—

Napier, 29th October, 1866.

Since the defeat of the projected attack upon this town by the destruction, at Omarunui and Petane, on the 12th instant, of the Hau Hau detachments, by whom it was to have been perpetrated, and the subsequent pursuit of the fugitives to Tarawera, operations which have been fully reported to the Government by Mr. McLean and Lieutenant-Colonel Whitmore, nothing of any importance has occurred with respect to the Natives of this Province.

The result of those operations has been to prove that of whatever practical value the assistance of the local friendly Natives has been, and in many cases it has been considerable, their loyalty at all events is not to be questioned.

I have had many interviews with the prisoners since their capture but find them very reticent. They all adhere firmly to the same story that Panapa, the Prophet, and Kipa and Kingita, the fighting

chiefs, all killed at Omarunui, kept the rest in the dark as to their intended movements ; though it is pretty certain that two chiefs—Henare Paata, brother of Kipa, Kingita, and Rangihiroa, now gone to the Chatham Islands, and Nihora te Whakaunua, still in the gaol hospital here, were privy to all that went on, and I have extracted from these men and others, by cross-examination, confirmation of the following facts :—

1. The intention was to take the Town of Napier by a bold and sudden night attack from the Petane side, to be carried out by the party under Te Rangihiroa, Paira Toki, and Anaru Matete, who were routed by Major Fraser on the 12th instant.

2. The Omarunui party were then either to gain over or annihilate the friendly tribes, and then devastate the homesteads in the neighbouring country.

3. Ngairo and Wi Hapi were to march on Porangahau and demolish the Queen Maories and settlers in the southern end of the Province.

4. The Urewera were to undertake the re-conquest of the Wairoa and Poverty Bay.

5. Waikato and Taupo were to come down afterwards, recruit their commissariat and their supplies of ammunition, and the next point of attack was to be decided upon.

To carry out these plans they were to be made invincible and invulnerable by their *atua*, and so firmly did they believe this that they actually thought that twelve men would be sufficient to take Napier. At least so I am told by some of the prisoners, though I had previously understood that the Hau Hau term “tekau ma rua,” did not literally mean twelve, but was merely a name for the party who were told off for the attack and might include sixty or seventy, and this seems more probable. Be that as it may, their notions have been pretty effectually dispelled at Omarunui and Petane.

With regard to the project of marching upon Porangahau, from Wairarapa, I beg to state that being at the former Settlement on the 13th (the day after Omarunui and before they had received the news) I was told by the leading chiefs there, that they were in hourly expectation of the invasion. Since then rumours have been flying through the Province, sometimes to the effect that the Wairarapa detachment had actually arrived, sometimes that they were at this or that station on the road. Of course these have, as yet, turned out false—indeed, we were made aware on the 24th instant (when the rumours were at their highest) that the expected party had been in communication with the Hon. the Colonial Defence Minister, through a flag of truce, at Moiki, in Wairarapa, on the 22nd. Still there remains the fact that the Porangahau Natives are, and have been expecting them daily for a fortnight, upon what they consider reliable authority. And the only question now is whether they are, under present circumstances, likely to come or not.

One of two reasons may operate to stop them—either they may be prevented from leaving Wairarapa, as the Ngatihineuru were prevented from leaving Heretaunga, or supposing them to be still free agents, they may be deterred from their invasion of Hawke’s Bay by hearing of the reception accorded to Ngatihineuru.

The latter hypothesis is possible but doubtful, I almost think unlikely, for their fanaticism is so great that they are sure to find some excuse for their defeat, either that Panapa misinterpreted the *atua*’s will, that Kipa disobeyed the king’s orders, that the people disobeyed one or both of these leaders, some such excuse will be found to hoodwink their deluded followers.

I think, therefore, upon a careful review of the whole subject, that if Ngairo and Hapi and their party get a fair start from Wairarapa, they will be heard of either at Porangahau or Ruataniwha, according to which road they may take. In this view I am supported by the Maori Chiefs and by the Rev. Samuel Williams and other gentlemen in the Province best acquainted with Maori customs and habits of thought.

The fate of the parties encountered at Omarunui and Petane, was as follows :—

Killed—Omarunui, 12th	...	...	...	...	21
Petane	...	...	...	...	12
Glengarry, a farm near Petane, on 13th	...	...	...	...	3
Died from wounds	...	...	...	...	1
Total killed	...	...	...	...	37
Prisoners, including wounded	...	...	...	...	77
Total killed and taken	...	...	...	...	114
Escaped—Omarunui	...	...	...	4	
Petane	...	...	...	10	
					14
Total	...	...	...	...	128

The chiefs killed were Te Rangihiroa, principal chief of the Ngatihineuru, a savage of the old school, an inveterate enemy of the Pakeha, and the chief who introduced Hau Hauism under a false pretext into Wairarapa last year; Kipa and Kingita, his half-brothers, both troublesome men of notoriously bad character; and Panapa, the high priest or prophet, a man of low extraction, but clever and unscrupulous. Among the prisoners are Henare Poata, brother to Kipa and Kingita, and Nikora te Wakaunua, both men hitherto of good character, and generally known as being very friendly and hospitable to travellers. Both had been employed as gangers on the road when the track to Taupo was being improved by the Provincial Government.

The notorious Paora Toki and Anaru Matete (whose names must be already well known at the Native Office), escaped unhurt from the party attacked by Major Fraser, and fled precipitately to carry the news of their discomfiture to Taupo. It appears at first sight a pity that two such ruffians should have got off, but perhaps it may have a good effect in deterring their colleagues of other tribes from prosecuting their schemes of invasion, and so be the means of avoiding further bloodshed.

The Native Secretary, Wellington.

I have, &c.,
G. S. COOPER.

No. 9.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(Separate.)

MY LORD,—

Te Whenuku, 6th November, 1866.

Since I addressed your Lordship, on the 3rd and 5th instant, regarding the state of affairs in this country, I have received the enclosed letters from the Resident Magistrate of the Upper Wanganui, and from all the principal Chiefs of Taupo.

These letters are very satisfactory, and the moment this part of New Zealand is again placed in a state of safety I will proceed to Taupo, the Central District of this Island, and the very heart of what may be considered the peculiarly Native district of New Zealand.

There can be no doubt that my entering that district, as Governor, will have a great effect upon the Native population of the entire Island, and it may possibly be the means of again reconciling the greater part of them to our race.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 9.

MY DEAR SIR GEORGE,—

Upper Wanganui, 1st November, 1866.

The messengers who were sent to Taupo on the 23rd ultimo have returned; they bring letters from the Taupo Chiefs, which I have the honor to forward.

Topini te Mamaku has a quarrel with some of his own people, who are enraged with him for having given in his allegiance to the Queen, which they consider him to have done by coming to Ranana, in June last.

This quarrel is merely local.

I have, &c.,

JAMES BOOTH.

Sub-Enclosure to Enclosure in No. 9.

The TAUPU CHIEFS to the GOVERNOR.

[TRANSLATION.]

O OUR FRIEND, THE GOVERNOR,—

Ta Hatepi, 21st October, 1866.

We salute you. Very great is our affection for you. We have received a letter from Mr. Booth, announcing your intention to visit Taupo. O our Friend, our hearts are rejoiced that you should intend to come here and visit us, and that your feet should again tread upon the soil of your own country Taupo. Come to us then, O Governor, and bring with you your love to your children who dwell here in Taupo.

O our Friend, the Governor, we intend to go to meet you on your road, as far as Kariri; but bring with you also some Chiefs of the Wanganui people, to bring you on your road to Taupo, and return from hence.

From your affectionate Friends,

HARE TAUTIKA,

TE HEUHEU,

KINGI HEREKIEKIE,

PAURINI KARAMU,

PAORA TE PAHUPAHU,

KEREHI TE HEUHEU,

HOHIPA TAMAMUTU,

Signed by us in the name of the whole population.

No. 10.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

MY LORD,—

Te Whenuku, 10th November, 1866.

Owing to my absence from the Seat of Government, in this disturbed part of the country, I have not received the official copies of the letters which contain reports of an engagement which took place between Her Majesty's Colonial Forces and the rebel Natives, on the 12th ultimo.

2. A copy of the Government *Gazette* of the 20th ultimo having reached me, I lose no time in transmitting it for your Lordship's information.

3. From it you will gather that a body of armed Natives came down into the District of Napier, the population of which consists of persons engaged in agri-

cultural and pastoral pursuits, upon whom a small body of armed rebels, unless immediately checked, might have inflicted the most ruinous injury. This body of Natives, composed of Hau Hau fanatics, it now appears, intended to have attacked the Town of Napier.

4. Your Lordship will however find that His Honor Mr. McLean, the Superintendent of the Province, ordered operations to be undertaken by the Local Forces, under the command of Lieut.-Col. Whitmore, which were most ably and gallantly carried out by that officer, and the officers and men under his command, and resulted in the most complete success, and that the Province of Napier is consequently again in a state of security.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 11.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 108.)

Government House, Wellington,
28th November, 1866.

MY LORD,—

I have the honor to transmit for your information a copy of a letter I have received from Major-General Chute, which he addressed to the Secretary of State for War, on the 1st instant, but which did not reach me until the English mail had left.

2. Major-General Chute informs the Secretary of State for War, in reference to proceedings I have ordered to be taken, as follows:—"I need not invite attention to its being against all the dictates of common sense, military precedent, and prudence, that two forces acting under different heads, should at the same time undertake the same service in the same locality."

Major Gray,
A.D.C., to Assistant
Military Sec.
August 21, 1866.

3. I cannot explain how Major-General Chute could have fallen into this error. The enclosed copy of a letter from Major Gray, A.D.C. to the Assistant Military Secretary, written on the 21st of August last, will show that Major-General Chute was distinctly informed in reference to Major McDonnell, that "It was never intended that he should be made independent of the Officer commanding the district in which he might be employed."

Extract from
letter of Major
Rocke, Oct. 6,
1866.

4. The enclosed extract from the report of the Officer commanding the district will show, that when the military did enter on active operations, all acted under the orders of the Officer of Her Majesty's Forces who was in command, and to his entire satisfaction.

5. With regard to the Ministerial Memorandum of which Major-General Chute complains, I should state that having visited the district and been able to form my own opinion upon the matter, I think it was very difficult for the Officers commanding posts to act energetically and usefully, without having been put in possession of more precise information than they had regarding the nature of the country, and the positions occupied by the hostile Natives. They also required instructions more detailed in nature, and more frequently issued (according to varying circumstances), than the very general ones which they received. I am convinced from what I have seen of them, that they were intelligent and gallant men most anxious to do their duty. The real error is that the Major-General resides at a distance of fifteen days from the Seat of Government, where all intelligence is received. Hence the Governor cannot consult with him on emergencies that arise, and it becomes impossible to issue orders suited to the exigencies of the moment.

6. Major-General Chute appears not to appreciate fully one difficulty. Great Britain is now doing here that which ancient Rome formerly did in regard to Britain. England now withdraws all its forces, and leaves a distant possession to hold its own against the Native inhabitants of the country.

7. If England withdraws each military post in such a manner, that as the troops march off they leave the country quiet, and the Natives convinced that they have been subdued, a fair chance is afforded to New Zealand for the future; but if before the post is withdrawn, outrages and murders are committed close to

it, the communication stopped, and the redoubt itself insulted by shots being fired into it, and under such circumstances the troops are marched off and leave the country, the position of this Colony will be one of great difficulty.

8. I have endeavoured to prevent such a case as I have last described from arising. There is no necessity that it should arise if the General and the Governor reside near each other; but if they do not do this, I feel confident that very serious disasters will take place.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure 1 in No. 11.

Major-General CHUTE to the UNDER SECRETARY OF STATE FOR WAR.

SIR,—

Head Quarters, Tauranga, 1st November, 1866.

I have the honor to forward for the information of the Right Honorable the Secretary of State for War, the accompanying copy of a letter from the Private Secretary of the Governor of New Zealand, with a report from Major McDonnell, of the Colonial Forces, and a Memorandum addressed to His Excellency by his Responsible Advisers, commenting in a most extraordinary and unjustifiable manner on the conduct of Her Majesty's Troops in the Wanganui District.

I enclose also a copy of the reply I caused to be sent to His Excellency's communication.

It is not for me to enter into any discussion with His Excellency on the fact of his having thought proper to send to the General Officer commanding Her Majesty's Troops a document of such a nature as the Ministerial Memorandum, without any expression of His Excellency's own views on the subject to which it refers; but as His Excellency has communicated to me this expression of his Ministers' feelings (with which, apart from His Excellency's own views, I have no concern whatever), and it may possibly hence be inferred (though I am unwilling to believe it) that His Excellency himself participates in the opinions of his Responsible Advisers, I consider it my duty to bring prominently under the cognizance of Her Majesty's Government, through the Secretary of State for War, the whole of the circumstances which have led to my being subjected to receive a document reflecting so improperly on Her Majesty's Troops, whom I have the honor to command.

I forward herewith a copy of a correspondence which took place between His Excellency and myself in July last, respecting the employment of Her Majesty's Troops, in the Wanganui District, in co-operation with the local forces, against the disaffected Natives.

It will be observed that, on the 11th July, I received a request from the Governor to assist in a service which was being undertaken by a body of Colonial Troops in the Wanganui District. I replied that I would be happy to carry out any instructions His Excellency might be pleased to give me respecting the employment of Her Majesty's Troops in any military operations, but that it would be necessary that any of the Colonial Forces who were to be employed on the same service should be placed under my command. This was not done; but His Excellency then wrote to me the letter of the 28th July.

I subsequently had an interview with the Governor, and after discussion with him, consented to instruct the Officer commanding the Wanganui District to give assistance to Major McDonnell to the extent of 150 men, on his demanding it. A copy of my letter of instructions to the Officer commanding at Wanganui, and of my letter to the Governor, informing him thereof, are enclosed.

It was not, I confess, without great hesitation that I consented to do this, for it appeared to me to be quite an anomaly to detain Her Majesty's Forces as His Excellency was doing, at the outposts, in the occupation of the same district, and yet to send an Officer of the Colonial Forces with a military force into the very heart of it, to co-operate against the hostile Natives, without reference to the control or authority of the General Officer commanding Her Majesty's Troops, whose co-operation, however, was still expected.

Apart from this anomaly, I need not invite attention to its being against all the dictates of common sense, military precedent, and prudence, that two forces acting under different heads should, at the same time, undertake the same service in the same locality.

It will be noticed that there is no assertion made in either Major McDonnell's report, or in the Ministerial Memorandum, that the assistance I had promised, as stated in my letter to the Governor of the 6th August, 1866, was applied for and refused.

On the other hand, had an officer of the Imperial Forces, of Major McDonnell's rank, gone out without his aid being applied for, and taken the command, there would have been an interference both with the evident intention of the Governor and of the Colonial Ministers, viz.:—That Major McDonnell should have the power of acting independently, and I should, most probably, have had my attention called to an interference that was not intended, and which was considered unnecessary and inconvenient.

It was, I confess, therefore, with much surprise and indignation that I learned that His Excellency's Responsible Advisers had ventured to reflect, as they have done, on Her Majesty's Troops; and I deeply regret that His Excellency has not, when conveying to me, without comment, that expression of their opinion, at the same time given me the authority for which I have so frequently applied to him, to withdraw Her Majesty's Troops from the whole of the outposts in the confiscated territory, where their services appear to be so little appreciated.

In their desire to depreciate the services of Her Majesty's Troops, the Colonial Ministers have made statements not only unconnected with the contents of Major McDonnell's Report (the occasion

of their Memorandum), but which, if not wholly unsupported by the semblance of fact, are exaggerations so extravagant that they serve only to mislead. I refer to the allegations, firing into redoubts, the stoppage of communications, &c.

With regard to the firing into redoubts, I feel satisfied that no such thing ever occurred; at least I never heard of it, and presume I should if so extraordinary a thing had happened. His Excellency spoke to me, at Wellington, about the post at Warea, in the Taranaki District, having been fired on. This neighbourhood was the hotbed of disaffection, and had been the scene of many skirmishes and ambuscades while the enemy were in any force. Since that, the troops there were constantly out, endeavouring to fall in with the enemy, but unsuccessfully, as for several months they have kept clear, and vanished when the troops appeared. On some few occasions, I ascertained from the Officer commanding at Taranaki, a small number of Natives appeared and fired harmless shots at wood-parties; and on two occasions they came nearer, and fired once at the outlying sentry and once in the direction of the redoubt, and they were immediately followed, when they disappeared in the bush.

With regard to the stoppage of communications, I really do not understand to what allusion is made, except it be to the occasional ambuscades laid by Natives on part of the West Coast, who have attacked stragglers or very small parties. This it is impossible to prevent so long as a few Natives remain hostile. Thus, on part of the West Coast communication cannot be said to be safe without the escort of armed parties. Communication is not generally safe in the vicinity of an enemy, and especially in such a locality as the open country between Taranaki and Wanganui, which is flanked by continuous bush; and though the hostile Natives are very few in number, and are in themselves contemptible, and being heartily tired of fighting may come in any day, yet communication in their neighbourhood is not safe until they are either captured or yield. It is not true, however, that communication has been stopped.

I have thought it better, in order to prevent possible misapprehension, thus to refer to these assertions of the Colonial Ministers, though, from their evident improbability in reference to Her Majesty's Troops, I might well have left them unnoticed.

The Secretary of State may not improbably remark on my having in any way, as in my letter of the 6th August, countenanced the existence of a military force in a district occupied by Her Majesty's Troops, while that force was acting under direct orders from a Colonial Minister, and independently of my authority or control. My reply is, that I was really desirous, for many reasons, too numerous to detail here at length, to avoid in every possible way the appearance of not wishing to give the fullest support to His Excellency, in his desire to harass the Natives, however I may have felt, as I certainly did feel, that the course he adopted was unusual and even unprecedented.

It is with the deepest concern, therefore, I now find that from an extreme anxiety to meet His Excellency's wishes, I have exposed the troops under my command to a most unwarrantable aspersion at the hands of the Colonial Ministers.

I trust, however, the Secretary of State will be satisfied with my assurance that the opinions which these gentlemen have allowed themselves to express are simply not in accordance with facts, and that had I become acquainted with them in any other way, I should not have considered it necessary to notice them. Coming however as they do stamped with the high, though silent authority of the Governor of this Colony, I feel I should be wanting in a sense of respect for my own position, and for the honor of Her Majesty's service, if I did not both refute such assertions, and represent to the Secretary of State how they were communicated to me.

The Under Secretary of State,
War Office, London.

I have, &c.,
T. CHUTE,
Major-General.

Sub-Enclosure to Enclosure 1 in No. 11.

Major GRAY, A.D.C., to the ASSISTANT MILITARY SECRETARY.

SIR,—

Private Secretary's Office, Wellington, 15th October, 1866.

I have the honor by direction of His Excellency the Governor to forward, for the information of the Major-General Commanding, the enclosed copy of a Despatch from Major McDonnell to the Minister for Colonial Defence, together with a copy of a Memorandum which has been addressed to His Excellency by his Responsible Advisers.

The Assistant Military Secretary, Head Quarters.

I have, &c.,
W. R. GRAY, Major A.D.C.

Enclosure 1 in Sub-Enclosure.

Report by Major McDONNELL.

SIR,—

Patea, 4th October, 1866.

In my Despatch No. 94, of the 26th ultimo, I had the honor to state, for the information of the Honourable the Defence Minister, that the rebels in the vicinity of our position at Te Whenuku were becoming so bold and annoying us so much, that unless a blow was inflicted upon them without delay it would be impossible to move outside the redoubt, and also, that notwithstanding the paucity of my numbers and the inclemency of the weather I had determined at all risks to attack them at once.

By dismounting all the cavalry and leaving in the three redoubts occupied by our forces barely sufficient men to hold them, viz.:—at Kakarama, 25 of all ranks; at Hawera, 30 ditto; at Whenuku, 55 ditto; I was enabled to parade the following force* at Te Whenuku, and marched out of camp at 6:30 p.m. From information I had collected, I was induced to believe that the bulk of the Ngaruahine

* Staff—field officer, 1; surgeon, 1. P. and W. Rangers—captain, 1; subaltern, 1; sergeant, 1; rank and file, 40. W. Y. Cavalry—subaltern, 1; sergeants, 2; rank and file, 12. W. D. Force—captain, 1; sergeant, 1; rank and file, 10. N. C.—Captain, 1; subalterns, 3; sergeants, 2; rank and file, 44. Volunteers—sergeants, 5. Totals—field officer, 1; surgeon, 1; captains, 3; subalterns, 5; sergeants, 11; rank and file, 106. Total, all ranks, 127.

were located some distance back in the bush, between the Waingongora and Inaha Rivers, and in a straight line not more than seven miles from our redoubts at the Whenuku, but the late heavy rains had so swollen the Waingongora River that it could only be crossed by the bridge between the two Imperial redoubts near its mouth, thus necessitating a *detour* of over twelve miles.

Of the exact whereabouts of the enemy I had no certain information, but trusted to drop upon them somewhere. Crossing the bridge at 9 p.m., I marched straight inland, and, after proceeding about seven miles, entered the bush at 12.30 a.m., at a point midway between the Inaha and Waingongora Rivers, having passed through the site of the village of Ahipaipu, burnt by Colonel Butler, 57th Regiment, in January last. The night was pitch dark, and we lost our way more than once. A cold bleak wind was blowing and the ground was wet and soft. Notwithstanding all these drawbacks, the behaviour of the men was most exemplary. Pursuing the track through the bush for a mile, we emerged into a clearing, and here halted the force under the shadow of the trees to await daylight and to rest the men. When the first streaks of daylight appeared in the sky I moved on cautiously. The track led through alternate belts of bush and clearing and across a tributary of the Inaha, and shortly merged into a broad road. Following this for some distance we came in sight of the village of Pungarehu, situated on the other side of a swampy creek, in a clearing intersected by strong cattle fences and containing several large whares, five of which were fortified. As we crossed this creek and were ascending the other side, the dogs began to bark. I immediately ordered the leading sections, under Captain Newland, to extend from the centre and to rush into the village. As we leapt the fences I called upon the inmates to surrender: they replied by heavy volleys from the doors and windows of the houses. We returned the fire, and rushing to the fortified whares, scraped the earth off the roofs, and pulled down the slabs to fire at the inmates. In several instances they ran out of the doors, and, firing their pieces into us, tried to escape into the bush, but were shot down. In half-an-hour we were masters of the position, and the firing ceased. While engaged in setting fire to the whares, and completing the destruction of the village, a heavy fire was suddenly opened upon us from the bush at the opposite side of the clearing, and it gradually increased and extended to our right, toward the road by which we had advanced on the place. As, from the heavy and incessant firing, it was evident that strong reinforcements of the enemy were hurrying up, and we already had three wounded, I determined upon retiring by another track which led across the Inaha River, and which I made some prisoners we had taken, show me. I accordingly extended the whole force along one edge of the clearing and kept the enemy in check, whilst I collected the wounded. I sent three of them and the prisoners down the track I was about to return along, under a strong escort in charge of Sergeant-Major Hall, W.Y.C. I shortly passed the rest of the wounded (who by this time had increased to seven) to the front, and I formed a rear-guard under Captain Leatham, W.D.F., and sent out flank skirmishers to the left under Ensign Poma, N.C., and to the right under Captain Kemp and Lieutenant Wirihana, N.C. These officers did their work so effectually, that the rebels were completely foiled in their attempts to out-flank us and cut off our retreat. They were repeatedly driven back, and lost several of their men, and their leader (who was shot by Poma), and some of their guns; and in a short time they retired altogether, and the firing ceased. On reaching the open, I made stretchers for the wounded, who had hitherto been carried on blankets, and recrossing the Inaha proceeded to Waingongora. Here I cannot speak too highly of the attention and kindness shown to us by Captain Noblett, 18th Royal Irish, commanding the Waingongora redoubts, and Assistant-Surgeon Spencer, 18th Royal Irish.

Captain Noblett sent us carts to convey our wounded across the Waingongora River, and prepared tents and beds for them, and Dr. Spencer gave his valuable assistance in dressing their wounds. As I have no hospital accommodation at Te Whenuku, and to save the wounded the fatigue of the journey to this post, Dr. Spencer has kindly undertaken to attend to them.

The three men returned as dead, expired soon after we reached Waingongora, where they were interred with funeral honors the following day. Giving the force an hour's rest, I resumed my march to Te Whenuku, which I reached at 2.30 p.m.

I enclose a list of casualties. In Farrier-Sergeant Duff, W.Y.C., the country has lost a gallant soldier, and I one of my right-hand men. His conduct was always most conspicuous, and I deeply regret him.

I have conveyed to the force engaged on this occasion my hearty thanks for their gallant and steady conduct; and I now beg to submit for the favorable consideration of the Government the names of Ensign Northcroft, P.R.; Cornet Hirtzell, W.Y.C., and Surgeon Cambell, W.R., for coolness and intrepidity in removing the wounded under a galling fire to the rear, in doing which Cornet Hirtzell, W.Y.C., and Volunteer Wright, were wounded. Private Economides, W.R., for gallantry in connection with the capture of the prisoners; and Ensign Poma, N.C., and Volunteer Sergeants Rushton and Wright, for conspicuous conduct in the repulse of the flank attack. The behaviour of Captain Leatham and his detachment of the W.D.F. was most praiseworthy.

Of Captain Newland, Patea Rangers, I cannot speak too highly; he was foremost in every part of the field, in the surprise of the village, the removal of the wounded, and the repulse of the enemy.

The loss of the enemy I estimate at thirty killed: twenty-one were counted, and others could not be counted, as they were buried in the burning ruins of the houses.

Eight men and one lad were taken prisoners, and twenty or thirty stand of arms taken or burned in the whares. Some casks of powder were also seen to blow up.

The prisoners are in custody at Te Whenuku, and I hope to get valuable information from them.

I have, &c.,

THOS. McDONNELL,

Major Commanding Colonial Forces, Patea District.

Captain Holt, Under Secretary, Colonial Defence Office, Wellington.

List of Officers, Non-commissioned Officers and Men, wounded at Pungarehu, on the morning of the 2nd October, 1866.

Wounded (since dead).

Sergeant Duff, W.Y.C., right neck, mortally wounded, since dead.
 Private Green, W.R., chest, mortally wounded, since dead.
 Volunteer Wright, right knee joint, mortally wounded, since dead.

Wounded.

Cornet Hirtzell, W.Y.C., right shoulder, severely.
 Trooper Noohal, W.Y.C., hip, severely.
 Volunteer Spencer, both legs, severely.
 Private Monehira, N.C., left thigh, severely.

J. B. F. SUTHER, M.B.,
 Assistant-Surgeon, Local Forces, Patea District.

Ketamarai, 3rd October, 1866.

Enclosure 2 to Sub-Enclosure.

Memorandum by Colonel HAULTAIN for His Excellency the GOVERNOR.

His Excellency is respectfully requested to acknowledge the assistance rendered to the wounded by Captain Noblett and Dr. Spencer, of the 18th Royal Irish, but at the same time Ministers cannot refrain from expressing their surprise that the Officers commanding the Imperial posts, which were close to the scene of Major McDonnell's operations, should not have more actively assisted him.

It appears strange that the commanders of outposts, who have been instructed by the Major-General "to lose no opportunity in attacking the rebel Natives, and by constant patrols and "reconnoitering parties to harass and annoy them as much as possible," should remain within their redoubts whilst a very difficult and hazardous enterprise was being undertaken by a few Colonial Troops in their immediate neighbourhood.

Major McDonnell would have been greatly aided and encouraged had a party moved out from Waingongoro on the morning of the 2nd, to have covered his retreat, or to have supported him in holding the position he had stormed, and he might have strengthened his small force by withdrawing more men from Kakoramea and Hawera, could he have calculated that patrols from Patea and Manawapou would have been scouring the neighbourhood; but no assistance beyond attending to the wounded, when brought into their camp, was afforded by the regulars, and it seems that in a district occupied by them, and under the command of an Imperial officer, outrages may be committed, communications stopped, and redoubts fired into, whilst the punishment of the enemy, and the risks and hardships of a winter campaign, are left to a small body of local troops.

T. M. HAULTAIN.

12th October, 1866.

Enclosure 2 in No. 11.

Major GRAY, A.D.C., to the ASSISTANT MILITARY SECRETARY.

SIR,—

Private Secretary's Office, Wellington, 21st August, 1866.

In reply to your letter of this date, No. 4786, forwarding the copy of a letter from the Officer commanding the Wanganui District, requesting that Major McDonnell might be instructed to furnish him with reports regarding his movements, I have the honor, by direction of His Excellency the Governor, to acquaint you for the information of the Major-General Commanding that Major McDonnell was directed, on leaving Wanganui, to report direct to the Defence Office instead of through Lieut.-Colonel Gorton; but it was never intended that he should be independent of the officer commanding the district in which he might be employed.

If he has failed to report to that officer, he has misinterpreted the instructions of the Government, and will now be informed accordingly.

Assistant Military Secretary, Head Quarters.

I have, &c.,

W. R. GRAY, A.D.C.

Enclosure 3 in No. 11.

Extract from Major ROCKE's Letter of the 6th November.

"I HAVE enjoyed full scope of action, whilst His Excellency has caused information to be given both "as regards the Natives and the different localities which it would have been impossible for me "otherwise to have acquired."

No. 12.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
 Right Hon. the Earl of CARNARVON.

(No. 1.)

MY LORD,—

Government House, Wellington,
 8th January, 1867.

I have this morning returned to this place, a few hours before the Panama steamer sails with the English Mail.

2. I consequently have no time to make a lengthened report to you, but I

am sure that you will be happy to hear that this country continues tranquil, and is rapidly improving in every respect.

3. On my recent journey I have passed through the North Island, traversing its central and least accessible districts, portions of which had not been visited by any European for several years.

4. I was everywhere received with joy and rejoicings by the Native population, even in those districts where their losses of men during the war had been large. But these men had all fallen in places remote from their own territory, where they had gone to join their fellow countrymen who were in arms against us, and their surviving relations admitted in the most unreserved manner that we were not to blame for the large loss of life which had taken place.

5. I consider the Native population to be now in a better state than I have ever previously known it.

6. The Natives express the greatest anxiety that Europeans should settle amongst them. They cheerfully conform to the views and wishes of the Government upon all matters, indeed they appear to desire to be directed and to be shown what they should do to render practicable a rapid amalgamation between the Europeans and themselves.

7. I met everywhere, in districts which had been regarded as unsafe, the utmost respect, and I was treated with a kindness so attentive and considerate that it was quite touching.

8. I feel sure that the European population, finding from my journey that they can again safely traverse the interior of the country, will begin to spread into all parts of it, developing the great resources of valuable districts which are now but little known, and the advance of this Northern Island in wealth and population will consequently be very rapid.

9. In this advance in wealth and prosperity, the Native population, who are extensive landholders, will largely share, and I feel quite satisfied that New Zealand, now ceasing to be any drain upon the resources of Great Britain, will be regarded as one of the most tranquil and valuable portions of the Empire.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 13.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 10.)

Government House, Wellington,

MY LORD,—

12th January, 1867.

I have the honor to transmit herewith, for the purpose of being laid before the Queen, certified copies of the Acts passed during the last Session (1866) by the General Assembly of New Zealand, together with a Report upon them by my Responsible Advisers. I have also the honor to enclose copies of three local Acts passed during the same Session.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 13.

MEMORANDUM by MR. STAFFORD.

Wellington, 4th January, 1867.

MINISTERS submit to His Excellency for transmission to the Right Honorable the Secretary of State for the Colonies, authenticated copies under the Seal of the Colony of the Acts passed by the New Zealand Parliament in the last session, with a Synopsis of these Acts.

E. W. STAFFORD.

For His Excellency the Governor.

SYNOPSIS OF THE ACTS OF 1866.

No. 1. *The Criminal Law Procedure Act, 1866*, improves the mode of proceeding in trials of criminal cases, amends the law of evidence in certain cases, and enables witnesses to be sworn before the Grand Jury.

- No. 2. *The Partnership Law Amendment Act*, 1866, introduces in the law of partnership in the Colony certain changes adopted from Imperial legislation on the subject.
- No. 3. *The Arms Act Amendment and Continuance Act*, 1866, amends and continues "The Arms Act, 1860."
- No. 4. *The Supreme Court Judges Act*, 1866, provides for the performance of certain duties of the Chief Justice of the Supreme Court of New Zealand during his absence, or a vacancy in the office.
- No. 5. *The District Courts Jurisdiction Extension Act*, 1866, extends to £200 the jurisdiction of District Courts, regulates the recovery of costs in certain cases, and enables the Governor to regulate the amount of solicitors' costs in proceedings in these Courts.
- No. 6. *The Military Pensions Act*, 1866, regulates the granting of pensions to officers and men of the Colonial Forces for wounds and injuries received on actual service, and to their widows and families in certain cases; and assimilates the practice with respect to pensions to that of the Regular Troops.
- No. 7. *The Crown Debts Act*, 1866, substitutes more simple modes of procedure for the recovery of debts and property of the Crown.
- No. 8. *The Indictable Offences Trials Act*, 1866, enables Justices of the Peace to commit offenders for trial to gaols and places, and for sittings of the Supreme Court out of the Province in which the Justices are sitting, and provides for the change of the place of trial of offenders by Judges of the Supreme Court, and for the removal of the offenders accordingly.
- No. 9. *The Trade Marks Act*, 1866, was passed to protect the rights of trades in the exclusive use of trade marks, and to inflict penalties upon the use of trade marks upon articles indicating false quantities.
- No. 10. *The Vagrant Act*, 1866, was passed to define and restrain vagrancy, and was rendered necessary by the advent of suspicious characters, attracted by the Gold Fields of the Colony.
- No. 11. *The Indemnity Act*, 1866, indemnifies Officers of Her Majesty's Forces and others who have been engaged in quelling the insurrection of Her Majesty's subjects of the Native race; simplifies the form of the certificate to be given by the Governor for the protection of persons against whom actions may be brought.
- No. 12. *The Summary Procedure on Bills Act Amendment Act*, 1862, enlarges the time for defendants in actions on bills, residing at a distance, to apply for time to plead.
- No. 13. *The Sale of Poisons Act*, 1866, was passed to regulate the sale and keeping of certain poisons and to afford protection from their use in certain cases.
- No. 14. *The Provincial Compulsory Land Taking Act*, 1866, was passed to enable the Superintendent and Provincial Council of every Province, under certain restrictions, to make or ordain any law or ordinance authorizing the compulsory purchase of land granted by the Crown within such Province for any work or undertaking of a public nature. This Act is reserved for the signification of Her Majesty's pleasure.
- No. 15. *The Newcastle Crown Grants Validation Act*, 1866, validates Crown Grants for certain allotments of land in the Township of Newcastle.
- No. 16. *The Friendly Natives' Contracts Confirmation Act*, 1866.—Provision having been made by "The New Zealand Settlements Act, 1863," for the protection of the interests of the friendly Natives in lands taken under the provisions of that Act, to be determined by Courts called Compensation Courts, for more speedily arranging such interests, Henry Hanson Turton negotiated with claimants on behalf of the Government, and this Act authorizes the issue of Crown Grants of land in fulfilment of engagements so entered into by him.
- No. 17. *The Aliens Act*, 1866, defines the privileges of alien friends in the Colony and the conditions of naturalization, and provides a mode of obtaining letters of naturalization. The previous course has been to pass Acts annually for this purpose, which will henceforth be unnecessary.
- No. 18. *The Supreme Court Practice and Procedure Amendment Act*, 1866, adopts certain provisions of "The Common Law Procedure Act, 1854," of the Imperial Parliament, as to arbitration and references, interrogatories, and examination of parties to actions; introduces certain provisions for relieving lessees against forfeiture in certain cases; extends the authority of the Judges in inter-pleader cases, and improves the procedure and practice as to parties' set-off and attachment of debt.
- No. 19. *The Offences against the Person Act*, 1866, amends the law relating to the unlawful administration of poison and other offences against the person.
- No. 20. *The Crown Grants Act*, 1866, consolidates and amends the law relating to the preparation, issue, signing, and delivery of Crown Grants; to the roads, and rights of roads reserved in grants, to descriptions of boundaries and plans, and the correction or cancellation of erroneous grants, and provides for the ante-vesting of the legal estate in lands comprised in grants in certain cases, and the issue of duplicate grants in cases of proved loss of originals.
- No. 21. *The Crown Land Sales Extortion Prevention Act*, 1866.—It having been on several occasions observed that sales by auction of Crown Lands were made the occasions of extortionate or corrupt bargains to forbear from the competition, this Act was passed to render such transactions penal, and as far as practicable to prevent them for the future.
- No. 22. *The Otago Waste Lands Act*, 1866, consolidates the laws relative to the sale, leasing, and management of Waste Lands of the Crown in that Province, making provision for the grant of lands to contractors for public works, for reserves for public purposes, for the leasing and management of lands having minerals or special value, and for the issue of licenses to occupy lands for short periods for temporary purposes, with a saving of "The Crown Lands Act, 1862," and the several Acts relating to gold fields.

- No. 23. *The Auckland Waste Lands Act*, 1866, enables the Superintendent to reserve country lands in the Province of Auckland for sale by auction; regulates method of sale of country land; authorizes the reservation of blocks of land for special settlement, and enables and regulates the grant of land as compensation for the erection of works of public utility. It supplements "The Auckland Waste Lands Act, 1858," and saves the power in the Governor created by "The Waste Lands Act, 1858."
- No. 24. *The Canterbury Waste Lands Act*, 1866, alters and amends the law relating to licenses for the occupation of sheep and cattle runs in the Province of Canterbury, and provides for the sale at fixed prices to holders of land which has been improved, within gold fields, withdrawn for the purpose of sale.
- No. 25. *The Lands Regulation Extension (Hawke's Bay) Act*, 1866.—The Superintendent, with the assistance of the Provincial Council of this Province, and under the advice of his Executive Council, being enabled by virtue of "The Native Lands Act, 1865," to acquire land from Aboriginal Native proprietors, the present Act was passed to declare land acquired by the Provincial Government of Hawke's Bay, within the boundaries of the Province, to be Waste Lands of the Crown, and to prevent the operation respecting such lands of "The Superintendents' Incorporation Act, 1863."
- No. 26. *The Land Orders and Scrip Act (Taranaki)*, 1866, provides for the satisfaction, by grants of land within this Province, of certain hitherto unexercised Land Orders and Scrip of the Plymouth Company of New Zealand, and New Zealand Company.
- No. 27. *The East Coast Land Titles Investigation Act*, 1866, was passed to ascertain and determine the rights of friendly Natives and other persons to land within a district defined in the Schedule, and which has been the seat of native disturbances. It enables the Governor to reserve lands for the maintenance of Aboriginal Natives who have been engaged in rebellion.
- No. 28. *The Native Lands Act*, 1866, supplements "The Native Lands Act, 1865;" defines more clearly the mode of limiting the alienability of lands granted to the Natives in certain cases, and enables such lands to be dealt with with the assent of the Governor; provides for the payment of salaries of judges and officers of the Compensation Court, and for enforcing the payment of duties payable on first purchases of land from Aboriginal Natives.
- No. 29. *The Lands Clauses Consolidation Act Amendment Act*, 1866, supplements "The Lands Clauses Consolidation Act, 1863;" enables parties under disability to convey, and determines how amount of compensation in such cases is to be defined and paid.
- No. 30. *The New Plymouth Exchanges Commission Act*, 1866, supplements "The New Plymouth Exchanges Commission Act, 1865," and enables the Commissioners thereunder appointed to ascertain and certify the persons now entitled to lands affected by such exchanges, and to execute the deeds required for vesting such lands accordingly.
- No. 31. *The New Zealand Settlements Acts Amendment Act*, 1866, amends the Act of 1865; enables terms of sale of land to be varied; land scrip to be given in lieu of money for compensation for land taken; the Governor to make reserves of land for public purposes; and removes doubts as to the validity of certain Acts.
- No. 32. *The Gold Fields Act*, 1866, consolidates and repeals the Gold Fields Acts of 1862, 1863, and 1865; and introduces provisions for the leasing and sale of lands on gold fields in certain cases, with a saving of the royal prerogative.
- No. 33. *The Nelson Cobden and Westport Railway Act*, 1866, authorizes the reservation and appropriation of Waste Lands of the Crown, in the Province of Nelson, for the construction of a railway from the port of Nelson to the west coast of the Province.
- No. 34. *The Loan Expenditure Indemnity Act*, 1866, indemnifies the Colonial Treasurer for certain expenditure incurred out of supplies authorized to be raised by "The New Zealand Loan Act, 1863," between the 1st of April, 1863, and the 1st of April, 1865, in the suppression of rebellion, introduction and location of settlers, compensation for land taken under the New Zealand Settlements Act, construction of electric telegraph, lighthouses on the coast, reinstatement of Taranaki, and other charges.
- No. 35. *The Loan Appropriation Act*, 1865, appropriates, out of money authorized to be raised by "The New Zealand Loan Act, 1863," "The Rate of Interest Act, 1864," "The New Zealand Loan Act, 1865," "The Debentures Act, 1864," and "The Debentures Act, 1864, Amendment Act, 1865," one hundred and seventy thousand pounds for charges incident to the location of Military Settlers.
- No. 36. *The Treasury Bills Regulation Act*, 1866, was passed for regulating and protecting the issue of Treasury Bills, rate of interest, coupons, and repayment thereof.
- No. 37. *The Treasury Bills Act*, 1866, authorizes the issue, in manner prescribed by Act No. 36, of Treasury Bills to amount not exceeding £150,000, whose currency is not to extend beyond the 30th June, 1869.
- No. 38. *The Southland Provincial Debt Act Amendment Act*, 1866, supplements "The Southland Provincial Debt Act, 1865," by enabling certain creditors of that Province to come within its provisions, provides for the issue and payment of Debentures in satisfaction thereof, and appropriates the net moneys to arise from the sale of Waste Lands of the Crown in that Province, to the payment of the Debentures and charges incurred under these Acts.
- No. 39. *The Wellington Loan Sanction Act*, 1866.—This Act was passed to sanction a loan of £50,000 to the Province of Wellington, in renewal of a former loan of the same amount.
- No. 40. *The Wellington Land Purchase Loan Sanction Act*, 1866, similarly sanctions a loan to the Province of Wellington of £25,000, for the purchase, from Aboriginal Natives, of land in the Manawatu and other districts. It provides for the setting apart of proceeds of the re-sale of the

lands so purchased for and to the extent of such proceeds, and regulates the manner of the repayment of the money borrowed.

- No. 41. *The Bonded Warehouses Duty Act*, 1866, imposes the payment of certain annual duties in respect of Bonded Warehouses.
- No. 42. *The Stamp Duties Act*, 1866, is an Act following Imperial legislation on the same subject, imposing duties by means of Stamps upon Deeds or Instruments, Probate and Administration, Legacies and Residues, and successions to Real and Personal Estate, and provides means for enforcing the payment thereof.
- No. 43. *The Customs Tariff Act*, 1866, specifies the objects over which the Customs Duties are spread, and provides for the adjustment of prices between buyer and seller of goods upon which new duties are imposed.
- No. 44. *The Provincial Audit Act*, 1866.—The Act of 1861 having expired at the end of the session of the General Assembly held next after the 31st December, 1865, the present Act was passed to provide for the audit of Provincial Government Accounts. It vests in the Governor the appointment of Provincial Auditors and Deputy Auditors, and makes their salaries payable by the Colonial Treasurer.
- No. 45. *The Supreme Court and Registration Offices (Fees) Act*, 1866, provides for the collection, by means of stamps, of the fees of the Supreme Court and Registration Offices.
- No. 46. *The Justices of the Peace Acts Repeal Act*, 1866, was passed in furtherance of the consolidation and amendment of the Laws relating to Justices of the Peace.
- No. 47. *The Justices of the Peace Act*, 1866, simplifies and sets in order numerous provisions relating to the duties of Justices of the Peace, for which, previously to its passing, reference was required to the Acts repealed by Act No. 46.
- No. 48. *The Justices Protection Act*, 1866, adapts the provisions of the Imperial Statute 11 and 12 Victoria, chapter 44, to the circumstances of the Colony.
- No. 49. *The Carriers' Act*, 1866, was passed to prevent carriers from exempting themselves from liability in cases of neglect or default, except under conditions which should be adjudged by the Court or Judge trying any question concerning them, to be reasonable, and to limit the liability of carriers.
- No. 50. *The Innkeepers' Liability Act*, 1866, limits the liability of innkeepers, and the like, for the loss of, or injury to, property of their guests.
- No. 51. *The Steam Navigation Act*, 1866, repeals and amends the provisions of the Act of 1862, by giving more efficient control over the navigation of Steam Vessels.
- No. 52. *The Marine Act*, 1866, "The Marine Board Act, 1863," and "The Marine Board Act, 1865," the passing which Acts authorized the creation of a Marine Board as a body corporate for licensing pilots, managing lighthouses, and exercising other functions connected with navigation having been found inconvenient in practice, this Act was passed to repeal those Acts, and to vest in the Governor within the Colony such powers as are given to the British Board of Trade by certain Acts of the Imperial Parliament relative to merchant shipping; makes provision for appointment, examination, and employment of pilots, for management of lighthouses, for authorizing marine surveys, for the issue of quarantine and harbour regulations, for licensing of watermen, and for the regulation of port charges and other matters relating to navigation, and varies the powers of Superintendents of Provinces in relation thereto. The Act contains full powers of delegation of the powers created by it.
- No. 53. *The New Zealand Post Office Act Amendment Act*, 1866, regulates the proceedings concerning letters and papers opened under "The New Zealand Post Office Act, 1858;" appropriates to the public service money and property illegally posted; readjusts inland postal charges of letters and papers; and imposes penalties for injuries to Post Office property.
- No. 54. *The New Zealand Post Office Act Amendment Act*, 1866 (No. 2), imposes certain obligations on masters of vessels as to carriage of mails, and removes doubts as to the power of the Governor to make rules for regulating Post Office services not provided for by the next previously cited Act.
- No. 55. *The Adulteration of Food Act*, 1866, provides for the punishment of persons selling or offering for sale adulterated or deleterious provisions; and incidentally thereto enables the Governor to appoint a Colonial Analyst, and Superintendents of Provinces to appoint Provincial Analysts.
- No. 56. *The Protection of Certain Animals Act Amendment Act*, 1866, defines what shall be included in the word "game," and (with certain exceptions) requires persons desirous of killing or selling game to take an annual license; and imposes restrictions on the killing, pursuing, and selling of game. It is not to come into force in any Province until proclaimed by the Governor in the *New Zealand Gazette* and in the *Gazette* of the Province.
- No. 57. *The Oyster Fisheries Act*, 1866, was passed to encourage the formation of oyster fisheries, for which many parts of the coast of this Colony are suitable; and provides for the protection of oyster beds artificially formed, and for the regulation and occasional closing of oyster fisheries on natural oyster beds.
- No. 58. *The Superintendents Election Disallowance Signification Act*, 1866, varies the mode provided by the New Zealand Constitution Act for the signification by the Governor of his disallowance of any election of Superintendent; and provides for the signification of such disallowance by proclamation in the *New Zealand Gazette*.
- No. 59. *The Civil Service Act*, 1866, was passed to organize and regulate the Civil Service of New Zealand, by the classification of officers, the abolition and consolidation of offices, and as to appointments, promotion, and discipline in the service, superannuation allowances, and compen-

sation in certain cases. This Act was framed by the Members of a Commission appointed to investigate the position of the Civil Service in this Colony, and to suggest means for its organization and improvement.

- No. 60. *The Debtors and Creditors Acts Amendment Act*, 1866, repeals the provisions of previous Acts relating to Mercantile Assessors and "The Insolvent Estates Fund;" defines more clearly the estates to be deemed to have been brought under administration under the Act of 1862; makes further regulations for assignment of property of insolvents to the inspector and trustees, the remuneration to sequestrators and trustees, and discharge of a debtor from prison in certain cases.
- No. 61. *The Naturalization Act*, 1866, confers upon certain persons named in the schedules, within the Colony, the rights of natural-born subjects of Her Majesty.
- No. 62. *The Otago Municipal Councils Empowering Act*, 1865, *Amendment Act*, 1866, repeals a section of the Act of 1865 which provided that certain penalties, fees, and fines should be paid to the Municipal Corporations therein mentioned, and relieved them from their proportionate contribution to the expenses of the General Government of the Colony.
- No. 63. *The Attorney-General's Act*, 1866, provides that the commission of every Attorney-General thereafter appointed shall be permanent during good behaviour; that the Attorney-General shall not be a member of the Executive Council or of either House of the General Assembly; and provides for payment of salary and other matters relating to the office.
- No. 64. *The Superintendents Deputy Act*, 1866, repeals "The Superintendents Deputy Act, 1856," varies the mode of appointing Deputy Superintendents, provides for such appointments in certain cases, and limits the powers of Deputy Superintendents to such as are created by the twelfth section of the Constitution Act.
- No. 65. *The Affirmations in lieu of Oaths in Criminal Proceedings Act*, 1866, is an adaptation to the Colony of the Act of the Imperial Parliament 24 and 25 Vict. cap. 66.
- No. 66. *The Intestate Estates Act Amendment Act*, 1866.—The division of the Colony for the purposes of "The Intestate Estates Act, 1865," into districts consisting of Provinces, being unsuited to the requirements of the Colony, this Act enables the Governor to vary the districts, increases the facilities of Curators in obtaining administration in certain cases, and provides that the percentage deducted by the Colonial Treasurer for moneys paid to the credit of the Intestate Estates Fund shall be carried to a separate account.
- No. 67. *The Volunteer Act Amendment Act*, 1866, repeals two sections of "The Volunteer Act, 1865," and varies the provisions for ascertaining the competency of persons to be officers of Volunteers, and renders Volunteers, hitherto exempted from serving on juries, liable to serve on Grand Juries and Coroners' juries.
- No. 68. *The Representation Act Amendment Act*, 1866, eliminates Gold Field Townships from other Electoral Districts, varies the boundaries of certain Electoral Districts, and provides for the formation of new Electoral Rolls therein.
- No. 69. *The Williams Compensation Act*, 1866, authorizes compensation to one John Wynn Hughes Williams, on account of damages arising from non-fulfilment of a certain contract entered into by the Canterbury Association for sale to him of land in the Canterbury Settlement.
- No. 70. *The Building and Land Societies Act*, 1866, consolidates and amends the existing law as to Building and Land Societies.
- No. 71. *The Licensing Ordinance Amendment Ordinance Amendment Act*, 1866, transfers from the Governor in Council to the Colonial Secretary, the power of licensing houses for the sale of fermented and spirituous liquors, in the country or on the sea coast.
- No. 72. *The Distillation Prohibition Ordinance Amendment Act*, 1866, authorizes the Governor in Council to make regulations for licensing persons to carry on the business of distillers within the Colony; imposes a duty of 8s. per gallon upon spirits so distilled; extends the powers of search given by "The Distillation Prohibition Ordinance;" and makes provision for the punishment of offenders.
- No. 73. *The Privileges Act*, 1866, makes provision for exemption of members and certain officers of the General Assembly, on application for that purpose, from attendance on Civil Courts, either as parties or witnesses, during the Sessions of the Assembly.
- No. 74. *The Lunatics' Act*, 1866, enables the Courts to order any person found, upon arraignment, trial, or discharge for want of prosecution, to be insane, to be kept in custody till the Governor's pleasure be known; and makes provision for ascertaining the insanity, for removing insane prisoners to lunatic asylum and removal back to prison, or discharge of such prisoners on their return to sanity duly certified.
- No. 75. *The Petty Sessions Act Amendment Act*, 1866, alters the number of Justices required to form a quorum to elect Chairman of Petty Sessions from five to three.
- No. 76. *The Standing Orders for Private Bills Act*, 1866, enables certain Parliamentary Officers to annul existing Standing Orders for Private Bills, substituting others in lieu thereof.
- No. 77. *The Law Practitioners Act*, 1866, makes the tenure of office of Registrar or Deputy Registrar of Supreme Court equivalent to service under articles to a solicitor as a qualification for admission to practise; and provides against the admission, or continuance to practice, of any person who has been convicted of forgery or perjury.
- No. 78. *The Auckland Reserves Act Repeal Act*, 1866.—"The Auckland Reserves Act, 1863," was passed to carry into effect an arrangement for the sale of the Government House and Grounds at Auckland. The present Act repeals it, and annuls all transactions under it.
- No. 79. *The Supreme Court Act*, 1860, *Amendment Act*, 1866, regulates procedure as to carrying out

sentence of death; and establishes the jurisdiction of Judges of the Supreme Court in the districts assigned to them when absent from such districts.

- No. 80. *The Registration of Electors Act*, 1866, consolidates and amends the law relating to the formation and revision and correction of electoral rolls; simplifies the forms of claims to vote; provides for retention on the roll of the names of freeholders absent from the Colony, and not otherwise disqualified.
- No. 81. *The Gold Fields Members Qualification Act*, 1866, declares that persons who by virtue of "The Miners' Representation Act, 1862," "The Miners' Representation Act, 1863," and of "The Miners' Representation Act Amendment Act, 1865," are entitled to vote at elections for the Gold Fields of Members of the House of Representatives and Provincial Councils; are qualified to be elected Members of the House of Representatives or Provincial Councils for certain Gold Fields Districts.
- No. 82. *The Appropriation Act*, 1866, grants to Her Majesty certain sums for the expenditure of the Government of New Zealand for the service of the financial year; and indemnifies the Colonial Treasurer for excess of expenditure over sums authorized by "The Appropriation Act, 1863," and "The Appropriation Act, 1865."

LOCAL AND PERSONAL ACTS.

- No. 1. *The Dunedin Water Works Act Amendment Act*, 1866, enables the Company to borrow £15,000 upon mortgage bond or debenture, and to let meters for hire; and imposes penalties upon persons improperly taking water supplied by the Company.
- No. 2. *The Presbyterian Church of Otago Lands Act*, 1866.—Pursuant to certain terms of purchase between the New Zealand Company and the Members of "The Otago Association," numerous allotments of land had been acquired and appropriated for religious and educational uses connected with the Presbyterian Church of Otago, and other lands had been acquired by purchases out of rents and profits of those first appropriated, by the deed of trust and relative institutes mentioned in the preamble, and agreements had been made for the grant of certain portions for religious and educational purposes, and for the exchange of other portions. This Act was passed more effectually to provide for carrying into effect the trusts of the said lands; to vest them in certain trustees; and to enable the trustees to carry into effect the agreements for granting and exchanging.
- No. 3. *The Otago Southern Trunk Railway Act*, 1866, provides for the construction of a railway between the City of Dunedin and the Township of Balclutha, in the Province of Otago, giving the promoters powers for the compulsory purchase of land, and providing for payment of purchase money or compensation out of the revenues of the Province, adopts with certain modifications various provisions of the Act of "The Imperial Parliament Railway Clauses Consolidation Act, 1845," and contains other provisions for carrying out the proposed undertaking, selling, leasing, and managing the railway, and as to charges, tolls, accounts, bye-laws, and regulations.

No. 14.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 14.)
My Lord,—

Christchurch, Canterbury,
11th January, 1867.

I have the honor to report to your Lordship my arrival at this place, and to enclose for your information copies of the addresses I have received from the Municipalities of this City, and of the Port of Lyttelton, as also copies of my replies to those addresses.

I trouble your Lordship on this subject because I am sure it will gratify you to hear from me that the Province of Canterbury has made, and continues to make, the most rapid progress in wealth and prosperity of every kind, and because I am also well aware how great a pleasure it will be for you to make known to the Queen how contented, happy, and prosperous Her Majesty's subjects in this portion of Her dominions are—and how deep a feeling of loyalty they cherish to Her Majesty's person and throne.

I have, &c.,
G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosures in No. 14.

Address from the CHRISTCHURCH CITY COUNCIL to Governor Sir GEORGE GREY, K.C.B., and Reply.

To His Excellency Sir George Grey, K.C.B., Governor and Commander-in-Chief, and Vice-Admiral of the Islands of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Chairman and members of the Christchurch City Council, desire to congratulate your Excellency upon your visit to our city. We hail with great satisfaction the presence of Her Majesty's representative amongst us.

We congratulate your Excellency upon the rapid progress made by the Colony, as exemplified by the greatly increased facilities which exist by means of steam communication between the various Provinces, and the new bond of union between the Middle and Northern Islands by means of the electric telegraph.

We sincerely trust that the peace which at present prevails between the Natives of New Zealand and the European settlers may long remain undisturbed, and that the measures adopted by your Excellency's Government may be attended with the best results.

We desire to assure your Excellency that the loyal devotion of the inhabitants of this city to the throne and person of Her Most Gracious Majesty the Queen extends likewise to your Excellency as Her Majesty's representative within the Islands of New Zealand.

We fervently hope that your Excellency's visit to this city may afford you many pleasing recollections; and on behalf of the citizens of Christchurch we wish your Excellency long life, prosperity, and happiness.

REPLY.

MR. CHAIRMAN AND GENTLEMEN,—

I beg that you will accept my most sincere thanks for the congratulations which you have offered me on my arrival in this city.

I have long desired to witness your prosperity and advancement, of which I have heard so much, and to again revisit scenes in which your industry and enterprise have wrought so great a change.

It is very gratifying that you can meet me with such well founded congratulations on the progress made by the Colony, and upon the rapidity with which communication between its several parts is now conducted.

These are unmistakable signs of a course of prosperity upon which we are now entering, and which may, I trust, be long continued.

I receive with pleasure the expression of your wishes that the peace which at present prevails between the two races of Her Majesty's subjects may be long maintained.

I feel assured that the General Assembly and my Responsible Advisers will neglect no means to give effect to the wishes you have thus expressed. Their constant efforts have long been directed to the attainment and maintenance of peace.

I will make known to the Queen your warm expressions of loyalty, and the rapid advance which this portion of Her Majesty's dominions has made. You may be assured that this intelligence will be a source of great gratification to your Sovereign, who has ever taken the most lively interest in the welfare of all classes and races of her subjects.

I thank you for your wishes for my prosperity and happiness. In so far as I can I will do my best to repay these kind expressions by such good offices as it may be in my power to perform for this city and its inhabitants.

Address from LYTTELTON MUNICIPAL COUNCIL to Governor Sir GEORGE GREY, K.C.B., and Reply.
To His Excellency Sir George Grey, Knight Commander of the Most Honorable Order of the Bath, Governor and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Lyttelton Municipal Council, and other residents of this town, respectfully offer our congratulations on your Excellency's arrival in this port, and tender our warmest welcome on the occasion of this your first visit since your return to New Zealand.

As loyal and faithful subjects of Her Majesty, we desire to express our undiminished attachment to her person and Government.

We trust your Excellency will be pleased with the advancement evident in all the material interests of the Province since your last visit, and will notice with feelings of pleasure the progress made in the tunnel that is to connect the trade of this Port with the Plains.

In conclusion, we fervently pray that by the favour of Divine Providence you may enjoy the blessing of good health, and be spared for a long course of usefulness in the service of Her Majesty.

JOSEPH WARD,
Chairman of the Municipal Council.

REPLY.

MR. CHAIRMAN AND GENTLEMEN OF THE MUNICIPAL COUNCIL,—

I thank you most sincerely for the cordial welcome which you have given me on my arrival at the Port of Lyttelton.

It is with great gratification that I witness the progress made in this town and port since those now distant days in which I witnessed your first efforts to overcome the many difficulties you had to contend against.

Her Majesty will receive with pleasure your warm expressions of attachment to her person and Government, and I feel assured that pleasure will be greatly heightened by her knowledge of the prosperity to which this Settlement and its inhabitants have attained.

I thank you for your wishes for my health and that I may render good service to our Queen.

You may rely that no effort on my part shall be spared to second well those measures for your happiness and welfare which your Representatives may mature, and which my Responsible Advisers may recommend me to adopt, and the promotion of which is to them an object of unceasing solicitude.

No. 15.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 15.)

MY LORD,—

Greymouth, Westland, 28th January, 1867.

Address transmit-
ted to England,
but no copy kept.

I have the honor to transmit the copy of an address, which I received from the inhabitants of this town, on my arrival here, as also a copy of my reply to that address, because I am sure that your Lordship will be gratified to learn that a town of about fifteen hundred inhabitants has sprung into existence here within the last eighteen months, which is the centre of a populous and thriving district of about fifteen thousand inhabitants, as also to find how thoroughly loyal, prosperous, and contented, Her Majesty's subjects in this part of New Zealand are.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 16.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 16.)

MY LORD,—

Hokitika, Westland, 30th January, 1867.

Previously to leaving Westland, I have thought it my duty to transmit copies of the addresses which I have received in this town, and of my replies to them, for I feel sure that your Lordship will be gratified and surprised to learn that Her Majesty's subjects have, by their enterprise and industry, within the last two years, added at the West Coast of New Zealand what is in fact a new and prosperous Colony, of nearly forty thousand inhabitants, to Her Majesty's dominions; and that there is no part of the Queen's possessions in which a more devoted loyalty and perfect contentment prevails.

2. I can assure your Lordship that the energy displayed by the inhabitants of Westland, the works they have carried out, and the extensive and populous towns they have created, all within the space of two years, have filled me with surprise and gratification.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 16.

ADDRESSES and REPLIES presented to Governor Sir GEORGE GREY, at Hokitika.

To His Excellency Sir GEORGE GREY, K.C.B., Governor of New Zealand.

YOUR EXCELLENCY,—

It is with feelings of much pleasure and gratification that we, the members of the Town Council of Hokitika, in the Province of Canterbury, congratulate your Excellency upon your first visit to this district—an event that will always stand forth in colors of the brightest hue in the annals of this town.

It is now sixteen years since your Excellency landed on the shores of New Zealand as the representative of our gracious and much beloved Sovereign.

The many vicissitudes that the Provinces have experienced during that time it is unnecessary to dilate upon; but the fact is patent to all that, from an unknown and barren waste, Hokitika has, in the space of two years, risen to an opulent, thriving, and commercial town.

In May, 1866, the Town of Hokitika was constituted a Municipal District, and the Council commenced their duties in the month of October; the limited means at the disposal of the district have confined the operations for the improvement of the town to a very small compass. A new Municipal Bill will, in a few days, be brought into action, giving extended powers; the constituted authorities will then, by a zealous, active, and impartial administration, endeavour to prove that they have not been unmindful of their duties.

The excellence of all human institutions is comparative and fleeting; positive perfection, or unchanging aptitude to its object, we know belongs not to the work of man. Commerce and progression are unquestionably the basis of our prosperity, and your Excellency has manifested a familiar acquaintance with the fact, that the continuance of this prosperity must in the present state of society depend upon the progress we make.

We conclude by praying that your Excellency may enjoy all the peace and happiness this world

can afford for the remainder of your days, and at their close derive solace from the reflection of a life spent in promoting the happiness of your fellow creatures.

We have the honor to remain, your Excellency's most obedient very humble servants,

J. BONAR, Mayor.
J. R. ANDERSON,
W. FITZSIMMONS,
R. ECCLESFIELD,
F. CLARKE,
R. HUNGERFORD,
C. WILLIAMS,
W. CUMMINGS.

John Lazar, Town Clerk.
Hokitika, 25th January, 1867.

REPLY.

MR. MAYOR AND GENTLEMEN,—

I shall always remember with pleasure and gratitude the reception I have met with from yourselves and the inhabitants of this town.

My pleasure upon this occasion has been heightened by the remembrance of how little was known of this part of New Zealand but a few years since. It was then regarded as a dreary locality, difficult of access, hardly producing the necessaries of life, and as not likely to be inhabited by the European race until after a lapse of a long interval of time. Now I find around me a thriving and populous town, which has suddenly sprung into existence, an energetic population, already cultivating the soil, which gives unmistakable proof of its great fertility; an Alpine mountain chain pierced by a great road, and signs of progress and prosperity upon every side.

I congratulate you as a Municipal body upon what you have already done, and feel confident that when you enter upon the exercise of your more extended powers, you will establish new claims upon the gratitude of your fellow-citizens.

I thank you sincerely for your kind wishes for my future happiness. I assure you that I can feel no greater pleasure than that of knowing that in common with so many of my fellow-countrymen, I have aided in establishing such large and prosperous communities, and witnessing the contentment and prosperity of their inhabitants.

G. GREY.

MASONS' ADDRESS.

To His Excellency Sir GEORGE GREY, K.C.B., Governor-in-Chief of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

In the name and on behalf of the whole fraternity of free and accepted Masons, we solicit leave to welcome your Excellency, upon your arrival in Hokitika, with our heartfelt congratulations.

Your Excellency, as one of our ancient order, will be gratified to learn that the fraternity in this Province continues to cherish and cultivate those principles of brotherly love, reverence for our Queen, and respect for the laws, upon which Masonry was originally founded.

We hope that the multiplicity of more important concerns, which must occupy your Excellency's mind upon the present occasion, will not prevent your Excellency from viewing with favourable regard the ancient order of which your Excellency has been so long a member.

Regretting that the shortness of Your Excellency's stay in Hokitika will not permit us to hope for the honor of your Excellency's presence within our walls at any of the ceremonies of our venerable order, we conclude with imploring that the Grand and Omnipotent Architect of the universe may grant your Excellency a long and a happy life, and your condescension upon this occasion will ever be gratefully acknowledged by the whole body of masons.

Signed by appointment this 24th day of January, 1867, and of Light, 5867.

EDWIN TAYLOR, P.M. and Acting Worshipful Master.

For and on behalf of the members of the Pacific Lodge of Hokitika.

C. LOUISSON, Secretary.

REPLY.

GENTLEMEN,—

I thank you very sincerely for the address with which you have presented me, and for your reception of me on my arrival in the Town of Hokitika.

It is very gratifying to know that in this remote portion of Her Majesty's dominions you still entertain that reverence for your Sovereign and respect for the laws for which your Order has always been so distinguished, and that you still occupy yourselves with works of benevolence and charity.

I thank you for your wishes that I may enjoy a long and happy life. If Providence grants me this blessing, I hope you may have the pleasure of seeing that I employ it largely in trying to promote the welfare of others.

G. GREY.

ODDFELLOWS' ADDRESS.

To His Excellency Sir GEORGE GREY, K.C.B., Governor of New Zealand, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

In the name and on behalf of the Manchester Unity Independent Order of Oddfellows Friendly Society, we bid you hearty welcome to Hokitika, the capital of Westland.

As representatives of a body numbering in Great Britain, Victoria, New Zealand, and other dependencies of the British Empire, about 450,000 souls, we beg to assure your Excellency of our unwavering attachment to the throne of Great Britain, and to the person of our beloved Queen.

To your Excellency, as Her Majesty's representative in the Colony of New Zealand, we offer our warmest congratulations on this your first visit to Hokitika, a place which, so short a period of time as three years since, was, comparatively speaking, untrodden by the foot of the white man.

It must, we are assured, be gratifying to your Excellency to find in so short a space of time that, independent of local institutions having been established for the government of the town, the extinction of fires, &c., the middle and working classes have established a branch of a society for the amelioration of the condition of their fellow men, and the relief and succour of widows and orphans of their society. We, your Excellency, look upon these facts as a proof of the improved and improving condition and habits of the classes we represent, and bringing before you this fact, in Great Britain alone, Mr. Gladstone has asserted that this and similar institutions have relieved the poor rates to the extent of half a million sterling per annum, we trust our exertions to still further relieve them, will not be looked upon as vain and worthless.

Whilst again welcoming your Excellency to Hokitika, we trust you may long be spared to enjoy the honor of being the representative of Her Majesty in this part of her dominions.

Signed and sealed, on behalf of the Loyal Hokitika and Ross Lodges, branches of the Canterbury district of the Manchester Unity Independent Order of Odd Fellows in New Zealand, the 25th of January, A.D. 1867.

P. G.
N. G.
Sec.

No. 17.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 17.) Christchurch, Canterbury,
MY LORD,— 1st February, 1867.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 27, of the 17th September last, transmitting copies of a correspondence relative to the claim of a contractor, on account of losses said to have been sustained by him in consequence of a prohibition imposed at Taranaki on the importation into that Province of cattle from Australia, and, in compliance with your Lordship's directions, I herewith enclose a Report from my Responsible Advisers on this subject.

I have, &c.,
The Right Hon. the Earl of Carnarvon. G. GREY.

Enclosure in No. 17.

MEMORANDUM by Mr. STAFFORD.

[The original of this Memorandum was sent to England, but no copy has been kept.]

Sub-Enclosure to Enclosure in No. 17.

Mr. CHARLES BROWN to the Hon. E. W. STAFFORD.

SIR,— New Plymouth, 18th January, 1867.

I have the honor to offer the following statements and remarks on Commissary-General Jones's letter to the Secretary of State for War, copy of which was transmitted in your letter of the 27th December last.

1. The verbal intimations I gave Mr. Johnson, that the importation of cattle from the Australia Colonies was prohibited, and that no relaxation would be made, first on board the s.s. "Otago," on, I think, the 23rd of May, 1864, and, subsequently in the same year, in the presence of Assistant Commissary-General Moore, and before Mr. Johnson had sent in any tender, dispose of his having entered into the contract as one specially contemplating importation from the Australian Colonies into this Province.

2. It would appear from Commissary-General Jones's letter, that when he entered into the contract with Mr. Johnson, the latter concealed from Commissary-General Jones that the above intimation had been given to him by me, that the ports of this Province were not open, as contemplated by Commissary-General Jones, and that Mr. Johnson raises claims on this want of knowledge of Commissary-General Jones.

3. The enclosed *Gazette* of this Province of the 17th January, 1862, containing the Proclamation prohibiting the importation of cattle from Australia, and which was never rescinded by me, disposes of the statement that, "when the tenders were invited and opened (1865-6) there was no prohibition against importation, &c." The enclosed copy of a letter from the Honourable Mr. Domett will further show that the Lieutenant-General was aware of the existence of the prohibition in 1863. The Proclamation of January, 1865, referred to by Mr. Jones, was proclaimed under a delegation of authority from His Excellency Governor Sir George Grey, so as to continue and carry on, if necessary, what had been proclaimed in 1862 under the delegated authority of His Excellency Governor Colonel Gore Browne.

4. With reference to the "show of concession made by me when the first cargo arrived from Aus-

tralia, by permitting the landing to be made at a particular spot," speaking from memory, I believe the spot is one from which male and female passengers of the s.s. "Lord Worsley" were taken in the cargo boats and brought to New Plymouth, and I indicated the spot because it was in an infected district, and because Mr. Johnson's sub-contractor here neither owned or rented any pasture or other land for the support of his cattle, but depastured them at large on the lands of the settlers and Natives.

5. As there is no reference to the name or date of the local paper that Commissary-General Jones enclosed, I cannot refer to the context which may or may not have reported my words correctly. I can remember congratulating the settlers that further importation from infected ports had not taken place, as the general introduction of pleuro-pneumonia would have caused great loss and depreciation in the value of their stock, and made the losses general which had so far been individual. I presume this is what Commissary-General Jones refers to.

6. Pleuro-pneumonia was introduced into this Province by a cargo of one hundred and eighty head of cattle imported by the "Hydra" from Australia, for the use of Her Majesty's Troops, and by the Commissariat transport bullocks from Auckland, which were permitted to be landed in obedience to a letter from the Honorable Mr. Domett, before adverted to. These cattle, and these only, introduced pleuro-pneumonia into the Province.

With the concurrence and active co-operation of the Colonel commanding and the Senior Commissariat Officer, the diseased cattle of the Commissariat, as well as the cattle of the settlers, were placed in quarantine by proclamation, until the disease was extirpated, with some loss and expense to all the parties concerned. This was south of the town a few miles. Some miles to the north of the town, the cattle belonging to the friendly Natives caught the disease from the imported cattle, and not being confined in enclosed pastures, it has not been found possible to isolate the diseased cattle and root out the disease. I believe the Natives have lost considerably, probably more than the settlers, by the introduction of diseased cattle for Commissariat purposes.

Having involved the settlers and Natives in these losses, by permitting the importation of apparently clean cattle from infected districts, I endeavoured to remedy the evil and not to relax the law again, unless called upon again to do so by the General Government, with a full knowledge of the facts, which was not done during my tenure of office.

Shortly after Mr. Johnson's contract commenced, Assistant Commissary-General Moore informed me that the contractor's representative had complained to him that the farmers were requiring prohibitory prices for their cattle. I therefore spoke to the first farmer I met, Mr. W. Bayly, on the subject, and informed him that I would relax the prohibition on the importation of cattle, if I found it was made use of to raise the price of cattle, when he informed me, that there was no difficulty in obtaining meat for Her Majesty's Troops that would pay the profit of one contractor, but that it could not be obtained at a price that would pay the profits of three contractors, Mr. Johnson, his sub-contractor Mr. Lethbridge, and his sub-contractor Mr. Long; and at once offered to support his statement by undertaking to supply Her Majesty's Troops in this Province, at the contract price, until the end of March, 1866. This offer he was very well able to carry out, and he reduced it to writing. I enclosed a copy to Assistant Commissary-General Moore, and by that officer it was forwarded to Commissary-General Jones.

Commissary-General Jones arrives at the opinion "that the prohibition was imposed to obstruct and prevent the contractor from carrying out his contract, as the settlers were anxious both to retain the contract in the hands of one of their own number, and to secure a higher price for the few animals they had in the Province." This opinion is disposed of by the fact, that the proclamation was in existence years previously, and that I refused to relax it when settlers had the contract until I had been moved thereto by the Honorable Mr. Domett at the instance of the Lieutenant-General.

The question to me was one of whether the cattle of the settlers were to be sacrificed to the importation of diseased cattle for the benefit of a contractor who took a contract to supply cattle which he knew the law prohibited him from importing into this Province from Australia.

The foregoing appears to me to comprise all that I need remark on the subject in my present unofficial capacity, at the same time to express my regret that I have felt unable to condense my remarks more.

I have, &c.,

The Hon. the Colonial Secretary, Wellington.

CHARLES BROWN.

Enclosures.

PROCLAMATION.

WARRANT delegating to the Superintendent of the Province of Taranaki, certain powers vested in the Governor by "The Diseased Cattle Act, 1861."

WHEREAS by "The Diseased Cattle Act, 1861," it was provided that the Governor in Council might by warrant under his hand from time to time delegate to the Superintendent of any Province within the said Colony all or any of the powers vested in the Governor or Governor in Council by the said Act, subject to such Regulations as he might think fit, and might from time to time rescind such delegation:

Now therefore, I, Thomas Gore Browne, the Governor of the said Colony of New Zealand, with the advice and consent of the Executive Council thereof, and in pursuance and exercise of the said power and authority do by this warrant under my hand delegate to Charles Brown, Esquire, so long as he shall hold the office of Superintendent of the Province of Taranaki, in the said Colony, the several powers vested in me by the second, fourth, fifth, seventh, ninth, and tenth sections of the said Act, subject to be rescinded as in the said Act provided, and subject to the Regulations of even date herewith, and to any other Regulations to be from time to time duly made.

Given under my hand at the Government House, at Auckland, this first day of October, in the year of our Lord one thousand eight hundred and sixty-one.

By His Excellency's command,

WILLIAM FOX.

T. GORE BROWNE.

PROCLAMATION by Charles Brown, Esq., Superintendent of the Province of Taranaki.

WHEREAS by Warrant dated 1st October, 1861, the Governor, with the advice and consent of the Executive Council of New Zealand, delegated to Charles Brown, Esquire, so long as he shall hold the office of Superintendent of the Province of Taranaki, the several powers vested in the Governor by the second, fourth, fifth, seventh, ninth, and tenth sections of "The Diseased Cattle Act, 1861," subject to be rescinded as in the said Act provided, and subject to the Regulations of even date therewith, and to any other Regulations to be from time to time duly made:

Now therefore, I, the said Charles Brown, by virtue of such powers in me vested, do hereby proclaim and declare that from and after the date hereof, the several Colonies of Australia, that is to say, Victoria, New South Wales, Queensland, South Australia and Western Australia, as well as the Colony of Tasmania, and the Colony of the Cape of Good Hope, and the islands of Great Britain and Ireland, shall be deemed to be infected districts within the meaning and for the purposes of the said Act, and that no cattle shall be allowed to be imported from such districts: provided that the Superintendent may allow any cattle to be landed from vessels from the islands of Great Britain and Ireland, subject to such conditions and restrictions as he may deem expedient, and the circumstances of the case require.

And I do further proclaim and declare that the Provinces of Otago and Southland in the Colony of New Zealand, shall be deemed to be infected districts within the meaning and for the purposes of the said Act, and that no cattle shall be allowed to be imported from the said Provinces.

Given under my hand at New Plymouth, this sixteenth day of January, one thousand eight hundred and sixty-two.

CHARLES BROWN,
Superintendent.

Mr. DOMETT to Mr. C. BROWN.

(No. 197)

New Plymouth, 2nd June, 1863.

SIR,—

The demands of the Commissariat Department for beef for the supply of the Forces in this Province have now become so great that the Lieutenant-General has brought under the notice of Government the propriety of removing the restrictions on the importation of cattle from Australia.

I understand that in the Southern Provinces of New Zealand importation from Gipps Land is now permitted, and as the high contract price for beef in this Province renders the question one of great importance, I have to suggest to your Honor the propriety of your relaxing the prohibition affecting the importation of cattle from at least the same Australian districts as have been thrown open to the trade with Otago.

His Honor the Superintendent, Taranaki.

I have, &c.,
ALFRED DOMETT.

Mr. W. BAYLY to Mr. C. BROWN.

SIR,—

New Plymouth, 13th April, 1865.

In reply to your verbal communication as regards the price per pound for fresh meat for the supply of Her Majesty's Forces in this Province, I will supply the whole of Her Majesty's Troops in this Province for the sum of 6d. 9-10ths (sixpence nine-tenths), four days mutton, three days beef per week, from this date to the 1st of April, 1866.

Charles Brown, Esq., Superintendent, New Plymouth.

I have, &c.,
W. BAYLY, sen.

Sub-Enclosure 2 to Enclosure in No. 17.

MEMORANDUM by Mr. WELD.

MINISTERS have received a Memorandum addressed on the 25th ultimo direct to His Excellency the Governor by Commissary-General Jones, C.B., and referred to them by His Excellency on the following day.

The Commissary-General refers to previous Memoranda on the subject of the refusal of the Superintendent of Taranaki to allow certain cattle brought from Australia to be landed at New Plymouth, and expresses an opinion that, as the cattle in question were intended for Her Majesty's Troops, the Colony should bear all loss incurred by the contractor in consequence of his inability to land the cattle at New Plymouth.

It appears that the Superintendent of Taranaki, in exercise of the powers delegated by the Governor to him under an Act of the General Assembly, intituled "The Diseased Cattle Act, 1861," issued certain proclamations, which were duly published at the time, and were republished in the *New Zealand Gazette*, (No. 10, 18th March, 1865, pages 53, 54, and 55,) a copy of which is enclosed, declaring certain districts within the meaning of the Act, and prescribing certain regulations respecting the importation of cattle into that Province. It further appears, that because the Superintendent refused in April last to rescind these proclamations in favour of an individual who must have deliberately intended to disregard them, or to allow him to violate the law, the Commissary-General now prefers against the Colony a claim by that individual for compensation.

Ministers can see no reason for admitting such a claim against the Colony. It is the duty of a Government to uphold the law; and it is equally the duty of Commissariat Officers and of contractors for the supply of Her Majesty's Troops to inform themselves of the state of the law, and to abide by its provisions, or to accept the consequences of their neglect.

In the case now under consideration Ministers can see no palliation or excuse for such neglect. If the proclamation was considered objectionable, the proper course would have been for the Military Authorities, or any other person interested in the matter, to have represented such objections to the

Colonial Government with a view to its repeal or modification. An attempted disregard of a law is not a justifiable mode of bringing about such a result, and it certainly is no ground on which to claim compensation for the loss which such attempt has entailed.

F. A. WELD.

Wellington, 8th June, 1865.

No. 18.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 19.)

Christchurch, Canterbury,

MY LORD,—

4th February, 1867.

I have the honor to transmit for your Lordship's information, a copy of an interesting Report, by Mr. Parris, the Civil Commissioner of the Taranaki District, which shows a very satisfactory state of affairs on the West Coast of the Northern Island.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure 1 in No. 18.

Mr. PARRIS to the NATIVE MINISTER.

SIR,—

New Plymouth, 24th January, 1867.

I have the honor to report for the information of His Excellency's Government, that with reference to the party of Waikatos now in the Taranaki District, that after they had left Kirikiringa, in the Ngatimaru District, the Chief Nepe came in to me to report what took place during their stay in that district, on their way south.

They assured the Ngatiawa Natives, under William King, Rangataki, and Hapurona, that their mission was a peaceable one, and that after visiting the different tribes in this Province, they should collect what Waikato Natives there were in the district and clear out for good not to return again. Nepe assured me that both he and Hapurona were of opinion that if our forces were kept quiet for about two months, that peaceful relations would be established with all the Natives of this Province.

On arriving in the Ngatiruanui District, the Waikatos wanted to come to Taranaki by the coast road, but Hone, Pihama, and Mawaia (Wiremu, Kingi, Hukanui) opposed their doing so, being an armed party, and told them to go by the bush track, at which More, the Native in charge of the party, threatened to stop the road between Opunaki and Warea. This caused some alarm at the outposts (Warea and Opunaki), and Lieutenant-Colonel Hamley was about to reinforce Warea, until I told him there was no necessity for the slightest anxiety for the safety of those places.

In my letter of the 7th instant, I reported that a deputation of Natives had gone from Waikoukou to Ngatiruanui to recommend a discontinuance of hostilities, and I have now much pleasure in forwarding a letter from Tamati Kawerau, reporting favourably the result of the deputation's visit to the Ngatiruanuis.

A party of seven young men (Natives) arrived from Ngatiruanui yesterday on a visit to their friends at Waiwakaiho. This morning a Native arrived from Opunaki with a mail, having come through the district to Warea in the daytime.

He saw a few Natives, but was not interfered with. He reports that Captain Morrison, Captain Hampton, and a Mr. Gates, who left this on Tuesday last, arrived safe at Opunaki, and left for Ngatiruanui yesterday morning.

I have, &c.,

The Hon Minister of Native Affairs, Wellington.

R. PARRIS, Civil Commissioner.

Sub-Enclosure 1 to Enclosure 1 in No. 18.

TAMATI KAWENA to Mr. PARRIS.

[TRANSLATION.]

To Mr. PARRIS,—

Friend. We have all of us seen Reweti and Pumipe—in fact all of them. They informed Arama Karaka, and I, and all of us, that they went to break the weapon of Ngatiruanui, and they say it is broken and ended.

Arama Karaka said to them—"Be correct and truthful in what you say; perhaps when you arrive below (at Waikoukou) there is some one who will be selected, as in the case of Ruaroa." He and Mr. Parris talked together, and on his returning you heated the oven." Reweti replied—"Why do you listen to the talk of a thief. This is I; this is we—your relatives. Look here; all of Taranaki is represented by us and our talk. The council will decide that one, when I shall see my friends the Europeans, and talk together." I then said to Reweti—"When you see that (the time for meeting Europeans) send a child by the coast road, and not by the bush road; let him come to the redoubt," to which he replied—"That is correct."

We did not enter fully into their talk, but will send on what comes of it.

From TAMATI KAWENA.

No. 19.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 20.)

Christchurch, Canterbury,

MY LORD,—

4th February, 1867.

I have only time to say that I have received your Despatch No. 49, of the 1st December last, deposing me from a large portion of my powers, placing them in the hands of General Chute, and requiring me to assist him in carrying them out. I feel deeply this disgrace, but I shall do my duty under it to the best of my ability.

2. I regret that your Lordship should have been misled into taking this step which, at the present critical moment, must in many respects produce very important results.

3. I furnished your Lordship with all the information regarding the removal of the troops, which was in my possession. But as the Major-General who commanded the Local and Regular Forces insisting on residing in Auckland, I was deprived of any source of information, it took me fifteen days to ask a question and receive an answer; none of the promises made of leaving an officer of rank to reside near me were kept; I have been left without any means whatever of obtaining information, and which I daily required. Your Lordship has been quite misled on these points.

4. All of the statements your Lordship has made upon the authority of information supplied by the War Department, and your inferences drawn from copies of letters supplied by the same Department can be shown to be incorrect, copies of intermediate letters not having been put up as enclosures to those Despatches, copies of which were sent to you, so that entirely wrong impressions have been created on your mind.

5. I am sorry your Lordship has from this cause been led to write the Despatch you did, for it will be impossible for me to explain my conduct without making it evidently wrong that such a Despatch should have been written to me from the Colonial Department.

6. It is with a regret I can hardly express, that whilst there is much real work to do, I find myself forced continually, by statements sent by the Military Departments, to defend myself against erroneous accusations.

7. My Responsible Advisers have requested me to send the enclosed Memorandum, for your information, on your Despatch No. 49. Like myself, they will reply to it by the next mail.

8. Much as I am hurt at what your Lordship has done, I am still more grieved at the injury and discredit which will be inflicted on the Public Service when my replies to the statements made against me are seen. I trust your Lordship will allow no more letters to be sent to you from the Military Authorities here, unless you have my report on them. I can assure you that a most serious difficulty has arisen on this occasion.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 19.

MEMORANDUM by Mr. STAFFORD.

Christchurch, 2nd February, 1867.

THE important Despatch from Her Majesty's Principal Secretary of State for the Colonies, No. 49, of the 1st December, 1866, will, so soon as they can meet, be considered by Ministers, who will submit a Memorandum to His Excellency with respect to it, before the next mail leaves for England.

For His Excellency the Governor.

E. W. STAFFORD.

No. 20.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 22.)

Christchurch, Canterbury,

MY LORD,—

12th February, 1867.

I have had the honor of receiving your Lordship's Despatch No. 49, of

the 1st of December last, in which you inform me, that in consequence of a want of hearty co-operation between the Civil and Military Authorities in New Zealand, in giving effect to the instructions of the Home Government, and partly in consequence of a misapprehension on my part of the intentions with which the troops are retained in this Colony, your Lordship has been pleased (with one exception) to deprive me of the powers which flow from Her Majesty's Letters Patent, appointing me Governor and Commander-in-Chief of this Colony, of directing and controlling the movements and disposition of Her Majesty's Forces within the limits of my command, and that it is your pleasure that my junior officer, Major-General Chute, shall hereafter have the movement and disposition of such troops vested exclusively in his hands, and that it will not be his duty to seek my authority for moving such troops.

2. I feel keenly the disgrace to which your Lordship has seen fit to subject me, in requiring me virtually to serve under my junior officer, by ordering me to give him every facility in carrying out duties, the performance of which Her Majesty entrusted to me, and which for so long a series of years I have carried out to Her Majesty's satisfaction, but it will be my pride to strive to serve Her Majesty as carefully in disgrace as in prosperity.

3. Yet, even when every care is taken by myself and the Colonial Authorities to make the course your Lordship has resolved to adopt work well for Her Majesty's Service, and the welfare of her subjects, I fear that, notwithstanding every effort, difficulties may arise and new disturbances break out.

4. Your Lordship's determination to subject me to so very serious a disgrace, must, I apprehend, in part, have been taken in consequence of a letter, stated in the enclosure to your Lordship's Despatch, to have been written by Major-General Chute to Sir Edward Lugard, in which the Major-General appears to have stated that he had been prevented by Sir George Grey from fulfilling his orders to send troops to Australia. What follows in this Despatch will enable your Lordship to judge whether Major-General Chute was or was not justified in making such a statement.

5. Your Lordship informs me that you have thought it necessary thus to deprive me of the position in relation to Her Majesty's Regular Forces, which I have so long held, without hearing my explanations or defence, because of the nature and authenticity of the intelligence which has been communicated to your Lordship by the War Department.

6. Your Lordship also states, that I have not given you sufficient explanation on a subject so important as that of withdrawing Her Majesty's Regular Troops from New Zealand, and that you delayed acting in the hope of receiving information from me which might render it unnecessary for you to do so.

7. It will be found from my Despatches that I have given you every information on this subject that it was in my power to afford, and that I have given every facility I could for the execution of this service. But my action has been almost paralyzed by General Chute's persisting in not moving his Head Quarters to the Seat of Government. The command of the troops returning to England was also, by orders from home, in a great measure taken out of my hands. Nearly all information regarding this subject rested in the hands of the Military Departments, and, as I have repeatedly represented, they have refrained, even on the most important subjects, on which constitutionally it was essential I should have information, from making any report to me, or from even noticing me.

8. I also could not have supplied your Lordship with the intelligence you received from the War Department as authentic, because I doubt its authenticity; whether rightly or not, your Lordship will now be able to judge.

9. I have been living at the Seat of Government without a single officer of rank being allowed to reside near me. Every source of military communication, such as Governors always possess, has been cut off from me. It took me fifteen days to ask a question and have it answered. Practically, on many subjects regarding the removal of the troops from the Colony, I knew no more than the Governor of New South Wales did. The records of your Lordship's office will show how frequently I have entreated, in the most earnest manner, for a change in the system which indirectly deprived me of all efficient control over Her

Majesty's Regular and Colonial Forces, and which was so unfair to myself and my Ministers, and how invariably my representations on this subject have been treated with neglect by the Military Authorities. Her Majesty's Government can hardly blame me for not acquiring information, which arrangements, made with their consent, prevented me from obtaining.

10. I would now observe, that your Lordship is mistaken in thinking that five regiments remain in the Colony. Only three regiments and a wing of a fourth regiment remain here. Under your Lordship's instructions, two regiments and the wing of a third remain to be sent away. Six regiments and a wing of a seventh have already been sent from the Colony, and this great reduction of the force serving here has been so effected, in a country still in rebellion in parts, that no injury has accrued to Her Majesty's possessions or subjects.

11. Your Lordship tells me that General Chute, so long ago as the 20th and 23rd of April, (1866), requested that he, might be enabled to send away the 2nd Battalion of the 14th Regiment and a wing of the 50th Regiment, and that it was not until the 18th of August, nearly four months afterwards, that I signified to him that I had no objection to this proposal—the consequence apparently being the detention of the troops named, and probably of other troops—long after they ought to have left the Colony.

12. Your Lordship has forgotten that General Chute commanded Her Majesty's Colonial Forces, as well as Her Majesty's Regular Forces, and that I could not move detachments of Her Majesty's Colonial Forces, raised and paid by the Colony of which I was Governor, except by orders issued by General Chute. In the case of the removal of each detachment of Her Majesty's Regular Forces from the points they held, the question had to be considered which detachment could be moved first with the least danger of rousing again the smouldering elements of disaffection, and bringing on a new rebellion. Then I had to consider, under the same limitations, from what point Her Majesty's Colonial Forces could be removed to supply the place of the regular troops; or whether a point previously held by such troops could with prudence be altogether abandoned. When I had made up my mind on these most difficult questions, I could only get them carried out by orders issued by General Chute. Sometimes at the last moment I found that from new circumstances arising in this disturbed country, or from the sudden march of rebels, combinations of movements I had determined on with the greatest thought and care had become, from the changes which had taken place, dangerous; and that if instant arrangements were not made to stop them and substitute others in their place, serious disasters would arise. At this time the General resided at a distance from me, in point of time, of about fifteen days; and I became positively afraid, under such circumstances, to venture to continue the movements of troops necessary to get them out of the country. Your Lordship is aware that for many months prior to 1st April, 1866, I urged my difficulties in this respect on General Chute, and entreated him to move his Head Quarters to the Seat of Government, where alone the information was collected from all parts of my command, which could enable me to determine on the movements which should be made. General Chute's first and at that time only objection to doing so, made by himself to me, was the nature of the house accommodation which could be obtained in the Town of Wellington for his Staff. In my opinion there was no sufficient ground for this objection; but the General shewed so evident a dislike to my proposal of his residing at Wellington that I felt that I must press this movement on him, which my duty compelled me to press, with the greatest caution, or that it would result in differences which would embarrass the service. In spite of all my efforts to avoid this event, it took place. General Chute, as your Lordship is aware, referred home the question of the removal of his Head Quarters, without informing me he had done so, and the question was decided against my view without my having been heard on the subject.

13. When General Chute wrote to me in April, 1866, regarding the removal of the troops, he must have known perfectly well from my previous communications that, having in view the safety of this part of Her Majesty's possessions, I would not venture to enter upon the subject until the Officer Commanding the

Forces was near me, so that if difficulties should arise from the orders I had given, they could at the last moment be varied.

14. In answer to General Chute's letters of the 20th and 23rd of April, I wrote to him on the 10th of May and on the 21st of May, pointing all this out in language I believe at once earnest and becoming, and informing him that I adhered to the determination in this respect which my duty required me to adopt. General Chute, however, did not come to Wellington until the 29th of June. This accounts for the delay of the first two months. It is for your Lordship now to decide upon whom the blame for this part of the delay rests.

15. When General Chute arrived at Wellington, I understood in the most distinct manner that, the winter season having set in, no further embarkation of troops from the Colony would be allowed to be proceeded with until September. I think I shall be able to send your Lordship by this mail a notification which, in fact, amounted to an official one, which appeared in the Auckland papers before General Chute left Auckland, which positively stated that this was the line of proceeding to be followed, and I thought it upon the whole a reasonable one, and acted upon it, and made all my plans so that at the end of August, the arrangements for the departure of troops from the Colony might again go on.

16. In confining the questions upon this subject to the delay in moving troops between the 20th April and the 18th August, for which I think I have satisfactorily accounted, the real questions are lost sight of,—why were these troops not moved even before the previous November? Why has General Chute, by persisting in residing at fifteen days' distance in time from the Seat of Government, prevented the Local Government from working out its own safety by means of its own Local Forces and resources, by the delay thrown in the way of the movement of these forces.

17. Your Lordship observes that General Chute wrote to me on the 20th April, requesting to be at once permitted to withdraw Her Majesty's Troops from the outposts in each district, and to concentrate them at the chief towns, viz., Wanganui, New Plymouth, and Auckland, and if I should think necessary, at Wellington or Napier. But when General Chute made that request, he, although in command of Her Majesty's Colonial Forces, as well as Her Majesty's Regular Forces, was fifteen days' distance from me in point of time, persistently refusing to have his Head Quarters at the Seat of Government, and he knew that I would not venture to give orders on such important movements, any one of which might, from some change in the position of the enemy, or in the circumstances of the country, bring on fresh disturbances, until he was at the Seat of Government.

18. I trust your Lordship will consider my letters to General Chute of the 10th and 21st of May, copies of which are herewith transmitted and the statement I have made on this part of the subject, and then decide if Major-General Chute was justified in reporting that he had been prevented by me from obeying his orders, to send troops to Australia.

19. Indeed I was so anxious that these troops should be removed from the Colony as speedily as possible that I objected to a proposal of Major-General Chute's to retain the 2nd Battalion 14th Regiment, in the Colony for about two months, for the purpose of drill and discipline. I suggested that they could be concentrated for this purpose in Australia, where the Home Government was to be relieved from the expense of the troops, and when I found the General unwilling to fall in with my views, I stated that if my recommendation on this head was not complied with, and if the troops were detained in the Colony, I should complain to Her Majesty's Government, as the Colonial Government was made to appear to delay the embarkation of troops it was most anxious to see removed from the country.

20. As a further proof of my earnest desire to get Her Majesty's Regular Forces out of the Colony as soon as possible, I would state that in my efforts to get this brought about, I have frequently, and especially for the last few months, been undergoing dangers, toils, or privations which have resembled those of a private soldier in Her Majesty's Service.

21. Mr. Weld's administration pressed constantly for the departure of the troops from the country. My present Advisers have been so embarrassed with the

difficulties arising from the Governor having lost all useful control over the forces, that they have declined in any way to advise me regarding the Regular Troops, requesting merely to be kept fully and immediately informed what was to be done with them; but this, from the absence of the General, and the consequent delay in obtaining information, I could only imperfectly do. Efforts were then made by my issuing direct orders in some cases to the Local Forces, and communicating direct with Officers of the Regular Forces, to get over these difficulties in part; but this gave rise to all the evils of divided command, and as I was assuming powers to which I had no right, I was obliged to act with a caution which prevented all energy.

22. Your Lordship informs me that I have misapprehended the intention with which Her Majesty's Regular Forces are retained in this command, for that it is not with the object of being useful to the Colony that they are now in New Zealand.

23. This opinion of your Lordship's is given in consequence of my having informed Major-General Chute on the 18th of August, 1866, that if all Her Majesty's Troops were withdrawn from the outposts to the chief towns, they would be entirely useless to the Colony.

24. This opinion I gave to General Chute on the 18th of August, 1866, at a time when I apprehended that attempts at new disturbances would be made, which attempts resulted in the events which took place in the months of October and November in the same year. Every one will now admit that if the proposal of General Chute had at the time been carried out, there would have been again disturbances on an extensive scale throughout considerable portions of New Zealand. In fact, had the troops in this Colony merely touched at Wellington, I think it would have been my duty, at that time, to have retained them to meet the momentary emergency which had arisen, and to prevent another rebellion from breaking out. I am sure if I had failed in my duty in this respect, and had in consequence entailed another war on Great Britain and the Colony, your Lordship would have been the first to censure me for a gross dereliction of duty.

25. I am also of opinion that the events which rendered necessary this delay in the embarkation of the troops would not have grown up in the country had the General resided at the Seat of Government, so that for the preceding twelve months Her Majesty's Regular and Local Forces could have been rapidly moved as necessity required.

26. I have always acted on the principle that it was my duty to get the troops out of the country with the least possible delay, taking care at the same time, that Her Majesty's possessions were preserved in safety, and the lives and properties of her subjects kept secure. Great Britain is in a great degree responsible for the war which has taken place in this country, and especially for the great expenditure which has been incurred by the Colony, and I have never read the instructions of your Lordship or your predecessors as telling me that, in order to save a trifling extra expenditure of a few weeks' field service of troops, I was to throw away the advantages which it has taken so many years, so many lives, and so much money to attain; and that when, by a trifling expenditure of the same kind, I could secure the permanent safety of this country, and the future concord and welfare of its inhabitants, I was to sacrifice all these to save so paltry a sum, and to hurry the troops into towns, leaving flourishing settlements to be abandoned, peaceful homesteads to be burnt, happy families to be murdered and beggared, and then, when the troops were embarked from the towns, to leave the two races of Her Majesty's subjects to seek each other's destruction as the only means of safety.

27. I knew your Lordship would hold me as guilty indeed, if I permitted this, and that it was my duty to keep my eyes in great part upon the welfare and safety of the Queen's subjects.

28. Your Lordship states in your Despatch, that whilst the troops in New Zealand are merely awaiting embarkation, there is no reason why the Governor of the Colony should have any greater authority over them than if they had merely touched at Wellington in their passage from one part of the Empire to another.

29. You will, I am sure, permit me to say, with every respect to your Lordship, that those who have thus described the Colony to your Lordship, have not accurately described the state of things existing here. The Officer Commanding the Troops is not in Wellington but at Auckland, distant from the Seat of Government fifteen days in point of time. He is not a mere passer by; he commands the Local Forces as well as the Regular Forces.

30. The troops in the Colony occupy many positions in it. The tranquillity and safety of the two populations depends upon the detachments of troops in their vicinity, and upon the order in which, and the time at which, they may be withdrawn, as does also the future of tribes of Natives who have joined us and whom we cannot abandon without disgrace. From time immemorial, within the limits of the Colonial Empire, no such troops can be moved but by the orders of the Queen's Representative; and he alone can possess the information regarding the state of the country which can enable such orders to be given with safety. For about fourteen years, in all, the two races inhabiting this Colony have looked to me to give such orders, and to take care, in giving them, that due provision was made for their safety and welfare, and for the fulfilment of the written or implied engagements under which Native Tribes had aided the Queen's Forces against their countrymen.

31. I am sure that your Lordship will feel that to depose me from the execution of this trust, to devolve it on my junior officer, and to order me to aid and assist him in the performance of these duties, whether I think he is performing them wisely or unwisely, or even in breach of positive engagements, is not rightly described by saying he is in the position of an officer who happens to have called with a detachment at Wellington. The disgrace on myself is public and manifest; that I accept as a misfortune I cannot avoid; but what I fear is, that another officer, from lack of information and from other causes, may not, even with the best wishes, be able to perform without disaster duties on which depend the interests of those for whom I have cared so long. I think it a hazardous experiment to try.

32. In compliance with your Lordship's wishes to obtain the earliest information on this subject, I beg to state that it is my impression that the Colony will not agree to any stipulation for the purpose of retaining here one regiment, subject to the conditions laid down in your Lordship's Despatch.

33. I do not doubt from the present state of feeling in this country, that the General Assembly will continue to provide large funds for the Native race; but I think the Local Government will argue that if a regiment is retained here, it is quite uncertain where the officer in command may choose to reside, as he will not obey the orders of the Governor on this subject; and that, as he will have the command of the Local Forces, as well as of the Regular Forces, whilst the Governor may be indirectly deprived of the control he should constitutionally have over the Regular Forces, the Local Government may to a certain extent lose its control over the forces it raises and pays, and thus not have the means of providing for the safety of portions of the Colony on any sudden emergency. That the fact of a regiment of the Regular Troops being always kept concentrated and idle in places easy of access, where adequate barrack accommodation exists (which must here be a town), and this in a country where local disturbances must be expected occasionally to arise, and where all should be constantly ready to take the field and outpost and frontier duties, would be a bad example to, and have a prejudicial effect on, the Local Forces, and would be quite contrary to the old custom, in which the troops, by constructing roads and bridges, and taking their share of frontier duties, encouraged and gave an example to the Local Forces; whilst they formed themselves into an infantry unsurpassed in the world, and left great works behind them, lasting memorials of the industry, skill, and daring of the British soldier.

34. It might also be justly feared that if such an arrangement became known to the disaffected Natives, they would view it almost with disdain, or at least with feelings which would work prejudicially for the future peace of the country; so that it might well be doubted if the presence of a regiment, under such conditions, might not do more harm than good.

35. Lastly, I feel sure they will apprehend, that under the power to be given under certain circumstances to the Commanding Officer to refuse to comply with the orders of the Governor for the location of his men, differences on the subject of house-accommodation for officers, barrack-accommodation for men, or such questions would arise between the Governor and Officer Commanding the Forces, which especially as the latter would command also the Local Forces, might lead to serious embarrassments in the conduct of the public service. I believe that probably such arguments will lead the Local Government to decline to enter into any stipulations with a view to retain a regiment in the Colony under the proposed conditions.

36. I think large constitutional questions may arise from the course which has been taken of depriving the Governor of powers usually held by officers in his position.

37. For instance, there can be no doubt that the security of life and property throughout a large portion of the Colony, and the fulfilment of duties to Native Tribes who have aided us, must depend upon the manner and order in which each detachment is moved by General Chute. With only a fair regard to the constitutional rights of Her Majesty's subjects here, I think that the Colonial Ministers should have an opportunity of discussing every such movement before it is made, of objecting to it if they regard it as dangerous, of providing for its consequences, of bringing all proper constitutional checks to bear upon the person who was making such movements, if the time or order in which he was making them was in their opinion likely to imperil the security of the country or the safety of the Queen's subjects. It is doubtful if the responsibilities they have undertaken to Her Majesty, and to Her Majesty's General Assembly in this Colony, in accepting their offices, may not impose upon them the duty of exercising this right. If this view should be the correct one, no such relations exist between themselves and the Officer Commanding the Troops as will enable them to exercise those powers in relation to this subject and in relation to other subjects of, if possible, still greater importance with which the Crown must be supposed to have entrusted them when they took office. The powers recently exercised, or now about to be exercised, by those acting in this Colony for or under the Secretary of State for War, involve an assumption of judicial and executive functions of the highest character, entirely independent of the Courts, the Legislature, and Government of the country.

38. It may be doubted whether the Crown, even by the revocation of existing letters patent and instructions, and the issue of new ones, could constitutionally thus limit the powers of the Governor.

39. When Parliament gave to the Colony a Constitution, and the introduction of Responsible Government was confirmed, a Governor was in existence, possessed of the powers requisite to allow of the working of that Constitution in such a manner that certain rights were secured to the Queen's subjects. It seems, therefore, questionable if the Crown, without the consent of Parliament previously obtained, could by the revocation of existing letters patent and instructions, and the issue of new ones, so curtail the powers of the Governor as to alter the Constitution, and limit the right it had secured to its subjects. The grant by the Queen, Lords, and Commons, of a certain Constitution, would appear to imply the promise of a Governor possessing at least such powers for the beneficial working of that Constitution, as the Governor had when it was granted. If the Crown can limit the rights of its subjects, secured by a Constitution granted by Act of Parliament, by issuing letters patent and instructions curtailing the powers of its Governor, and vesting them in another officer, then all Colonial Constitutions are, in fact, revocable at the pleasure of the Crown. If the Crown cannot constitutionally, by letters patent, derogate from the powers of its Governor, in such a manner as has been supposed, still less could it do so by instructions issued by the Secretary of State for the Colonies to the Governor, or by instructions issued by the Secretary of State for War to military officers serving under his command, in a dependency of the Crown, or by military officers acting on their own responsibility.

40. This view of the question in no manner limits the rights of the Crown regarding the employment, the disposition, or the removal of its forces. It can

exercise these rights as heretofore through its Governor, as well as through its General. The Governor can remove such troops, against the wishes of his Ministers; in fact, this view only asserts that in such constitutional questions as have arisen here, the Crown and its subjects have now reciprocal rights,—that the Crown can freely and fully exercise its rights, but that this cannot be done in such a way as to deprive its subjects of those rights it has bestowed upon them.

41. The General is in command of a large force, the officers and men of which obey his orders, and report to him. He communicates direct with the Secretary of State for War, and communicates copies of those letters to the Governor or not, as he thinks expedient, and at such time after they are written as he pleases. He reports to the Governor such circumstances as he chooses, and withholds from his knowledge what he thinks proper. His actions, on the most important points, and those of the officers serving under him, may or may not be reported to the Secretary of State for War. Of this the Governor knows nothing, nor of the instructions which the Secretary of State for War gives to his officers.

42. The General resides at a point so distant from the Governor, that the Local Government lose all effectual control over him, and the forces under his command. He neglects and sets at naught the Governor's directions to reside at the Seat of Government; he is to exercise uncontrolled power over the disposition and movement of the forces within the Colony, the functions of the Governor and Government, in this respect, being now limited to giving the General every facility in carrying out these duties.

43. Constitutionally, the Governor and the Colonial Ministers hold certain powers which enable them to protect life and property, and to repress disorder within the Colony, and they are responsible to the Queen, to Parliament, and to the General Assembly of New Zealand for the protection of life and property, and the repression of disorder.

44. Without having been deprived of this responsibility, they have been deprived of the powers still believed to belong to them. In the eyes of the Empire, of the Colony, of posterity, they will be held responsible for proceedings of which they have no knowledge, and over which they have no control. All the efforts of the Colony to protect itself and dispense with Imperial aid are paralyzed, and Imperial and Colonial resources are wasted, and renewed insurrection encouraged, whilst the Government must lose all control over the Native race, which will hold it responsible for acts of which it may disapprove; and it can enter into no engagements, and make no promises, for it can have no knowledge whether these will be maintained or violated. The Governor, having only such knowledge of circumstances or the General's instructions, of the most important kind, as the General, who resides at such a distance that he is virtually inaccessible to the Governor, pleases to communicate to him, may make most inaccurate or imperfect reports regarding them to Her Majesty's Government. He may approve transactions and notify to Her Majesty's Government his approval of them, whilst vital questions connected with such transactions, have been kept back from his knowledge. Under such circumstances, the Governor and his Responsible Advisers have cast upon them an amount of responsibility which it is contrary, alike to public interests or to individual rights and reputation, to require them to incur.

45. I have already been led into the most serious embarrassments from these causes, and I have determined, so long as this state of things is allowed to exist, to make no more reports to Her Majesty's Government regarding General Chute's proceedings, and to signify no approval of them, but simply to act as a medium for sending on to Her Majesty's Government copies of such documents as General Chute may think proper to forward to me. I feel sure your Lordship will feel the propriety of this decision on my part, and will bear me out in it.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure 1 in No. 20.

Copy of a Letter from Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR,—

Government House, Wellington, 10th May, 1866.

I have the honor earnestly to repeat the request I have on several occasions made to you, in the most urgent manner, that you would reside at the Seat of Government, at Wellington.

I have no desire that you should move here the various military establishments; the presence of yourself and such members of your personal staff as you may deem requisite, are the only persons whose presence in this place is necessary.

The additional charges, on account of military expenditure, entailed on Great Britain and the Colony by your non-compliance with my request on this subject, must, in my belief, have been considerable.

Until recently, during the experience of very many years, the Officer Commanding Her Majesty's Forces in any Colony where I might be, has always, when important arrangements were in progress, resided near me. We have been in constant consultation upon all subjects connected with the military service of the country, and no correspondence has passed between us on any subject until it had been well considered: hence, perfect unanimity has prevailed, and no communication was ever made to Her Majesty's Government until it had been thoroughly weighed, and the relations between the Colony and the Home Government were satisfactorily conducted at a far less cost to the Mother Country than has recently been the case.

You will, I am sure, feel with me, that it is your duty to be near me. At present you can, in truth, render me no assistance, instead of giving that aid which it was clearly the intention of Her Majesty's Government you should render to the local authorities, and I see that the result of the present system must be renewed misunderstanding and injury to the service.

I have in my previous correspondence, in the most earnest manner, requested you to reside at the Seat of Government, and as my request, so earnestly made, has not been complied with, you will, I am sure, pardon me, acting as I am solely with a view to my own justification, in now directing you, in as far as I am empowered to do so, to make this place your Head Quarters, until a reply to this letter can be received from Her Majesty's Government.

I write this letter as much in the interest of the Home Government as in that of the Colony, for it is impossible for me to make the necessary arrangements for the reduction of the several posts and the rapid return of the troops to Europe, and the reduction of the military expenditure, without frequent personal communication with yourself; nor indeed can you, who are my proper adviser on such subjects, and the proper organ of communication in relation to them, with the Military Authorities in England, fulfil satisfactorily your duty in either of these respects, unless you are in possession of that information regarding the state of this country which you can alone acquire at the Seat of Government.

In the hope that I shall now immediately see you here and have an opportunity of discussing with you in detail the several subjects regarding which you have recently written to me, I request you will suspend any orders you may have given respecting the reduction of the troops, or the stoppage of the issue of rations to the local forces, until we have had an opportunity of meeting and discussing the present state of the Colony.

The Hon. Major-General Chute, Head Quarters.

I have, &c.,
G. GREY.

Enclosure 2 in No. 20.

Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR,—

Government House, Wellington, 21st May, 1866.

In reply to your letter of the 15th instant, I have the honor to state, that I consider the circumstances under which issues of rations to the Colonial Forces continue to be made, amount to a pressing and extraordinary emergency affecting the safety of the Colony; but, that to remove, in as far as possible, the objections made to such issues, I have arranged with the Local Government that, from and after the 1st of June next, they will pay at the beginning of each month, at the Colonial Treasury, the cost of all rations issued during the preceding month to the Local Forces. The payment for all rations so issued in June will therefore be payable at the Colonial Treasury on any day after the 1st of July next. The Local Government is also making arrangements, as rapidly as it can, to supply the Colonial Forces with rations.

The other question, regarding the reduction of posts, I will arrange with you when you have established your Head Quarters at Wellington. As this is now to be done at once, no material delay in the conduct of the service will take place; but, until it has been done, I cannot obtain, from time to time, the information which is necessary to enable me to decide what posts should be reduced or abandoned, in order that this service may be conducted so as to secure at once the safety of the Colony, the minimum of cost both to the Mother Country and the Colony, and the greatest expedition in point of time.

These are all points which require great care and nicety of consideration in a Colony which has passed through a crisis such as this has, from which it has yet hardly entirely emerged.

The Hon. Major-General Chute, Head Quarters.

I have, &c.,
G. GREY.

No. 29.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
(No. 24.) Right Hon. the Earl of CARNARVON.

MY LORD,—

Dunedin, Otago, 19th February, 1867.

I have the honor to transmit for your information a copy of a letter, dated the 7th instant, which I received from General Chute on the 17th instant.

2. Your Lordship will find from General Chute's letter, that whilst I have been so seriously blamed for the detention of the troops in New Zealand, I only now learn for the first time that General Chute has applied to the Secretary of State for War for instructions as to what is to be done with the wing of the 50th Regiment, which is detained in this Colony, and regarding the disposal of which, it appears, no instructions have yet been issued by the War Department, upon whom, together with the General, the blame for its detention entirely rests, although they have led your Lordship to believe that I am the person who is to blame, and who deserves the censure and public punishment which has been inflicted on me.

3. It was also arranged by the Home and Local Governments that all Her Majesty's Regular Forces were to be removed from the Colony of New Zealand; and it was in consequence of an application from the Major-General to the Secretary of State for War, and not in consequence of any application from myself or from the Local Government, that orders were issued that the 18th Regiment was to be retained here until it was ascertained if the Local Government would enter into certain stipulations to secure its detention in New Zealand.

It seems seriously unjust, under such circumstances, to blame me for the detention of the troops; and such proceedings, in detaining troops here without reference to the Governor or Local Authorities, unsettles men's minds as to the course the Home Government intend to pursue regarding the withdrawal of troops from the Colony, and greatly increases the difficulties of the Governor and the Colonial Ministers, and places the Governor altogether in a position of inferiority to the General, who appears to have the independent power of meeting the wishes of those who desire, not unnaturally, and not without strong arguments on their side, that troops should be retained here.

4. Your Lordship will also find from the enclosed letter that General Chute, notwithstanding my repeated orders and entreaties to the contrary, maintains his Head Quarters at fifteen days, in point of time, from the Seat of Government, where alone information from all parts of these islands is collected,—that this is made an excuse for the General corresponding direct with an Agent appointed by the General Government, at Auckland, who in no manner represents me, and who is under no responsibility regarding the movement of Colonial Troops in the north of New Zealand, a proceeding which must give rise to divided councils and divided command, and must altogether impair the authority of the Governor.

5. The statement made in General Chute's letter, that I am at present absent from the Seat of Government, and which is made to form, in part, a justification of the proceedings taken, conveys a wrong impression to persons at a distance. Although absent from the Seat of Government, I have never been more than a few hours absent from a communication by telegraph of from four to five minutes with that Seat of Government, and I have always held myself ready to embark for Wellington at a moment's notice, and could reach it in twenty-four hours; whilst it took ten days for General Chute's communication to reach me.

6. To give a correct view of the case, the General, instead of writing as he has done, should have written as follows:—"As your Excellency is aware, I am "so far removed, in time, from the Seat of Government, that you cannot give "prompt orders to meet any emergency that may arise from the serious step I am "about to take."

7. I cannot conceive that any inconvenience could have arisen to the public service from my being allowed to determine which regiment was first to be withdrawn from New Zealand, the 12th or the 57th. To have left me this choice would have been quite consistent with the orders originally issued to the General, to send home the several regiments as nearly as possible in a certain order; whilst many questions of public safety, of public policy, and even party questions, depend upon the manner and order in which the movements are made.

8. According to the old custom of conducting the service of the Empire, in which I have taken an active part for upwards of twenty-six years, the General charged with the duty which has been devolved upon General Chute would have resided at the Seat of Government, would have been in constant communication with the Governor regarding it; and, provided no delay took place in the execution

of the service, would have moved such troops first as the Colonial Government deemed most consistent with the public safety; and would have exerted every effort to make his arrangements work in with the movements of the Colonial Troops, and to render them, in as far as possible, conducive to the welfare of Her Majesty's subjects; and whilst carrying out so difficult a service as that of leaving hitherto protected settlements, containing many British women and children, surrounded by semi-barbarous men, he would have striven so to do this as to soften by words and manner the blow, and by the studied thoughtfulness of his arrangements, and the consideration with which the most trifling parts of his duties were performed, and the attention with which every request which could not be complied with were received,—to leave behind him, as the Imperial Troops and the Imperial greatness melted by degrees away from a dependency, as little of bitterness as possible in the minds of the Colonists, and as little danger as practicable for their homes and families. Instead of such a system, your orders are peremptorily carried out by a distant General, with no reference to the views of the Colonial Government, as to how effect can be given to them, so as afford the greatest chance of safety to the country and its inhabitants.

9. Your Lordship will find from the enclosed letter from General Chute to me, as also from my reply to it, that in this instance, as in so many others, whilst your instructions to me are communicated to the General, I only know as much as he pleases to communicate to me of his instructions from the Secretary of State for War, or of the nature and contents of his communications to the Secretary for War, although upon these and upon the proceedings taken by the General, over which I have no control, the safety and future welfare of Her Majesty's subjects in this Colony must in a great measure depend.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

P.S.—Since I have received General Chute's letter of the 7th instant, the enclosed copy of a letter from the Agent of the General Government at Auckland has reached me. General Chute might have transmitted on the 10th instant, a copy of it to the Secretary of State for War.

Whether he did so or not I am unaware, as also whether or not Her Majesty's Government have been left in ignorance, that the movements the Major-General was directing should be carried out, were certain to have a very prejudicial effect upon the country.

I fear the Home Government may, from the terms of the General's letter to me, have been led to believe that the whole movements contemplated could be effected without danger to the country, and that the information Her Majesty's Government ought to have had may not have been sent on to them by the General.

2. At all events the fact of the General having assumed the power, without any consultation with me, of determining what gentlemen in the north of New Zealand he could call on to order the movements of troops there, as also the terms of the reply of the Government Agent at Auckland to the General's letter to him, will show your Lordship how much those persons misled you, who represented that the troops in New Zealand might be dealt with as if they had accidentally called at Wellington, whilst passing from one part of the Empire to another.

Enclosure 1 in No. 21.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

SIR,—

Head Quarters, Auckland, 7th February, 1867.

I have the honor to state for your Excellency's information that, by the English Mail which arrived here on the 6th instant, I received from the Secretary of State for War, a copy of the Despatch addressed to your Excellency by the Secretary of State for the Colonies, and forwarded by the Panama Mail of the 1st December last, on the subject of the embarkation for England of the whole of Her Majesty's Troops in New Zealand, with the exception of one regiment, to be detained on conditions specified therein.

The Secretary of State for War intimates to me at the same time, that that Despatch has been forwarded to me for my guidance in relation to the withdrawal of Her Majesty's Troops intended

for embarkation, in respect to which Her Majesty's Government has thus placed on me an undivided responsibility.

I need scarcely assure your Excellency that, personally, it is with very much regret I find myself called on to perform a duty which exacts from me the necessity of not deferring to your Excellency's authority and wishes in regard to its execution; but I am supported by the confidence I feel, that since such a duty has devolved on me, I can count on your Excellency's consideration and assistance in its performance. As Her Majesty's Government however, by the terms of their instructions both to your Excellency and myself, now hold me alone individually responsible for any further detention of Her Majesty's Troops, I am compelled to issue orders for the embarkation for England of the 57th Regiment, and 1st Battalion 12th Regiment, as soon as tonnage can be provided; and I have accordingly instructed the Resident Transport Officer to provide tonnage for their conveyance as soon as possible.

The 57th being the first corps for embarkation, will be withdrawn from the Waikato and Raglan on the 15th proximo, to Auckland, for embarkation at the end of March, before which time, the Resident Officer informs me, ships will not be ready; and, as I am aware your Excellency is at present absent from the Seat of Government, I have, in order to lessen as far as lies in my power any inconvenience resulting to the Colonial Government from the removal of this corps, informed the General Government Agent in Auckland, in case it may be considered necessary, in your Excellency's absence, to take steps for replacing the 57th Regiment with Colonial Troops.

I shall feel very much obliged to your Excellency informing me at what principal towns, and with what garrison at each, your Excellency wishes the 18th Regiment and the left wing of the 50th Regiment to be stationed, on their withdrawal from the outposts in the Wanganui and Taranaki Districts. The former being the one regiment to remain in the Colony should their services be required, on the conditions specified in Lord Carnarvon's Despatch, and the latter pending the receipt of instructions, for which I have applied, as to their ultimate destination.

The Military Train have been hitherto detained in this country chiefly for the supply of the outposts in the Wanganui and Taranaki Districts: it will also be my duty to make arrangements for their embarkation as soon as transports can be obtained, after the withdrawal of the 18th and 50th Regiments from the outposts they at present occupy. I would therefore most respectfully urge your Excellency to favour me with a reply as to the distribution of the 2-18th and wing of the 50th Regiments, with as little delay as possible. I have only to add that I am giving orders for the detachment of the 1-12th Regiment, now in the Napier District, to join the Head Quarters of that Regiment by the first week in April.

A copy of this letter will be forwarded by the outgoing mail for the information of the Right Honorable the Secretary of State for War.

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

I have, &c.,

T. CHUTE, Major-General.

Enclosure 2 in No. 21.

Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR—

Dunedin, 19th February, 1867.

I have the honor to acknowledge the receipt of your letter of the 7th instant. It was delivered to me on Sunday afternoon, the 17th instant, and the mail for England closed on the morning of the 19th instant. I thus had not sufficient time to consider your letter and to make the remarks on it which so important a subject required, so as to send them to England by the same mail as took your letter to the Secretary of State for War. Her Majesty's Government must decide whether or not this is the manner in which such correspondence should be conducted.

You have also neither communicated to me copies of the instructions under which you are acting, or of your communications to the Secretary of State for War.

You also still neglect to comply with my repeated orders and earnest requests that you would reside at the Seat of Government, and I find that in attempting to conduct the public business with you whilst you reside at so great a distance from me in point of time, and whilst I am only imperfectly (or not at all) informed of matters you are instructed to communicate to me, and a knowledge of which is essential to enable me to form right conclusions, I only incur responsibilities without having any power, and do more harm than good to the public service. I must therefore decline to express any opinion on the questions you have asked me.

I have, &c.,

The Hon. Major-General Chute.

G. GREY.

Enclosure 3 in No. 21.

MR. WHITAKER to the ASSISTANT MILITARY SECRETARY.

Office of the Agent of the General Government,

SIR,—

Auckland, 8th February, 1867.

I have the honor to acknowledge the receipt of your letter of yesterday's date, informing me that the Major-General is issuing orders for the withdrawal of the 57th Regiment from the posts they now occupy in the Waikato and Raglan, on the 15th proximo; and that in reporting on the subject to His Excellency the Governor, the Major-General has acquainted him that he has, in order to lessen, as far as lies in his power, any inconvenience resulting to the Colonial Government from the removal of this corps, informed me regarding it, in case it may be considered necessary in His Excellency's absence from the Seat of Government, to take steps for replacing the 57th Regiment with Colonial Troops.

I very much regret that the Major-General should have felt it necessary to take this step at the present juncture, during the absence of His Excellency the Governor from the Seat of Government,

and when the mere announcement of the Major-General's intention will certainly have a very prejudicial effect.

As you are aware disturbances have recently broken out at Tauranga, on the confines of the Waikato District, and a force of Colonial Troops and Natives is now actively engaged in endeavouring to restore order. Hitherto none of the Waikato Tribes have joined the Tauranga insurgents, and I have had strong hopes that they will not do so; but if they see that Her Majesty's Troops are to be removed from the position they occupy between Hangatiki, the stronghold of the Native King, and of those Natives which have merely ceased to carry on active operations, but have never given in their submission, and the insurgents now in arms at Tauranga—at the very moment when the presence of a force to preserve the peace would appear the most urgently needed, I cannot but feel the most serious apprehension that such a proceeding will be looked on as a direct encouragement to a renewal of the conflict.

As the Major-General has communicated his intention to me, I feel bound to express my opinion as to what I conceive will probably be the effect at the present moment of the steps he proposes to take; and I trust he will relieve me of the difficult position in which his communication places me, by deferring any action in the matter until he has heard from His Excellency the Governor on the subject, and has afforded the Colonial Government an opportunity of making proper provision, which I have not the means of doing, for the maintenance of peace in the Waikato District, after the removal of Her Majesty's Troops.

The Assistant Military Secretary, Auckland.

I have, &c.,
F. WHITAKER.

No. 22.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 25.)

MY LORD,—

Queenstown, Otago, 4th March, 1867.

I beg to be permitted to advert to the two concluding paragraphs of your Despatch No. 56, of the 28th December last, which are as follows:—

“Finally, I must observe, that while you thus appear to cling to the expectations of continued assistance from this country, your own reports, or rather the absence of reports from you, show how little you recognize any continued responsibility to the Imperial Government for the conduct of the War. While in your Despatch of the 15th of October you inform me that a Trooper of the Colonial Forces had been killed by some hostile Natives, you leave me to learn from the newspapers that, in the neighbourhood of Hawke's Bay, a body of Natives who refused to give up their arms had been attacked by the Colonial Forces in their Pa (which is said to have been unfortified) and driven into the bush, twenty-three of them being killed and a like number wounded; and that a Native village, on the West Coast, after being summoned to surrender, was attacked by a Colonial Force, and escape being cut off, about thirty or forty persons were killed. In the account before me this last transaction is described as ‘the most brilliant affair of this guerilla war;’ meantime your own Despatches would hardly lead me to suppose that any recognized warfare was in progress. I need hardly observe that if at any time it were alleged in this country that these affairs, described by the Colonial Press as brilliant successes, were in fact unwarranted and merciless attacks on unoffending persons, I have no authentic means of reply afforded me by your Despatches.”

2. Your Lordship will, I trust, pardon me for saying that I think it impossible for any man to read this language, addressed to himself, without feeling deeply hurt, and I feel the more so in my own case because I can assure you that your Lordship has written under an entire mistake, and that I have done nothing to merit the censure inflicted on me.

3. In the first place, I understand the Editor of the Paper to which your Lordship alludes to have used the terms “this is the most brilliant affair of this guerilla war,” the whole of the late war in New Zealand, and not as referring to any new warfare, the knowledge of which I had kept back from your Lordship.

4. In the next place, I would say with all respect, and only in my own defence, that I could not have sent to your Lordship any account of the affair at Napier by the same mail by which your Lordship received the news by the public prints to which you allude, inasmuch as it did not reach me in time, and this fact

arose from no indolence or self-indulgence on my part, for I was engaged in putting down a local disturbance which had arisen between Wanganui and Taranaki, and in doing my duty to Her Majesty to the best of my ability.

5. I have not my Despatch-book here to refer to, but I believe that immediately a *Gazette* reached me containing the accounts of this transaction, I sent copies of the letters in it to your Lordship. But at that time I was living a very hard life, without any convenience for writing, and I cannot tell whether I may have been compelled to delay sending these papers on to your Lordship until I could obtain such conveniences: I was, in fact, in a private soldier's tent, with few more conveniences than a private soldier has.

6. I certainly did not attempt to give your Lordship the means of showing that the affairs at Napier were not, in fact, unwarranted and merciless attacks on unoffending persons, because it never entered into my head to conceive that any persons could so describe them to your Lordship; in fact I could not have believed that anyone would have attributed, without inquiry, merciless acts to Mr. McLean, the Superintendent of Napier, for I have known him well for more than twenty years, and have always found him a most kind, considerate, and merciful man. I should have thought, if I had ever reflected on such a subject, that even if such a description of the events at Napier had been given to your Lordship as that alluded to in your Despatch, that explanations would then have been called for, and that the time would then have come when it would have been necessary for me to call for any information which would have been necessary to enable your Lordship to show that these affairs had not, in fact, been unwarrantable and merciless attacks on unoffending persons.

7. Such expressions having been used in a public Despatch must, I think, create in all persons minds a belief that some grounds exist for thinking that the authorities at Napier have been guilty of the offences named. If grounds for such a belief exist in your Lordship's mind, I earnestly entreat that they may be stated, and that justice may be done in the matter.

8. With regard to an affair at some village on the West Coast, to which your Lordship also alludes, as no name or date is given, I am uncertain what even can be described by you. I can only guess, and I think rightly, that it is an affair which took place at Pungarehu.

9. I may have omitted in several instances to forward a narrative of affairs which took place during the operations of a war extending over several years. All reports of such events, or copies of them, went to the Military Authorities, who reported direct to the Secretary of State for War in terms of which I had no knowledge, and I often have felt an unwillingness to send reports on affairs which might conflict with theirs.

10. If the affair at Pungarehu is that to which your Lordship alludes, and I have no doubt that such is the case, then I would say that I have visited that village with an armed force since the affair alluded to took place, that its inhabitants, instead of being unoffending persons, contained amongst their number some of the worst and most desperate characters in New Zealand; that the village itself is the largest native village I have seen, that the force which attacked it was very small, and that instead of escape being cut off from the people of the village it was very nearly cut off from our own small force, nothing but their determined gallantry carrying them through the affair. In truth, their escape was a very narrow one.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

No. 23.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 30.)

MY LORD,—

Government House, Wellington,

4th April, 1867.

I have been requested by my Responsible Advisers to transmit, for your Lordship's information, the enclosed copy of a Memorandum, containing their

reasons for declining, upon behalf of the Colony of New Zealand, to acquiesce in the conditions on which alone Her Majesty's Government will permit a regiment of the Imperial Forces to be retained in New Zealand.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
G. GREY.

Enclosure in No. 23.

MEMORANDUM by Mr. STAFFORD.

Wellington, 15th March, 1867.

MINISTERS have had under consideration Lord Carnarvon's Despatch No. 49, of the 1st December, 1866, with its Enclosures, referring to the disposition of the Imperial Troops in New Zealand, and to the conditions on which a regiment is proposed to be left in the Colony.

Ministers will take another opportunity of expressing their views on the subject of this Despatch and of other Despatches from the Secretary of State, referring to military operations in New Zealand; but they now desire to intimate that they decline to accede to the proposed conditions, after having been informed by Lord Carnarvon that the Imperial Troops are not to be useful to the Colony.

Ministers are indeed unable to conceive on what grounds Lord Carnarvon could have supposed that, after such an intimation, the Colony would consent to agree to conditions, or to impose on itself obligations, in connection with a force which would occupy the position of the force of a Foreign Power, rather than that of one having interests to guard and duties to perform, common to the Empire of which New Zealand is a part; and if Ministers could entertain a doubt as to the course which it was incumbent upon them to pursue in this matter, that doubt is altogether removed by the fact that Lord Carnarvon has thought fit to withdraw from Her Majesty's representative in New Zealand all control over the disposition and movements of the Imperial Troops. If the Secretary of State assumes that it is right to prohibit the exercise of the powers vested in the Governor and Commander-in-Chief, under Her Majesty's commission, the Responsible Advisers of the Crown in New Zealand do not believe that it is either consistent with constitutional practice, or for the interests of either race of Her Majesty's subjects in these Islands that the determination of questions of peace or war, and the power of fulfilling engagements with the Native race, should thus virtually be withdrawn from the control of the Queen's representative and given to an irresponsible officer, having no constitutional authority with respect to such questions, and necessarily unacquainted with the ever-varying disposition of that portion of the Native race so lately in arms against Her Majesty's authority.

While expressing their opinion that the position in which the Governor would be placed with respect to the control of the Imperial Troops in New Zealand is equally unconstitutional and impolitic, Ministers at the same time desire to state that they cannot consent that Her Majesty's Colonial Forces shall have any other Commander-in-Chief than the Governor, or be under any other control than that of the New Zealand Government, from whom alone all instructions and orders to them must proceed.

For His Excellency the Governor.

E. W. STAFFORD.

No. 24.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 31.)
MY LORD,

Government House, Wellington,
4th April, 1867.

I have the honor to transmit for your Lordship's information the copy of a Memorandum from my Responsible Advisers, on the subject of a loss the Colony of New Zealand has sustained, from the manner in which New Zealand Debentures for £500,000 were disposed of.

The Right Hon. the Earl of Carnarvon.

I have, &c.,
G. GREY.

Enclosure in No. 24.

MEMORANDUM by Mr. STAFFORD.

Wellington, 9th March, 1867.

MINISTERS have learned with regret from Lord Carnarvon's Despatch No. 46, of the 20th November last, that the Secretary of State and the Lords Commissioners of the Treasury have disposed of the New Zealand Debentures for (£500,000) five hundred thousand pounds, remitted on account of the Imperial claims, privately, instead of placing them on the open market.

Ministers are without information as to the reasons which induced the Imperial Government to adopt the above course, but they are advised that if the Debentures in question had been offered to the public they would have realized a considerable premium, which is estimated by the Crown Agents at twenty thousand pounds.

When the financial position of New Zealand is remembered—the sacrifices the Colony has made and is making for the maintenance of Her Majesty's authority—the large Colonial expenditure that has been entailed by the action of Imperial Authorities over which the Colonial Government had no

control—the heavy taxation that has consequently been required to enable the Colony to meet its obligations, Ministers may fairly claim that the Colony shall not suffer from the manner in which its bonds have been disposed of by the Imperial Government, but that the additional amount which they would have sold for in the open market may be estimated by competent persons and placed to the credit of the Colony.

For His Excellency the Governor.

E. W. STAFFORD.

No. 25.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 32.)

Government House, Wellington,

MY LORD,—

4th April, 1867.

I have the honor to transmit for your information the copy of a protest against the unconstitutional powers exercised here by General Chute, which my Responsible Advisers have placed in my hands.

2. In my Despatch No. 24, of the 19th of February last, I stated to your Lordship, in part, the manner in which General Chute was giving effect to your instructions.

3. I have now to add that all the movements of the 57th, the 12th, and part of the 50th Regiment, have been made within still partially disturbed districts of the Colony, without any reference to me.

4. I was allowed to have no knowledge of the times at which, or the routes by which, these troops were to be marched, or of the places where they were to be temporarily massed.

5. I could give no warning to those tribes who had hitherto aided us, that after such a day or hour, they must protect themselves or withdraw to some place of safety. I could give no similar warning to the European populations of different districts. I could enter into no explanations for the purpose of preparing the minds of friendly or doubtful tribes for the movements and concentrations of troops which were taking place over large districts of country.

I feel confident that the result of all this will probably be renewed fighting in parts where a little precaution might have prevented further contests from taking place. It is, indeed, difficult to estimate the evils which may yet result in the Tauranga Districts, and other parts, from proceedings of the Military Authorities.

6. I enclose, for your Lordship's further information, the copies of recent correspondence which has passed with General Chute upon the subject of the removal of troops from New Zealand, from which your Lordship will see that I have informed the General that there can be no doubt that your Lordship's instructions could have been equally efficiently and promptly carried out without entailing upon the Colony the evils and expense to which it will now be subjected.

I have, &c.,
G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure 1 in No. 25.

MEMORANDUM by Mr. STAFFORD.

Wellington, 28th March, 1867.

WITH reference to the intimation conveyed in Major-General Chute's letter, No. 44, of the 5th instant, to the effect that he could not consent that the 2nd Battalion of the 18th Regiment should continue to be located at the posts it has for some time occupied, Ministers, as the Constitutional Advisers of the Crown in New Zealand, desire to state that they cannot admit, and must protest against, the highly unconstitutional power claimed to be exercised by Major-General Chute, as being directly opposed to all constitutional practice, which requires that the Royal prerogative of determining where Her Majesty's Troops shall be located, shall only be exercised by and through the Queen's Representative.

E. W. STAFFORD.

For His Excellency the Governor.

Enclosure 2 in No. 25.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

SIR,—

Head Quarters, Auckland, 5th March, 1867.

I have the honor to acknowledge the receipt of your Excellency's letter of the 19th ultimo, and I regret exceedingly that your Excellency should have declined to express any opinion on the questions which, in the simple discharge of an unavoidable duty, I asked in my letter of the 7th ultimo, relative to the location of the 2-18th Regiment, and the left wing of the 50th Regiment, on their withdrawal from the outposts in the Wanganui and Taranaki Districts.

Your Excellency will perceive by my letter of this date, No. 43-67, that the War Office Despatch, of the 31st December, received by the last mail, disposes of the question concerning the left wing of the 50th Regiment.

With regard to the 2-18th Regiment, I beg your Excellency's consideration of the following facts :—

1. This regiment, distributed as it is at present in the outposts of the Wanganui District, is dependent on the presence of the two troops Military Train for their supply.

2. The Military Train is one of the corps for whose embarkation for England, without unnecessary delay, I am now, as your Excellency is aware, individually responsible.

3. The detention of the two troops at Wanganui would be the only obstacle to the embarkation of the corps, and I am compelled therefore to withdraw those troops, and it will be necessary that they should be withdrawn from transport duty not later than the 15th April, in order that they may embark with their corps in May, by which time I am instructing the Resident Transport Officer to provide tonnage.

4. By the terms of Lord Carnarvon's Despatch of 1st December, and the War Office Letter of the same date, I am positively ordered not to consent to the location of the 2-18th Regiment in places where the usual requirements of barrack accommodation and other necessities to the welfare and discipline of the troops are wanting; and I would very respectfully inform your Excellency that, looking to the nature of the accommodation of the 2-18th at the various posts they now occupy, and the length of time they have been stationed in them, I am unable to give my consent to the continuance of their present location.

5. On the removal of the Military Train, I am unable, under the instructions conveyed to me in War Office Letter of the 26th December, 1865, a copy of which was forwarded in my letter No. 64-66, of the 17th March, 1866, to incur any expense for inland transport.

For all these reasons, I entreat your Excellency to favour me, without delay, with instructions for the distribution of the 18th Regiment, as already requested.

I propose leaving Auckland for Wellington on the 12th instant, by which time I am led to believe your Excellency may be expected at the Seat of Government.

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

I have, &c.,

T. CHUTE, Major-General.

Enclosure 3 in No. 25.

Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR,—

Government House, Wellington, 1st April, 1867.

I had the honor on my arrival at Wellington, late on the 26th of March, of receiving your letter dated Auckland, the 5th of March.

In your letter to me of the 7th February, you intimated that you would only permit the 18th Regiment to be stationed in principal towns in this Colony.

In your letter of the 5th March, you inform me without my having been previously asked a single question upon the subject, that you will not give your consent to the continuance of the 18th Regiment in their present location, and you then intreat me without delay to favour you with instructions for the distribution of that regiment.

In a letter I have received from you this morning, you inform me that, without waiting for the instructions for which you had asked, you should order all the detachments of the 18th Regiment to be withdrawn and concentrated in Wanganui, and this, although on the 28th ultimo, I told you I was in communication with my Responsible Advisers regarding the 18th Regiment, and would address you on the subject at as early a date as possible. You also acquaint me with your intention immediately to return to Auckland.

I regard, I am very sorry to say, your proceedings in relation to the movement of the troops, as having been, in important respects, unconstitutional, and dangerous to the interests of Her Majesty's subjects in New Zealand, whilst they appear to be in no respect advantageous to Great Britain, or necessary for the complete and prompt fulfilment of the instructions under which you are now, or have been acting. You have also, notwithstanding my positive directions to the contrary, and my earnest entreaties, persisted in constantly residing at a distance from the Seat of Government, thereby depriving me of that assistance which it was your duty to render me, and which was necessary to enable to perform my own duties efficiently.

Under such circumstances I think it better for the public service to decline to take any responsibility whatever regarding the movements of troops in this command until I am again permitted by the senior military officer to exercise those powers which Her Majesty has been pleased to confide to me; and I am confirmed in this decision by the belief that the existing state of things will soon be in some manner terminated by Her Majesty's Government, as well as by the fact that my Responsible Advisers have informed me that this Colony cannot agree to the conditions on which alone the 18th Regiment was to be permitted to be retained here.

The Hon. Major-General Chute.

I have, &c.,

G. GREY.

No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 34.)

Government House, Wellington,

MY LORD,—

5th April, 1867.

I have the honor to transmit for your Lordship's consideration a Memorandum of my Responsible Advisers, on the subject of establishing in New Zealand Courts of Arbitration or Courts of a similar character, in which they request me to ask your Lordship to be good enough to obtain for them, if practicable, from the Governments of those foreign countries where such Courts exist, public reports or other documents furnishing information illustrative of their constitution and of their practical operation.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 26.

MEMORANDUM by Mr. STAFFORD.

MINISTERS enclose copies of a resolution dated 8th August, 1866, of the House of Representatives, and of a subsequent Report of a Select Committee of that House, on the subject of establishing in New Zealand Courts of Arbitration or Courts of a similar character.

In order that this important subject may be properly considered by the Legislature, the Government is anxious to be furnished with full information illustrative of the constitution of such Courts, and of their practical operation in those foreign countries in which they exist, and, with that view, Ministers recommend that the Imperial Government be asked to obtain, if practicable, from the Governments of those countries, any public reports or other documents furnishing information on the following points:—

1. The constitution of Courts of Arbitration or Courts of a similar kind.
2. The extent of their jurisdiction and the mode of their operation.
3. The period during which they have been in force, and the practical effect of their operation.
4. Whether submission of cases to such Courts is, in the first instance, compulsory or voluntary, and whether any, and if so, what appeal is allowed from their decisions.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 26.

Copy of a RESOLUTION of the HOUSE OF REPRESENTATIVES.

[*Extract from the Journals of the House of Representatives.*]

Wednesday, the 8th day of August, 1866.

RESOLVED,—That, in the opinion of this House, it is expedient that a Court of Arbitration should be established as an experiment in any Province, the Government of which may apply for such establishment; such a Court to be a Court of Record, and to have final and effectual jurisdiction in all civil matters or disputes referred to them.

(True Extract,)

F. E. CAMPBELL,

Clerk, House of Representatives.

(On motion of Major Richardson).

Sub-Enclosure 2 to Enclosure in No. 26.

REPORT of the SELECT COMMITTEE ON COURTS OF ARBITRATION.

THE Select Committee appointed to inquire and report as to the best means of giving practical effect to the resolution of the House of Representatives, of date August 8th, anent the establishment of Courts of Arbitration, have the honor to report as follows:—

In entering upon the very important inquiry devolved upon them, it appeared to your Committee that their chief duty was to procure evidence as to the existence and practical working of Courts of Arbitration in other countries.

Their attention has accordingly been directed mainly to this point, and although the information to be obtained here is somewhat limited, they have nevertheless found sufficient to warrant them in reporting that in France, in the Northern States of Europe, and in some of the South American States, the system of arbitration has been for many years in operation with marked success. It appears that in the French Code of Civil Procedure eleven sections are devoted to the proceedings in conciliation, and that they are not found defective in details is proved by the fact that in a single year 726,566 cases were settled in that way.

The following quotation from the journal of a resident in Norway during the years 1834, 1835, and 1836, by Samuel Laing, Esq., will serve to show the working of the system in that country:—

“The Court of first instance, the lowest in Norway, if it can be called one, is the parish Court of Mutual Agreement. This is a modern institution, which does honor to the wisdom and liberal spirit of the Danish Government. It is the first great and decided improvement upon the old modes and forms of administering justice which has been attempted by any of the ancient Governments of Europe with

success. It is a legacy from her former masters for which Norway should be grateful. In every parish the resident householders elect, every third year, from among themselves, a person to be the Commissioner of Mutual Agreement. He must not practise law in any capacity, and his appointment is subject to the approvement of the Amtman, or highest executive officer of the district. In towns or large and populous parishes there are one or more assessors, or assistants to the Commissioner, and he has always a clerk. He holds his Court once a month within the parish, and receives a small fee of an ort (ninepence) on entering each case. Every case or lawsuit whatsoever must pass through this preliminary Court, in which no lawyer or attorney is allowed to practise. The parties must appear personally, or by a person not professional. Each states his own case, and his statement is entered fully and to his own satisfaction in the protocol of the Commissioner, who must then endeavour to bring the parties to an agreement by proposing some middle course upon which both may agree. He acts, in short, as a private arbiter would do, and gives his opinion or judgment accordingly. If both parties agree to his finding or advice it is immediately taken to the local Court of Law, or Sorenskriver's Court, which is also held within each parish, to be sanctioned, revised as to rights of any third parties, and registered; and it has, without expense, the validity of a final decision. For instance, if a person owes a simple debt, he must be summoned by the creditor to the Court of Mutual Agreement. The debtor may explain that he cannot pay the claim in money, but will pay it in corn or goods, or against a certain time, or has counter claims which extinguish part of it. All the statements of both parties are entered fully by the Commissioner in his protocol, and to their own satisfaction. He then proposes what he conceives may suit both parties; such as a reasonable time to sell the corn or goods, or a reasonable deduction for the counter claims. If both agree the proposal is immediately registered. If one agrees, but the other does not, the party not agreeing appeals to the local or Sorenskriver's Court, which sits once, at least, in each parish in every quarter of a year; but he will have the expense of both parties to pay if the terms of agreement proposed and rejected are judged not unreasonable. In this higher Court, but which is, properly speaking, the lowest legal one, the parties appear, if they choose, by their law agents or procurators; but in this, and all the subsequent or higher Courts through which a case may be carried, nothing is received but the protocol of the Court of Mutual Agreement—no new matter, statements, or references to evidence but what stand in the Commissioner's protocol. This is the best part of the institution. It confines the lawyer to his law, and brings the facts of the case, as understood by the parties themselves, before the Court without trick or disguise. Much legal talent is expended in our Courts in cross-examining witness, brow-beating the dull and honest, involving in contradiction the equally honest of quicker temperament, and working on the personal temper of witnesses in order to bring out such an appearance of a case as may deceive the judgment of an ordinary jury. This is all a very fine display of talent, but altogether inconsistent with the substantial ends of justice. It may happen that the practiced Judge himself cannot always disentangle the truth from the contradictory statements which the ingenuity of the lawyer has tried to twist round it. All the chicanery, which is the glory, and ought to be the shame, of the British bar, is cut off by the simple Norwegian arrangement, by which the only facts admitted to proof, or to legal argument, are those stated, together with the evidence on which they rest, in this protocol."—(Laing's Residence in Norway, ch. v., pp. 144-145.)

At a later period, in a work published in 1857, Mr. Loring Brace,—when travelling through Norway, Sweden and Denmark—speaking of these Courts, says, "One of the most characteristic institutions of Norway is the Court of Compromise. It is of Danish origin. The arbiter or judge, who may be of any profession but the law, is elected in every parish by the resident property owners, once in three years. In the larger parishes he is allowed assistants. He serves for a merely nominal salary; every case whatsoever must be brought before him, but always by the parties personally; no lawyer's aid is allowed. The statements of each of the litigants is entered on the minutes of the Court, and the arbiter decides between them. If they accept his opinion as final it is brought to the Justice Court, and, if approved, entered, and becomes a legal decision. If one or the other objects to his arbitration the party objecting appeals to the Justice Court, but he will be obliged to pay the whole expenses of both litigants if the proposal of arbitration is found just and reasonable. In this Court, and henceforth in all the courts to which the case may go, the parties can employ counsel, but through them all the only evidence or statements of facts received are the minutes of the first Compromise Court."

The following is what is said of these Courts and their working in Denmark:—"These admirable Courts of Compromise, whose constitution I have already described, were established first by the Danish Government in 1755 in the West Indies, and afterwards in 1795 in Denmark itself. They have proved thoroughly successful there. In 1843 the number of cases brought before these Courts was thirty-one thousand three hundred and thirty-eight, of which twenty-one thousand five hundred and twelve were settled, two hundred and ninety-nine postponed, and nine thousand five hundred and twenty-seven referred to courts of law, where only two thousand eight hundred and seventeen were prosecuted. The fact that they have been established, and so often employed, reflects honor on both the nation and the Government."

A copy of the *Despatch* newspaper, published in January, 1866, contains the following remarks on this subject:—

"The representatives of the Chambers of Commerce who have sat in London this week have, amongst many other suggestions, put forward one of a character which commends itself to the attention of Parliament.

"We know the costliness and dilatory operation of the law on matters of commerce, and it seems hard that British merchants are not permitted to do for themselves what Frenchmen already accomplish with so much advantage to the trade of France.

"In France, Mr. Samuelson says that 'out of eighteen thousand one hundred and fifty-nine cases seven thousand seven hundred and thirty-five only went so far as trial or judgment, for no less than five thousand seven hundred and sixty-three were 'conciliated' by the Judges without any form of judgment being pronounced, and as many as four thousand six hundred and sixty-one were withdrawn, mainly through the influence of the Judges of these tribunals.

"The Court consisted of a president, fourteen judges and sixteen assistant judges, three of whom formed a quorum, although there were generally four or five present. All these judges were either traders or retired traders, but the only paid officer was the Registrar, and his duty consisted in receiving the debts and paying over the money, but his remuneration was paid by fees. The jurisdiction of the tribunal extends to all transactions, wholesale and retail. There is no appeal under £60, and the appeal is limited to points of law. Out of the eighteen thousand one hundred and fifty-nine cases there had only been six hundred appeals.

"It may be urged that mercantile disputes may be arbitrated, and so they can; but then the consent of both parties is required to such a course, and so the minority of commercial men, opposed to tribunals, is sufficient to destroy the usefulness of this plan of legal arbitration.

"The Chambers of Commerce decided last year to adopt County Court Judges, and Bankruptcy Commissioners as presidents of the new tribunals, but the proposal was resisted by the Government for no good reason, as we could then see, except that the public mind was not prepared for so vast a change as was then contemplated."

The eminent Dr. Lieber, in his work on "Civil Liberty and Self-government," page 234, says:—

"Courts of Conciliation have existed in many countries, and long before the present Justices of the Peace were established in France by the first constituent assembly; but as we see them now there they must be called a French institution.

"It has proved itself in France, as well as in other countries, of the highest value in preventing litigation, with all the evils which necessarily attach themselves to it.

"Courts of Conciliation have attracted increased attention in England, since Lord Brougham's proposition of an Act for the further cheapening of Justice, in May, 1851.

"An instructive article on this important subject, and the excellent effects these Courts have produced in many countries, shown by official statistics, can be found in the German Saats—Lexicon ad verbum 'Friedensgericht.'"

Courts of Conciliation exist also all over the Brazilian Empire, and no cause can be brought into any of the regular Courts of Law without a certificate that the parties to the suit have already appeared in one of the Conciliation Courts, and endeavoured to accommodate their differences. The system diminishes immensely the amount of unnecessary litigation.

In the Constitution of the United States of America provision is made for the establishment of tribunals of conciliation. Your Committee, however, have been unable to discover to what extent the various States have availed themselves of such provision; with the exception of the State of New York, in the several counties of which they find that tribunals are established known as Courts of Conciliation.

From the foregoing it will be seen that in the different countries enumerated the system of adjudication in civil cases as alluded to in the order of reference exists in the various shapes of Courts of Arbitration, Courts of Conciliation, and Courts of Mutual Agreement.

With regard to the best mode of giving effect to the principle of Arbitration in this Colony, and of putting it into practical shape, so as to be dealt with by the Legislature, this is a matter which cannot be done in a hurry, and the details of which will require very mature consideration. The Committee therefore suggest that the earnest attention of the Government should be directed to the question during the recess, with a view to some definite action being taken next Session, in order that the system may be brought into operation not in the first instance generally, but by way of experiment in one or two localities.

The Committee would only observe further that, while the question is one which requires to be carefully considered in order to be embodied in a Statute, yet that with the practical experience of other countries as a guide, there need not be any very great difficulty in the way of framing a simple Legislative enactment which would give effect to the object in view.

JAMES MACANDREW, Chairman.

No. 27.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 38.)

MY LORD,—

Government House, Wellington,
8th April, 1867.

I have the honor to transmit for your Lordship's information, copies of various addresses I received whilst visiting the Provinces of Otago and Southland.

2. I feel sure that your Lordship will be gratified at finding that throughout those prosperous and thriving possessions of Her Majesty, such a universal feeling of happiness, contentment, and of devoted loyalty to the throne and person of the Queen prevails amongst all classes of persons.

3. I trust Her Majesty will graciously receive the numerous and devoted expressions of loyalty and love to which her subjects in these Provinces have given utterance. If your Lordship should see fit to advise Her Majesty to notice the prosperity, contentment, and loyalty of her subjects who have given expression to these feelings, I am sure that such an act on the part of the Queen will be received with extreme pleasure and lasting gratitude.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

DESPATCHES FROM THE GOVERNOR OF NEW

Enclosures in No. 27.

ADDRESSES and REPLIES presented to Governor Sir GEORGE GREY, K.C.B., in Otago and Southland.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY—

We, the representatives of the inhabitants of Port Chalmers, have much pleasure in welcoming you as Her Majesty's Representative, to this, the first town in the Province of Otago. We have long looked forward to this, as we can now participate with our fellow-colonists of the South in giving expression to those feelings of loyalty which are in the heart of every true Briton. In this distant isle, far from the land of our birth, there are many of Britannia's sons who have seldom or never had the opportunity of showing their allegiance to the British flag, and of their affection for the Sovereign of their native land. We hail with pleasure and delight this auspicious occasion; and we trust your Excellency will be so pleased and gratified with the changes since your Excellency's last visit, that you will not only be anxious to be seen frequently in Otago, as the Governor of New Zealand, but will have much pleasure in again visiting our Province. We congratulate your Excellency in having restored peace and tranquility in the North Island; and pray that the din of battle may no more be heard between the Native and European; and earnestly hope that the day is not far distant when the Maori will find, by happy experience, that it is good to live under the laws of our beloved Queen. Wishing your Excellency many years of peace and prosperity as our Ruler and Governor, we are your Excellency's most humble and obedient servants.

D. ROLFE,
Mayor.

[The names of the Councillors and Town Clerk were also appended.]

REPLY.

MR. MAYOR AND GENTLEMEN,—

It is with the most sincere pleasure I have received the assurances you have just given me, of the loyalty and affection cherished by the inhabitants of Port Chalmers for our most gracious Queen. As you justly observe, the changes that have taken place in this town, since I last had the satisfaction of visiting it, cannot but surprise and gratify me; but my pleasure is greatly enhanced by finding that amongst those changes, your love for your Queen, and attachment to the British flag, remain unchanged. I will take care that your expressions of loyalty are conveyed to your Sovereign. I thank you for the flattering reception you have given me, for your words of kindness, and for the wishes you have expressed that I may hereafter frequently visit you. I can assure you, I have often desired once again to visit this town; and that I always have taken, and ever shall take, a lively interest in your welfare.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Mayor and Councillors of the City of Dunedin, tender our most cordial welcome, and receive with hearty and sincere pleasure, the Representative of England's much beloved Queen.

We hail your Excellency's presence amongst us the more, because we are fully alive to the deep interest you have always shown in all that concerns the welfare and progress of New Zealand.

It is many years since your Excellency visited this city, but we are aware that the cause of your absence has been the disturbed state of the North Island, and the necessity for your attention to the interests of that portion of the Colony.

The material progress of the city since your Excellency last visited Dunedin will, in some degree, prepare you for the extraordinary change you will observe in the Province, owing, in great measure, to the discovery of large and rich goldfields, in addition to its pastoral and agricultural resources.

These vast resources are of little value unless they are made known to the great commercial world, and we congratulate ourselves on the knowledge that your Excellency will, through Despatches to the Imperial Government, direct attention to the elements of material wealth which are now gradually and surely developing in our midst.

May your Excellency long enjoy the blessings of health and happiness, the love and respect of the colonists, and the confidence of your Royal Mistress the Queen, our gracious Sovereign.

WILLIAM MASON,
Mayor.

REPLY.

MR. MAYOR AND GENTLEMEN,—

It has been my fortune to stand on the site of this city when it was in a state of nature, and had been trodden by few European feet, and again, when a modest town was springing into existence; now, Providence has permitted me to enter, here, a populous and wealthy city. It is impossible, under such circumstances, without deep emotion, to see the evidences of loyalty to your Queen, and of attachment to the Government and homes of your race, which on every side surround me, or to receive without such feelings the welcomes of a numerous, prosperous, and contented population, where formerly there was no man to wish me "God speed." On Her Majesty's behalf, I thank you for the loyalty and devotion you have evinced for your Queen. The echoes of your warm expressions of happiness and contentment which will reach her throne, will be received most graciously by that Sovereign who has ever sympathized in the prosperity or sorrows of her subjects. For myself, I shall strive, by my public services, to evince my gratitude for your kindness.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief and Vice-Admiral of the Islands and Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the officers and members of the Dunedin Volunteer Fire Brigade, most heartily welcome your Excellency to the City of Dunedin, and sincerely trust that you will derive health and pleasure from your visit, and also gratification at the progress of Otago since your Excellency was formerly here.

We believe that the Dunedin Volunteer Fire Brigade is the oldest in the Colony, and that such institutions are held in high estimation by your Excellency.

We feel assured that your Excellency, on your tour through this Province, will everywhere encounter true-hearted loyalty to our gracious Queen; and also goodwill and respect towards your Excellency personally, and as Her Majesty's Representative in this Colony.

We have the honor to be your Excellency's most obedient servants

(Signed on behalf of the Brigade)

A. C. REES, Captain.

F. WAIN, Lieutenant.

R. W. SHEPARD, Hook and Ladder Company.

THOMAS JOHNSTONE, Foreman Hose Company.

JOHN LEWIS, Foreman Fire Company.

W. WOODLANDS, Secretary.

J. WAIN, Treasurer.

REPLY.

GENTLEMEN,—

It gave me much pleasure to receive the congratulations on my arrival here of the oldest Volunteer Fire Brigade in the Colony. You rightly say that I highly esteem such institutions, which call forth every manly quality, and are of the highest advantage to the public. I hope the inhabitants of Otago may long, with generous emulation, strive to be the first in New Zealand to found all kindred institutions which aim at the promotion of the general safety or the public good. The Queen will learn with pleasure of your unabated loyalty, and of your welfare and contentment. I thank you for your kind expression in regard to myself. I can assure you that to witness the progress of this Colony, and the happiness of its inhabitants, is the highest satisfaction I can enjoy.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over the Island of New Zealand, and Vice-Admiral of the same and the Dependencies thereof.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Ministers and Elders of the Presbytery of Dunedin, in Presbytery convened, gladly avail ourselves of this opportunity of your Excellency's visit to Otago, to convey to you, as the Representative of our Most Gracious Sovereign Queen Victoria, the assurance of our loyal attachment to her Person, and Throne, and Government.

We cordially unite in giving to your Excellency, as the Governor of these Islands and Her Majesty's Representative therein, a hearty welcome to Otago, wishing you the blessing, and guidance, and protection of Almighty God, in the discharge of the duties of your exalted station.

Whilst discharging our spiritual duties as Ministers and Elders of a Church of Christ, it is our constant endeavour to advance the interests of the State by the promotion of that righteousness towards God and man which alone truly and permanently exalteth any nation, and to impress upon the consciences of our people a due reverence for and submission to all legally-constituted civil authority.

That it may please God, the God and Father of our Lord and Saviour Jesus Christ, long to spare your Excellency's life in honor and usefulness; that He may prosper your administration of the Government of this Colony for its peace and prosperity; and that at life's close He may call you unto His own everlasting rest and glory, is our devout and earnest prayer.

Signed in our name and presence, and by our appointment, at Dunedin, the 14th day of February, 1867 years, by

WILLIAM WILL, Moderator.

REPLY.

REVEREND GENTLEMEN,—

It is most gratifying to me to receive your assurances of loyal attachment to the Person, and Throne, and Government of our beloved Queen. I shall take care that those assurances reach your Sovereign. I thank you for your constant endeavours for the promotion of that righteousness towards God and man which can alone truly and permanently exalt any nation or people. I trust that this great and important truth will ever be recognized and acted on by the people of New Zealand. In your efforts to promote the spiritual welfare of the people of this Province, you will always find myself and my Government aiding and assisting you alike from a sense of duty and from inclination. I cannot but be moved by the terms in which you have expressed your wishes for my happiness, and what is better still, for my usefulness to my fellow men. I shall remember those wishes, and I shall always feel grateful for them.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor-in-Chief of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Operative Tailors of Dunedin, desire to convey our congratulations to your Excellency on your arrival in this city, and express our unabated loyalty and attachment to our Sovereign Lady Queen Victoria.

In common with all classes of Her Majesty's subjects, we beg to assure you that our loyalty to Her Majesty's Person and Throne, is neither diminished by distance nor impaired by time; and in this far distant Colony we desire to pay a just tribute of homage and gratitude to the Queen, whose public and private virtues and sympathy with her people have endeared herself and the Royal Family to all her subjects throughout her dominions.

We venture to express the hope that your Excellency will be satisfied with the progress of this Province since your last visit; and it will be the desire of this, and we are sure all other trades, that your Excellency receive a cordial reception in every district of the Province.

We cordially and respectfully repeat our expressions of loyalty, congratulations, and welcome.

Signed in the name and on behalf of the Operative Tailors of Dunedin.

JOHN DREW, President.

HENRY HOGG, Secretary.

REPLY.

GENTLEMEN,—

I thank you very sincerely for your congratulations on my arrival here, and for your expressions of loyalty and attachment to your Queen. You justly state that Her Majesty has ever sympathised in the success or sorrows of her people, and it will be most gratifying to the Queen to find how deep-seated is the loyalty of her subjects in this distant portion of her dominions, and how desirous they have been to testify their love for their Sovereign.

G. GREY.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Directors and Members of the Caledonian Society of Otago, beg respectfully to approach your Excellency with expressions of loyalty to the Throne, and congratulations and welcome to your Excellency on your visit to Otago.

We do ourselves the honor to lay before your Excellency the book of our Constitution and Rules printed for the use of our members, from which we take leave to make the following extract, setting forth the objects of our Society:—

"The object of the Society shall be the promotion of Benevolence, National Literature, Customs and Accomplishments.

"1. Benevolence to be promoted by contributions to the funds of such Charitable Institutions as the Directors may determine; by giving information and advice to newly arrived immigrants, and by affording for special cases of destitution such temporary relief as to the Directors may appear practicable or expedient.

"2. Literature to be promoted by offering prizes for the greatest proficiency of pupils attending the various educational institutions of the Colony, and also by procuring and disseminating information, regarding the Poetry, History, and Archæology of Scotland.

"3. Customs and accomplishments to be promoted by offering prizes for excellence in the performance of national feats, games and exercises, to be exhibited at the annual gathering of the Society."

We rejoice to learn that our beloved Sovereign has accorded her special patronage to similar societies at home, and that their annual gatherings are every year honored by the presence of Her Majesty and the Royal Family; and we venture to express the hope that your Excellency will accord your patronage to our Society, which, although constituted on a principle of nationality, and to perpetuate national traditions, is ever ready, as our means permit, to extend its benefits without distinction of race or class.

Renewing our expressions of unabated loyalty, and congratulating and welcoming your Excellency on your visit to Otago, and humbly soliciting the honor of enrolling the name of your Excellency as patron of the Caledonian Society of Otago, We have the honor to be, your Excellency's most obedient and humble servants,

ALEXANDER FINDLATER, President.

JOHN EDMUND, Treasurer.

JOHN CUNNINGHAM STOTT, Secretary.

REPLY.

GENTLEMEN,—

It is with great pleasure that I have heard those expressions of loyalty and attachment to your Queen, to which in common with the rest of Her Majesty's subjects resident in this place, you have this day given utterance. It will give me much satisfaction to give my patronage to your Society, and to aid you to the best of my ability in promoting the objects you have in view. Whilst we are all striving to build up one common people from what were once separate nations, I agree with you in thinking it wise to collect from each type of nationality of which we are composed, all those peculiar institutions, or customs, or sports which may promote the welfare, the happiness, or enjoyment of mankind. One of the most important, and at the time it was introduced, one of the most novel features of the New Zealand Constitution, was borrowed by me from the laws and customs of Scotland. I beg to thank you for your most cordial and friendly welcome, of which I shall ever entertain a grateful remembrance.

G. GREY.

Address of the Ancient and Independent Order of Oddfellows of the Otago District to His Excellency Sir GEORGE GREY, K.C.B., Commander-in-Chief of New Zealand.

YOUR EXCELLENCY,—

On behalf of the Members of the above Order, we most heartily and sincerely welcome your Excellency on the occasion of your visit to Otago; and as patron of our Ancient Order of many years

standing, it is a matter of peculiar gratification that we have once again the great pleasure and satisfaction of meeting your Excellency in this flourishing and prosperous Colony.

Trusting that your Excellency may long be Her Majesty's Representative in the Colony which you have so successfully governed for many years,

We are your Excellency's most obedient and humble servants,

W. M. HOPPER, Provincial Grand Master.

A. J. TALBOT, Provincial Grand Secretary.

REPLY.

GENTLEMEN,—

I thank you heartily for your address of welcome, and for your assurances that I find myself in a prosperous and flourishing Colony. Her Majesty will most graciously receive your renewed expressions of love and attachment, and the intelligence of your prosperity and welfare. I thank you for your expressions of personal goodwill to myself, and assure you that your Order will always find in me a steady patron and friend.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the officers of the United Otago District of the Ancient Order of Foresters, most heartily welcome your Excellency on your arrival in the City of Dunedin, and sincerely trust that your visit will tend not only to give you health and pleasure, but a more personal knowledge and acquaintance with our city and its institutions, which have sprung up since your Excellency's last visit to this Province.

We believe the Ancient Order of Foresters is one of the earliest benefit societies formed, and we know the estimation in which such societies are held in connection with those which have come more immediately under your Excellency's observation.

We feel assured your Excellency will derive much gratification on your tour in this Province, and that you will everywhere encounter true-hearted loyalty and devotion to our Most Gracious Queen, as also goodwill and respect towards your Excellency personally, and as Her Majesty's Representative. And we have the honor to be your Excellency's most humble and obedient servants,

HENRY BRUNDELL, D.C.R.

ALLAN MCNAUGHTON, D.S.C.R.

F. S. WILSON, D.B.

JOSIAH ROGERS, D.T.

WILLIAM WOODLAND, D.S.

REPLY.

GENTLEMEN,—

I feel much obliged to you for your address of welcome, and for your kind wishes for my health and happiness. I can assure you that to become acquainted with this city, and with its institutions, will be to me a source of high gratification, and that I sympathise deeply in the progress and success of the inhabitants of Dunedin. I have, as you state, always entertained the most friendly estimation for benefit societies, for I have always found that those who strive to depend on their own exertions and foresight are amongst the best citizens, and most loyal subjects, and it is most satisfactory to derive new proofs that such is the case, from your warm declarations of attachment to our beloved Queen.

G. GREY.

To His Excellency Sir GEORGE GREY, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

We, the undersigned Officers of the Otago District Manchester Unity Independent Order of Oddfellows' Friendly Society, on behalf of our brethren, beg most respectfully to congratulate your Excellency on this your visit to Otago, and to express the pleasure we feel at being personally able to assure your Excellency of our very warm attachment to the Throne of Her Majesty Queen Victoria, and to your Excellency as Her representative in New Zealand.

As an important and influential body, numbering over one thousand members in the district, and whose objects are to relieve the distressed of our Order in time of need by the co-operative principle, we earnestly trust that the presence of your Excellency on this occasion may tend still more to the furtherance of the objects we have in view, and still closer to unite us in the bonds of charity and truth, and to the Government under which we dwell.

Trusting your Excellency may long be spared to rule over a prosperous and happy people, we have the honor to subscribe ourselves your Excellency's humble servants,

A. BURT, P.G.M.

J. GREY, D.P.G.M.

C. GREY, Prov. C.S.

REPLY.

GENTLEMEN,—

It is with the greatest pleasure I have read the expressions of attachment to the Throne of Her Majesty, which your address contains. Such proofs of loyalty from a happy and prosperous people cannot but be very gratifying to our Queen. I thank you, as the representatives of so important a body, for the welcome you have given me and for the wishes you have expressed for my welfare. You may rely that it is my earnest desire to see all Her Majesty's subjects, of every race and of every

condition of life, closely united in the bonds of charity and truth, and of attachment to the Queen's Government. My efforts may, I trust, always be devoted to the attainment of such noble ends, and I shall always feel grateful to yourselves and all others who may, by your individual and united exertions, aid me in working out these great objects.

G. GREY.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Members of the Dunedin Chamber of Commerce, have the honor to offer to your Excellency our hearty welcome on this your visit to Otago, and to convey to you, as the Representative in this Colony of Her Majesty the Queen, the assurance of our loyalty to Her Majesty, her Throne, and Government.

We feel assured that the rapid progress of settlement in all parts of the Colony since the commencement of your Excellency's rule, must be to your Excellency a source of great satisfaction, and we are happy in being able to point especially to the extraordinary development of commerce, industry, and wealth, in the Province of Otago. Eight hundred thousand acres of freehold have been acquired and settled by a prosperous population. Two millions of sheep and numerous cattle graze over the hill country which a few years ago was unexplored. The mineral produce brought to market exceeds in value fifty thousand pounds a month, while the foreign commerce of the Province, now representing two millions six hundred thousand annually, attracts to our harbour ships from all parts of the world.

The misfortunes of our fellow-colonists in the North Island have not been without their detrimental effects upon this community; but we trust that the measures which your Excellency's Government are using, will have a speedy issue in the permanent restoration of peace, and that the time is not far distant when the burden of our taxation shall be materially lightened.

For and by direction of the Dunedin Chamber of Commerce,

JAMES RATTRAY, Chairman.

To His Excellency Sir GEORGE GREY, K.C.B., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

On behalf of the Members of the Dunedin Athenæum and Mechanics' Institute, we desire to express our devoted loyalty to our Most Gracious Queen, and our profound respect for your Excellency, as Governor of this Colony, and Her Majesty's representative in our midst.

Your Excellency will be glad to learn that, notwithstanding the excitement incident to the discovery of new gold fields, and the material progress and prosperity consequent thereupon, we have not, as a people, been altogether unmindful of higher and more intellectual objects and pursuits. Of this fact we venture to submit the progress made by our Institution as one of the many proofs that will present themselves to your Excellency's notice.

We rejoice to be able to inform your Excellency that we have now nearly six hundred enrolled members; that our library contains about five thousand volumes; and that our yearly issue of books for home perusal and study amounts to nearly twenty-five thousand volumes.

We regret to inform your Excellency that the want of a suitable freehold site upon which to erect a building commensurate with our requirements, has hitherto prevented us from attempting the full realization of the objects of our existence as an Institute in the matter of lectures and classes; and that, notwithstanding the fact that our predecessors in office, in their address to His Excellency Governor Gore Brown, in 1859, alluded to the "liberality of the Town Board of Dunedin" in putting the Committee "into possession of a most valuable site," &c., we have, up to this time, been unable to obtain more than a short-dated lease. We are, however, not without hope that ere long your Excellency may be asked to assent to an Ordinance giving us such a title to the site in question as may warrant the erection of a suitable building thereon.

His Excellency Governor Gore Brown, during his visit in 1859, was graciously pleased to allow his name to be inscribed as Patron of our Institute, and we avail ourselves of the present opportunity to ask a like favour of your Excellency.

Trusting that your Excellency's visit may be productive of much personal pleasure and enjoyment, and that it may result in great benefit alike to this Province and the Colony at large,—

We are your Excellency's most humble and obedient servants,

THOS. DICK, President.

RICHARD OLIVER, Vice-President.

CHAS. SMITH, Hon. Secretary.

REPLY.

GENTLEMEN,—

It is most gratifying to me to learn from your address that the people of the Province, in the midst of the trials and excitement which invariably attend the first settlement of a new country, have not been altogether unmindful of higher and more intellectual objects and pursuits. The facts stated in your address on this subject are most interesting. I regret that you should suffer from the want of a freehold site on which to erect a building suitable to your requirements. My Responsible Advisers are ever most anxious to advance all undertakings which may promote the intellectual improvement of the people of New Zealand. I feel confident, therefore, that, within the scope of their constitutional powers, they will recommend for my adoption all measures which may foster so desirable an object. If it is your desire that the Governor for the time being should be your Patron, I will gladly acquiesce with your wishes in this respect. Your Queen will learn with pleasure how fervent have been the expressions of loyalty and attachment to her person to which utterance has been given in this Province. On my own part, I thank you most sincerely for the welcome you have given me, and for your kind wishes for my welfare and happiness.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor-in-Chief and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned inhabitants of the districts of Green Island and Caversham, in the Province of Otago, respectfully beg to tender our congratulations on your Excellency's visit to this Province, and to assure your Excellency of our continued loyalty to the Crown of England, and of our personal respect to yourself, as a Representative of our beloved Queen.

We feel assured that the rapid progress which has marked the history of this Province since your Excellency's last visit to it, in the year 1851, will prove to you a source of sincere satisfaction.

We much regret that duties and difficulties of no ordinary character have so long denied the people of this Province the gratification which it would always afford us to welcome you. We trust that those difficulties will soon disappear; and it is our sincere hope that your Excellency may long live to participate with us in the blessings of peace and prosperity which we believe await this Colony.

REPLY.

It is with great satisfaction that I receive your assurance of loyalty, and of attachment to our beloved Queen. You are quite right in assuming that the great and rapid progress of this Province, since 1851, has been to me a source of great gratification. I can assure you that it is with no ordinary pleasure that I see the marks of prosperity and comfort which here surround me on all sides. I thank you sincerely for the expression of your kindly wishes as to myself. It is now, and will at all times be, my aim to assist in the progress of the Province of Otago. In its first establishment I took a great share; and on my own part, and on that of my Responsible Advisers, no effort shall be spared to promote the success of its inhabitants.

G GREY.

To His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, and Commander-in-Chief in and over the Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, delegates from the various Friendly Societies of Dunedin, beg, most respectfully, on behalf of those Societies, and as individuals, to congratulate your Excellency upon the event of your visit to the Province of Otago, and to give you a most cordial and hearty welcome.

The time must still be in the remembrance of your Excellency, before colonization had reared this city, when standing upon Otago soil you foretold with prophetic foresight the bright future of this Province; and it must be with feelings of pride and gratification that you now view the wonderful changes, which, within a few short years, have been effected.

But while, as loyal subjects of Her Most Gracious Majesty Queen Victoria, we offer our homage to your Excellency as her Representative in this Colony, we would embrace the opportunity of expressing our love and esteem for you as an individual and as an illustrious fellow-colonist.

As representatives of the Friendly Societies, we have to thank you for so courteously countenancing by your presence this effort which is being made in aid of our Benevolent Institution, and long will the remembrance of your visit, and its bright epoch in our Provincial history, be cherished by us; and may you carry with you the pleasing consciousness, that in us you have sincere admirers and friends, as well as faithful and dutiful subjects.

We have the honor to be, your Excellency's obedient servants,

Ancient Independent Order of Oddfellows:

W. M. HOPPER, P.G.M.	} Loyal Otago Lodge.
W. PARKER STREET, D.P.G.M.	
M. KIDSTON, V.G.	
JAMES MCGAW, P.G.M.	
JAMES MICHIE, N.G.	} Pioneer Lodge.
MAURICE JOEL, W.G.	
— JONES	
D. MCPHERSON, V.G.	

Ancient Order of Foresters:

WILLIAM WOODLAND, P.D.C.R.	} Court Enterprise.
R. W. SHEPPERD	
THOMAS J. GOODMAN, P.C.R.	
THOMAS MASON, P.C.R.	} Court Royal.
JAMES GRANT	
H. BRUNDELL, D.C.R.	} Court Pride of Dunedin.
JOSIAH ROGERS, D.T.	
J. MOYLAN	
ALEXANDER MCGREGOR	

Manchester Unity of the Independent Order of Oddfellows:

ALEXANDER BURT, P.G.M.	} Lodge Hand and Heart.
W. GEDDES, Secretary	
JOSEPH HOPCRAFT, N.G.	
FREDERICK BOWER, W.G.	} Loyal Dunedin Lodge.
THOMAS MORGAN	
GEORGE BOND, N.G.	} Loyal Albion Lodge.
E. BASTINGS, V.G.	

REPLY.

GENTLEMEN,—

I beg you to accept my warm thanks for your congratulations on my arrival, and for the cordial and hearty welcome which you have given me.

I ever believed that a bright and prosperous future lay before the Province of Otago, if its inhabitants gave full scope to the enterprise and energy which are the characteristics of their race. In these respects you have shown yourselves to have been in no respect behind your forefathers, and the result is that, the blessing of Divine Providence having attended your efforts, I now view, as you state, with pride and gratification, the wonderful changes which a few short years have effected in this place.

Your Queen will very graciously receive the intelligence of your loyalty, your attachment, and your prosperity, which will now reach her.

You may rely that I will at all times do my utmost to promote the benevolent objects held in view by the Friendly Societies which you represent. I have always striven to do this, but the warm reception you have this day given, and your so friendly wishes for my welfare and happiness, shall act as a new incentive to me to exert myself to aid those who endeavour to alleviate the wants and misfortunes of their fellow men.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor of the Colony of New Zealand.

The Petition of the undersigned inhabitants of Dunedin, humbly sheweth—

1. That the North and Middle Islands of New Zealand, being separated by Cook Strait, are essentially distinct.

2. That in consequence of the large Native population on the North Island, the legislation for that Island requires to be of a different character from that which is suitable for the Middle Island.

3. That the late Maori war, which was confined entirely to the North Island, has cost the whole Colony of New Zealand a large sum of money.

4. That, while willing to pay the proportion of the debt which has been incurred by the Colony to carry on the war, your petitioners are of opinion that all future legislation and all further action with regard to the Native population, should be left entirely to the inhabitants of the North Island, and also that any liabilities arising from such action should be chargeable only against the North Island.

5. Your petitioners therefore pray that, in order to accomplish this, your Excellency will be pleased to use your endeavours to effect a separation of the two Islands as regards their governments; just and equitable arrangements being made as to all past liabilities.

And your petitioners will ever pray.

[Over 2000 signatures were appended to the petition, which was beautifully engrossed and illuminated, and was mounted and tastefully finished.]

Mr. Dick said—In presenting this petition to your Excellency, I may state that there is a wide spread feeling existing amongst this community, that it is necessary that every effort should now be made to secure the separation of the two Islands. The inhabitants of the Middle Island have hitherto assisted earnestly in the prosecution of the Maori war. They think, however, that the war being now finished, it would be well that the two Islands should hereafter be separated: so that if there is war in the future, the inhabitants of the North Island, who are especially interested, and who know better how to manage the Maoris than we in the Middle can know, may have the management and the responsibility to themselves. As to all existing liabilities, the people of the Middle Island are satisfied and quite prepared to bear a fair share—to accept, and to aid a perfectly just and equitable settlement; but as to the future, they respectfully ask that your Excellency will endeavour to procure for them, as from this time, a separation between the two Islands.

Mr. Dick presented the petition.

REPLY.

GENTLEMEN,—

On receiving from you this important and numerous signed petition, I beg to assure you that I will, in compliance with those constitutional usages on which the future good government of this Colony so largely depends, cause it to be transmitted to my Responsible Advisers for their consideration and advice as to the steps I should take in relation to it.

G. GREY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor and Commander-in-Chief in and over the Islands of New Zealand, and Vice-Admiral of the same.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, representing the sister Constitutions of England, Scotland, and Ireland, and on behalf of the free and accepted Masons of Otago, holding under the aforesaid constitutions, desire to approach your Excellency with assurances of the continuation of that attachment to the person of Her Most Gracious Majesty our Queen, and of loyalty to the Throne, which has ever characterized our ancient and illustrious Order.

We hail the arrival of your Excellency in the Province of Otago with the more pleasure that it affords us an opportunity of demonstrating to your Excellency that freemasonry has grown with its growth, and strengthened with its strength, and that the great and unalterable principles of the Craft, as recognized and established for centuries in our mother country, are firmly maintained in this far distant country.

We pray that the Almighty Architect of the Universe may continue to bestow upon your Excellency the blessings of wisdom, of health and prosperity, and that our beloved Queen (herself a Mason's daughter) may long live to reign over the realm of Britain, and in the hearts of her faithful and devoted subjects, the Brethren of the Mystic Tie.

And may brotherly love continue.

Subscribed for, and on behalf of, the brethren of the English, Scotch, and Irish Constitutions of the Free and Accepted Masons in Otago, on the 19th day of February, 1867.

J. HYDE HARRIS, P.G.M.E.C.

VINCENT PYKE, P.G.M.S.C.

CHARLES WHITE, D.P.G.R.I.C.

REPLY.

GENTLEMEN,—

It is with the greatest pleasure I have heard your assurances of your loyalty to the throne, and of attachment to the person of our Most Gracious Queen; as also your statement that sentiments of deep loyalty have ever characterized your ancient Order.

I thank you most sincerely for the wishes you have expressed for my health and prosperity. I am glad to learn that your Society is in a prosperous state, as I know that your prosperity will be the means of securing sympathy and relief for the widow, the orphan, and the destitute; and I wish you a long career of success in the promotion of those works of charity and love, which I am sure will receive your constant care.

G. GREY.

No. 28.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 42.)

Government House, Wellington,

MY LORD,—

26th April, 1867.

I have the honor to transmit for your Lordship's favourable consideration the enclosed Memorandum of my Responsible Advisers, in which they request me to submit to your Lordship the urgent necessity for Imperial legislation under which persons may be apprehended who have committed misdemeanours and escaped to adjacent Colonies, and pray that the Imperial Acts 6 and 7 Victoriae, c. XXXIV., and 16 and 17 Victoriae, c. CXVIII., may be extended to all cases of misdemeanours committed in any of the Colonies of Australasia.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 28.

MEMORANDUM by Mr. STAFFORD.

Wellington, 16th April, 1867.

MINISTERS enclose a copy of a Memorandum agreed to by the Representatives of the respective Australasian Colonies present at the recent Conference in Melbourne, representing that the Colonial Legislatures are unable to make effectual provision for the punishment of misdemeanours committed by persons who succeed in escaping from the Colony where the offence has been perpetrated to an adjoining Colony, and requesting the extension of the Imperial Acts 6 and 7 Victoriae, c. XXXIV. and 16 and 17 Victoriae, c. CXVIII. to all cases of misdemeanours committed in any of the Colonies of Australasia. Ministers also enclose a copy of the opinion of the Attorney-General of New Zealand on this subject, and a copy of a New Zealand Act ("Foreign Offenders Apprehension Act, 1863,") and of some notes in the margin of the Act, made by Mr. Justice Johnston, a Judge of the Supreme Court here.

Ministers respectfully request His Excellency to submit to the Right Hon. the Secretary of State the urgent necessity for Imperial legislation, under which persons may be apprehended who have committed misdemeanours and escaped to adjacent Colonies.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 28.

MEMORANDUM by the REPRESENTATIVES of the Australasian Colonies.

CONSIDERABLE inconvenience is occasioned to the inhabitants and the Governments of the various Colonies of Australasia through the facilities which exist for the escape of offenders against the Criminal Law from one Colony to another, and the want of power in the several Colonial Legislatures to enact laws providing for the extradition of offenders. The Imperial Act 6 and 7 Victoriae, c. XXXIV., contains provisions for the apprehension and trial in such cases of offenders charged with treason or with certain felonies, and these provisions are extended by the Imperial Act 16 and 17 Victoriae, c. CXVIII., to all felonies. But no cases of misdemeanour can be dealt with under these Acts, and the Colonial Legislatures are unable to make effectual provision for the punishment of the numerous and serious offences of this class committed by persons who succeed in escaping from the Colony where the offence has been perpetrated to an adjoining Colony.

We, the undersigned Members of the Governments of Queensland, New South Wales, New Zealand, South Australia, Tasmania, and Victoria, are of opinion that the extension of the provisions of the above-mentioned Acts, 6 and 7 Victoriae, c. XXXIV., and 16 and 17 Victoriae, c. CXVIII., to all cases of misdemeanours committed in any of the Colonies of Australasia is urgently needed, and

that it is expedient that a request be made to the Secretary of State for the Colonies to submit a Bill with that object to the Imperial Parliament.

JAMES McCULLOCH,
Chief Secretary of Victoria.
HENRY PARKES,
Colonial Secretary, New South Wales.
JOHN HALL,
Postmaster-General, New Zealand.
A. MACALISTER,
Colonial Secretary, Queensland.
WALTER DUFFIELD,
Treasurer of South Australia.
THOMAS D. CHAPMAN,
Colonial Treasurer, Tasmania.

Sub-Enclosure 2 to Enclosure in No. 28.

Opinion by the ATTORNEY-GENERAL.

THE HON. THE COLONIAL SECRETARY,—

"The Foreign Offenders Apprehension Act, 1863," was passed by the General Assembly for the purpose of enabling the apprehension to be effected in New Zealand of persons charged with felonies or misdemeanours committed in other Australian Colonies. I have attached a copy of the Act together with a copy of the notes on this Act contained in Mr. Justice Johnston's "Justice of the Peace." I have inquired but cannot ascertain that the introduction of this Act was brought about or was followed by any correspondence with other Australasian Colonies.

I think that such legislation as that suggested ought to be obtained from the Imperial Parliament if possible. It has been questioned by a high judicial authority in New Zealand (the Senior Puisne Judge of the Supreme Court) whether the Act passed in 1863 by the General Assembly of New Zealand is valid; it being doubtful whether it is not repugnant, so far as regards felonies, to the Acts referred to in the Memorandum of the Members of the several Australasian Governments, or *ultra vires* as regards both felonies and misdemeanours, inasmuch the offences dealt with are offences committed beyond the limits of the Colony of New Zealand. Perhaps by apt legislation in each Colony the provisions of the Imperial Acts (6 and 7 Victoria, c. XXXIV., and 16 and 17 Victoria, c. CXVIII.) might be extended to indictable misdemeanours, but undoubtedly as the question of the validity of Colonial Legislation at all on the subject has been raised deliberately by Mr. Justice Johnston, and as the Imperial Parliament has already made provisions with respect to felonies, it would be more convenient that it should make whatever further provision is necessary. Perhaps it would be sufficient if certain specific misdemeanours were brought within the Imperial Acts already passed relating to treason and felonies. It may be doubtful perhaps whether in the case of the less grave indictable misdemeanours, as assaults, nuisances, and many others, it would not be too severe a measure to permit the apprehension of a person in a foreign Colony, when charged only with such offences. I think the copy of our Act with the notes of Mr. Justice Johnston should be sent with the Despatch.

J. PRENDERGAST.

13th April, 1867.

Sub-Enclosure 3 to Enclosure in No. 28.

An Act for the better Apprehension of Offenders who shall have escaped to parts within the Colony of New Zealand from any other of the Australasian Colonies. (14th December, 1863.)

WHEREAS by a certain Act of the Imperial Parliament passed in the sixth and seventh years of the Reign of Her present Majesty intituled "An Act for the better Apprehension of certain Offenders" provision is made for the apprehension in any part of Her Majesty's Dominions of persons charged with committing in any other part of Her Majesty's Dominions certain offences in the said Act mentioned and against whom a Warrant shall have been issued by any person or persons having lawful authority to issue the same and for the imprisonment of such offenders and for their removal to that part of Her Majesty's Dominions in which they were charged with having committed the offence.

And whereas by another Act of the Imperial Parliament passed in the sixteenth and seventeenth years of the reign of Her said Majesty intituled "An Act to amend an Act of the seventh year of the reign of Her Majesty for the better Apprehension of certain Offenders" the provisions of the first recited Act were extended to other offences.

And whereas the contiguity of the Australasian Colonies to each other greatly facilitates the escape of offenders from one to the other of such Colonies which said offenders may in many instances elude the pursuit of justice unless provision be made for their apprehension in the Colony to which they shall have escaped without requiring that a Warrant be obtained from a Magistrate of the Colony having the original jurisdiction and that such Warrant shall be endorsed by a Judge of the Colony to which the offender shall have withdrawn himself And whereas it is expedient that the provisions of the said Acts of Parliament should be applied to persons charged with other offences than those to which the said recited Acts are limited

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Foreign Offenders Apprehension Act 1863."*

* It seems at least questionable whether this Act of the Colonial Legislature is not *ultra vires*, both as being repugnant to the Imperial Acts which apply to all the Colonies, and as dealing with offences committed out of the Colony and with respect to which the Tribunals of the Colony can have no jurisdiction except what is given to them by the Imperial Parliament.

2. For the purposes of this Act and of the said recited Acts the words "Australasian Colonies" shall be deemed to describe and include the Colonies of New Zealand New South Wales Tasmania Victoria South Australia Western Australia and Queensland with their respective Dependencies as such Colonies are now or may hereafter be defined and limited and also any other Colony which may hereafter be established within the existing limits of any of the said Colonies or within any portion of Her Majesty's Dominions in New Holland.

3. This Act shall apply to all charges of treason and felony and to all indictable misdemeanours committed or charged to have been committed in any of the Australasian Colonies.*

4. After the passing of this Act if any person shall be within the Colony of New Zealand who shall be charged with having committed any offence such as hereinbefore mentioned within any other of the Australasian Colonies it shall be lawful for any Justice of the Peace to issue his Warrant for the apprehension of such supposed offender in the same manner and upon the like grounds as if the offence was charged to have been committed within the ordinary jurisdiction of such Justice and thereupon it shall be lawful for all Peace Officers and they are hereby required to execute such Warrant by apprehending the person against whom it is directed and to convey him before the same or any other Justice.

5. It shall be lawful for any Justice before whom any such supposed offender shall be brought as aforesaid upon such evidence of criminality as would justify his committal for trial if the offence had been committed within the ordinary jurisdiction of the Justice to commit such supposed offender to prison there to remain until he can be sent back to the Colony in which the offence is alleged to have been committed and delivered to the proper authorities therein in the manner mentioned in the said recited Acts of Parliament and immediately upon the committal of such person information thereof in writing under the hand of the committing Magistrate accompanied by a copy of his Warrant and of the depositions on which the same was granted shall be given to the Governor or to the Superintendent of the Province in which the committal shall take place.

6. It shall be lawful for any Justice before whom any such supposed offender shall be brought upon such evidence of criminality as would justify the remand of any person for further examination in cases where evidence is expected to be obtained from remote parts if the offence had been committed within the ordinary jurisdiction of such Justice to commit such supposed offender to prison by way of remand for such reasonable time not exceeding one month until copies of depositions taken certified and attested as hereinafter mentioned shall have been received from the Colony in which the offence is alleged to have been committed and submitted to the same or some other Justice and upon such copies being so submitted it shall be lawful for the Justice to whom the same shall be so submitted either to discharge such supposed offender or to commit him finally under and in pursuance of the authority hereinbefore given in that behalf. Provided always that immediately upon the committal by way of remand information thereof in writing under the hand of the committing Magistrate accompanied by a copy of the depositions upon which the remand was ordered shall be given to the Governor or to such Superintendent as aforesaid as hereinbefore provided with respect to final committals.†

7. Provided always that it shall be lawful for any such Justice who shall so as aforesaid commit any such supposed offender either finally or by way of remand to allow bail to be taken for the surrender of the prisoner committed at a day and place to be specified in the recognizance of bail if the nature of the offence charged or the character of the evidence of criminality shall be such as would justify the allowance of bail in a similar case occurring within the ordinary jurisdiction of the Justice and thereupon the recognizance of bail shall be of the same force and effect in all respects as if the same had been entered into for the appearance of an accused person to take his trial or for further examination upon a charge of an offence committed within the Colony.

8. In every such case as hereinbefore mentioned copies of the depositions upon the charge made against the said supposed offender taken by a person having lawful authority to take the same in the Colony in which the offence is alleged to have been committed if duly certified under the hand of the person taking such depositions and attested on oath by the person producing the same to be true copies of the original depositions may be received in evidence of the criminality of the person apprehended under the provisions of this Act.

9. The provisions in the said first recited Act of Parliament touching the discharge of any person committed as therein provided if he shall not have been conveyed away within two months after his committal shall be applied to all committals under this Act whether final or by way of remand.‡

No. 29.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 44.)

Government House, Wellington,

MY LORD,—

27th April, 1867.

I have the honor to transmit for your Lordship's information, a copy of
a Memorandum drawn up by my Responsible Advisers explaining a discrepancy

* Justices must not assume that the same acts amount to felony or misdemeanour in other Colonies which do so in New Zealand. There are many new felonies and misdemeanours created by the New Zealand Legislature, and there may be such in other Colonies also.

† In cases where depositions have been taken in another Colony a warrant of apprehension would probably have been issued; and if so, it would be much safer to follow the provisions of the Imperial Act than trust to this, possibly invalid Act of the Legislature of New Zealand.

‡ Whether the New Zealand Act be *ultra vires* or not, it would seem that any person sent prisoner to another Colony under its provisions would have an action for false imprisonment within that Colony, unless such imprisonment were legal under some Act of that Colony or the Imperial Acts.

which is apparent between certain returns of importations of Gold from New Zealand, published in England on the authority of the Commissioners of Her Majesty's Customs, and the Returns published by the New Zealand Government, and transmitted regularly to your Lordship's Department.

2. Your Lordship will perceive from the Memorandum that my Responsible Advisers impute this discrepancy to the fact that much of the Gold produced in New Zealand is sent to Australia for shipment to England, and that on its arrival in London it is classed by the Custom House authorities as Australian produce; and that they deem it of great importance to this Colony that the Returns officially published in England should correctly show the amount and value of Gold, the produce of New Zealand, imported into London.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

Enclosure in No. 29.

MEMORANDUM by MR. STAFFORD.

Wellington, 16th April, 1867.

THE attention of Ministers has been called to certain Returns of importations of Gold from New Zealand, published in England on the authority of the Commissioners of Her Majesty's Customs. These Returns represent the value of the Gold imported into London from New Zealand, from 1857 to 1866, to have amounted to only £1,580,820, while the actual value exported from New Zealand during that period, as shown in Returns published by the New Zealand Government, and transmitted regularly to the Secretary of State, was £11,840,298. A similar Return of the Commissioners of Customs represents the value of the Gold imported from New Zealand into London during the latter half of 1866 as having been £68,000, and for the corresponding period in 1865 to only £10,000, while the actual value for the first named period was £1,335,411, and for the corresponding period in 1865 £1,362,423.

This large discrepancy is believed to arise from the fact that much of the Gold produced in New Zealand is sent to Australia for shipment to England, and that on its arrival in London it is classed by the Custom House authorities as Australian produce.

This system, of course, disproportionately augments the Statistical Returns of imports of Gold from Australia, and in an equal ratio reduces those from New Zealand.

It is of great importance to this Colony that the Statistical Returns officially published in England respecting it should be correct, and Ministers request that His Excellency may be pleased to communicate with the Secretary of State for the Colonies on the subject, in order that the necessary steps may be taken to ensure that the Returns published by or on the authority of the Commissioners of Customs shall correctly show the amount and value of Gold, the produce of New Zealand, imported into London.

For His Excellency the Governor.

E. W. STAFFORD.

No. 30.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

(No. 47.)

Government House, Wellington,

MY LORD,—

27th April, 1867.

My Responsible Advisers have requested me to transmit to your Lordship the Memorandum which I have the honor herewith to enclose, and which relates to your Lordship's Despatch No. 56, of the 28th of December last.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 30.

MEMORANDUM by MR. STAFFORD.

Wellington, 17th April, 1867.

THE Responsible Advisers of the Crown in New Zealand have read with extreme regret Lord Carnarvon's Despatch No. 56, of the 28th December last. It is with very great reluctance that they feel compelled to animadvert upon it, but they would be unworthy of the trust confided to them by the Colony if they silently submitted to the imputations to which the Governor, themselves and the Colonial Forces are alike subjected in that Despatch. They believe that they can show that those imputations are unfounded, and have without due consideration been invested with authority by the Secretary of State.

As the Despatch chiefly relates to the removal of Her Majesty's Regular Troops from New Zealand, and as His Excellency's Despatches have dealt fully with the strictures on his conduct in connection

with this matter, conveyed in this and previous Despatches, Ministers would not feel bound to comment on this particular Despatch were it not that towards the close it circulates calumnies, scarcely disguised under a veil of hypothesis, against the Colonial Government and Her Majesty's Colonial Forces. Ministers do not now complain that Lord Carnarvon should in effect state, as he has done in a previous portion of his Despatch, that the Imperial Government would rather abandon the Colonists and the Aborigines of New Zealand to internecine war than extend to the Colony any military aid. They are not aware that any words or action on the part of the Governor or on their part called for such a statement, but they do not desire to question this professed indifference to the horrors which a war of extermination would, "for a time at least," entail on both races in this country.

Ministers must, however, for the sake of the public character of the Colony, distinctly repudiate the charges indirectly conveyed in the following extracts from the Despatch:—

"Finally, I must observe, that while you thus appear to cling to the expectation of continued assistance from this country, your own reports, or rather the absence of reports from you, show how little you recognize any continued responsibility to the Imperial Government for the conduct of the war. While in your Despatch of the 15th October you inform me that a trooper of the Colonial Forces had been killed by some hostile Natives, you leave me to learn from the newspapers that in the neighbourhood of Hawke's Bay a body of Natives who refused to give up their arms, had been attacked by the Colonial Forces in their pa (which is said to have been unfortified), and driven into the bush, twenty-three of them being killed, and a like number wounded; and that a Native village on the West Coast, after being summoned to surrender, was attacked by a Colonial Force, and escape being cut off, about thirty or forty persons were killed.

"In the account before me this last transaction is described as 'the most brilliant of this guerilla war.' Meantime your own Despatches would hardly lead me to suppose that any recognized warfare was in progress. I need hardly observe that if at any time it were alleged in this country that these affairs—described by the Colonial press as brilliant successes—were in fact unwarranted and merciless attacks on unoffending persons, I have no authentic means of reply afforded me by your Despatches."

The first intimation of these calumnies reaches the Governor and his Ministers in this Despatch. So far as Ministers are aware, no question of the justice of the attacks on the Natives, either at Hawke's Bay or on the West Coast, or of the conduct of the Colonial Forces on those occasions has ever been publicly raised in this Colony, or in the United Kingdom. Nor were they aware until they read the Despatch that the question had even been privately raised. The inference is painfully clear. The Secretary of State has allowed himself to be influenced by some secret report, studiously concealed from the Governor, from his Ministers, and from the public, and without resorting to authentic intelligence, or waiting a few days for a Despatch from the Governor, has given authoritative currency to such report.

Ministers do greatly complain of that fatal facility, unhappily so often illustrated of late in some Imperial Departments of State, of listening to secret slander of the reputation of public men in this Colony, and of investing reports (which otherwise would never come to life,) with the authority of official recognition. Against this system of secret defamation Ministers most emphatically protest. It saps the foundations of all government, and destroys all confidence in public men. In the case of New Zealand, the tacit allowance, if not encouragement, in the War Department at Home of such a system, has, Ministers believe, done much to waste the resources of the Empire and the Colony, and to paralyze their joint efforts to suppress insurrection.

The engagements to which the Secretary of State refers respectively took place, near Napier, on the 12th October, 1866, and, on the West Coast, on the 4th October, 1866. Despatches fully reporting the circumstances of each engagement were published in the *New Zealand Gazette* dated respectively 26th October, and 11th October, 1866. These *Gazettes* most probably reached England, and, it is presumed, the Colonial Office, before the 28th December, 1866 (the date on which Lord Carnarvon wrote), and certainly did so before the 2nd January, 1867, and could have been referred to by His Lordship before the mail by which his Despatch came left England for New Zealand. No doubt the reports in these *Gazettes* if they could not be found in the Colonial Office were republished in English papers, and were accessible to those who preferred to furnish to the Secretary of State information gathered from anonymous accounts in unnamed newspapers, and to found on it and on "private and confidential" calumnies, imputations of wanton cruelty and cowardice on the part of the Colonial Forces, and of connivance (if not worse) on the part of the Governor and his Ministers. The Despatch is dated 28th December, but it did not leave England till the 2nd January. On the 31st December, the New Zealand mail *via* Panama reached England, having left New Zealand on the 8th November, a fortnight after the later of the two *Gazettes* containing the official accounts of the engagements was published. Reference could thus have been made in England to these *Gazettes* before the Despatch went. Had that reference been made, or had Lord Carnarvon waited a few days until the Governor's Despatches arrived, which His Excellency's absence in a remote disturbed district precluded him from writing previously (a fact which might quite as easily have been learned from newspapers), Ministers feel assured that His Lordship would not have written in terms so disparaging to the Colonial Forces, and so injurious to the honor of the Colony.

Copies of the *New Zealand Gazette* referred to are enclosed. The circumstances in each case are shortly these:—

Napier is a small town containing a population of thirteen hundred souls, of whom more than eight hundred are women and children. It was at the time in question wholly unprepared for an attack, and its neighbourhood is dotted with small agricultural and pastoral farms on which families also quite unprotected reside. In the latter part of September, 1866, a party of armed rebel Hau Hau Natives, strangers to the place, and members of a murderous and bloodthirsty sect of fanatics, who have committed in different parts of this Island fearful atrocities, encamped at a place about seven miles from the town. A copy of a letter dated 9th October, 1866, to the Colonial Secretary from Mr. McLean, reporting the fact, is attached. These Natives persistently refused to explain their intentions; they plundered the settlers and the loyal resident Natives; and they openly

threatened the safety of the town and the outsettlers. Under these circumstances Mr. McLean, the Agent of the General Government at Napier, and Superintendent of the Province of Hawke's Bay, promptly took steps to disarm and remove from the settled district these armed fanatics, and he was most patriotically supported by the inhabitants who (for the most part unaccustomed to arms, and for the first time unexpectedly called from their various places of business to engage in active hostilities,) paraded at a few hours' notice at midnight, marched all night and successfully attacked the enemy in the early morning. In order to show that this engagement was not undertaken without the concert of the Imperial Military Officer in Command at Napier, Ministers enclose a copy of a letter dated 30th October, 1866, from Mr. McLean to the Colonial Secretary, from which it will be seen that the officer referred to offered to co-operate with the men under his command, and that in consideration of their having had on the day preceding the engagement a long march, Mr. McLean undertook operations without their aid. It will be seen from Mr. McLean's Despatch published in the *Gazette*, that the rebel Natives had, in addition to former repeated warnings, a special written summons previous to the engagement to disarm and surrender. It will also be seen by a letter enclosed in Mr. McLean's Despatch, from the Reverend Samuel Williams, written after the engagement, that the suspicion of the hostile intention of the Natives was confirmed by the confession of a Native prisoner that their object was an immediate and sudden attack on the town. This confession has since been fully corroborated by subsequent statements of others of these prisoners. The Reverend S. Williams, the writer of this letter, is not a person who would be likely to be led to hasty or unfavourable conclusions on such a subject. He is a clergyman of the Church of England, conversant for the last thirty years with Natives and with their customs, and is the son of Archdeacon Henry Williams, one of the first missionaries in New Zealand. Mr. McLean, on whom any imputation if true, of "unwarranted and merciless attack on "unoffending persons" would properly rest, has been for more than twenty years in the Public Service, and has during all that time held some, and during a great part of it, the highest offices in the Native Department. He is specially distinguished for his knowledge of Natives, and for his devotion to their welfare. To suppose that such a man would suddenly belie every characteristic of his life, and be guilty of the wanton cruelty to Natives imputed to him, is incredible. A character like that of Mr. McLean, so well-deserved and so labouriously earned throughout many years of faithful service,—a character to the merits of which Despatches from successive Governors to the Secretary of State abundantly testify,—should have shielded him from the grave imputations resting on no known foundation, and made with such precipitate haste.

With respect to the engagement in the village on the West Coast, Ministers cannot conceive how it is consistent with bare fact to apply to it the epithet of an "unwarranted and merciless attack "on unoffending persons." The West Coast, in the neighbourhood of Patea, has long been the scene of Native insurrections and of atrocious murders. Major McDonnell, commanding the Colonial Forces in that district, states in his Despatch in the *Gazette*, that the rebels had become so bold as to render it unsafe to move outside of the redoubt. In this state of affairs, Major McDonnell made, in spite of the smallness of his force and the inclemency of the weather, a night attack with 127 men, on a village in which the rebels were congregated, and at daybreak attacked its fortified huts. When he had captured the village, his force, including seven wounded men, were in a most critical position, as the forest path by which he had come was occupied by reinforcements of the enemy. Isolated in an unknown bush, fatigued by an arduous night march, and by the subsequent severe engagement, their return intercepted by an unseen enemy, charged with several prisoners and seven wounded men, Major McDonnell and his gallant force were still equal to the emergency. They repulsed and killed many of the enemy, and brought the wounded and the prisoners back to camp.

The description given by Lord Carnarvon of this engagement is, that "a Native village on the "West Coast, after being summoned to surrender, was attacked by a Colonial Force, and escape being "cut off, about thirty or forty persons were killed." This description is inaccurate, as the "escape cut "off" was that of the assailants and not of the assailed. No doubt the real question at issue is, whether an "unwarranted and merciless attack on unoffending persons" was made. That question is sufficiently answered in the negative by even a slight reference to events during the last six years on the West Coast. The country in the neighbourhood of Patea has been for that time the centre of sedition and fanaticism, and the scene of cold-blooded murders. The Natives have been constantly in arms against the Queen, and have never until quite recently made submission. General Cameron, with two or three thousand men, was engaged for many months in trying to reduce these Natives to submission. He entirely failed in that object. General Chute gallantly effected much, but did not complete his work. For the last twelve months the Colonial Forces (including, as is always meant by the term, Native Troops) have indefatigably laboured to stamp out the remaining embers of insurrection (ready as they are at any time to burst into flame), and to restore tranquillity. This had to be done from time to time, as opportunity offered. The Colonial Forces are not numerous enough, nor sufficiently equipped to hold a chain of out-posts, and to invest pas with two thousand men and Armstrong Artillery. Their warfare may not accord with War Regulations, but it is one necessary for and suited to local circumstances, and also one which on the East and West Coasts has already resulted in brilliant successes which have elicited the warmest commendation both from the Imperial Government and the English press, and have materially tended to the practical suppression of disturbances and to the security of life and property.

Ministers think this is a fitting occasion to remark upon the peculiar action of the Imperial Government towards the Colony:

It is true that the Colony has requested the removal of the Imperial Troops owing to the imposition of conditions antagonistic to the existence of responsible Government, to efficiency and economy, and for no other reasons. But, while acquiescing in their withdrawal, Ministers have to complain of the manner in which it has been effected. Even if it be conceded (a large concession) that, as Lord Carnarvon terms it, all the regiments other than the one Battalion proposed to be left in New Zealand, may be regarded as *in transitu*, and therefore not within the jurisdiction of the Governor of the Colony, the same reasoning cannot be applied to that one Regiment, and Ministers protest against the unconstitutional manner in which the

authority of the Governor has been superseded. They contend that it is beyond the power of a Secretary of State to issue instructions to a subordinate officer which virtually cancel the commission held by Her Majesty's representative in this Colony. If the Imperial Government did not consider that their instructions were carried out by the Governor, the obvious course was open to relieve him from his duties, and not to resort to the unconstitutional course of delegating his powers to a subordinate officer from a desire to avoid such an alternative.

The Governor of the Colony, as the Representative of the Queen, is an integral part of the Constitution of the Country, which Ministers are bound, as far as possible, to maintain inviolate; and they are alarmed when a Secretary of State seeks to set aside the Constitution by a formal Despatch.

Nor is their objection on this point merely theoretical. It has been ascertained from reliable sources that the rebel Natives on the West Coast were on the eve of tendering their allegiance at the very time selected by a subordinate officer to give orders for the withdrawal of Imperial Troops occupying certain posts on that coast. It cannot be doubted by those who know the rapidity with which news is circulated amongst the Natives, that they are already acquainted with the reason of these orders, and understand that these detachments are removed in contempt of the authority of Her Majesty's representative. Neither can it be a matter of doubt that no more effectual mode could have been adopted to encourage those in rebellion.

Had the Governor been enabled to inform these Natives who were lately on the eve of making their submission that he would take upon himself the responsibility of removing the soldiers so soon as he was satisfied of their return to loyalty,—it is not improbable that the outstanding rebels would quickly have submitted.

The same objections are applicable to the mode in which detachments have been withdrawn from outposts in other parts of the Colony.

While thus objecting to the agency by which, and the manner in which the withdrawal of the Troops has been effected, Ministers deem it wholly unnecessary to rebut any opinion which might be entertained that they or the Colony objected to their being withdrawn, and they take this opportunity of reiterating the statement made in their Memorandum of the 15th ultimo, in reference to Lord Carnarvon's Despatch No. 49, of the 1st December last, to the effect that they absolutely decline to accede to the terms sought to be imposed on the Colony for the retention of one Regiment. They accept the removal of the Troops and the consequences, but this being effected, they would observe that the Colony has claims which entitle it to, at least, the courteous consideration of the Imperial Government.

It is animated by the warmest sentiments of loyalty to the Queen, and feels lively gratitude to the British nation for the aid so generously extended to it in a time of great emergency. It has organized and maintained during the most critical period a force of ten thousand men; it has expended millions in the active suppression of insurrection; it has sacrificed valuable lives and undergone all the miseries of civil war; it has imposed on itself a large increase of taxation; but above all, it has undertaken, in the midst of actual hostilities, to dispense with Imperial assistance, and to fulfil, from its own unaided resources, a task unparalleled in the history of colonization. Self-protection in the history of other Colonies has but too frequently resulted in the maltreatment and ultimate annihilation of the Natives, but New Zealand has made and is making every effort for the preservation and civilization of the Aboriginal race. The Crown of Great Britain has contracted sacred obligations in respect of that race, on the faith of which it assumed the possession of the country—obligations which no sophistry can annul, and which cannot, according to any standard of morality, be transferred to other persons. The Imperial Government has now altogether relinquished to the Colonial Government the fulfilment of these obligations. It is strange therefore that while by its action the Imperial Government has reposed such implicit confidence in the Colonial authorities, it should in words be so ready to carp at their acts, and to mistrust their conduct. Nowhere does this strange inconsistency appear in greater contrast than in the Despatch now in question, in the commencement of which Lord Carnarvon reiterates, with apparent satisfaction, the abandonment by the Imperial Government of both races to each other, while at the end he so lowly estimates the Colonial authorities as to believe them capable of an "unwarranted and merciless attack on unoffending persons" of the Native race. If that estimate be correct, what satisfaction can His Lordship derive from the contemplation of an arrangement which entirely vests in the Colonists the maintenance of the faith of the Crown, and even the existence of the Aborigines?

Ministers believe that the Colony will honorably fulfil the momentous trust imposed on it. But at the outset of its career, when it is struggling under unexampled difficulties to do its duty, and when Great Britain withdraws all her material aid, it is not too much for the Colony to expect from British statesmen some modicum of moral aid even though it consist only in words of encouragement. At such a time and under such circumstances it is not too much to expect that every constitutional privilege of the Colony should be faithfully respected—that the conduct of the Colonial Government should be regarded with every desire to place on it the most favourable construction—and that every word which tends to estrangement from the mother country, and to bitterness of feeling between the Colonists and the Natives should be scrupulously avoided by the Imperial Government. Unhappily this has not been the case. The Imperial Government has ignored the constitutional position of the Governor; and has in successive Despatches displayed a sense of irritation and a proneness to take and give offence, which are much to be deplored.

Ministers are unable to perceive either equity or good policy in such a course of action. It is unworthy of the great Empire to which New Zealand colonists are proud to belong; it is unjust to the Colony; and it is dangerous to the welfare of the Aboriginal race, to which the faith of the Crown has been solemnly pledged.

Ministers have noticed at length the subjects brought more prominently under review in Lord Carnarvon's Despatch, not because they are entitled to any pre-eminence among the calumnies which originate with or obtain currency through the instrumentality of officers in the Imperial Service residing in New Zealand, but simply because they are the most recent of a series which from time to time have obtained an injurious circulation in the mother country before an opportunity has been

afforded to the Colonial Government to place the facts of each case before the public. Ministers may instance the case of the purchase of the Waitotara Block, in which the General commanding Her Majesty's Forces thought it not inconsistent with his duty to send home without any communication with the Governor the statement of a private individual traducing the character of a high official in the service of the Colony, by stigmatising the act in which he had been officially engaged as an "iniquitous job." Ministers would refer also to the startling calumnies sent home by Colonel Weare in which accusations are brought against His Excellency, the Commander of the Forces, and the Colony, of so serious a character, that nothing but a public investigation can possibly meet the requirements of the case.

It is true that these charges were in part withdrawn by Colonel Weare on the eve of his departure for England, but Ministers are of opinion that had the Imperial Government been properly jealous of the honor of the persons against whom these charges were made, it would have insisted on a public investigation. The story of the imputed atrocities might, had Colonel Weare's request been acted upon, have been circulated through the length and breadth of England, estranging the affections and alienating the respect of our fellow countrymen in Great Britain, without the Colonial Government being aware of the existence of such calumnies.

Ministers might adduce other instances of a similar kind, and more notably Mr. Commissary General Jones' letter to the Assistant Military Secretary of the 20th August, 1865, and Mr. Deputy-Commissary General Strickland's letters of the 8th November, 1866, as to which latter Ministers will shortly make a separate communication.

Grave charges against the Colonial Government and the Colony, and an objectionable system of secret calumny have not, Ministers feel bound to say, met at the hands of Secretaries of State for the Colonies that indignant rejection which the Governor and Her Majesty's Colonial subjects had equally a right to expect when their reputation and conduct were secretly attacked.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 30.

His Honor D. McLEAN, Esq., to the Hon. E. W. STAFFORD.

SIR,—

Napier, 9th October, 1866.

I regret to have to report to you that since my return from Wellington the position assumed by the body of armed Hau Haus who have been for some time encamped a few miles from Napier, has become such as to require serious preparations to be made for the security of life and property in the Province.

When in Wellington, about the 1st and 2nd of October instant, I acquainted you that there was then an armed body of men numbering about one hundred, at a place called Petani, distant eight miles from Napier Town, and that a larger body of Natives were encamped at Te Pohui, a wooded position sixteen miles in the rear of Petani. These people were all Hau Haus, and, as I informed you, they were reported by Colonel Whitmore and other settlers to be committing depredations on the property of those persons in whose neighbourhood they had taken up their quarters.

On my return to this place I found the position of affairs very much as I had reported them to the Government. The resident Natives at once came to me and confessed their conviction that the Hau Haus had come to fight, and that in their opinion they were supported by the disaffected people in the Taupo country and Waikato. From these, and from the friendly Natives on the East Coast, I received information of projected movements by the Hau Haus which went to establish the fact that a plan was organized under which a general movement of the disaffected Natives was to take place shortly, and that this place, if feasible, was to be the point of attack, but if not, then an attempt was to be made to attack Wairoa and Poverty Bay. This place however was to be preferred, as it offered larger inducements in the shape of plunder and food than in the case of the other places proposed to be attacked.

On Thursday last, the 4th October, the party of Hau Haus who had been at Petani moved from that place and marched to a pa called Omarunui, which is situated on the Meanee River, and is in the centre of the settled agricultural district adjoining Napier Town, and known as the Meanee.

On the approach of the Hau Haus the Native owners and residents of Omarunui vacated their pa and took refuge in the Pa Whakairo, the head-quarters of our resident Natives, and which is situated about a mile from Omarunui. The Hau Haus at first numbered about one hundred armed men, and they have since been reinforced by another party of forty; but they have considerable reinforcements at the Pohue and Titokura, the exact number of which I am unable to obtain a reliable account of, but which probably number another 150 men. In addition to these forces, the general opinion of the resident Natives, and my own impression agrees with theirs, is, that so soon as the struggle commences they will be largely reinforced by Ngatimaniapoto and Ureweras. The Hau Haus on the Meanee are headed by Kingita, Paora Toki, and Panapa, three Natives of known bad character, and the reserve at Titokura by Rangihiroa and Anaru Matete, both of whom are known as among the most disaffected Natives in the country.

I enclose copies of different letters which I have written to these Natives, and the replies they have sent to the same; also copies of letters which have been addressed to me by the resident Natives on the subject. From these letters you will gather that I have urged them to explain their motives in coming into the district, and desired them to return to their own homes, and that their replies are anything but satisfactory. Mr. Hamlin, the Government Interpreter, who was the bearer of my last letter to them, describes them to be in a sulky and evilly-disposed state, and he states that they told him their future conduct whether for good or evil would depend upon the directions their Hau Haus god might give them. In the meantime they are living upon the food of our friendly Natives which they obtained in the Omarunui Pa, and taking up their seed potatoes and eating them, and are killing the cattle of the settlers in their neighbourhood and eating them.

Under these circumstances I have deemed it right to make the best preparations in my power for the safety and security of the district, and have taken the following means for that purpose.

It must be remembered that a large and straggling population exists outside the locality in which the Hau Haus are now encamped, and that any movement on our part without due precautions being taken for the safety or removal of those settlers would bring about disastrous results.

The steps which I have taken, and which I now beg to report, are as follows:—I have called out the Militia and Volunteers, and am causing them to meet daily in order that if required they may be at once available. Major Miller, of the 12th Regiment, has kindly offered, under the circumstances, to march to Napier thirty out of the forty-five men who occupy the stockade at Waipaoa Mate. The object in bringing these men down is to secure an efficient guard for the magazine and the barracks, Town of Napier, the magazine having been especially named by the Hau Haus as one of the chief objects of their expedition.

I have ordered Major Fraser into Napier with the Military Settlers under his command now stationed at the Wairoa. His force will probably number about forty-five men.

I have called upon the Chief Ihaka Whanga, of Table Cape, and Kopu, of the Wairoa, to come down with such forces as they can muster, and I have arranged with a steamer accidentally here to proceed this afternoon to the Wairoa and Table Cape to convey these forces to Napier. They will probably arrive to-morrow. In addition to these forces there are the resident Natives, who are eager and willing to carry out any instructions that may be given them, and who muster probably 200 men, although few of them have ever seen any service and are badly armed, while the enemy is reported to have arms of the best description.

It will be seen that by to-morrow night, if these measures are successful, a force will be collected with which I trust to be able to deal conclusively with the intruding Hau Haus, which I trust may be done without bloodshed, for able as I shall then be to surround them with an infinitely superior force, I trust to obtain their submission, and by that means to absolutely crush out the danger which at present menaces the district.

The expense involved in these preparations will be small, and I trust will be considered slight as compared with the results which will be obtained, if an attempt such as the present is decisively met and at once successfully settled.

Trusting that the measures I have had to report will meet the approval of the Government, and regretting the necessity which has in my opinion rendered them necessary.

The Hon. the Colonial Secretary, Wellington.

I am, &c.,

DONALD McLEAN.

Enclosures.

FRIENDS,—

Napier, 5th October, 1866.

I have heard from Te Moananui and Te Hapuku the statement made by you that it was my letter which brought you to Petane. If the Rangihiroa were one of your number, and you were coming to abandon evil proceedings, then it would be understood that your intentions were for peace, and in accordance with my letter. I am not yet clear whether this expedition of yours is intended for evil or for good. Therefore I say go back to your own homes; and when you visit Heretaunga do so in a proper manner when you are invited, and with intentions of peace, that what you mean may be known to us and the Chiefs of Heretaunga. It is not right that you should go to Pāwhakairo. Our thoughts and those of the Chiefs of Heretaunga are one.

To Panapa and friends, Te Rapaki.

From your friend,

D. McLEAN.

To MR. McLEAN,—

Te Rapaki, 5th October, 1866.

We have received your letter brought by Noa and Edward (Mr. Hamlin); we see that you are asking Yes. Do you listen, Peace is a property and evil is also a property. This is the answer to your question: Our thought is that we have not yet been judged by you and the chiefs, since while we were on the road we were sent back by you. Now talking is at an end.

To Mr. McLean.

From us all.

FRIENDS,—

Napier, 5th October, 1866.

I am at a loss to know the meaning of the one sentence in your letter which speaks of the knowledge which I and the Chiefs possess. I do not know what this means, and I wish you to explain it.

To Panapa and his friends, Rapaki.

From your friend,

TE MAKARINI.

To MR. McLEAN,—

Te Rapaki, 5th October, 1866.

Saluting you. This is the word to you: You have already known, and so also have the Chiefs of Heretaunga.

Na MATOA KOTOA.

To MR. McLEAN,—

Te Papaki, 5th October, 1866.

Friend, saluting you. This is the word into your long searching as to the meaning of that sentence. This is your word: That we should come here, and throw off the foolish god.

From us all.

FRIENDS,—

8th October, 1866.

I have received your letter which states that you came in to throw off your foolish god. Te Hapuku, Noa, and Paora Kaiwhata have been to you and told you that, if this statement be true, Panapa should come to the Pa Whakairo and arrange matters at that place before coming in here. Now you did not accede to their proposition—you answered that all were "Panapas." I do not know what this sentence means, and what you mean by your proceedings in general. To the request that you should return peaceably to your homes you have turned a deaf ear—it was a good word from us all (to you). Now if your intentions are evil tell us, and if good let us know, that we may shortly understand each other.

To Panapa and friends, Rapaki.

From your friend,
D. McLEAN.

Sub-Enclosure 2 to Enclosure in No. 30.

EXTRACT from the *New Zealand Gazette*, 1866, No. 56.

The Hon. E. W. STAFFORD to His Honor D. McLEAN, Esq.

(No. 328.)

Colonial Secretary's Office,

SIR,—

Wellington, 17th October, 1866.

The Government has received intelligence of the successful result of the engagement which took place on the 12th instant, between a force composed of Militia and Volunteers from Napier, and of friendly Natives in the vicinity, and a body of armed rebel Hau Haus who had encamped at Omaranui, threatening the safety of the town, plundering the settlers and the resident Natives, and refusing to give any satisfactory explanation of their intentions.

The Government earnestly trusts that the energy and gallantry displayed by the Colonial Forces under the direction of your Honor and the Officer commanding the Militia and Volunteers, and the vigorous measures taken for the suppression of the first symptoms of armed insurrection, will have the desired effect of at once restoring and securing peace and safety throughout the Napier District.

The promptitude shown by your Honor in the organization of the necessary measures for the expulsion of these armed fanatics, and the patriotic courage of the Colonial Forces under the command of Lieut.-Colonel Whitmore, deserve high praise; and although the Government has not yet received any official account of the engagement, I have to request your Honor to be good enough to communicate to Lieut.-Colonel Whitmore, and to those who served under him, the thanks of the Government for their conduct on the occasion referred to, and its sympathy with those who were wounded, and with the survivors of those (fortunately so few) who were killed by the enemy.

His Honor D. McLean, Napier.

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

Sub-Enclosure 3 to Enclosure in No. 30.

His Honor D. McLEAN, Esq., to the Hon. E. W. STAFFORD.

SIR,—

Napier, 15th October, 1866.

In continuation of my report to you of the 9th instant, I have now the honor to state that the preparatory measures then contemplated have been carried into effect.

On Thursday, the 11th instant, Major Fraser arrived from the Wairoa with forty rank and file of the Military Settlers, accompanied by the Chiefs Kopu and Ihaka Whaanga, with thirty of their followers.

The same afternoon, Lieut.-Colonel Whitmore, who was in town waiting for orders, had the forces under his command marched at midnight towards the several positions to be assigned to them, as detailed in his full and explanatory Despatch herewith enclosed.

I may be permitted to state that the zeal, alacrity, and high spirit displayed by all classes of the European inhabitants during a time of imminent danger, reflects the greatest credit upon the community, who as loyal subjects were prepared and resolved to uphold Her Majesty's lawful authority within the district.

Almost simultaneously with the movement of the European forces, the friendly Natives of Pawhakairo were communicated with by Mr. Locke, a gentleman who justly possesses great influence with them. The several chiefs and their followers were, with Mr. Locke, at their positions by daylight, having failed in every effort used to bring about a settlement of impending hostilities.

I addressed a letter to the insurgent Natives at Omaranui, the translation of which is herewith enclosed, having previously, in order if possible to avert bloodshed, requested Lieut.-Colonel Whitmore to surround the enemy's position with a large force, in the hope that this might be the means of inducing unconditional surrender without recourse to arms.

In this expectation I was however disappointed, and after granting a further extension of three quarters of an hour beyond the time stipulated in my letter sent by Mr. Interpreter Hamlin to the enemy, the white flag was hauled down, the Union Jack hoisted, and the forces advanced to the several positions assigned to them by the Officer commanding.

The engagement which then took place is so ably described by Lieut.-Colonel Whitmore that, without any addition of mine, the Government can gather the fullest information in reference to it from that gallant officer's Despatch.

I herewith enclose plans of the enemy's position at Omaranui.

Almost at the same time that military operations were taking place at Omaranui, Major Fraser's small force of Military Settlers, ably seconded by Captain Carr, of the R.A., and some Volunteers, became engaged at Petane, with the Rangihiroa, the head chief of Tarawera, a most turbulent and dangerous man, who took a prominent part in promoting the Hau Hau faith at Wairarapa and elsewhere.

This chief and eleven of his followers were killed.

The loss sustained by the enemy in both engagements is thirty-three killed and twenty-nine wounded, and forty-seven taken as prisoners.

The casualties of the combined forces of Europeans and Natives have been one European and two Maoris killed, and one Officer (Captain Kennedy), eight Europeans, and four Maoris wounded.

I herewith enclose Major Fraser's Despatch, addressed to Lieut.-Colonel Whitmore, reporting the spirited engagement that took place under that gallant officer's command at Petane.

I should fail in my duty to Lieut.-Colonel Whitmore and the officers and men of both races under his command, if I did not represent to the Government how strongly I feel that services so cheerfully rendered and so ably carried out are deserving of some marked public recognition on the part of His Excellency's Government.

I feel assured that the result of such successes as those of last Friday will exercise such an influence throughout this Island as must tend to neutralize the designs that are being matured by the Hau Hau fanatics for the extirpation of the Europeans and friendly Natives.

The enclosed copy of a letter from the Reverend S. Williams shows that an attack on the town of Napier had been planned by Panapa and Rangihiroa. It is also stated by the prisoners that the attack was to have been made in three days.

I have also to report that an expedition has been started this morning to follow up Paora Toki, Anaru Matete, and others, to Titiokura, composed of seventy Volunteers under Lieut.-Colonel Whitmore, the Military Settlers under Major Fraser, and about one hundred of the Natives of the district, with Ihaka and Kopu's followers from the Wairoa.

The capture of Paora Toki, who is a most badly disposed Native, would be of great importance.

The instructions to Lieut.-Colonel Whitmore are herewith enclosed.

I should recommend that the prisoners taken should be sent to the Chatham Islands, and that the Government should be prepared to meet any future emergency that may arise in this district, and that a supply of arms and ammunition should be sent without delay in a Government steamer, to be retained on this coast during the present unsettled state, and while the Natives are concocting plans in the interior for a combined movement on this district.

I have, &c.,

DONALD McLEAN.

Enclosures to Sub-Enclosure No. 3.

(Letter sent with a Flag of Truce.)

SIRS,—

Napier, 11th October, 1866.

I have addressed several letters to you asking you to explain the reason of your coming to Heretaunga. Up to the present time you have not given any reason for that act. You have come armed into a peaceful district, and created confusion and disturbance. You have declined to go back to your homes when called upon to do so. I have now determined to put an end to this state of things, and I require you to give up your arms and surrender yourselves to the Officer commanding the forces in one hour from the time you receive this letter. A white flag will be kept flying for that hour, and if at the expiration of that time you have not surrendered another flag will be hoisted, and you will immediately be attacked. This is all from

McLEAN.

Lieut.-Colonel WHITMORE to His Honor D. McLEAN, Esq.

SIR,—

Napier, 13th October, 1866.

I have the honor to inform your Honor that, in conformity with the arrangements made with you on the evening of the 11th instant, I caused the Napier Militia and Volunteers, number as per margin,* to be paraded about midnight, and to march by various routes to the vicinity of the Oamaru Pa. Although the time was scarcely more than requisite to traverse the distance, all the bodies placed under my command, whether European or Native, were at the posts I assigned to them as day broke. I had erected a flagstaff during the night opposite the pa, on which, at daylight, I hoisted a white flag. I then sent Mr. Hamlin, my interpreter, across the Tataekuri to the pa, which is, as you are aware, situated on its banks, with the letter you had prepared to serve as an ultimatum. For some time the Natives took no notice of Mr. Hamlin, but ultimately they received his letter, and he returned to me. By your letter, the Hau Haus were promised that they should not be molested for one hour, after which they would be attacked if they did not lay down their arms. In reply, they told Mr. Hamlin they thought the time rather short, but did not lead him to suppose that if it was prolonged it might influence their conduct. By this time it was six o'clock a.m., and you had reached the field, and had learned the result of the letter; you then informed me that you did not wish to disturb any part of our plans, but that you trusted I would endeavour to carry out the service with as

* Europeans—Strength, armed men:—

	Officers.	N. C. O.	R. and F.
No. 1, Militia	3	2	38
No. 2 „	3	2	38
No. 3 „	2	1	17
No. 4 „	2	2	44
Napier Volunteers	3	2	43
Cavalry Volunteers	1	1	24
	14	10	204
Deduct guards, canoes	...	...	13
	14	10	191
„ „ ammunition	...	...	12
	14	10	179

Natives—Nearly 200, of whom 70 were on the hills.

little bloodshed as possible. I therefore waited for three-quarters of an hour beyond the time at first granted, and the force advanced closer to the position.

At seven o'clock, two hours after I had sent the letter, I sent Mr. Hamlin once more forward, with a small white flag on a pole, to inform the Hau Haus that I would wait no longer. They replied that there was no reason to do so as they meant to fight. By this time, the force very nearly surrounded the pa. The Cavalry Volunteers, enrolled the previous evening, had been despatched to seize the canoes at Park's Island, believed to have been intended to enable the Hau Haus to escape, or to cross the harbour to attack Napier. Captain Gordon was thus prevented from joining me at Omaranui till a later period and to fill the place intended for the Cavalry. I was obliged to avail myself of the detachment of No. 3 Company which Captain Rhodes had with so much zeal brought up from Clive and Havelock on horseback. I also was obliged to make a further slight change of plan and posted Captain Buchanan's Company of Rifle Volunteers and Mr. Brown's section of Militia about five hundred yards up stream of the pa, under cover of a ditch and bank fence. The Native Contingent, under Tareha, Hapuku, Ihaka, Kopu, Renata, and Karaiteana, and directed by Mr. Locke, occupied the edges of the swamp and outside of the cultivations, at a distance of several hundred yards, opposite the dray entrance. I formed the Napier Militia, Nos. 1 and 2 Companies, and a part of No. 4 Company, into open column. This part of the force was placed under Major Lambert, and I gave the signal to advance and to hoist the Union Jack at the flagstaff from this point. On sounding the advance, Major Lambert moved steadily forward and gained the top of the river bank, where he at once came into collision with the enemy. I found the Hau Haus drawn up and armed, and myself ordered the leading files to fire. We then received their fire and returned it, penetrating the outer courts of the pa. At this moment, part of the Native Contingent which had approached the pa also entered the outer parts, and, coming unexpectedly under fire, moved to the right in some disorder to take shelter under the river bank. Their movement disordered our Militia, and finding our men entangled with the Natives, I ordered them to take cover under that part of the bank which commanded all the ground we had taken. It was just now that Captain Kennedy, commanding No. 2 Company, was wounded; and, finding him apparently determined to remain with his men in that condition, I ordered him to leave the field, and Lieutenant Wilson took command of the Company. A very hot fire was now kept up for a quarter of an hour, and the friendly Natives joined our men and gradually pushed back the enemy, who abandoned the huts and took shelter in a hollow roadway near the further end of the pa, where he found complete shelter. Finding I could not easily dislodge them from this without unnecessary loss, I now sent orders by Mr. Hamlin to the Napier Volunteers to advance on the pa by the river. The fire from the main body was then stopped to enable the Volunteers to leave the shelter of the bank which protected them from our cross fire; but as it slackened, Captain Buchanan drew out his Company and gained the river bed. At first, so exposed were the enemy to this new advance, that the Volunteers mistook the men for friendly Natives and withheld their fire, but at length, being perceived and fired upon themselves by the enemy, the Volunteers opened fire and quickly drove him out of his position. Major Lambert thereupon moved up the bank, and drove the Natives into the last of the several court-yards into which the pa was sub-divided, many of the friendly Maoris notably. Takeha now moved up also, and in a few moments the last stronghold would have been carried by assault had the enemy not at this moment displayed the white flag. After some time in making his surrender known and stopping the fire, I called to the chief man to advance and lay down his arms. This having been done, he assembled the survivors of his party, whom I placed under charge of Tareha. Meanwhile a party, unperceived by me, had quitted the pa and had come into collision with the detachment of No. 3 Company, which had taken up the ground vacated by Captain Buchanan and Mr. Browne. Captain Rhodes met this party in a spirited manner, and delayed it for some time, but, being unable to get his horses through the fence, was prevented from arresting the flight. I now reached the spot, and, fortunately receiving intelligence of the arrival of the Cavalry, I sent for Captain Gordon and his men. Mr. Ferguson, of No. 3 Company, in gallantly endeavouring to delay the fugitives, had his horse shot under him. Captain Gordon overtook the fugitives before they gained the summit of the hills, where his leading files assailed them with their sabres (the only arm I had to give them), and they surrendered after some resistance; a few straggling Hau Haus escaped. The number at present is unknown; one, however, was taken this morning, and another was found dead, so that, according to the prisoners' account, nine only remain unaccounted for, of whom some may be dead in the adjoining swamp, where they were heavily fired upon.

In this action, which lasted nearly an hour and a half, which was maintained with the greatest gallantry by our forces, and an obstinate bravery, possibly stimulated by fanaticism, on the part of the enemy, I have to regret the loss of one man of the Colonial Forces and two of the Native Volunteer Contingent, among the former, one officer (Captain Kennedy), and eight men; of the latter four Maoris were wounded. The exact number of the enemy's casualties I do not yet know, but twenty-three have been buried, and at least as many are now wounded in our hospital. The prisoners amount to seventy-six, and of these two are chiefs of secondary rank, Nikora and Henare, while Kipa, the head chief, Panapa the prophet, and Kingita a notorious character, are killed. The enemy had the advantage of position and cover to compensate him for a disparity more apparent than real of number. The Militia and Volunteers turned out 204 rank and file, being every resident between the ages prescribed for the first and second classes for whom on such short notice arms could be obtained. But out of this number I had to furnish a guard of thirteen men for the canoes, and another for the reserve ammunition, so that there were not more than 180 actually engaged. None or almost none of these men had ever been before in action yet they marched in excellent order straight into the pa, and though borne on one side by the Native Contingent, they never again allowed the enemy to re-occupy that part of the pa they had at first taken, and gradually gaining ground under a very hot fire eventually hemmed him in a space of a very few yards of ground. Only a part of the European force was employed in attacking the pa in front. It is true the reserve and Volunteers made a flank movement which materially affected the result, but at no time were there more than 100 men about the pa itself in actual collision with the Natives. It may be out of place to remark, but I pray your

indulgence in doing so, that the manner in which all ranks turned out was beyond all praise, and proves the high spirit and determination to support the law which animates our settlers. At seven p.m., on the 11th, I assembled the officers for the first time, and told them of the intended expedition, explaining what duties and posts were assigned to them, and the hour at which I wished them to parade. The men, who had done their usual day's work, were summoned to march that night quite unexpectedly, and the last left this town at midnight with scarcely an absentee, and leaving no stragglers on the road. They then marched nine miles to the ground, fought the action, and returned to Napier in capital order, carrying their wounded with them. These were not trained soldiers, but civilians from the town, who left their shops and their work at a short notice during the night, and countrymen who left their homes with just enough warning to dress and reach the rendezvous. Captain Rhodes's Company from Havelock and Clive, unable to march on foot so great a distance in the time, was represented by upwards of half, who voluntarily obtained horses and rode to the ground. So high a spirit made success certain, and could only have resulted from the firm determination of the settlers of this Province to put an end to a state of things which of all others is most repugnant to an Englishman's feelings of submission to and respect for good order and the law of the land. I must not omit to bring to the especial notice of the Government the assistance afforded me by the officers of all ranks. To have assembled their men from every part of this scattered town and from their farms in the suburban lands during the night in a couple of hours, was, notwithstanding the willingness of the men, most creditable to the zeal of the officers, commissioned and non-commissioned. Failing enough arms, I authorized Captain Gordon, late of the Iniskilling Dragoons, to raise a party of horse, armed with swords alone, from the unarmed men, and six more unarmed men in each company marched with us to the ground to carry the wounded and to bring up ammunition if required. The Natives had still less warning than the Europeans, but they turned out at once, and reached their posts in time. A large section was not brought under fire, but prevented the enemy's retreat on one side. Another, under the leading chiefs, did join our men. Perhaps my inexperience of their mode of warfare may have placed them at disadvantage, but they did not materially add to our strength. Nevertheless many individual acts of gallantry were performed by them under my own observation. The Chiefs Tareha, Renata, Ihaka, Kopu, distinguished themselves highly, but the two first named were conspicuous throughout the action endeavouring to induce their followers to charge: Tareha, with a sword alone in his hand, rushed among the enemy to stimulate his men. Happily no harm reached him, and a valuable ally is spared to the Europeans of this Province. Although I may have failed to afford a fair field for these Natives to fight with the gallantry which I believe they possess, their prompt assistance has been most valuable. It has shown both the genuine nature of their professed friendship, for they lost several wounded and two killed in supporting us; it adds one proof more to the many we possess of the justness of our views of the question at issue with the Hau Haus, and it enabled us to prevent almost entirely the escape of the defenders of the pa. Mr. Locke, to whom the Natives were intrusted, exerted himself with so much gallantry and zeal as to deserve my warmest thanks. Among our fellow-settlers of all ranks, many conducted themselves in such a manner as to merit any distinction the Government can bestow. I shall be very happy to designate them for such a purpose, but here I think it would be invidious to do so. I shall therefore confine myself to remarking that, but for their willingness and cheerfulness the operation could not have been carried out at all, and to stating that I did not see one solitary case of misbehaviour throughout the affair.

While these operations were being brought to a close, another part of the general plan was being carried out by the gallant Major Fraser, who has so often led our fellow settlers to success. It was arranged that Major Fraser should pass over the harbour-mouth and march to Petane, to intercept any fugitives from Omaranui, and to prevent reinforcements coming up by that route. The smart little affair which followed is so well described by Major Fraser that I cannot do better than forward his Despatch to you with this, trusting that you will recognize the behaviour of the officers whom he names.

Later on in the day, after attending the Native meeting with your Honor, at Pa Whakairo, to concert further operations to complete the discomfiture of the survivors of the Hau Haus in their especial part of this Province, and after revisiting my own home, where I had assembled a small body of Volunteers to hold one of the roads to Titiokura, I rode across to Petane, reaching Major Fraser in the night. Finding that he was not likely to be immediately assailed, and therefore not in want of reinforcements, I returned this morning to Napier. I cannot conclude this Despatch without expressing the obligation I feel I am under to the following officers for the zealous assistance rendered to me by them, which made my task a light one.

Major Lambert, commanding the main body of Militia, whose gallant example was most valuable and conspicuous.

Major Fraser, whose co-operation prevented the Hau Haus from again establishing themselves in this part of the country.

Captain Kennedy, who was severely wounded early in the action, and who led his company with great coolness and gallantry.

Captain Rhodes, who brought all his men that could get horses from Clive and Havelock, a distance too great to be marched on foot in time, and who performed valuable services in delaying the fugitives.

Captain Buchanan, whose Volunteers contributed so much to the final success, and who showed them so gallant an example.

Captain Birch, who collected the scattered Company of the Napier country districts and brought all to the field.

Captain Gordon, who raised his troop in a few hours, and armed with sabres alone, performed so much valuable service.

Lieutenant Wilson, who, after Captain Kennedy was wounded, took command of his Company, and showed it an example of cool courage and zealous obedience to orders.

Captain Withers, who, in two hours, at night, completed the equipment of the whole force, and arranged all the details of the movement, besides assisting me all day in the field.

Captain Hamilton Russell, and Mr. Agnew Brown, who acted as staff officers throughout the day most zealously, and performed much dangerous duty.

Mr. Hamlin, who acted as my Interpreter, and who on two occasions rode under a hot fire to carry out my orders, and was wounded in so doing.

With this affair, and the few days further operations required, I trust that the recent unsettled state of this district may cease, as nearly all the turbulent spirits are now killed or taken, and that your Honor may once more have the satisfaction of seeing the blessing of peace restored to our Province; and I trust I do not transgress in acknowledging the great assistance afforded me on all occasions by you, to which and to the harmony and concert with which your Honor's transactions with me have been distinguished, together with the noble conduct of our settlers, is wholly due the original success of the late operations.

I have, &c.,

G. S. WHITMORE, Lieut.-Colonel, Commanding Militia District.

To His Honor the Superintendent, Hawke's Bay.

Major FRASER to His Honor D. McLEAN, Esq.

Captain Carr's Station, Petane Valley,

13th October, 1866.

SIR,—

I have the honor to report for your information my proceedings consequent on your orders to me of the 11th instant. I marched as therein directed at 2 a.m. on the 12th, and crossed my Company* over in boats to the Petane Spit, along which we proceeded. The march was rendered very fatiguing by the heavy sand, but the men went along well and in the highest spirits. We reached the pa "Pou" about 6 a.m. and there halted for the purpose of seeing if it were inhabited and by whom; we only found in it three men, with a number of women and children. The men I arrested in accordance with your instructions to me. After a short time we proceeded to Captain Carr's station, and I caused all the settlers in Petane near Captain Carr's station to be assembled there. We arrived about 8 a.m., and I should imagine the length of the march to have been altogether some twelve miles. Shortly after our arrival, and while awaiting your orders, and the mustering of the settlers, two officers, when proceeding to bathe, saw a body of horsemen in the distance and informed me of the fact: I accordingly posted my men in such a position as to guard against accidents, and awaited their arrival. They proved to be an armed party of Hau Haus under Paora Toki, Rangihiroa, and Anaru Matete, to the number of about twenty-two; they had, I must mention, to pass through a sort of gorge before they could see us, and so I was enabled to surround them, and in compliance with your orders, call upon them to surrender. This was accordingly done, but although repeatedly asked to surrender, and although they must have seen that they were in a difficult position, they refused to do so, and attempted to gain a house which would have afforded them cover to fire on us from. I had therefore no alternative but to order my men to fire, which was hotly returned: the skirmish lasted but a short time, and at its close the casualties on both sides were as follows:—On that of the enemy twelve killed, one wounded, and three prisoners taken; on ours, one sergeant, name as per margin,† severely wounded. Paora Toki and Anaru Matete, the ringleaders, and who had said to their men "don't give up your guns," I am sorry to say, escaped, but I have now sent out a mounted and foot party to scour the adjacent country for them, as it is believed the latter is wounded; among the killed was the Chief Rangihiroa, who has so long troubled this district.

In obedience to your orders I shall remain here until further instructions. I beg that you will bring under the notice of the Government the name of Captain Carr, late Royal Artillery, who rendered me valuable assistance in surrounding the enemy and in preventing their escape. He was accompanied by three other mounted men; had there been more, none I am sure of the enemy could have escaped. Lieutenant J. G. St. George, late C. D. F., who volunteered to accompany me on this expedition, and Ensign Richardson, whose previous knowledge of the ground enabled me to place my men to advantage, rendered me very valuable assistance, for which I beg to bring their names under your notice. I may add that the men behaved admirably and coolly, and carried out all my orders exactly.

I have, &c.,

JAMES FRASER,

Major Commanding Detachment Colonial Forces, Petane.

The Rev. S. WILLIAMS to His Honor D. McLEAN, Esq.

MY DEAR MR. McLEAN,—

Napier, 13th October, 1866.

I think it right that you should be put in possession of the fact that I was informed by one of the Native prisoners taken to-day at Omaranui, the son of Rangihiroa, that yesterday afternoon a messenger was sent off by Panapa, Hau Hau leader to Titikura, to order Rangihiroa, Paora Toki, Anaru Matete and their party, to come down to-day, and take up their position at the Fishing Huts on the Western Spit, where two canoes were placed for their use, and that they were to be ready to cross over to attack the town upon notice being given when Panapa and his party were ready to make the attack from the other side.

I have, &c.,

SAMUEL WILLIAMS.

* Strength of Company—1 Field Officer, 3 Subalterns, 1 Assistant Surgeon, 37 rank and file.

† Enemy—Killed, 12; wounded, 1; prisoners, 3. Colonial Forces—Sergeant Fletcher, M.T., gunshot wound through right knee.

His Honor D. McLEAN, Esq., to Lieut.-Colonel WHITMORE.

SIR,—

Napier, 13th October, 1866.

Referring to the plan of operations discussed with you and agreed to this morning, I have the honor to state, that to avoid any complications with the Taupo or other tribes, it will be advisable not to extend the march of the combined forces of Europeans and Natives under your command beyond Waipaiati, a short distance from the Haroto. It is, however, necessary, in the event of your being able to capture Paora Toki or Anaru Matete, that you should use your own discretion in moving beyond the point referred to should it appear to you that you would be likely to secure these dangerous insurgents.

I have, &c.,

DONALD McLEAN,

Lieut.-Colonel Whitmore, &c., Napier.

Agent for the General Government.

Sub-Enclosure 4 to Enclosure in No. 30.

The Hon. E. W. STAFFORD to His Honor D. McLEAN, Esq.

SIR,—

Colonial Secretary's Office, Wellington, 25th October, 1866.

I have the honor to acknowledge the receipt of your letter of the 15th instant, containing the official account of the successful engagements on the 12th of this month with the rebel Hau Hau Natives at Oamaru and Petane.

My letter, No. 328, of the 17th instant, written before I received your letter, will already have informed you of the satisfaction with which the Government received the intelligence of the energetic and effective steps taken to expel the insurgent Hau Haus, and to preserve tranquility.

The Enclosures to your letter sufficiently indicate that these Natives intended an attack on Napier, which has, however, been happily frustrated by the arrangements so promptly made by you, and so efficiently executed by Lieutenant-Colonel Whitmore and the men under his command.

I have, &c.,

E. W. STAFFORD.

His Honor D. McLean, Napier.

Sub-Enclosure 5 to Enclosure in No. 30.

His Honor D. McLEAN, Esq., to the Hon. E. W. STAFFORD.

SIR,—

Napier, 30th October, 1866.

I have the honor to forward for your information the enclosed correspondence between Major Miller commanding the troops and myself.

I feel greatly indebted to Major Miller for the cordial support I have invariably received from him.

I have, &c.,

DONALD McLEAN.

The Hon. the Colonial Secretary, Wellington.

Enclosures.

Major MILLER to His Honor D. McLEAN, Esq.

SIR,—

District Office, Napier, 11th October, 1866.

Having, in compliance with your request, removed as many of the men from the stockade at Waipawamoti as I deemed advisable, I have the honor to inform you that upon the arrival in Napier of these men this evening I shall have at my disposal a force of about fifty men, and have to request you will be good enough to inform me whether, in the event of the Colonial Forces taking the field, you would wish the Imperial Troops to co-operate with them, and if so, that you will be good enough to furnish me with written instructions to that effect.

I have, &c.,

J. E. MILLER, Brevet-Major 1-12th Regt.,

Commanding Hawke's Bay.

The Superintendent, Hawke's Bay.

His Honor D. McLEAN, Esq., to Major MILLER.

SIR,—

Napier, 11th October, 1866.

I have the honor to acknowledge the receipt of your letter of to-day's date, and in reference to the employment of the Imperial Troops to co-operate with the Colonial Forces, in the event of the latter taking the field, I have the honor to state that at present I should consider it more important that the Imperial Troops, the most of whom have come in from a long march, should remain to garrison the Town of Napier.

I have to thank you for the promptness with which you have offered the services of the force under your command.

I have, &c.,

DONALD McLEAN.

Major Miller, Commanding Troops, Napier.

His Honor D. McLEAN, Esq., to Major MILLER.

SIR,—

Napier, 12th October, 1866.

I should feel much obliged if you would for the present (until other arrangements are made) be good enough to allow the prisoners to remain under a military guard at the Gore Brown Barracks.

I am also anxious to convert one of the Maori whares near the barracks into a temporary hospital for the wounded Natives, if you have no objection to their being placed there.

I have, &c.,

DONALD McLEAN.

Major Miller, Commanding Troops, Napier.

Sub-Enclosure 6 to Enclosure in No. 30.

EXTRACT from *New Zealand Gazette*, 1866, No. 54.

Major McDONNELL to UNDER SECRETARY, Colonial Defence Office.

SIR,—

Patea, 4th October, 1866.

In my Despatch No. 94, of the 26th ultimo, I had the honor to state, for the information of the Honourable the Defence Minister, that the rebels in the vicinity of our position at Te Whenuku were becoming so bold and annoying us so much, that unless a blow was inflicted upon them without delay it would be impossible to move outside the redoubt, and also, that notwithstanding the paucity of my numbers and the inclemency of the weather I had determined at all risks to attack them at once.

By dismounting all the cavalry and leaving in the three redoubts occupied by our forces barely sufficient men to hold them, viz. :—at Kakarama, 25 of all ranks ; at Hawera, 30 ditto ; at Whenuku, 55 ditto ; I was enabled to parade the following force* at Te Whenuku, and marched out of camp at 6.30 p.m. From information I had collected, I was induced to believe that the bulk of the Ngaruahine were located some distance back in the bush, between the Waingongora and Inaha Rivers, and in a straight line not more than seven miles from our redoubt at the Whenuku, but the late heavy rains had so swollen the Waingongora River that it could only be crossed by the bridge between the two Imperial redoubts near its mouth, thus necessitating a *detour* of over twelve miles.

Of the exact whereabouts of the enemy I had no certain information, but trusted to drop upon them somewhere. Crossing the bridge at 9 p.m., I marched straight inland, and after proceeding about seven miles, entered the bush at 12.30 a.m., at a point midway between the Inaha and Waingongora Rivers, having passed through the site of the village of Ahipaipu, burnt by Colonel Butler, 57th Regiment, in January last. The night was pitch dark, and we lost our way more than once. A cold bleak wind was blowing and the ground was wet and soft. Notwithstanding all these drawbacks, the behaviour of the men was most exemplary. Pursuing the track through the bush for a mile, we emerged into a clearing, and here halted the force under the shadow of the trees to await daylight and to rest the men. When the first streaks of daylight appeared in the sky I moved on cautiously. The track led through alternate belts of bush and clearing and across a tributary of the Inaha, and shortly merged into a broad road. Following this for some distance we came in sight of the village of Pungarehu, situated on the other side of a swampy creek, in a clearing intersected by strong cattle fences and containing several large whares, five of which were fortified. As we crossed this creek and were ascending the other side, the dogs began to bark. I immediately ordered the leading sections, under Captain Newland, to extend from the centre and to rush into the village. As we leapt the fences I called upon the inmates to surrender: they replied by heavy volleys from the doors and windows of the houses. We returned the fire, and rushing to the fortified whares, scraped the earth off the roofs and pulled down the slabs to fire at the inmates. In several instances they ran out of the doors, and, firing their pieces into us, tried to escape into the bush, but were shot down. In half-an-hour we were masters of the position, and the firing ceased. While engaged in setting fire to the whares, and completing the destruction of the village, a heavy fire was suddenly opened upon us from the bush at the opposite side of the clearing, and it gradually increased and extended to our right, towards the road by which we had advanced on the place. As, from the heavy and incessant firing, it was evident that strong reinforcements of the enemy were hurrying up, and we already had three wounded, I determined upon retiring by another track which led across the Inaha River, and which I made some prisoners we had taken, show me. I accordingly extended the whole force along one edge of the clearing and kept the enemy in check, whilst I collected the wounded. I sent three of them and the prisoners down the track I was about to return along, under a strong escort in charge of Sergeant-Major Hall, W.Y.C. I shortly passed the rest of the wounded (who by this time had increased to seven) to the front, and I formed a rear-guard under Captain Leatham, W.D.F., and sent out flank skirmishers to the left under Ensign Poma, N.C., and to the right under Captain Kemp and Lieutenant Wirihana, N.C. These officers did their work so effectually, that the rebels were completely foiled in their attempts to out-flank us and cut off our retreat. They were repeatedly driven back, and lost several of their men, and their leader (who was shot by Poma), and some of their guns; and in a short time they retired altogether, and the firing ceased. On reaching the open, I made stretchers for the wounded, who had hitherto been carried on blankets, and recrossing the Inaha proceeded to Waingongora. Here I cannot speak too highly of the attention and kindness shown to us by Captain Noblett, 18th Royal Irish, commanding the Waingongora redoubts, and Assistant-Surgeon Spencer, 18th Royal Irish.

Captain Noblett sent us carts to convey our wounded across the Waingongora River, and prepared tents and beds for them, and Dr. Spencer gave his valuable assistance in dressing their wounds. As I have no hospital accommodation at Te Whenuku, and to save the wounded the fatigue of the journey to this post, Dr. Spencer has kindly undertaken to attend to them.

The three men returned as dead, expired soon after we reached Waingongora, where they were interred with funeral honors the following day. Giving the force an hour's rest, I resumed my march to Te Whenuku, which I reached at 2.30 p.m.

I enclose a list of casualties. In Farrier-Sergeant Duff, W.Y.C., the country has lost a gallant soldier, and I one of my right-hand men. His conduct was always most conspicuous, and I deeply regret him.

I have conveyed to the force engaged on this occasion my hearty thanks for their gallant and steady conduct; and I now beg to submit for the favourable consideration of the Government the names of Ensign Northcroft, P.R.; Cornet Hirtzell, W.Y.C., and Surgeon Cambell, W.R., for coolness and intrepidity in removing the wounded under a galling fire to the rear, in doing which Cornet Hirtzell, W.Y.C., and Volunteer Wright, were wounded. Private Economides, W.R., for gallantry in connection with the capture of the prisoners; and Ensign Poma, N.C., and Volunteer Sergeants Rushton and

* Staff—field officer, 1; surgeon, 1. P. and W. Rangers—captain, 1; subaltern, 1; sergeant, 1; rank and file, 40. W. Y. Cavalry—subaltern, 1; sergeants, 2; rank and file, 12. W. D. Force—captain, 1; sergeant, 1; rank and file, 10. N. C.—captain, 1; subalterns, 3; sergeants, 2; rank and file, 44. Volunteers—sergeants, 5. Total—field officer, 1; surgeon, 1; captains, 3; subalterns, 5; sergeants, 11; rank and file, 106. Total, all ranks, 127.

Wright, for conspicuous conduct in the repulse of the flank attack. The behaviour of Captain Leatham and his detachment of the W.D.F. was most praiseworthy.

Of Captain Newland, Patea Rangers, I cannot speak too highly; he was foremost in every part of the field, in the surprise of the village, the removal of the wounded, and the repulse of the enemy.

The loss of the enemy I estimate at thirty killed: twenty-one were counted, and others could not be counted, as they were buried in the burning ruins of the houses.

Eight men and one lad were taken prisoners, and twenty or thirty stand of arms taken or burned in the whares. Some casks of powder were also seen to blow up.

The prisoners are in custody at Te Whenuku, and I hope to get valuable information from them.

I have, &c.,

THOS. McDONNELL,

Major Commanding Colonial Forces, Patea District.

Captain Holt, Under Secretary, Colonial Defence Office, Wellington.

List of Officers, Non-commissioned Officers and Men, wounded, at Pungarehu, on the morning of the 2nd October, 1866.

Wounded (since dead).

Sergeant Duff, W.Y.C., right neck, mortally wounded, since dead.

Private Green, W.R., chest, mortally wounded, since dead.

Volunteer Wright, right knee joint, mortally wounded, since dead.

Wounded.

Cornet Hirtzell, W.Y.C., right shoulder, severely.

Trooper Noonan, W.Y.C., hip, severely.

Volunteer Spencer, both legs, severely.

Private Monehira, N.C., left thigh, severely.

J. B. F. SUTHER, M.B.,

Assistant-Surgeon, Local Forces, Patea District.

Ketamaria, 3rd October, 1866.

No. 31.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 49.)

Government House, Wellington,

29th April, 1867.

MY LORD,—

I have the honor to transmit, for your Lordship's information, copies of the addresses presented in the Province of Marlborough during my visit to that portion of New Zealand. Addresses trans-
mitted to England
but no copies kept.

2. Your Lordship will find with pleasure, from these addresses, that the Province of Marlborough, since I last visited it nineteen years ago, when it was without European inhabitants and with very few Native ones, has steadily advanced in population, prosperity, and wealth, and that its people are loyal, contented, and anxious in every way to evince their attachment to their Queen and country.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

No. 32.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 50.)

Government House, Wellington,

29th April, 1867.

MY LORD,—

I have the honor herewith to enclose copies of the addresses I received upon my arrival in the Province of Nelson, which I had not visited since 1853.

2. It was with great pleasure I found what rapid advances the Province of Nelson had made in all the elements of material wealth, and what efforts its inhabitants had made to provide ample means of a high order of education for the youth of the Province.

3. Your Lordship will, I am sure, be gratified to find that in Nelson a degree of loyalty, contentment, and happiness prevails amongst its population which, I am satisfied, is not exceeded in any part of Her Majesty's possessions.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure 1 in No. 32.

ADDRESS from the SUPERINTENDENT, Nelson, to Governor Sir GEORGE GREY, K.C.B., and REPLY.
To His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath,
Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its
Dependencies, and Vice-Admiral of the same, &c.

MAY IT PLEASE YOUR EXCELLENCY,—

I am happy that my first public act as Superintendent of this Province is to congratulate your Excellency, on behalf of its inhabitants, upon your arrival in Nelson, and to express their gratification at having the opportunity to welcome you amongst them.

An interval of many years has passed since you last visited this part of the Colony; but, happily for us, that interval has not been marked by any events of so serious a nature as to call for your personal interposition.

Without being able to boast of its progress as exceptionally rapid, Nelson may claim a fair share in the advance of the Colony in population, commerce, and general prosperity, whilst it has been exempt from those sufferings and vicissitudes which, owing to the disaffection of a portion of the Native population, we have had to deplore in some other parts of New Zealand.

Your Excellency will, I hope, be able, during your stay here, to convince yourself that all those local institutions which were entrusted by our free constitution to the support and management of the people themselves, are in a satisfactory condition; and I am confident that our Province may depend upon your warm interest and earnest endeavours to promote all further measures calculated to develop her resources and secure her welfare.

I can assure your Excellency that, in loyalty to Her Majesty the Queen, in obedience to the laws, and in attachment to the constitution of Great Britain, the people of this Province are unsurpassed in any part of the Colony.

OSWALD CURTIS,
Superintendent.

REPLY.

YOUR HONOR,—

I return you my most sincere thanks for the congratulations upon my arrival at Nelson, which you have offered me upon the part of the inhabitants.

It is with much pleasure I revisit a place to which I have long felt a great attachment, and a remembrance of the beauties of which, and of my friendship for many amongst its inhabitants, has, for many years, been with me in distant countries and in the midst of many different scenes.

Naturally, therefore, upon my return here is it with the greatest satisfaction that I see signs everywhere around me of the steady advance of this portion of New Zealand in population, commerce, and general prosperity; and that I hear from you that the Province of Nelson has been so happily exempted from sufferings and vicissitudes which we have had to deplore in other parts of this Colony.

I shall gladly, whilst here, do my best to make myself acquainted with the state of your various local institutions, and I shall share with you in the pride and pleasure with which you will I know be able to point out to me their satisfactory and efficient state. You may rely that to aid yourselves and the Provincial Government in your efforts to advance the prosperity of Nelson will always be an object of earnest solicitude to myself and my Responsible Advisers.

The warm expressions of the people of this Province of loyalty and attachment to our Queen shall be made known to Her Majesty, by whom, I can assure you, they will be most graciously received.

G. GREY.

Enclosure 2 in No. 32.

ADDRESS from the ARTIZANS' MUTUAL IMPROVEMENT ASSOCIATION, Nelson, to Governor Sir GEORGE GREY, K.C.B., and REPLY.

To His Excellency Sir GEORGE GREY, K.C.B., Governor of New Zealand, &c., &c.—

Your Excellency is desired to accept the following Tributary Verses adopted by the members of the Artizans' Mutual Improvement Association of Nelson, and presented to your Excellency in testimony of their esteem for your Excellency, and their love and loyalty to the Queen, and the institutions of the Empire over which Her Majesty reigns:—

Welcome! illustrious Sir, your visit fans
The flame of loyalty in every breast;
We, too, have left our toils as Artizans,
To hail your presence as our City's guest.

We welcome you to Nelson's sunny clime,
Respected substitute of our good Queen,
Than whom no Monarch on the roll of time
Has by a people so beloved been.

Both for your own and for that Lady's sake,
We gladly hail you to this city fair;
And while with us you may your sojourn make,
All we can give, right welcome you shall share.

We deem you, Sir, that honoured golden link
That truly joins us to our Fatherland;
Thence to express ourselves why should we shrink,
Or fail to welcome you with heart and hand?

A thousand years have perished in the past
Since Alfred's laws pronounced his people free,
And while the bright sun shines these laws shall last,
In all their glorious power and purity.

The pride of nations Britain since has been,
And still is all her children can desire
Who love their institutions, and their Queen
With all the love that patriot bosoms fire.

In every clime her honoured flag's unfurled,
Her ships of commerce traverse every sea
To stamp her glorious impress on the world,
And point the path to true prosperity.

Though we are here that land's antipodes,
To shield our toils her institutions bloom
In all their beauty o'er the destinies
Of these lov'd Islands, our adopted home.

We claim to be a part of Britain's power,
And feel we are a section of her State
That should not be ignored in this bright hour,
Which we are met in joy to celebrate.

'Tis the productive energies which raise
That island home of liberty and worth
To her exalted place of power and praise—
The envy and the glory of the earth.

To be the Britain of the Southern Seas,
By every means we nobly shall aspire ;
Although the youngest of her colonies,
Time yet may crown this patriot desire.

Long have these Islands to your heart been dear,
To make them great incessantly you've toiled ;
And long may you the noble title wear,
Of foster-sire of Britain's youngest child.

May health and happiness prolong your days,
And give you power to realise your plans
Of earnest love to man in many ways,
Is the warm prayer of NELSON'S ARTIZANS.

WILLIAM FALCONER, President.
JOSHUA SIGLEY, jun., Vice-President.
THOMAS G. PRINGLE, Secretary.
WILLIAM T. BOND, Treasurer.
JOHN CAMPBELL,
WILLIAM HADDOW,
WILLIAM BETHWAITE,
WILLIAM BURTON,
WILLIAM GARRARD, } Committee.

REPLY.

GENTLEMEN,—

I thank you very heartily for this address, and for your expressions of love and loyalty for your Queen, which shall, without delay, be made known to Her Majesty.

It is with great pleasure I have perceived how loyal and patriotic are the sentiments you have given utterance to, and how heartfelt are your aspirations and desires, to raise this your adopted country to a position worthy of the race from which you have sprung.

I will only say that to foster such designs in the breast of yourselves and your children, and to aid you in carrying them into practical development, has always been my aim and wish, and ever shall be so ; and that I know that these wishes on my part are most fully participated in by my Responsible Advisers, and by the General Assembly.

That you may long entertain the desire of continually advancing your country and your descendants in the paths of patriotism, justice, and every national virtue, and that you may be successful in your efforts to attain such great and good ends is my earnest prayer.

G. GREY.

Enclosure 3 in No. 32.

ADDRESS from the BAND OF HOPE, to Governor Sir GEORGE GREY, K.C.B.

To His Excellency Sir GEORGE GREY, K.C.B., Governor of New Zealand :—

It is with feelings of great pleasure that the Committee of the Nelson Band of Hope have assembled so large a number of the youth of Nelson for the purpose of welcoming your Excellency to this City, after an absence of so many years ; believing, as they do, that the interest your Excellency formerly took in the education of the young has not diminished, though it may have been set aside by matters demanding more of your Excellency's time and attention.

The cause of total abstinence from intoxicating liquors is one affecting so materially the general wellbeing of the Colony, that we feel assured that your Excellency will not be less gratified at meeting so large an assemblage of youthful abstainers than the committee are in being able to bring them before your Excellency ; especially when they remember the noble example your Excellency set before the Natives and the whole Colony by the agreement your Excellency made with the late William Thompson to abstain from intoxicants, in order, if possible, to induce the Maoris to abstain from those intemperate habits which have been such a fruitful source of decay among them ; and we would respectfully urge your Excellency to make use of the great influence you have over the Natives to discourage the use of intoxicating liquors among them, and thus help to prolong, if only for a few years, the existence of so noble a race as the Natives of New Zealand.

While thanking your Excellency for your attendance here this evening, and for the countenance thus given to the efforts which have been put forth to draw away the youth of Nelson from the paths of folly and vice, we would express our earnest wish that peace and prosperity may attend your Excellency's administration of the affairs of this Colony, so that your Excellency's name may be held in honored remembrance by both the present and future generations.

We beg to remain, your Excellency's most obedient servants,

BENJAMIN CRISP, President.
JOSEPH CRISP, Secretary.
CHARLES JAMES HILL, Treasurer.

REPLY.

GENTLEMEN,—

You could have given me no greater pleasure than to have assembled the youth of Nelson to welcome me upon my arrival in this City, after so long an absence.

I am rejoiced to see them here, and I can assure them and yourselves, that to strive to make them happy and good will ever be to me a most pleasing duty.

I trust your efforts to promote habits of temperance may be crowned with great success, and that

many of those upon whom I now look with regard and interest, may in after years maintain the promises of their youth, and, by example, practice, Christian love and charity, do their utmost to promote the cause of temperance in all things.

G. GREY.

Enclosure 4 in No. 32.

ADDRESS from SUPERINTENDENT, at Nelson, to Governor Sir GEORGE GREY, K.C.B.

To His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

It is a source of much gratification to me, as well as to the inhabitants of this Province, that your Excellency has consented to assist, by your presence and countenance, to-day, at the foundation of our new Hospital.

The large increase in our population, consequent upon the late important discoveries of Gold Fields upon the West Coast, renders greatly enlarged accommodation for the sick absolutely necessary, the more especially when the constant exposure and the risk of accident to which the avocation of the miner subjects him are taken into consideration.

Care has been taken, in designing the new building, to follow the most approved mode of construction, so that the patients may have fresh air in abundance, and be supplied with ample attendance and every convenience which their condition requires.

Your Excellency, I am assured, will heartily join me in congratulating the people of Nelson upon the improved state of the finances of the Province, which enables them to make so satisfactory a provision for the relief of their suffering fellow-citizens.

OSWALD CURTIS,
Superintendent.

REPLY.

YOUR HONOR,—

It is with great pleasure that I find that one of the first acts of your administration of the affairs of this Province is to aid in providing increased accommodation for the sick and suffering; and I gladly give such assistance as I can in the promotion of so wise and good an undertaking, by availing myself of the opportunity you have so kindly afforded me of taking a share in forwarding a work with which I consider it a privilege to be in any way connected.

That the care which has been taken in designing the new Hospital, and in supplying all things requisite for the recovery or comfort of the sick, and that the benevolence which has led the inhabitants of the Province of Nelson so munificently to provide for the relief of the suffering, may be rewarded by this building answering all the charitable desires of its founders, and remaining for many years a blessing to the inhabitants of this part of New Zealand is my earnest wish and prayer.

G. GREY.

No. 33.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 51.)

Government House, Wellington,

MY LORD,—

28th April, 1867.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 5, of the 1st of February last, in which you express your sincere regret at the controversies which "have unfortunately so long subsisted between myself and "the officers successively commanding Her Majesty's Troops in New Zealand."

2. You will, I trust, pardon me for saying that I fear that any person reading these expressions might naturally conceive a prejudice against my proceedings in as far as they are herein referred to.

3. I therefore wish to place on record that I was first appointed to a Colonial Government in the year 1840, and from that time until 1863 I was constantly engaged in administering Colonial Governments, to each of which I was successively sent because serious difficulties and disturbances prevailed in the countries to which I was appointed.

4. For that long number of years the most harmonious relations always existed between myself and the very many military officers, of very varied ranks and characters, and of different dispositions, who were from time to time in command of Her Majesty's Forces in my Government, and sometimes upon occasions when very important operations were being carried on.

5. During that long period of time, also, Her Majesty's dominions, wherever I might be, suffered no serious injury; no province was laid waste; no large loss of life or great expenditure was incurred; no rebellion ever spread to a great extent; Her Majesty's subjects soon returned to their allegiance, and became

amongst the most loyal of those under her extended sway; her troops never sustained the slightest repulse, even of a moment's duration; their confidence was never for an instant shaken so that it became doubtful if they would follow their officers; no debt incurred in military expenditure was ever entailed upon a Colony where I was.

6. It is true that differences have arisen between two Officers Commanding the Forces in New Zealand since 1863; but it should be remembered that although there have been two Generals here in that time, there has only been the same military staff in this country. This is an important point.

7. My differences with these Generals arose in part from powers which belonged to me having been assumed by the Military Authorities under the sanction of the War Department; and from my efforts to get an end put to a system which led to an expenditure of life, money, and resources, which, when measured by the insignificance of the enemy and of the results obtained, is, I believe, unparalleled in our history; which led to disastrous repulses, to a wavering in the confidence of our men, to the spread of rebellion, the ruin of parts of the country, the contraction of an enormous public debt upon military objects which will cripple the resources of New Zealand for many years, and to other evils not less serious than those I have named.

8. At last, amidst all difficulties, and notwithstanding the frequent attacks made upon me by the Military Authorities and the support which has invariably been given to them from home, I have had the happiness of seeing a sounder system again established, and of witnessing the first-fruits of its success; and I can bear with tranquility all the odium to which I have been subjected, especially as I feel sure that an impartial examination of the correspondence which has passed will show that I have, throughout, preserved the equanimity of my temper, and that I have been, in all instances, the assailed party; and that no man who had the interests of the Empire at heart could have refrained from feeling deeply grieved at the misfortunes, the useless waste of life, of money, of resources, which I was obliged to witness, or from doing his utmost, at all risks to himself, to have a wiser and sounder mode of proceeding established.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

No. 34.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Earl of CARNARVON.

Government House, Auckland,

MY LORD,—

31st May, 1867.

I have the honor to transmit a Memorandum of my Responsible Advisers, in which is enclosed a copy of a Resolution passed by the House of Representatives during the last Session of the General Assembly, on the subject of the establishment of Vice-Admiralty Courts in the several Provinces of New Zealand; and in which they state that they believe there is a pressing necessity for the establishment of such Courts in different places, arising from the great distances of the most important ports from each other, and the comparatively unfrequent communication between some ports of the Colony.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 34.

MEMORANDUM by Mr. STAFFORD.

MINISTERS have had under their consideration the following Resolution passed by the House of Representatives during the last Session of the General Assembly. Ministers request that a copy of this Resolution be forwarded to the Secretary of State for the Colonies. Ministers believe that there is a pressing necessity for the establishment of Vice-Admiralty Courts in different places arising from the great distances of the most important ports from each other, and the comparatively unfrequent communication between some ports of the Colony.

Ministers enclose a copy of a report by the Attorney-General of New Zealand, from which will

appear the peculiar position of the Colony with regard to the Vice-Admiralty jurisdiction, and the inconvenience resulting therefrom. Ministers also enclose a Memorandum by Mr. Justice Johnston, the senior Puisne Judge of the Supreme Court of New Zealand.

Ministers respectfully request that your Excellency will submit to the Secretary of State for the Colonies, that, if an alteration of the law cannot at once be obtained from the Imperial Legislature, the Lords Commissioners of the Admiralty should be moved to grant a Commission to each Judge of the Supreme Court in New Zealand as Commissary or Judge of the Vice-Admiralty Court, and that such of the Registrars of the Supreme Court and Sheriffs as are appointed to act at places where there is a Resident Judge, should be respectively appointed Registrar and Marshal of the Vice-Admiralty Court.

In order that the Lords Commissioners may be able to receive the information necessary in making such appointments, should the course above suggested be approved of, Ministers enclose a table marked A, showing the names in full of the Judges of the Supreme Court, and of the Registrar of the Supreme Court and Sheriff appointed to act at the place where such Judges reside. Ministers, however, respectfully request that your Excellency will point out that as changes may at any time occur in the persons occupying the office of Sheriff and Registrar of Supreme Courts, it is desirable that the power to appoint to such offices should be vested in some person in authority here.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 34.

EXTRACT from the JOURNALS of the House of Representatives.

Thursday, the 19th day of July, 1866.

Resolved, That, in the opinion of this House, the absence of an efficient machinery for the administration of the jurisdiction of the Court of Vice-Admiralty, in the several Provinces of New Zealand, is a source of great inconvenience and injury to Her Majesty's subjects within this Colony. That the Government be requested to take, with as little delay as possible, such steps as will enable the Judges of the Supreme Court, within each Province, to exercise such jurisdiction.

F. E. CAMPBELL,

Clerk to the House of Representatives.

Sub-Enclosure 2 to Enclosure in No. 34.

The Hon. the ATTORNEY-GENERAL to the Hon. the COLONIAL SECRETARY.

I THINK that the step that should be taken is to bring to the attention of the Secretary of the Colonies the Resolution of the House, and the necessity there is for the establishment of a Vice-Admiralty Court in various parts of the Colony, arising from the great distances of the several ports from each other, and the unfrequent communication between the various parts of the Colony. His attention should also be drawn to the peculiar constitution of the Supreme Court in New Zealand, and the Secretary for the Colonies should be requested to procure appointments to be made of each Judge of the Supreme Court in New Zealand, as Judge of the Vice-Admiralty Court, as the simplest remedy for the inconvenience at present existing. I have made such remarks on the subject in the annexed Memorandum, as will, I think, serve to inform the Secretary for the Colonies sufficiently of the peculiar position of this country with regard to Vice-Admiralty jurisdiction, the inconvenience resulting therefrom, and the remedy which may be readily afforded. I would suggest that the Secretary for the Colonies should be asked for copies of any Orders in Council made under the fourteenth section of "The Vice-Admiralty Act, 1863."

The names in full of each Judge of the Supreme Court should be forwarded, and of each of the Registrars and Sheriffs at Wellington, Christchurch, Dunedin, and Nelson, in order that if no amendment of "The Vice-Admiralty Act, 1863," can be made, these persons may respectively be appointed Judges, Registrars, and Marshals of the Vice-Admiralty Court. Copies of Mr. Justice Johnston's remarks on this subject should, also I think, be forwarded. The Chief Justice holds the appointment already.

23rd April, 1863.

JAMES PRENDERGAST.

MEMORANDUM ON VICE-ADMIRALTY JURISDICTION IN NEW ZEALAND.

BESIDES the several new ports which have been opened on the West Coast of the Middle Island since the discovery of gold there has attracted so many persons from other parts of the Colony, and from the neighbouring Colonies, and in addition to several other ports of less importance, there are five ports each having considerable trade with Great Britain and the neighbouring Colonies, the United States, and other foreign countries. Each of these ports is situate in a different Province of the Colony, at considerable distance from the others, and having at present very unfrequent communication with each other and other parts of the Colony.

The chief towns of the Provinces are either the port towns, or are very near the ports; and at each of those chief towns there is a Resident Judge of the Supreme Court.

"The Supreme Court Judges Act, 1858," provides that the Supreme Court shall consist of a Chief Justice and such other Judges as may be appointed. The Supreme Court of New Zealand is constituted under "The Supreme Court Act, 1860." By that Act (section fourteenth) the Governor in Council is empowered to divide the Colony into Judicial Districts, and (by section fifteenth) to assign every such district to a Judge or Judges of the Court. Each Judge, by this Act, has within his Judicial District not only the powers and jurisdiction of a Judge, but also the same powers and jurisdiction as is given to the "Court." The Colony has been divided into five Judicial Districts; and to each Judge has been assigned a district; each Judge in his Judicial District sits in the full Court

“in Banco;” holds sittings and Circuit Courts for civil and criminal trials, and disposes of business as a single Judge would in England in chambers.

This system has hitherto been found the best, and will probably be continued for some time. The same reasons which have made it necessary to localize the Supreme Court make it necessary to localize the Vice-Admiralty Court; and so long as those causes exist, and the Colony is divided into Judicial Districts for the Supreme Court, with Resident Judges in such districts, it is considered that each Judge should be a Vice-Admiralty Judge.

The Chief Justice, Sir G. Arney (now absent in England), holds a commission as Vice-Admiralty Judge. The Judicial District assigned to him comprehends the Northern part of the North Island; he resides at the Town of Auckland, and holds a Circuit Court at New Plymouth. While the Chief Justice was in New Zealand he was the only person in the Colony having Vice-Admiralty jurisdiction.

Auckland is between 400 and 500 miles from Wellington, and about 900 miles from Otago, and 1100 miles from the Bluff, the most Southern port in the Colony.

The speediest and most frequent communication is by steamers, at present running about every seventh day, and occupying three to four days in the passage to Wellington, and seven days to Otago. It will at once be seen that the Colony generally, could derive no benefit from the Vice-Admiralty Court at Auckland.

The Chief Justice having temporarily left the Colony, it had to be considered whether Vice-Admiralty jurisdiction could be exercised by any other Judge of the Supreme Court, and in the Session of the General Assembly held in 1866, an Act was passed amending “The Supreme Court Act, 1858,” and providing that in the absence of the Chief Justice, the Senior Puisne Judge, should be the Chief Judicial Officer of the Colony, and should execute the duties of Chief Justice. It was considered that by such a provision the Senior Puisne Judge could, under the Chief Justice’s Commission, as Commissary, and “The Vice-Admiralty Courts Act, 1863,” exercise the jurisdiction of Admiralty Judge, during the absence of the Chief Justice, or after the expiration of his Commission from any cause whatever.

The Senior Puisne Judge, Mr. Justice Johnston, resides at Wellington, and to him has been assigned a Judicial District. During the absence, therefore, of the Chief Justice, the Vice-Admiralty jurisdiction may be exercised by a Judge sitting at a place central, certainly, and more within reach of other parts of the Colony, than when the Chief Justice was performing the duties of Vice-Admiralty Judge, at Auckland; but though Wellington is more central than Auckland, a Vice-Admiralty Court at Wellington, is of no practical value to those ports which are situate in Auckland or Otago, and perhaps Canterbury may also be included.

If Vice-Admiralty jurisdiction were given to each Judge of the Supreme Court in New Zealand by commission, and the Registrar of the Supreme Court, at each place where there is a Resident Judge, were appointed Registrar of the Admiralty Court, and the Sheriff of each district were appointed Marshal, there might then be exercised Admiralty jurisdiction at each of the principal ports. A Legislative enactment would no doubt be more convenient, amending the fourth and fifth sections of the Vice-Admiralty Courts Act, and providing that each Judge of the Supreme Court should be *ex-officio* Judge of the Admiralty Court, and making provision for the appointment of Registrar and Marshal of the Courts by the Governor or Judge. The opinion of the Judges of the Supreme Court appears to be in favor of localizing the Vice-Admiralty Court,—see the Memorandum dated 9th March, 1863, and signed by the Judges of the Supreme Court, and a copy of which is annexed, marked A. A question has been raised in New Zealand whether the Judge of the Vice-Admiralty Court has power to admit solicitors or barristers or others to practise as proctors or advocates in the Vice-Admiralty Court; it has been contended that the Vice-Admiralty Judge has no such power, and that no Colonial legislation could either give him such power, or make any other provision on the subject. At Auckland, barristers and solicitors have been allowed to practise as proctors and advocates, but Mr. Justice Johnston has extra-judicially questioned the legality of this. A copy of his opinion and observations on the question is annexed hereto, marked B. It is to be remembered that his remarks were made before the receipt in the Colony of the Commission to Sir G. Arney, or the Chief Justice for the time being as Commissary. It is not known in the Colony whether or not any rules have been made by the Queen in Council on this subject, but it is suggested that if no such rule has been made this question might be settled by an Order in Council either permitting the Judges to allow such persons, being barristers or solicitors, as they should think fit, to practise as proctors or advocates, or directly permitting barristers and solicitors so to practise.

23rd April, 1867.

JAMES PRENDERGAST.

MEMORANDA and REPORTS by their Honors the JUDGES of the SUPREME COURT.

Court of Vice-Admiralty.—No. I.

THE Judges of the Supreme Court of New Zealand, assembled in Conference, respectfully invite the attention of His Excellency’s Government to the communications between the Government and the Judges, and the Despatches received from Her Majesty’s Secretary for the Colonies, respecting the Court of Vice-Admiralty.

The Judges are of opinion that the geographical and social circumstances of this Colony would render it impossible for one Vice-Admiralty Judge to perform the duties of the office for the whole Colony, and would make a Vice-Admiralty Court held at one port only, for the whole Colony, of comparatively little value.

The intervention of Her Majesty in Council, by special order, would therefore seem to be necessary, and, moreover, it seems clear to the Judges that the Colonial Legislature cannot give solicitors and barristers the status of proctors and doctors, without the existence of which officers no steps can be taken in the Court.

The Judges cannot but expect that the necessity for a Vice-Admiralty Court will soon be felt in the Colony; and, as it seems to them probable that the necessary arrangements for the establishment

of the tribunal will occupy some considerable time, they have thought it but right thus, respectfully, to recall the attention of the Government to the subject.

GEORGE ALFRED ARNEY, C.J.
ALEXANDER J. JOHNSTON, J.
H. B. GRESSON, J.
C. W. RICHMOND, J.

Christchurch, Canterbury, 9th March, 1863.

Wellington, 16th February, 1865.

MY DEAR ATTORNEY-GENERAL,—

I have looked through my papers and mems. relating to the Vice-Admiralty Courts, which are by no means complete; but I forward you, with other papers (which I beg you will be good enough to return when you have done with them), a copy of the Report of the Judges (No. IV.) made in 1861. I consider we are still in the same predicament as we were then. The Act 26 and 27 Vic., c. 24, certainly schedules New Zealand as one of the Colonies possessing a Vice-Admiralty Court, and no doubt the Chief Justice of New Zealand is *de jure* Judge of that Court, and probably ought to hold sittings from time to time according to the rules made applicable to New Zealand by the Order in Council, 23rd November, 1860, but the difficulties about proctors and advocates still remain, and I am not aware whether the Government of the Colony ever got the advice of the Law Officers of the Crown at home, as the Judge suggested, or made any application to the Secretary of State on the subject. Moreover, the difficulty respecting local considerations, and the uselessness of holding Vice-Admiralty Courts at the place where the Chief Justice may happen to reside in respect of all the ports of New Zealand, remain unabated. Special Orders in Council, and it may be, an Imperial Act, would seem necessary in order to overcome those difficulties, and make the Court available for the public service.

I shall be very happy to go further into details with you on the subject, if you propose to take any action concerning it.

I am, &c.,

ALEXANDER J. JOHNSTON.

Sub-Enclosure 3 to Enclosure in No. 34.

MEMORANDUM respecting the Vice-Admiralty Court in New Zealand.

(67-922.)

I QUITE agree with the Attorney-General as to the advisability of some such system being established as he suggests. In a private letter which I received a short time since from the Chief Justice, he informed me that he was in communication with the Colonial Office and the Admiralty on the subject.

It seems to me that some provisions ought to be made for cases of urgency during the absence of the Judge from the place of his ordinary residence, either on circuit or for recreation during the vacation; and I think it would be well to contemplate the probability that ere long the circumstances of the Colony will permit, and the good sense of the Colony will desire that the Supreme Court be concentrated, or at all events that the Judges have frequent opportunities of sitting together in some central place.

It has struck me that some provisions might be made, with due checks, for enabling the Court and suitors to make use of communications by electric-telegraph, which would at present be inadmissible in any tribunal.

I think it well to call attention to the fact that previously to the return of the present Governor to the Colony, it had been the habit of the Governor for the time being, under his commission as Vice-Admiral, to appoint each of the Judges Deputy Vice-Admiral within his own judicial district.

I held such an appointment from November, 1858, till the expiration of Governor Brown's period of office.

I found that my predecessors, or some of them, had acted as Vice-Admiralty Judges, and that barristers and solicitors had practised before them as advocates and proctors without any special admission as such as far as I could ascertain.

I expressed on several occasions the opinion which I still entertain that Colonial practitioners could not have the necessary *status* in the Vice-Admiralty Court without being duly admitted therein in the High Court of Admiralty; and I entertained doubts as to my power to admit them under my delegated authority as Deputy Vice-Admiral. But no application was ever made to me for admission by any practitioner.

I have never expressed an opinion that the Chief Justice, or Acting Chief Justice under the existing Commission, has no power to admit advocates or proctors. Should any application be made to me for admission, I might be satisfied that the practice in Tasmania, as stated in one of the accompanying papers is the correct one; and that the Chief Justice or Acting Chief Justice has power as Commissary to swear in and cause to be enrolled as advocates or proctors any barristers or solicitors who may apply for admission. It may be that the power is not confined to the admission of persons already admitted as legal practitioners. I should be glad to know the opinion of the authorities at home on this subject.

No application has yet been made to me since I have been Acting Chief Justice for admission in either capacity.

ALEXANDER J. JOHNSTON,
Acting Chief Justice

26th April, 1867.

Sub-Enclosure 4 to Enclosure in No. 34.

TABLE A.

Province.	Provincial Town at which Resident.	Name of Judge of Supreme Court.	Name of Registrar of Supreme Court.	Name of Sheriff.
Auckland ...	Auckland ...	Sir George Alfred Arney.*	Laughlin O'Brien	Henry Colin Balneavis.
Wellington ...	Wellington ...	James Alexander Johnston.	Robert Rodger Strang.	James Coutts Crawford.
Nelson	Nelson	Christopher William Richmond.	John Sharp.	Benjamin Walmsley.
Canterbury ...	Christchurch...	Henry Barnes Gresson.	Christopher Alderson Calvert.	Alexander Bach.
Otago	Dunedin ...	Henry Samuel Chapman.	Robert Chapman.	Alfred Rowland Chetham Strode.

* NOTE.—Sir G. Arney holds commission as Commissary.

No. 35.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(Separate.)

Government House, Auckland,
1st June, 1867.

MY LORD,—

I have the honor to transmit a Memorandum of my Responsible Advisers, enclosing one from the Attorney-General of New Zealand, relative to an obstacle which a provision of the fifty-first section of the 9th and 10th Vict., c. 382, apparently presents to the bringing under the Land Registry Acts titles depending upon Crown Grants of land executed in fulfilment of contracts contained in New Zealand Company's Land Orders.

My Responsible Advisers request me to move your Lordship to cause some Bill on the subject to be introduced into the Imperial Parliament which may remove the difficulty.

I have, &c.,
G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 35.

MEMORANDUM by Mr. STAFFORD.

MINISTERS have had under their consideration the operation of the Land Registry Acts in New Zealand; their attention has been drawn to an obstacle which a provision in the fifty-first section of the 9th and 10th Vict., c. 382, apparently presents to the bringing under the Land Registry Acts, titles depending upon Crown Grants of Land executed in fulfilment of contracts contained in New Zealand Company's Land Orders.

They submit a Memorandum on this subject by the Attorney-General of New Zealand, in which all the questions are fully discussed and certain remedies suggested.

Ministers respectfully request His Excellency to forward the Attorney-General's Memorandum to the Secretary of State for the Colonies, with a request either that a Bill may be submitted to the Imperial Parliament, declaring the meaning of the provision in question, if such meaning, in the opinion of the Law Advisers of the Crown, be not inconsistent with the Land Registry Acts of the Colony; or in the event of that not being the opinion of the Law Advisers of the Crown, then a Bill providing such remedy as he may be advised the circumstances of the case require.

E. W. STAFFORD.

Wellington, 6th May, 1867.

Sub-Enclosure to Enclosure in No. 35.

MEMORANDUM by ATTORNEY-GENERAL of NEW ZEALAND on the operation of the Land Registry Acts on Lands granted by the Crown under certain Acts of the Imperial Legislature relating to the New Zealand Company and their Contracts.

IN consequence of doubts in the Colony as to the true construction of certain words in the fifty-first section of the 9th and 10th Vict., c. 382 (The New Zealand Company's Act), and the incompetency of the Colonial Legislature to deal with cases falling within that section, if the generally received construction of such words be the true construction, lands to which New Zealand Company's Land Orders related have not been allowed to be registered under "The Land Registry Act, 1860."

As to lands in the principal towns and suburban districts, these doubts and difficulties render "The Land Registry Act, 1860," almost wholly inoperative; and it is very much to be desired that the Imperial Legislature should, if such be the case, declare that the meaning of the words in the section above referred to is such that the supposed difficulty does not in fact exist, or that if the words truly construed do create the difficulty, it should settle the doubt by a declaratory Act, and also either by direct legislation remove the difficulty or authorize the General Assembly by legislation to remove the difficulty.

I proceed now to draw attention to the provisions in the Imperial Acts which have created the difficulty above referred to, and as to the construction of which doubts exist in the Colony. The effect which these provisions have hitherto had in impeding the bringing into operation "The Land Registry Act, 1860," will also be pointed out.

August 18, 1846.

The 9th and 10th Vict., c. 382 (The New Zealand Company's Act) in the fifty-first section, after reciting that divers land orders or contracts for the sale of land in New Zealand had been issued by the Company, but as to which no conveyances had then been required, and that from deaths of and dealings by purchasers conflicting claims to conveyances might arise, enacts: That a conveyance by the Company of the lands to which any such land order shall relate to the purchaser named in such order, on his request, or to any person deriving title from, through, or under such purchaser, on the request of such person and on proof of his title to the satisfaction of the persons therein mentioned, shall be deemed both at law and in equity, as well in the Colony as elsewhere, a complete performance by the Company of the contract contained in such order to convey the land, and shall exonerate the Company from all responsibility as to the disposition of such land or any other matter consequent on or resulting from such conveyance; "but notwithstanding any rule of law and equity to the contrary prevailing in the Colony of New Zealand or elsewhere, the land, tenements, and hereditaments comprised in any such conveyance, shall continue and be subject to such equitable estates, charges, and liens, if any, created by the purchaser or purchasers named in the land order or contract to which the same shall relate, or any person deriving title from, through, or under him, her, or them, as as at the date of such conveyance shall be subsisting, or be then or thereafter capable of taking effect, and the rights and interests of the parties interested as or through the purchaser or purchasers named in such land order or contract (*inter se*) shall remain unaffected thereby."

July 23, 1847.

The 10th and 11th Vict., c. 112 (the New Zealand Company's Colonization Act) in the nineteenth section, after reciting that it is expedient to provide for the contingency of the Company finding themselves unable to continue their proceedings with profit to themselves and benefit to the Colony, enacts, amongst other things, that if the Directors shall give the notice therein mentioned within three months after 5th April, 1850, that they are to surrender the charters of the Company to Her Majesty and all their lands in the Colony, the powers of the Company shall cease, and all their lands revert and become vested in Her Majesty, subject to any contracts which shall then be subsisting in regard to any of the lands.

August 7, 1851.

The 14th and 15th Vict., c. 84 (the New Zealand Company's Settlements Act), recites in the preamble that the notice provided for in section nineteenth of 10th and 11th Vict., c. 112, had been delivered on 4th July, 1850, and that thereupon all the Company's lands in New Zealand had reverted and become vested in Her Majesty as part of the demesne lands of the Crown in New Zealand, subject as by the said Act (10th and 11th Vict., c. 112) is provided. In the tenth section of this Act (14th and 15th Vict., c. 84) it is provided that in all cases falling within the provisions of the fifty-first section of the 9th and 10th Vict., c. 382 (that is, in cases of conveyances of land as to which land orders had been issued by the Company), a grant from the Crown shall have the like force and effect in all respects as a conveyance by the Company would have had by virtue of the said Act if the aforesaid notice had not been given, and the Company continued to exercise its powers. The force and effect which a conveyance by the Company would have had is defined by the said fifty-first section. It would have been deemed a complete performance by the Company of the contract contained in the order, and would have exonerated the Company from all responsibility as to the disposition of the land; but the lands comprised in such conveyance would have continued, and would be subject "to any equitable estate charges and liens created by the purchaser named in the land order, or by any person deriving title from such purchaser, and then (at date of conveyance) subsisting, or then or thereafter capable of taking effect, and the rights and interests of parties interested either as or through the purchasers named in the land order, would have remained unaffected by such conveyance. The result is, that in cases of Crown Grants of lands to which any New Zealand Company's land order relates, the Crown is exonerated from all responsibility, but the land continues to be and is subject to any such equitable estate charges or liens as may have been or may be subsisting at the time of the issue of the grant, and the rights and interests of the parties interested as or through purchasers named in the land order remain unaffected by the grant made by the Crown, and "this notwithstanding any rule of law or equity to the contrary prevailing in the Colony or elsewhere." Whether any rule of law or equity in particular are here referred to, and whether rules of the statute law as well as common law, there is nothing in the Act to show. A grant from the Crown, executed by the Governor by virtue of his commission under the public Seal of the Colony, is generally assumed to have the same effect as a grant from the Crown executed under the Great Seal, and enrolled, and though not made a record of any

Court, is assumed to have the effect of a record, and is consequently received as conclusive evidence of title. Whether or not there is sufficient ground for that assumption is not material to the present question. (See however "The Queen against Hughes and Another," Privy Council Report, 1866.) The Colonial Legislature could, if necessary, make provision putting that question beyond a doubt. Assuming however that a colonial grant from the Crown has, in the absence of express provision to the contrary, the effect of a Crown Grant under the Great Seal as conclusive evidence of title, yet in the cases of grants from the Crown of lands to which New Zealand Company's land orders relate, it is clear that such grants have not the conclusive effect of grants under the Great Seal; and so long as they remain subject to the provision contained in the fifty-first section of 9th and 10th Vict., c. 82, they cannot be received as conclusive or satisfactory evidence of a good title. This defect in the Crown Grant of lands as to which land orders relate has to a very great extent had the effect of depriving the Colony of those benefits which it was anticipated would flow from the passing and bringing into operation of the Land Registry Acts.

The 24th Vict., No. 27 (Land Registry Act, 1860), makes provision whereby any person entitled absolutely for his own benefit to an estate in fee-simple at law and in equity, free from trusts and encumbrances, may be registered as proprietor. Provision is also made for registration in cases where trusts and encumbrances are admitted to exist.

Registration, by the thirty-third section of this Act, confers an indefeasible title on the person registered as proprietor, subject to the encumbrances and other matters entered on the register, but free from all other estates, encumbrances, and interests whatsoever.

An objection which appears insuperable until Imperial legislation has been obtained, has been made to permitting persons to register who claim under grants from the Crown of lands to which New Zealand Company's land orders relate.

It would appear that "The Land Registry Act, 1860," if it extend and apply to such lands, is repugnant to the Imperial Acts above referred to, for the Land Registry Act assumes to give an indefeasible title, and to free the lands as to which a person has been registered as proprietor from all estates, encumbrances, and interests whatsoever not registered, while the Imperial Acts provide that notwithstanding any rule of law or equity to the contrary, such lands shall continue and be subject to such equitable estates, charges and liens as subsisted at date of grant, or were then or should thereafter be capable of taking effect.

Interpreting the Land Registry Act as not applying to such lands, or as repugnant to the Imperial Acts, and consequently not capable of affecting them, titles to such lands have not been permitted to be registered, as it was considered an indefeasible title could not be given by reason of the Imperial Acts, notwithstanding the provisions of the Land Registry Act. This seems to have been the proper course.

It has been suggested that such titles might be received, and that the inquiries as to title in such cases should be pursued back to the issue of the land order; that is, that the Crown Grant is not to be received as the source of title, but that the land order must. Assuming, however, that such investigations could be satisfactorily made, the registered proprietor would have a title not indefeasible by reason of registry under the Act, but a title proved to be perfectly good to the satisfaction of the Registrar or such other person or tribunal as by the Act is appointed. Such a title would not be indisputable or indefeasible, but open to dispute and capable of being defeated, though the inquiries may have been so satisfactory as to reduce the chances of such defeasance to a minimum.

It has also been suggested that to such cases the sixty-sixth section of the Land Registry Act would apply. That section provides that where the land appears to be subject to uncertain or doubtful claims or encumbrances, the proprietor may be registered notwithstanding on paying such sum or giving such security as an indemnity as the Registrar may determine. The effect, however, of this provision is still the same; it assumes to give an indefeasible title to the registered proprietor in cases where such title cannot be given by reason of provisions in Imperial Acts. If persons having equitable interests in or claims or liens on such lands, decline to take compensation from the Indemnity Fund, and insist upon such interests, claims, or liens, it seems clear that the Land Registry Act cannot prevent them from establishing such claims or liens.

Thus it is that lands to which New Zealand Company's land orders relate cannot be brought under the operation of the Land Registry Act, because the Act cannot as to such lands give an indefeasible title.

The fifty-first section of the 9th and 10th Vict., c. 82, provides that the equitable estates charges and liens affecting such lands are to continue, notwithstanding any rule of law or equity to the contrary prevailing in New Zealand or elsewhere, and it has been remarked that there is nothing in the Act to show what rules of law or equity are referred to, or whether rules of statute law, as well as common law are referred to. It is necessary therefore to draw attention to two Ordinances then and still in force in New Zealand relating to land and the transfer of it. These Ordinances are the Deeds Registration Ordinance and the Conveyancing Ordinance.

The first passed in December, 1841, the other in January, 1842.

The Deeds Registration Ordinance provides for registration of Crown Grants of land, and deeds or contracts affecting such lands subsequently to the Crown Grant, and for registration of judgments, *lis pendens* and other matters, and gives priority to deeds or contracts, &c., first registered. It may be that this Ordinance and the rule of law which it creates was referred to. Certainly, whether the Imperial Legislature had this Ordinance in view or not, the Imperial Act, so far as it affects lands granted to the New Zealand Company, and by them sold and contracted to be conveyed, does prevent the operation of the Deeds Registration Ordinances on contracts or deeds affecting such lands.

The Conveyancing Ordinance introduces several new rules of law relating to land and transfers of land.

Amongst others, it provides that no land shall be charged or affected by way of equitable mortgage. (See section forty-two.) It also provides that no vendor of land shall have any equitable lien thereon by reason of non-payment of purchase money, or any part of the purchase money. (See section forty-three.)

Was it intended by the Imperial Legislature that lands to which land orders related should be subject to equitable estates charges or liens, notwithstanding the provisions of the Conveyancing Ordinance to the contrary?

It might be contended that the object and intention of the Legislature in using the words in the said fifty-first section here referred to, and above set out in full between inverted commas, was only to keep alive equitable estates charges and liens, although a deed of conveyance from the Company had been executed, and notwithstanding any rule of law or equity giving to such a conveyance a conclusive or barring operation.

Such may be and perhaps is the true construction; and it is borne out by the concluding paragraph of that part of the fifty-first section. "And the rights and interests of the parties interested shall remain unaffected thereby," that is, "that notwithstanding any rule of law or equity to the contrary, such interests shall remain unaffected by the Company's deed, leaving such interests to be affected by the ordinary law of the Colony, but unaffected by the Company's deeds, whatever peculiar effect they might by law have." So construed, the Land Registry Act would not be repugnant to the Imperial Acts, and if this construction were undoubted, no Imperial legislation would now be required. As, however, much doubt is entertained in New Zealand as to the meaning of the words in question, it appears necessary that the Imperial Legislature should be asked—either to remove the doubt by declaring that the meaning above suggested is the true one, or to make such provision as will enable Crown Grants of such lands to be accepted as conclusive evidence of title either at once or after some period, or after notice given—or to provide that the equitable estates, charges, and liens kept alive by the fifty-first section should for the purpose of the Land Registry Act be barred either immediately on issue of grant, or after a lapse of some fixed period of time from issue of grant, or after a lapse of some fixed period from registration under the Registry Act. For instance, two years, as is provided in the Registry Act generally, as to interests of persons non-resident in New Zealand at the time of registration.

It still remains to refer to an Ordinance passed by the New Zealand Legislature for the purpose of removing the difficulties which the transfers of and dealings with the Company's land orders gave rise to.

August 2, 1851.

The 15 Vict. Session XI., No. 15, an Ordinance of the Governor and Legislative Council (The New Zealand Company's Land Claimants Ordinance) makes provision for investigation being made by Commissioners into such dealings, and for issue of Crown Grants to the persons appearing to such Commissioners to be the persons entitled, and provides that such grant shall give a valid title against all persons whatever.

In cases of land orders, investigations by Commissioners have always been made, and if the provisions of the Ordinance making the title created by the grant good against all the world were valid, there would be now no difficulty, because other equitable estates, liens, or charges (if any) would be defeated by such a grant. But if the Imperial Act (9th and 10th Vict., c. 382) enacts that the equitable estate, charges, and interests shall (irrespective of any peculiar effect which a Company's conveyance might by law have) continue notwithstanding any rule of law or equity to the contrary, is not the provision in the Colonial Ordinance giving to a Crown Grant made under it a conclusive operation repugnant to the fifty-first section of the Imperial Act, (9th and 10th Vict., c. 382), and so far as it is repugnant, void? It cannot be doubted that it is so. However, this Ordinance has been deemed invalid on another ground. On the 21st July, 1852, Sir John Pakenham, in a Despatch to Governor Grey, points out to him the invalidity of this Ordinance, in so far as it is repugnant to the provisions of the 10th and 11th Vict., c. 112, section 19, above referred to. The Ordinance provides that proceedings under it and grants made thereunder shall be deemed, both at law and equity, a full and complete performance by the Crown, on behalf of the Company, of the contract or obligation contained in or resulting from any land order, contract, or scrip, and shall be deemed a good, valid, and effectual conveyance of the land purported to be conveyed by such grant as against Her Majesty, her heirs and successors, and against all other persons whatsoever. The Ordinance was deemed invalid as conflicting with the 10th and 11th Vict., c. 112, which imposed on the Crown the fulfilment of the Company's contracts. It is not suggested, in the Despatch above referred to, that the Ordinance, where it enacts that the Crown Grant made under it shall be a good conveyance against not only the Crown, but also "against all other persons whatsoever," was invalid as conflicting with the fifty-first section of the 9th and 10th Vict., c. 382, in connection with the tenth section of the 14th and 15th Vict., c. 85. It is true that the only question necessarily under consideration was the Crown's liability and its exoneration therefrom, and that it was not necessary to consider the effect of the Crown Grant under the Ordinance. But, as it appears from the ninth paragraph of the Despatch, that the tenth section of the 14th and 15th Vict., c. 86, taken in connection with the fifty-first section of the 9th and 10th Vict., c. 382, was under consideration, and as it appears from other parts of the Despatch that the Ordinance had been submitted to the Law Advisers of the Crown in England for their opinion, and as no objection is made to the Ordinances as being in conflict with the fifty-first section of the 9th and 10th Vict., c. 382, it may not improperly be inferred that the Law Advisers of the Crown were of opinion that the Ordinance, in so far as it enacts that the Crown Grant made under it should be a good conveyance against all persons whatsoever, was not invalid or as coupled with the said fifty-first section, where it provides that notwithstanding any rule of law or equity to the contrary prevailing in New Zealand or elsewhere, the lands comprised in the conveyance should continue and be subject to such equitable estates, charges, and liens, if any created, by the purchaser named in the land order, or any person deriving title from, through, or under such purchase. If this inference is supported by the fact, if the Law Advisers were of this opinion, it is probable that the construction to be put upon the said fifty-first section, suggested in a former part of this Memorandum, is the one then adopted by the Law Advisers. Even should this be so, as there would still be a doubt, it is submitted that this is clearly a case for a declaratory Act.

(Signed)

JAMES PRENDERGAST.

22nd April, 1867.

No. 36.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(Separate.)

MY LORD,—

Auckland, 3rd June, 1867.

I have the honor, in reporting by the Panama Mail the present condition of New Zealand, to state that the Colony continues rapidly to advance in general wealth, population, and in the increase of stock and cultivation.

I regret, however, to add that within the last fortnight or three weeks Native disturbances have again broken out, almost simultaneously, at Patea, Kawhia, Tauranga, and Opotiki, at which latter place there is much reason to fear that either two or four Europeans have been killed.

I am unwilling to make any lengthened report upon these disturbances at present. My Responsible Advisers have already brought under your Lordship's notice that, in their belief, no more effectual mode could have been adopted to encourage those in rebellion, than the manner in which your Lordship's orders for the removal of the troops were being carried out; and I cannot but attribute the recent disturbances, at least in great part, to this cause; but as the local Government is doing its utmost to repress these without delay, I hope by the next mail I may be able to make a more favourable report, and thus find it unnecessary to advert to the manner in which the troops have been removed.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

No. 37.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(Separate.)

MY LORD DUKE,—

Auckland, 8th June, 1867.

I have been requested by my Responsible Advisers to transmit, for your Grace's information, the enclosed Memorandum which they have drawn up in relation to Lord Carnarvon's Despatch, No. 9, of the 1st of February last, enclosing copies of letters from Mr. Deputy Commissary-General Strickland.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 37.

MEMORANDUM by Mr. STAFFORD.

Wellington, 16th May, 1867.

THE Ministers of the Crown in New Zealand have read Lord Carnarvon's Despatch No. 9, of the 1st February last, forwarding copies of letters addressed by Mr. Deputy-Commissary-General Strickland to the Lords Commissioners of the Treasury and to the Officer in command of the Forces in the Colony, relative to the alleged expenditure of Imperial funds for Colonial purposes. Lord Carnarvon refers to the statement made by Mr. Strickland that issues from the Treasury Chest on account of the Colony were still going on for which no monthly repayments were made, and that the debt of the Colony to the Imperial Government was daily increasing, and forwards the letters to the Governor for explanation. These letters, which were addressed, on the 8th November last, by the Officer in charge of the Commissariat to the Imperial Government, but never communicated until a few days ago to the Governor, convey charges and insinuations against the Colonial Government of a grave character upon which Ministers are compelled to comment.

After eliminating a mass of irrelevant imputations, frequent mis-statements, and mere expressions of political opinion or conjecture, the charges or insinuations which remain would appear to be:—

1. That the Colony makes no monthly repayment, as agreed upon, for issues by the Commissariat of rations to Colonial Troops.

2. That the Colony has made no provision for the capitation charge on account of Imperial Troops.

3. That the Governor was employing Imperial Troops in aggressive war against the Natives.

With respect to the first, it is to be observed that the issue of rations by the Commissariat to the Colonial Forces, on condition of monthly repayment, was arranged in May last between the Military Authorities and the Colonial Government, and has been confirmed by two successive Secretaries of State. The Colonial Legislature has provided for these repayments, and the Government has made them as they became due from time to time, and has never declined nor delayed to make them beyond the time which was required to ascertain their correctness. A Minute on this subject by the Colonial Treasurer is enclosed, from which it will be seen that, so far from delaying payments, that

officer, on the 2nd April, 1867, ten days before the Despatch now in question arrived in the Colony, reported that he had disbursed above £20,000 on account of these repayments, and drew attention to the irregularity in the transmission by the Commissariat of these accounts, and to the delay that, in one or two instances, arose in consequence. This Minute was communicated by the Governor, at the request of his Ministers, to the Military Authorities, with a view of expediting these repayments.

If unnecessary delay had occurred it would only have been reasonable that the Officer in charge of the Commissariat should have called the attention of the Colonial Government to the subject before writing to the Imperial Treasury on the 8th November last, and have waited a sufficient time to allow a reply to be received, but, instead of adopting this course, Mr. Strickland secretly wrote to the Imperial Treasury in terms virtually charging the Colonial Government with repudiation and breach of faith.

As an illustration of the irregularity of the claims made by the Commissariat on the Colonial Treasury, Ministers would refer to their Memorandum transmitted to the Secretary of State in Despatch No. 52 of the 29th April, in which attention is directed to the circumstance that Commissariat Officers had insisted on monthly receipts in advance before they gave the orders to Contractors for rations, and had (in some instances in which the Contractors had not fulfilled those orders) actually charged the Colony for rations which the Colonial Forces had never received, and had refused to amend their accounts, or to compel the Contractors to complete their contracts.

Causes of delay beyond the control of Ministers arise in the adjustment of Commissariat accounts, from the absence of the Military Authorities from the seat of Government, and from the Regulation insisted upon by the Imperial Government, that Military correspondence should go through the Governor. Accordingly correspondence on mere matters of account has to be conducted between the General, whose residence is 400 miles from the seat of Government, and the Governor, whose residence is at such seat and then between the Governor and Ministers. Thus a considerable time is lost in discussing questions which could, if the Military Head-Quarters were at the seat of Government, be settled in a few hours.

The second point urged by Mr. Strickland is that the Colony has made no provision for the capitation charge on account of Imperial Troops.

If Mr. Strickland had chosen to refer to authentic means of information contained in published official correspondence, and in the records of the military offices in the Colony and of his own Department, in place of basing his assertions on a "report current on high authority," or on what "is announced in the local press," or on what he terms, without quoting any authority, "no vague and irresponsible reports," his statements might not have been so wide of the question.

In the Enclosure to the Despatch of the Secretary of State to the Governor, No. 32, 26th March, 1866, Mr. Hamilton, Secretary to the Treasury, states "that as regards the question raised in these papers as to the capitation rate for Her Majesty's troops in New Zealand, my Lords do not at present express any opinion." The question raised was, that the Colony was not now liable to the capitation charge. Mr. Hamilton adds, "that my Lords propose to instruct Commissary-General Jones to put himself in communication with any person who may be deputed by the Colonial Government for that purpose, and to go minutely into the several items comprehended in this account, both claims and counter-claims (exclusive of the capitation charge) reporting to this Board the result which may be arrived at." It is, therefore, evident that the Commissariat Department must at the time have been informed that the capitation charge was not for the present asked for.

Mr. Strickland further states, "no appropriation has been made by it for the Imperial Troops now in the Colony, not even, as far as I can learn for the one battalion of Infantry which was to have been detained under special conditions, and which I am informed by you is to form the Imperial military force in this Colony." Had Mr. Strickland taken the trouble to refer to these special conditions, or to the officer in command in the Colony, he would have learned that no capitation charge was to be made on account of the one regiment which was to be left in the Colony.

The third point is that of aggressive war.

Mr. Strickland, in his letter to the Imperial Treasury, states that "A portion of the Imperial Troops are actively engaged in aggressive warfare, at an increased expense to the Imperial Treasury;" and in order to leave no doubt as to the person against whom this charge is made, he writes in the enclosure, addressed to General Chute, "Even now it is announced in the local Press that His Excellency the Governor has recently organized an expedition upon the West Coast for purposes of aggression." Ministers cannot understand how, consistently with the rules of the service, Major-General Chute could have received such a letter from a subordinate officer, and have withheld it from the knowledge of the Governor. They do not, however, think it necessary to vindicate either the Governor, or themselves, against Mr. Strickland's charge, gross as it is, and are glad to see that the Secretary of State does not, in his Despatch, deem that it requires explanation. The Despatches of the Governor and the Memoranda of his Responsible Advisers, show that any operation of the Imperial or Colonial Forces on the West Coast, or anywhere else in New Zealand, instead of being conducted for purposes of aggression, was, on the contrary, for the purpose of defending life and repressing outrage; and this has been repeatedly admitted in the Despatches of Secretaries of State. Ministers, however, point to Mr. Strickland's letters as a signal illustration of the growth of that vicious system, to which they referred in their Memorandum of the 17th ultimo, of allowing secret accusations against the Colonial Government to be addressed by Imperial Departments in the Colony to the Imperial Government, and submit how utterly subversive of discipline (setting aside other objections) it is that an officer in the position held by Mr. Strickland should secretly write in such calumnious terms of the Representative of the Crown.

Having dealt with the charges contained in Mr. Strickland's letters, Ministers decline to discuss the views which he expresses on past, or future, Colonial policy. They are not aware that the duties of his department specially qualify, or entitle, him to propound opinions on such matters. Certainly the desultory opinions expressed in his letters claim no particular consideration; they are vague and void of practical point, and are apparently prompted by a general feeling of discontent, the cause of which is not manifest unless, indeed, it arose from the rejection of the claim he pressed on the Colonial

Government for a grant to him of a portion of the confiscated lands; but Ministers do not propose to review his opinions, whether in his assumed position of political censor or otherwise.

Mr. Strickland's letters, however, re-open that very serious question of official libels secretly written by Imperial officers in the Colony against the Colonial Government. The letters are ostensibly official reports, but are in fact political tirades, the character of which partakes more of incoherent abuse than of definite accusation. The fascination of evil speaking, seems to have transported the writer beyond the ordinary bounds of reason and propriety. The only possible danger of such letters lies in their secrecy, and in that aspect, insignificant as they otherwise are, they vividly illustrate the course pursued by Imperial Departments in this Colony, and tacitly recognized by the Imperial Government, of secretly traducing the character of the Governor and the Colonial authorities. Ministers do not refer to the numerous private letters from Imperial officers serving in the Colony, many of which have appeared in the public Press, and in which the actions of the Colonists have been distorted and their motives misrepresented; however unjust and injurious to the settlers in New Zealand such communications have been, they are not fit subjects for notice in this Memorandum. Ministers confine their remarks to official, or to so called private-official communications. Mr. Strickland's letters may be taken as a sample of many which have ultimately been published and of others which have not yet come to light. In this instance, as in many others, refutation only follows after an interval of several months, and during that time even so coarse a style of calumny would probably have some effect where the facts were unknown. Ministers again most earnestly protest against this pernicious system which has grown up in spite of the regulations of the English Military and Civil Services, and which it appears the Imperial Government is unable or unwilling peremptorily to suppress. In a Despatch dated 27th November, 1862, Sir George Grey, writing to the Duke of Newcastle, calls official attention to this practice in the following words, the truth of which subsequent events have remarkably proved:—

"Adverting to your Grace's Despatch, No. 37, of the 26th of April last, which contains such strong censure on the want of energy of my Government, and which has since been published in the papers presented to both Houses of Parliament by command of Her Majesty, without any previous opportunity having been afforded to myself or my Responsible Advisers of offering any explanations regarding the questions raised in it, I beg most respectfully to represent to your Grace that during the twenty-two years in which I have administered difficult Governments, it has been the invariable rule of Her Majesty's principal Secretaries of State to require that all copies of such letters as Lieutenant General Cameron appears to have sent to the Secretary of State for War, should be supplied to the Governor of a Colony at the same time they are sent home, in order that he may furnish such explanations upon the subject as he may deem necessary."

"In this instance, although your Grace has addressed so severe a reprimand to me, and it has been made public in England, I have not, to the present moment, seen a copy of Lieutenant-General Cameron's letter, nor do I know what may be the allegations it contains."

"I submit to your Grace that if such a system is allowed to prevail, an officer sent to fulfil such difficult and delicate duties as those you have entrusted to me, will occupy a very precarious and unhappy position; that allegations against his public conduct may be made against him; that these may be treated as true, and the censure consequently passed on him made public, so that his character as an efficient and energetic public servant may be irretrievably ruined, even before he knows he has been accused. In the present instance I fear that some of your Grace's Despatches may, as I think undeservedly on my part, have created a public feeling against me in England, which I may find it very difficult to remove."

These words were written on the 27th November, 1862, and it was not till the 25th September, 1865, that the Secretary of State, in his Despatch (No. 78), recollects the fact that the hundred and ninety-fifth section of the Rules and Regulations of Her Majesty's Colonial Service prescribes as follows:—

"The respective officers employed under the War Department are in all cases, without exception, to give timely notice to Governors of any communications which they may intend to send home affecting such Governors, or the orders given by them, so that Her Majesty's Government may be simultaneously made acquainted with the opinions of the Governors as well as those of the officers, in question on any matter on which it is requisite that the views of both should be known."

Mr. Cardwell, in the same Despatch, states:—"It is much to be regretted that this regulation was not observed by General Cameron, and that copies of the Despatches in question were not sent to you by him before the Despatches themselves were sent to Earl de Grey;" and in the enclosure to that Despatch Earl de Grey states:—"Sir Duncan Cameron ought, however, in accordance with the Horse Guards' Circular Letter, dated February, 1859, to have furnished the Governor with duplicates of any Despatches addressed by him to the Secretary of State for War, other than those relating to discipline and military routine. Lord de Grey had no reason to suppose that Sir Duncan Cameron was unaware of this rule, and was not in the habit of acting upon it."

Ministers need scarcely observe that "the respective officers employed under the War Department" have constantly violated this rule to which the special attention of the Secretary of State had been drawn in November, 1862, and now it would appear that it does not apply to officers of the Commissariat, but that they are exempt from an obligation which is imperative on the Commander of the Forces, and can officially claim the privilege of secret defamation. In the case now in question, both the letter of Mr. Strickland to the Imperial Treasury, and the enclosure addressed to his commanding officer in the Colony, were, until the documents returned from England, withheld from the knowledge of the Governor and the Colonial Authorities, whose acts he misrepresented and whose character he aspersed. Such communications may account for the unfriendly tone of recent Despatches from the Imperial Government, which cannot otherwise be accounted for, and which is greatly to be regretted.

The rule of the Colonial Civil Service on this subject, with respect to the correspondence of private individuals, is equally explicit. The reasons on which this rule is founded are explained in a letter dated 15th February, 1843, written from the Colonial Office to the Directors of the New Zealand

Company by direction of Lord Stanley, in the following forcible words:—"It is impossible to conduct the affairs of any Colony with safety or propriety by a correspondence carried on between the Colonists and the Secretary of State, whether directly or through the intervention of third parties resident in England, but without the intervention of the Governor. Such a practice would expose the Secretary of State to be misled by partial and unfair representations of persons blinded by local prejudices, local feuds, or personal interests. It would place the Governor in a position intolerable to any man of correct feelings and of proper self-respect. It would be destructive of all mutual confidence between the head of this office and the head of the local Governments, and it would invert the proper rule of responsibility by making the Secretary of State answerable for originating, not for approving, measures of local concern, and by making the Governor responsible not for the origination of such measures, but for obedience to instructions respecting them written at such a distance as to render the means of accurate knowledge unattainable. For these reasons Lord Stanley's predecessors have invariably maintained, and His Lordship has adopted, the rule, that complaints of the acts or omissions of a Governor transmitted from a Colony without the intervention of the Governor, or the simultaneous communication of such complaints to him, cannot be entertained until the Governor shall have obtained and reported on a copy of the complaint." And it is added that "This principle will, on all future as on all past occasions, be the rule of Lord Stanley's official conduct."

The Earl of Derby (then Lord Stanley) is now Prime Minister; the Governor and Colonists of New Zealand are the object of calumnious attack, and the calumniators are officers of the Imperial Government itself. The Colonial Government claims from His Lordship that justice which, twenty-three years ago, under similar circumstances, he so distinctly upheld.

The rule is founded on that inherent justice which requires fair play between man and man. The violation of that rule in respect of a distant Government is fraught with evils, infinitely aggravated when that violation proceeds from Departments of State; for in the latter case it at once divides the Government against itself, creates antagonism where co-operation is essential, and has, in New Zealand, produced a series of calamities. Mutual distrust, bitter recrimination, exasperation of race against race, irresolute action, waste of blood and treasure, needless prolongation of war, and enhanced difficulty of re-establishing peace and restoring general confidence, form part of the melancholy catalogue.

The past is now irretrievable, but a legacy of evil is left, and the complete withdrawal of Imperial Troops cannot, as the Secretary of State seems to think, either annul that fatal bequest, or absolve the Imperial Government from responsibility for the consequences. The Crown of Great Britain is bound to the Native race in New Zealand by obligations which cannot be ignored, and which Her Majesty has solemnly commanded Her successive Governors honourably and scrupulously to fulfil. The Imperial Government has relinquished that fulfilment at a time when the Natives were in arms against Her Majesty, and has transferred its obligations to the Colonial Government when the inhabitants of New Zealand are embittered by the unmerited obloquy systematically heaped on the Colony by Imperial departments, whose course of action has naturally excited deep indignation among the Colonists, and has implanted in the disaffected native mind a strong though mistaken sense of oppression and a fierce spirit of resentment. For language of the kind so often used in the Despatches of high Imperial Officers, imputing to the Colonists selfish motives and cruel acts in their treatment of Natives, soon comes to Native ears, and the results cannot be better described (although now with a thousandfold weightier application) than in the following words used by Earl Grey, when Secretary of State, in his Despatch No. 108, November 30, 1847, to Sir George Grey:—

"I fear that it is impossible that language such as that of this protest can be addressed to a people who have so lately emerged from habits of the most savage barbarism,—a people well armed and warlike, of easily excited passions and minds untrained to European habits of obedience—without very serious risk." And again—"When I reflect on the scenes of which some parts of this Colony have been lately the theatre, and the passions which have been aroused by questions arising out of this very subject, it appears to me that those who use such language incur a heavy responsibility, and the heavier in proportion to the eminence of their station."

At this conjuncture the Imperial troops are withdrawn, in which Ministers acquiesce, for the good intention of the British nation in sending them to the Colony has been entirely frustrated. Not only were the Military Departments, over which the Colony had no control, perverted into instruments of defaming its character, but they even discharged their legitimate functions so as to entail on the Colony an enormous expenditure wholly disproportionate to its means, and with comparatively small practical results. Even one regiment was not to be left, except on conditions which would render it useless, and make the commanding officer independent of the constitutional control of the Governor. But the withdrawal of the troops has been effected, as has been shown in recent Despatches of the Governor and in Ministerial Memoranda, in a manner calculated still further to engender animosity, to inspire the disloyal Natives with revived hopes, and the loyal with distrust. The whole system to which the Colony has been forcibly subjected has been most injurious both to its reputation and to its purse, and when a fair and unbiassed consideration has been given to the whole circumstances of the case, and to the large sacrifices made by the Colony by imposing on itself heavy additional taxation to enable it to meet liabilities in which it has been involved—but which were not created by itself—Ministers are confident that a sense of justice will induce the Imperial Government spontaneously to recognise the right of the Colony to be indemnified for the losses which it has sustained.

This is a sketch of the present state of the mutual relations of the Imperial Government and of Her Majesty's subjects of either race in New Zealand. The action of the Imperial Government has increased the ever critical character of these relations, but Ministers fully adopt the policy expressed in the words which in 1863, under more cheering circumstances, stated the determination of each House of the Colonial Legislature "to use its best endeavours to secure a sound and lasting peace; to do justice impartially to both races of Her Majesty's subjects, and to promote the civilization and welfare of all classes of the inhabitants of these islands."

Ministers have made these remarks in order to rebut calumny, and, in this most important

crisis in the history of New Zealand, to place on record a truthful statement of its present position in relation to the mother country. They desire to preserve the fair fame of the Colony from unjust reproach; and they earnestly appeal to the Home Government to do tardy but effectual justice, and to extend to the Colony, in the arduous course before it, that sympathy and moral co-operation due to every integral portion of the British Empire, but to which New Zealand, its young and remote off-shoot, deprived as it is of all external aid, and charged with heavy Imperial responsibilities, has a pre-eminent claim.

E. W. STAFFORD.

Sub-Enclosure 1 in Enclosure to No. 37.

Copy of a Minute by the COLONIAL TREASURER.

FOR THE HONORABLE THE COLONIAL SECRETARY,—

In reference to that portion of Deputy-Commissary-General Strickland's letter which complains that monthly payments were not made by the Colony as promised, the Colonial Treasurer refers to his Memorandum of the 2nd April last, of which a copy is attached. Since then a requisition has been forwarded to this Department from the Colonial Defence Department (dated 20th April) for the amount of £2042 11s. 1d., purporting to be for provisions issued to the Colonial Forces during the month of January last, and for Wanganui, for December, 1866. (The terms of Lieutenant-Colonel Pitt's letter, dated Auckland, 10th April, 1867, are quoted.) The Colonial Treasurer has this day signed a cheque for the payment of the amount thus claimed. That is, within fourteen days after the receipt of the particulars of demand the vouchers are examined and the payment is provided for, although, as will be seen, the forwarding the accounts was delayed by the Imperial Authorities till about three months after the issue of the supplies which was made in December, 1866, and January, 1867, respectively. The Colonial Treasurer considers that these dates and figures constitute a sufficient reply to that portion of Deputy-Commissary-General Strickland's letter which charges the Colony with delay in making the monthly payments promised.

Treasury, 9th May, 1867.

WILLIAM FITZHERBERT.

Sub-Enclosure 2 in Enclosure to No. 37.

Copy of a Memorandum by the COLONIAL TREASURER.

FOR THE HONORABLE THE COLONIAL SECRETARY,—

Referring to the specific arrangement entered into by the Colonial Government, in the earlier part of last year, to pay the Imperial Commissariat every month for the amount of rations issued by them for the use of the Colonial Troops, the Colonial Treasurer draws attention to the great irregularity which has occurred in the transmission to the Treasury of those accounts.

From June, 1866 (the date on which the specific arrangement above referred to was to come into operation), to the present date, payments have been made by the Colonial Treasurer to the account of the above service to the extent of £20,130 9s. 11d., being in respect of the several months of June, July, August, September, November, and December, 1866.

No account, however, has been received at the Treasury for the intervening month of October, although it appears that certain vouchers connected with that month's accounts are under the examination of the Audit.

It is possible, therefore, that the delay in this instance may rest with the Colonial and not with the Imperial Authorities; but with respect to the month of July, the account was only forwarded from Auckland under date 22nd February last* (Assistant Military Secretary's letter No. 4949), and only reached the Treasury on the 27th March ultimo, when it was immediately remitted for to Auckland on the 1st instant; *i.e.*, the account occupied nearly eight months in reaching the Treasury; and no accounts have yet been presented at the Treasury for either of the months of the present year.

The attention of the Honorable the Colonial Secretary is directed to this circumstance, inasmuch as remonstrances have been addressed to the Colonial Government against the want of punctuality in making these payments to the Imperial Commissariat; whereas, in some instances (as above stated), no accounts have been received, or they have been greatly delayed.

Treasury, 2nd April, 1867.

WILLIAM FITZHERBERT.

No. 38.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Duke of BUCKINGHAM.

(Separate.)

Government House, Auckland,

28th June, 1867.

MY LORD DUKE,—

My Responsible Advisers have requested me to bring under your Grace's notice the enclosed Memorandum, in which they earnestly remonstrate against the indiscriminate use made by the Major-General of his power of giving temporary local rank to officers of the Imperial Forces, with a view of enabling him to assume command over the heads of officers of H.M. Local Offices, as

* A statement of this account was originally received by the Governor, on the 1st October, 1866, but required to be amended, and the amended account, duly vouched for, did not reach the Colonial Treasury until March, 1867.

being a breach of the instructions of the late Lord Herbert, who, when Secretary of State for War, directed that this honor should be only very sparingly used, as Her Majesty's Government were most anxious to promote, by every means in their power, a spirit of self-reliance among the inhabitants of New Zealand.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

P.S.—I beg to be permitted to observe to your Grace that my Responsible Advisers express their regret that the name of Captain Noblett, of the 18th Regiment, should, from an error, have been unfavourably alluded to. I would also express my extreme regret that such should have been the case, as, on the occasion of the capture of the Weraroa Pa, Captain Noblett evinced a marked energy and alacrity in the performance of this duty, as I reported in my Despatch No. 94, of 22nd July, 1865.

Enclosure in No. 38.

MEMORANDUM by Colonel HAULTAIN.

WITH reference to Lord Carnarvon's Despatches, No. 10, of the 1st February, 1867, and No. 20, of the 1st March, 1867, and the respective enclosures thereto, Ministers regret exceedingly that their Memorandum of the 12th October, 1866, should have been considered insulting to the officers and men of Her Majesty's Troops serving in New Zealand, by His Royal Highness the Field Marshal Commanding in Chief, and should have been equally condemned by Lord Carnarvon and the Secretary of State for War.

Ministers had no desire to comment on the conduct of any particular officers and men; their object was to animadvert on the general line of action pursued by the Imperial Troops on the West Coast, and on the anomalous relations between them and the Local Forces, which they are not surprised His Royal Highness should declare to be incomprehensible to himself and utterly at variance with the customs of the service in all other parts of Her Majesty's dominions. It must indeed appear strange to those who are unacquainted with the policy adopted by the Imperial Government towards this Colony that, in a district fully garrisoned by the Regular Troops, it should be necessary for the Local Government to send a small force (all that their means would admit of) to punish offenders who had been committing murderous outrages close to the Imperial camps, and that they should have had to request that their commander should not be interfered with in performing this service, "if he was to act without the assistance of the Regular Troops." (Enclosure No. 1.) It would almost seem as though His Royal Highness had not been made acquainted with the recent instructions of the Secretary of State for the Colonies, relative to the location and movements of the Imperial Troops in New Zealand, or he would hardly have thought it advisable to insist that the usual relations between the two services should invariably be maintained; for as it had been determined that such Troops as were to remain in the Colony should be stationed at the centres of population, from which they were not to move except under conditions which could not be accepted, and as the Head Quarters of the Major-General Commanding are at Auckland, 400 miles from the Seat of Government, and nearly half that distance from any probable scene of hostile operations, it is plain that it would not be practicable for Officers commanding Local Troops, when separately employed on special service in the field, to be under the orders of the Major-General, and at the same time to conduct operations initiated by the Colonial Government, and carried on at the expense of the Colony.

Ministers had hoped that the vigorous and successful operations of General Chute at the commencement of last year, with the stringent instructions he issued to officers commanding posts to lose no opportunity of attacking and harassing the enemy (Enclosure No. 2), would have secured the tranquillity of the West Coast; but the results were not such as might have been expected: the rebel Natives returned to their settlements in the bush, and committed aggressions from time to time with comparative impunity. The communications between Patea and Taranaki were never open, large parties only could pass from post to post with safety, and notwithstanding the assertions that small escorts were sufficient from Patea as far as Waingongoro, and that communications were not stopped, the occurrence of the murderous outrages and ambuscades instanced by Lieutenant-Colonel McDonnell in his letter of the 5th instant (Enclosure No. 3), suffices to prove the correctness of that part of the statement made by Ministers in their Memorandum; that Redoubts were fired into is confirmed by Lieutenant-Colonel Hamley's letter of 19th November, 1866 (enclosed in Lord Carnarvon's Despatch, 1st March, 1867, No. 20), the offenders remaining yet unpunished. It is true armed parties were sent to follow them to the edge of the bush, into which the rebels retired, only more likely to be emboldened still further to harass and annoy their opponents, by finding that they could always make good their retreat to positions to which they would not be followed.

The offer of the Major-General to assist the Colonial Forces with 150 or 250 men, under command of a Field Officer, was, as is shown by Lieutenant-Colonel McDonnell's letter, almost practically useless. For the latter officer to have surrendered his command, would have been to have set aside his own plans and arrangements, for the sake of the assistance of a small Imperial Force, which alone could not have performed the required service, and the Commander of which would probably have little regarded the wishes of the Colonial Government. Lieut.-Colonel McDonnell was, however, left entirely unfettered on this point, and was at liberty to have applied for assistance whenever he deemed it necessary. Ministers consider that he judged rightly in not asking for that assistance; and they freely admit that they are not desirous that the Colonial Troops should continue to be associated with the Regular Forces, for it is evidently intended that for the future, Local Officers, whatever their rank or qualifications, are not to exercise command when serving with any portions of the Imperial Troops.

They instance the case of Lieutenant-Colonel Harington, at Tauranga, who, during Colonel Hamilton's absence on leave for a few days, was superseded by Captain Sillery, of the 1B. 12th Regiment, who received a commission as Lieutenant-Colonel for the occasion. Lieutenant-Colonel Harington was in command of the Militia District of Tauranga; he had served in Her Majesty's Forces for as long a period as Captain Sillery—he had been in command of a colonial regiment for more than two years, and, during a portion of that time, had been acting as Colonel-Commandant of four fully organized regiments. Major Roche also had in his possession a commission as Lieutenant-Colonel, to be exercised in case Lieutenant-Colonel Gorton (who had been nine years in the 57th Regiment), should be sent from Wanganui to Patea; and Captain Noblett was appointed a Local Major, that he might command Major McDonnell, who had served with the greatest distinction throughout the New Zealand war, and had received the highest commendations from the Major-General Commanding the Troops.

This determination to subordinate Local Commanders to any junior Imperial Officer, without reference to their respective qualifications, whenever portions of the two corps may be serving together, is not only very humiliating to the Colonial Troops, but, in the event of special operations, might work so injuriously, that Ministers cannot acquiesce in it; and they protest against the invariable and indiscriminate exercise of this power, not only as being detrimental to the Colonial Service, but contrary to the instructions of the late Lord Herbert, who, when Secretary of State for War, directed that it should be very sparingly used, and only when evident inconvenience would otherwise arise (Enclosure No. 4).

Ministers express their regret that they should have mentioned Captain Noblett's name in their Memorandum, as it appears by Lieut.-Colonel McDonnell's letter that he had offered to march out some of his men to the margin of the bush on the morning after the Colonial Expeditionary Force had passed through his camp at Waingongoro.

18th June, 1867.

T. M. HAULTAIN.

Sub-Enclosure 1 to Enclosure in No. 38.

FOR HIS EXCELLENCY THE GOVERNOR,—

Ministers have no desire to put Major McDonnell and the Colonial Force in the Patea District from under the orders of the Major-General, if the Imperial Troops are about to undertake any operations to secure the tranquillity of the district, and to punish the Natives who have recently committed outrages in the neighbourhood of Kitemarai. They are only anxious that Major McDonnell should not be impeded in endeavouring to perform this service, if he has to act without the assistance of the Regular Troops.

14th July, 1866.

T. M. HAULTAIN.

Sub-Enclosure 2 to Enclosure in No. 38.

(Garrison Orders.)

New Plymouth, 17th February, 1866.

UNDER instructions from the Major-General Commanding, Officers commanding at the several outposts are clearly to understand that no restrictions are placed upon their harassing and attacking the enemy whenever and wherever they may be able to do so.

Officers commanding at Warea and Opunaki especially are instructed to lose no opportunity in attacking the rebel Natives, and by constant patrols and reconnoitring parties to harass and annoy them as much as possible.

Officers commanding outposts are requested and enjoined to support and assist each other in carrying out the operations as far as is compatible with the safety of the post under their charge.

(By order)

H. R. RUSSELL,
Brevet Major, Garrison Adjutant.

Sub-Enclosure 3 to Enclosure in No. 38.

SIR,—

Wellington, 5th June, 1867.

With reference to Major Roche's letter, dated 13th November, 1866, which you have referred to me, I have the honor to enclose the following remarks:—

Major Roche states, at the end of paragraph 1, "that it is quite untrue therefore to state that communications have been stopped." I have had the honor to report for the information of the Government, the ambuscade Mr. Carrington, chief surveyor, and myself, fell into on the 16th June, 1866, on our returning to Patea from Waingongoro, also Captain Newland and Mr. Kenrick's escape from an ambuscade between Hawera and Waihi. And also, I have reported the surveyors to have been fired upon. The murder of Trooper Haggerty, of the Wanganui Yeomanry Cavalry, I reported to the Defence Office, and I acquainted the Officer in command at Patea of this man's death directly I heard of it, hardly two hours after the occurrence took place, but no action was taken by him that I am aware of.

Major Roche states, that "should Major McDonnell require aid he was to refer to me, and that I was to form a force of 150 men to co-operate with him." Major Roche was not always to be found at a moment's notice, supposing his services were required, and by the time this force of 150 or 250 men were collected, or could have been collected, the enemy would have shifted their ground, and the opportunity for striking a blow lost.

Again, Major Roche states: "I hastened to assure Major McDonnell on his arrival that he might rely upon our cordial co-operation at any moment." I understood Major Roche that assistance would be rendered, if required, by the Imperial Forces, only in case we came across any strongly fortified position in which the enemy had taken up their abode, and for the attack and capture of which position I might deem the force under my command too small for the purpose, in which case the Imperial Troops would support and assist us.

Major Roche also says: "It has come to my knowledge even that Captain Noblett, 2-18th Regiment, has upon more than one occasion urged Major McDonnell to apply to him to co-operate with him." Up to the attack and capture of Pungarehu, and for some months afterwards, Captain Noblett never urged me to apply to him as mentioned in Major Roche's letter.

The evening I marched to attack Pungarehu, passing through the redoubts and the mouth of the Waingongoro River, Captain Noblett offered to proceed the next morning with as large a force as he could muster to the margin of the bush, if I could indicate where my force would be found, but that not under any circumstances could he accompany our men into the bush unless he received instructions to that effect from Major Roche. Under these circumstances, and knowing nothing of the nature of the position I was going to attack, I declined Captain Noblett's offer, especially as it was my intention to attack at daylight. Assistance in the open plain would not have been required, as my force was more than equal to any number the enemy could have brought against me in that neighbourhood. It would also have taken two or three days at this time to communicate with Major Roche, or before any force could have been mustered. The whole country was heavy with the rains that had fallen.

Major Roche states again that "Major McDonnell would of course not have applied except "under very urgent circumstances, as it was contrary to the instructions." I can only say that I received no instructions not to apply for aid, that was left to my own discretion.

I have, &c.,

THOS. McDONNELL,

Lieut.-Colonel, Colonial Forces.

The Hon. Colonel Haultain, Defence Minister.

Sub-Enclosure 4 to Enclosure in No. 38.

SIR,—

War Office, 16th January, 1861.

I have laid before the Secretary of State for War your letter of the 28th ultimo, together with the correspondence enclosed in reference to a question which had arisen as to the relative rank of Major Cooper, commanding the Wanganui Regiment of Militia, in New Zealand, and the Officer in command of the Regular Troops at that station.

In reply I am to request that you will acquaint the General Commanding-in-Chief that Lord Herbert believes that there are no regulations in force in New Zealand which would give an officer of the Queen's Service the right to command an officer of higher rank in the Local Militia, and he agrees, therefore, with His Royal Highness in opinion, that Major Cooper ought not to have been placed under the command of Captain Blewitt. It does not appear there is any reason for supposing that Major Cooper was unequal to the command of the troops at the station in question, and Lord Herbert conceives that to deprive him of a position which he is entitled to fill, without strong grounds for doing so, would give rise to just dissatisfaction in the Colony, and tend to discourage the efforts now being made to organize an efficient Militia Force.

In the event, however, of cases arising in which evident inconvenience would result from the troops being placed under the command of an officer of the Local Militia, Lord Herbert would not object to the Major-General being authorized to select a well-qualified officer of Her Majesty's Service to whom temporary rank should be given, with a view to enabling him to assume the command.

The Major-General should, however, be cautioned to use this power very sparingly, as Her Majesty's Government are most anxious to promote, by every means in their power, a spirit of self-reliance among the inhabitants of New Zealand.

I have, &c.,

EDWARD LUGARD.

To the Military Secretary.

No. 39.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Duke of BUCKINGHAM.

(No. 56.)

Government House, Wellington,

MY LORD DUKE,—

7th July, 1867.

I have the honor to report that the General Assembly of New Zealand will meet to-morrow for the despatch of business.

2. In the draft of the Speech prepared for me by my Responsible Advisers, they have requested me to state to the Assembly, in reference to my recent journey through New Zealand, that "I could not but be gratified by the rapid progress which it was evident the Colony generally had made; while in the settlements which have sprung into existence during the last few years in the interior and on the West Coast of the Middle Island, I was struck both by their extent and importance, and gratified by the presence, notwithstanding the circumstances under which they were formed, of that regard for law and order which is the characteristic of our race. I can say with confidence, that security for life and property and respect for the law exist in as marked a degree in those thickly and recently populated districts as in any part of Her Majesty's dominions. I congratulate you on the re-establishment of peace generally throughout the North Island, in no part of which do I anticipate in future any systematic or sustained hostilities.

“ During the recess I have made a journey, partly on foot, through the North Island, and have traversed Native districts which it had for some time past been deemed unsafe to enter. I everywhere found the embers of disaffection dying out, and I was received by the Maori population, even in districts recently in rebellion, in such a manner as to inspire confidence in the future peace of the country.”

3. In the remarks thus prepared by my Responsible Advisers I fully concur, and I feel sure that your Grace will be gratified to learn that such is our joint opinion upon the present state and future prospects of New Zealand.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

No. 40.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Duke of BUCKINGHAM.

(No. 64.)

Government House, Wellington,

MY LORD DUKE,—

15th July, 1867.

I have the honor to transmit the accompanying Petition to Her Majesty the Queen from the Provincial Council of Otago, that Her Majesty “ may cause an Act to be introduced into the Imperial Parliament to provide for the separation of the North and Middle Islands of New Zealand into two separate and independent Colonies, with such provisions for a federal union as Her Majesty’s Advisers may esteem desirable.”

2. My Responsible Advisers request me to inform your Grace that they cannot concur in the prayer of the Petition, as they believe that a separation of the Colony would be productive of great calamities, would largely affect the question of its liability for its existing public debts, and would much retard its future progress and prosperity.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 40.

PETITION from the PROVINCIAL COUNCIL of Otago to HER MAJESTY.

Her Most Gracious Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland and Dependencies thereof, Defender of the Faith, &c.

MOST GRACIOUS SOVEREIGN, MAY IT PLEASE YOUR MAJESTY,—

The humble Petition of Your Majesty’s loyal subjects, the Provincial Council of Otago, in the Middle Island of the Colony of New Zealand, in session assembled in the City of Dunedin, upon the first day of June, one thousand eight hundred and sixty-seven, who approach Your Majesty with feelings of profound loyalty and attachment to Your Majesty’s royal person and throne, in all faithfulness and zeal towards Your Majesty’s service, most humbly and dutifully sheweth—

That your Petitioners pray Your Majesty may cause an Act to be introduced into the Imperial Parliament to provide for the separation of the North and Middle Islands into two separate and independent Colonies, with such provisions for a federal union as Your Majesty’s Advisers may esteem advisable.

That your Petitioners consider the union of the Northern and Middle Islands is injurious to both, the interests of the two islands being dissimilar.

That the Northern Island has been and will be for many years occupied in resisting the aggressions of the Native race; and ultimate peace with the Natives can only be secured by the careful local application of laws calculated to meet the wants of both the European and Native races, laws altogether unsuitable to the Middle Island, which, free from Native claims and occupations, seeks only permission to devote its energies to the development of the great commercial, pastoral, agricultural, and mining resources which it possesses by the construction of roads, bridges, railways, and other reproductive works, and by encouraging emigration on an extensive scale.

That, owing to the General Assembly of New Zealand having to chiefly occupy itself with the discussion of Native questions, laws for the general government of the Colony, as well as those more particularly affecting the interests of the Colonists occupying the Middle Island, are either hurried through in an imperfect manner, or are altogether neglected.

That the administration of the Government of the Middle Island, where only European settlers are concerned, has always been subordinate to that of the Northern Island; and, so long as the two islands are united and the Native question exists, your Petitioners believe it will necessarily be so.

That, besides the heavy charges on the Middle Island revenues for loans already expended, not for its benefit but for Native purposes, there is still a continuous drain on the revenue for current expenditure on the same objects, and your Petitioners are convinced that the disbursements will continue to be extravagant and in a great measure useless so long as the Middle Island is liable for them. On the other hand, if the Northern Island has entirely to rely on its own resources, costly Native experiments will be avoided, and the Natives will be governed efficiently and economically.

That the Middle Island now stands to the North Island in a similar relation to that which Great Britain did to New Zealand before Imperial considerations of expediency led the mother country to withdraw from interference in Native affairs; and the same considerations with equal force point to the inexpediency of the Middle Island continuing to interfere with the government of the Natives in the Northern Island.

That your Petitioners consider the extent, population, commercial importance, and resources of the Middle Island, as compared with those of other Colonies, fully justify their desire to convert it into a separate Colony.

That your Petitioners also respectfully represent that the isolation, great length (one thousand one hundred miles), and the narrowness of New Zealand, make its Government from any one spot more difficult than that of other Colonies possessing many times its area.

That your Petitioners emphatically disclaim any desire that the Middle Island should escape the liabilities fairly attaching to it; and they may direct Your Majesty's attention to the Petition already forwarded in one thousand eight hundred and fifty-eight, and subsequently from Auckland, and to the proceedings in the General Assembly, as evidence that in the North Island, the principal Province and a large proportion of the population are as anxious as your Petitioners for separation.

That your Petitioners are fully aware of the advantages of a Federal Union such as has taken place in British North America, but they humbly submit that the division of New Zealand into two Colonies will not prevent provision being made for their Federal Union in respect to those interests which they possess in common as portions of the same Empire. Your Petitioners therefore humbly pray that Your Most Gracious Majesty will be pleased to take the prayer of your loyal subjects into your most favourable consideration, and cause the Islands of New Zealand to be divided into two Colonies, and that each may have conferred upon it such constituent powers of legislation as shall best enable it to deal with the circumstances peculiar to itself.

And your Petitioners, as in duty bound, will ever pray, &c.

In the name, and on behalf of the Council,

WILLIAM H. REYNOLDS,
Speaker.

Passed the Provincial Council this third day of June, in the year of Our Lord one thousand eight hundred and sixty-seven.

CHARLES SMITH,
Clerk of the Council.

No. 41.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 65.) Government House, Wellington,
MY LORD DUKE,— 17th July, 1867.

I have the honor to transmit for your Grace's information a copy of a Report from the Commissioner whom I appointed to examine into the accounts between the Imperial and Colonial Governments.

2. This Report is of such importance, that, although I have only received it as the mail is closing, and am therefore unable to accompany it with any remarks, I am unwilling to delay its transmission.

I have, &c.,
G. GREY.

His Grace the Duke of Buckingham and Chandos.

Enclosure 1 in No. 41.

Major RICHARDSON to Governor Sir GEORGE GREY, K.C.B.

(See Letter in Papers relative to Imperial Claims against the Government of New Zealand.—
B. No. 5A.)

Enclosure 2 in No. 41.

The Hon. E. W. STAFFORD to Major RICHARDSON.

SIR,—

Wellington, 19th July, 1867.

In accepting the resignation of your office as Commissioner to investigate on the part of the Colony the claims of the Imperial Government, I beg to express, on behalf of the New Zealand Government, the sense it entertains of the very efficient manner in which a task requiring no ordinary care and judgment has been discharged by you.

The Hon. Major Richardson.

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

Enclosure 3 in No. 41.

PAPERS relative to IMPERIAL CLAIMS against the Government of NEW ZEALAND ; with
Remarks by the Commissioner.—B. No. 5A.

No. 42.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 68.)

Government House, Wellington,

MY LORD DUKE,—

26th July, 1867.

Adverting to my Despatches of the numbers and dates noted in the margin, on the state of the Imperial and Colonial Accounts, I have the honor to transmit a copy of a Memorandum of my Responsible Advisers, in which they request me to forward a copy of a letter addressed to the Colonial Secretary by the Hon. Major Richardson, enclosing the schedules of the claims of this Colony against the Imperial Treasury, which were not previously sent to Mr. Commissary-General Jones, together with an abstract statement of all these claims as received from the Colonial Treasury.

No. 3—April
No. 46—Apr. 27.
No. 61—July 15.
No. 65—July 17.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure 1 in No. 42.

Copy of a MEMORANDUM by Mr. STAFFORD.

Wellington, 25th July, 1867.

THE accompanying Letter, with its enclosures, from the Hon. Major Richardson, appointed to investigate on the part of the Colony the claims and counter-claims of the Imperial and Colonial Governments, has been received, and is forwarded to His Excellency for transmission to the Right Honorable the Secretary of State for the Colonies.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosures to Enclosure 1 in No. 42.

- No. 1. Letter from Major Richardson to the Colonial Secretary, 15th July, 1867.
- No. 2. Page 35, Appendix F., (*vide* B. No. 5).
- No. 3. Pay of Transport Corps and Militia attached to Her Majesty's Commissariat, 1863.
- No. 4. Pay to Imperial Troops employed as a moveable column, 1863.
- No. 5. Allowance to Imperial Troops at Otago, 1862-3.
- No. 6. Pay to men of Royal Artillery as a mounted corps.
- No. 7. Miscellaneous.
- No. 8. Taranaki Compensation—Mr. Commissioner Beckham's awards under the head of Military Claims.
- No. 9. Summary of further cost of Waikato Transport, 1864.
- No. 10. Waikato Transport Service—Cleaning the River.
- No. 11. Marine Insurance—Waikato Steamers, 1864.
- No. 12. Fire Insurance—Waikato Transport, 1864.
- No. 13. Interest on Commissioner's Account, Cost of Waikato Transport, 1864, at 7 per cent.
- No. 14. Summary of Cost of Waikato Transport, 1865, 1st January to 31st July.
- No. 15. Memo. Marine Insurance, Waikato Steamers, 1865.
- No. 16. Total Amount of Credit for Freight and Passage from 1st January to 31st July, 1865.
- No. 17. "Prince Alfred" Steamer, 1864, Cost.
- No. 18. "Prince Alfred" Steamer, 1865, Working Expenses.
- No. 19. Expenses incurred in maintaining prisoners on board the "Manukau," and in recapturing them after their escape therefrom, 1865-6.
- No. 20. Clothing supplied to men of the Royal Artillery employed as a mounted corps.
- No. 21. Extract from record, Deputy Adjutant-General, 1584-63.

No. 43.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 74.)

Government House, Wellington,

MY LORD DUKE,—

5th August, 1867.

I have the honor to transmit for your Grace's information a copy of a letter addressed to my Private Secretary, on the 18th of June last, by the Assistant Military Secretary ; and with reference to the intimation that the Major-

Assistant Military
Secretary to
Private Secretary.
(No. 5058), 18th
June, 1867.

General will forward a copy of the proceedings of the Court of Inquiry to which it relates to the Right Hon. the Secretary of State for War, I beg to enclose a copy of a Memorandum on the subject, drawn up by the Auditor-General of the Colony, which I have the honor to request may also be forwarded for the consideration of the military authorities.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure 1 in No. 43.

ASSISTANT MILITARY SECRETARY to PRIVATE SECRETARY.

(No. 5058.)

SIR,—

Head Quarters, Auckland, 18th June, 1867.

With reference to your letters of the 29th March, 1st and 2nd April, I have the honor, by direction of the Major-General commanding, to forward for the information of His Excellency the Governor the enclosed duplicate of proceedings of a Court of Inquiry, assembled by the order of the Major-General, to investigate and report on the alleged charges of fraud on the Colony by persons in the service of the Imperial Commissariat; and I am to add that the Major-General will by the next mail forward a copy of these proceedings to the Right Hon. the Secretary of State for War, from whom he will await further instructions in the matter.

G. W. DEAN PITT, Lieut.-Colonel,

Private Secretary, Government House, Auckland.

Assistant Military Secretary.

Enclosure 2 in No. 43.

(No. 130.)

MEMORANDUM by the AUDITOR-GENERAL.

I HAVE carefully read over the proceedings of the Court of Inquiry.

The Court releases the Commissariat Department from the imputation of issuing false certificates with intent to defraud.

It is shown, however, that false certificates were issued, and that they were made in some instances from extraordinary carelessness and complete disregard by the Commissariat officers of the usual precautions against mistakes. This particularly appears in the examination of Deputy Assistant Commissary-General Marshall, as explained by himself in evidence, on the 8th June, 1867.

Though it has not been proved that the officers making the false certificates knew them to be false, yet the Queen's revenues were paid away on such certificates. I think, therefore, no attempt should have been made, either on invitation by the Court or by the Commissariat officer in charge (Mr. Ibbotson), to throw blame on the Customs Department for carelessness.

Even if the Customs had had a ready means of detecting a false certificate (which, however, the elaborate returns found necessary for the use of the Court prove would not be the case), yet this would not remove or lessen the culpability of the Commissariat officers. The eagerness to throw blame on the Customs is particularly shewn in the uncalled for allusion by Mr. Ibbotson to the Customs having taken no steps to verify the signatures of the Commissariat officers, when neither a suspicion nor any evidence of forged signatures having been made use of had been brought under the notice of the Court.

CHARLES KNIGHT,

19th July, 1867.

Auditor.

The Military Authorities should be requested to state whether the necessary deductions for over issue of drawbacks have yet been made from the claims of the Contractors.

C. K.

No. 44.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Duke of BUCKINGHAM.

(No. 76.)

Government House, Wellington,

MY LORD DUKE,—

6th August, 1867.

1. Parakaia.
2. Hare Hemi Taharapa.
3. Pumipi te Raha.
4. Paranihi te Tau.
5. Rawiri te Wanui.
6. Te Hoia.

I have the honor herewith to transmit, for presentation to the Queen, the Petitions noted in the margin, which have been addressed to Her Majesty by certain members of the Ngatiraukawa Tribe, praying that some person may be sent out from England to investigate the reason why the General Assembly of New Zealand has excluded a block of land at Rangitikei, which they claim, from being subject to the operation of the Native Lands Court, so that their title to this land cannot be judicially investigated. This proceeding of the General Assembly they complain of as an injustice; and they appear to desire that some impartial person should investigate the subject, and, I presume, pronounce on the justice of their claims.

2. I enclose at the same time copies of two Memoranda which I have received from my Responsible Advisers, in which they explain the circumstances connected with this transaction.

3. Your Grace will observe that they state that the Petitioners have been repeatedly assured that full justice shall be done them. That the land in dispute has not yet even been surveyed, except to define certain reserves for the sellers of it; and that they hope ultimately that a just and satisfactory settlement of the case will be made.

4. I should have desired that, if possible, these claims should, in the usual way, have been submitted to the decision of a legally constituted Court, empowered after hearing the parties in the case to have pronounced a judicial decision regarding it; and that the Natives should in this manner have been taught to submit all their disputes, however complex, to a judicial tribunal.

5. On the other hand, it is alleged that it would be impossible to give any decision in this case which would not be challenged by the disappointed party, and which would not give rise to such a feeling of bitterness as might involve the country in serious disturbances; and as the Local Government and the General Assembly are now responsible for the peace of the country, it would be difficult to interfere with their deliberately formed views on this subject.

6. My belief is that a strong and influential party in the Assembly and the country will carefully watch this case, which has obtained considerable notoriety; and that it is extremely improbable that any injustice can be done to the Natives in the matter. The fact of their addressing the enclosed Petitions to the Crown shows that they fully understand their rights, and the constitutional manner of protecting them.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure 1 in No. 44.

PARAKAIA TE POUEPA to Governor Sir GEORGE GREY, K.C.B.

To GOVERNOR GREY,—

Otaki, 4th July, 1867.

I forward my Petition to you. Please have it sent on to the Queen of England.

PARAKAIA TE POUEPA.

Sub-Enclosure to Enclosure 1 in No. 44.

PETITION from PARAKAIA TE POUEPA to Her Majesty the QUEEN.

TO OUR LOVING PARENT, THE GREAT QUEEN OF ENGLAND,—

This is the prayer of me, Parakaia te Pouepa, an Aboriginal Native of New Zealand, of the Ngatiraukawa Tribe, residing at Otaki, New Zealand.

In the year 1862, we sent our letter to you, expressing our grief at the action taken by Governor Brown at Waitara, and requesting that a Governor might be sent out to investigate that wrong doing on the part of the Government.

That letter, expressive of our grief, was written because of our sorrow in respect of the lands of the erring tribes of the Ngatiawa, at Taranaki. This Petition of ours is to pray you to take into your consideration the case of my tribe with reference to our land, which is being taken away from us by Dr. Featherston.

Now we have borne in remembrance throughout all these years now past, how that your name was well received in New Zealand prior to the year 1840. By the Treaty of Waitangi, the sovereignty over this land was placed in your hands by the Maori Chiefs of New Zealand; it is therefore for you, the great Queen of England, at this time to show kindness to us your children, and to protect us in the possession of our lands.

This, therefore, is the reason of my writing to you; my tribe have lands between the rivers Manawatu and Rangitikei. This land was taken by us, the Ngatiraukawa, by force of arms, during the year 1830; before your sovereignty had lighted down upon this land we were in possession of the aforesaid lands, and have continued so ever since.

Listen, then, to the favors shown by us to your Governors, who came forth from your presence. In the year 1847 we allowed Rangitikei to be sold to Governor Grey. In the year 1858, Manawatu was sold to Governor Brown. In the year 1858 again, another block, Te Ahuaturanga, was sold to Governor Brown. Those were large blocks of land, fairly sold to your Governors.

By these sales, we gratified the desires of Ngatiapa, Rangitane, and a portion of my own tribe to sell land. The block of land referred to in the present Petition is what remains, and which is being kept back from sale by my tribe and myself.

Give heed: Thus far have we shown kindness to those tribes which were spared by ourselves from being slaughtered by Te Rauparaha, who had expressed it as his intention to destroy those tribes. Rangitikei, a large block of land, I, as an act of grace, gave back to Ngatiapa. Te Ahuaturanga, a large block of land, I, as an act of grace, gave back to the Rangitane. And now those tribes, together with the Government, come openly to take away our remaining piece; our houses, and the cultivations whence my tribe get their living, are being taken away.

In the year 1862, the Governor and the General Assembly established a Court to adjudicate upon Native Lands. Give heed: The lands of my tribe only were excluded from the operation of that Court.

In the year 1863, Ngatiapa came, with guns in their hands, to disturb my tribe; my tribe thereupon stood up with guns in their hands. I then sent a request to Governor Grey, and the Honorable William Fox, Colonial Minister, that they might send Mr. McLean to investigate the Rangitikei-Manawatu question. I received a letter from Mr. McLean informing me of his willingness to perform that service; but instead of him Dr. Featherston came, in the year 1864; when he came quarrelling was over, and we were waiting for Mr. McLean, whom we wished to have as investigator. For Dr. Featherston's plan of investigating was to buy the block of land so that he might get it into his own possession; it also consisted in aiding Ngatiapa, and falsely saying he had brought life to these tribes (prevented bloodshed).

In the year 1865, my tribe sent a Petition to the General Assembly, praying them to disannul that Act which excluded my land from the Court; but the Assembly paid no heed.

In the year 1866, Dr. Featherston came openly to urge the sale of our land to him, but we were not willing. His words, expressed with a view to intimidate us, were as follows—"This land I hold in my hand; eight hundred of Whanganui have agreed to the sale; one hundred of Rangitikei and Muaupoho have also consented to the sale; all these tribes went with me to fight those people who were fighting against the Queen's Troops; they have all consented to my having this land; they are many, you are few. You cannot keep back this land from the sale."

When my tribe heard his words of intimidation and slight as regarding us, we stood aghast with shame and fear. But I replied, asking him, "Friend, where are the many hundreds of those people you have mentioned who have claims upon this land? The Court only shall put you in lawful possession."

He answered me, "Parakaia, this land will never be taken through the Court."

Upon hearing this word of Dr. Featherston, we went to the Governor, the Assembly, and Ministers, urging that our claims to that land be investigated according to law. At the first, thirty-five of us went; on the second occasion, fourteen; at the third time, twenty-four went. Some were disheartened, but I persisted alone; yet without their acceding to my request. Then I asked myself, Where can the Treaty of Waitangi be, that its good results do not appear?

During the month of December, 1866, Dr. Featherston handed over the money in payment for the Rangitikei-Manawatu block to the sellers; some of my tribe also had some of it, the greater portion having no claim to the land. Some of the money also was handed over to distant tribes, who had no ground of claim to our land. He then told my tribe, "The whole of your land has gone to the Queen."

Because of this, I, your subject, now pray you to send a person to investigate this injustice carefully, that he may give life to us and our tribe, and raise up again the Treaty of Waitangi, which has been trampled under foot by the Government of New Zealand.

Otaki, 4th July, 1867.

PARAKAIA TE POUEPA.

Enclosure 2 in No. 44.

HARE HEMI TAHARAPA to His Excellency Governor Sir GEORGE GREY, K.C.B.

TO GOVERNOR GREY,—

Here is our petition: we send it to you. Please have it forwarded to the Queen of England.

HARE HEMI TAHARAPA.

Sub-Enclosure to Enclosure 2 in No. 44.

PETITION from HARE HEMI TAHARAPA to Her Majesty the QUEEN.

TO HER MAJESTY THE QUEEN OF ENGLAND,—

Here do we, your Majesty's loving subjects, cry to you out of the midst of the injustice inflicted upon us.

We had all heard before the Treaty of Waitangi, that you, the Queen, would take care of us and our lands.

We now write to you because of a block of land belonging to us, situate at Rangitikei, in the Province of Wellington.

We, the Ngatiraukawa, took that land by force of arms prior to the sovereignty of the Queen over New Zealand having been declared, and we have kept possession of it up to this time.

In the year 1862 the General Assembly and the Governor established a Court to adjudicate upon Native Lands. The Government of the Province of Wellington being desirous of purchasing our land, urged the General Assembly to exclude our lands from the operation of the Native Lands Act, in order that it might be bought by the Government of Wellington. To this the General Assembly at once assented.

Give heed: Only the land of us the Ngatiraukawa has been excluded from the Native Lands Court. We sent a Petition to the General Assembly praying that that Act might be disannulled, in order that our claims might be taken through the Court.

We have also been to Governor Grey and shown him our trouble, and requested that our claims to the land might be investigated; and we have also been to the Colonial Ministers, and requested to have our title to the land investigated, but they paid no heed.

In December, 1866, the Land Purchase Commissioner, the Superintendent of Wellington, handed over the purchase-money to certain persons who own the land adjoining ours. He gave money also to tribes dwelling at a distance who had no ground of claim to our land.

We have all seen the speech of the Superintendent of Wellington, made in opening the Provincial Council, on the 26th April, 1867, in which he stated that he had purchased the whole of our land, that is the Rangitikei-Manawatu block. He, upon a former occasion, made use of these words—"The whole of your lands have gone to the Queen of England." Still we were aware this law was not made by the Queen, but was made at their own instance, by the Assembly at Wellington.

Now therefore, we your subjects, who have always borne allegiance to your Majesty ever since the arrival of the first Governor, pray you to send an investigator of sound judgment to inquire into the particulars of this act of injustice.

The name of the sub-tribe of Ngatiraukawa to which we belong is Te Mateawa. There are twenty-two grown men of us claiming our piece of land, who took none of the money.

Witness to signature—

PUMIPI TE RAHA.

Written at Ohau, 4th July.

HARE HEMI TAHARAPA,
RAPERIERI TE MAHIRAHI,
POUHARIA TE POTAU.

Enclosure 3 in No. 44.

PUMIPI TE RAHA to Governor Sir GEORGE GREY, K.C.B.

To GOVERNOR GREY,—

Otaki, 4th July, 1867.

I forward this our Petition to you. Please have it sent on to the Queen of England.

PUMIPI TE RAHA.

Sub-Enclosure to Enclosure 3 in No. 44.

PETITION from PUMIPI TE RAHA to Her Majesty the QUEEN.

To HER MAJESTY THE QUEEN OF ENGLAND,—

Here do we, Your Majesty's loving subjects, cry to you out of the midst of the injustice inflicted upon us. We had all heard, before the Treaty of Waitangi, that you, the Queen, would take care of us and our lands. We now write to you because of a block of land belonging to us situate at Rangitikei, in the Province of Wellington.

We, the Ngatiraukawa, took that land by force of arms prior to the sovereignty of the Queen over New Zealand having been declared, and we have kept possession of it up to the present time.

In the year 1862, the General Assembly and the Governor established a Court to adjudicate upon Native Lands. The Government of the Province of Wellington being desirous of purchasing our land, urged the General Assembly to exclude our lands from the operation of the Native Lands Act, in order that it might be bought by the Government of Wellington. To this the General Assembly at once consented.

Give heed: Only the land of us, the Ngatiraukawa, has been excluded from the Native Lands Court. We sent a Petition to the General Assembly, praying that that Act might be disannulled in order that our claims might be taken through the Court. We have also been to Governor Grey and shown him our trouble, and requested that our claims to the land might be investigated; and we have also been to the Colonial Ministers and requested to have our title to the land investigated, but they paid no heed.

In December, 1866, the Land Purchase Commissioner, the Superintendent of Wellington, handed over the purchase-money to certain persons who own the land adjoining ours; he gave money also to tribes dwelling at a distance who had no ground of claim to our land.

We have all seen the speech of the Superintendent of Wellington, made in opening the Provincial Council on the 26th April, 1867, in which he stated he had purchased the whole of our lands, that is, the Rangitikei block. He, upon a former occasion, made use of these words,—“The whole of your lands have gone to the Queen of England.” Still we were aware this law was not made by the Queen, but was made at their own instance, by the Assembly at Wellington.

Now therefore, we your subjects, who have always borne allegiance to Your Majesty ever since the arrival of the first Governor, pray you to send an investigator of sound judgment to inquire into the particulars of this act of injustice.

The name of the sub-tribe of Ngatiraukawa to which we belong, is Ngatikahoro; some of the members of our *hapu* took of the money; fifteen adults took none of the money.

Witness to signatures—

HARE HEMI TAHARAPA.

Otaki, 4th July, 1867.

PUMIPI TE RAHA,
ARAPATA TE WIRI.

Enclosure 4 in No. 44.

PARANIHI and EBUINI TE TAU to Governor Sir GEORGE GREY, K.C.B.

To GOVERNOR GREY,—

Otaki, 29th June, 1867.

We forward this our Petition to you. Please let it be sent to the Queen of England.

Witness to signatures—

MATENE TE WHIWHI,
AKAPITA TE TEWE.

PARANIHI TE TAU,
EBUINI TE TAU.

Sub-Enclosure to Enclosure 4 in No. 44.

PETITION from PARANIHI and EBUINI TE TAU to Her Majesty the QUEEN.

To HER MAJESTY THE QUEEN OF ENGLAND,—

Here do we, Your Majesty's loving subjects, cry to you out of the midst of the injustice inflicted upon us. We had all heard, before the Treaty of Waitangi, that you, the Queen, would take care of us and our lands. We now write to you because of a block of land belonging to us, situate at Rangitikei, in the Province of Wellington.

We, the Ngatiraukawa, took that land by force of arms prior to the sovereignty of the Queen over New Zealand having been declared, and we have kept possession of it up to the present time.

In the year 1862, the General Assembly and the Governor established a Court to adjudicate upon Native Lands. The Government of the Province of Wellington being desirous of purchasing our land, urged the General Assembly to exclude our lands from the operation of the Native Lands Act, in order that it might be bought by the Government of Wellington. To this the Assembly at once consented.

Give heed: Only the land of us, the Ngatiraukawa, has been excluded from the Lands Court. We sent a Petition to the General Assembly praying that that Act might be disannulled, in order that our claims may be taken through the Court. We have also been to Governor Grey, and shown him our trouble, and requested that our claims to the land might be investigated; and we have also been to the Colonial Ministers, and requested to have our title to the land investigated, but they paid no heed.

In December, 1866, the Land Purchase Commissioner, the Superintendent of Wellington, handed over the purchase-money to certain persons who own the land adjoining ours; he gave money also to tribes dwelling at a distance, who had no ground of claim to our land.

We have all seen the speech of the Superintendent of Wellington made in opening the Provincial Council, on the 26th April, 1867, in which he stated he had purchased the whole of our land, that is, the Rangitikei-Manawatu Block. He upon a former occasion made use of these words—"The whole of your lands have gone to the Queen of England." Still we were aware this law was not made by the Queen, but was made at their own instance by the Assembly, at Wellington.

Now therefore, we your subjects, who have always borne allegiance to Your Majesty ever since the arrival of the first Governor, pray you to send an investigator of sound judgment to inquire into the particulars of this act of injustice.

These are the names of the sub-tribes of Ngatiraukawa which we represent—Ngatipikiahua, Ngatiwaewae, Ngatimaniapoto, Ngatihinewai.

There are seventy-one men of us owning our piece of land at Rangitikei who have not taken any of Dr. Featherston's money: only one of our party, Noa te Rauhihi, took of the money. There are other sub-tribes of Ngatiraukawa who claim in the Rangitikei-Manawatu Block.

Witness to signatures—
MATENE TE WHIWHI,
AKAPITA TE TEWE.
Otaki, 29th June, 1867.

PARANIHI TE TAU,
ERUINI TE TAU.

Enclosure 5 in No. 44.

RAWIRI TE WANUI to Governor Sir GEORGE GREY, K.C.B.

To GOVERNOR GREY,—

We forward this our Petition to you. Please let it be sent on to the Queen of England.
RAWIRI TE WANUI.

Sub-Enclosure to Enclosure 5 in No. 44.

PETITION from RAWIRI TE WANUI to Her Majesty the QUEEN.

To HER MAJESTY THE QUEEN OF ENGLAND,—

Here do we, Your Majesty's loving subjects, cry to you out of the midst of the injustice inflicted upon us. We had all heard, before the Treaty of Waitangi, that you, the Queen, would take care of us and our lands. We now write to you because of a block of land belonging to us, situate at Rangitikei, in the Province of Wellington.

We, the Ngatiraukawa, took that land by force of arms, prior to the sovereignty of the Queen over New Zealand having been declared, and we have kept possession of it up to the present time.

In the year 1862, the General Assembly and the Governor established a Court to adjudicate upon Native Lands. The Government of the Province of Wellington, being desirous of purchasing our land, urged the General Assembly to exclude our lands from the operation of the Native Lands Act, in order that it might be purchased by the Government of Wellington. To this the General Assembly at once consented.

Give heed: Only the land of us, the Ngatiraukawa, has been excluded from the Lands Court. We sent a Petition to the General Assembly, praying that that Act might be disannulled, in order that our claims might be taken through the Court. We have also been to Governor Grey, and shown him our trouble, and requested that our claims to the land might be investigated; and we have also been to the Colonial Ministers, and requested to have our title to the land investigated, but they paid no heed.

In December, 1866, the Land Purchase Commissioner, the Superintendent of Wellington, handed over the purchase-money to certain persons who own the land adjoining ours; he gave money also to tribes dwelling at a distance who had no ground of claim to our land.

We have all seen the speech of the Superintendent of Wellington, made in opening the Provincial Council on the 26th April, 1867, in which he stated he had purchased the whole of our land, that is, the Rangitikei-Manawatu block. He, upon a former occasion, made use of these words,—“The whole of your lands have gone to the Queen of England.” Still we were aware this law was not made by the Queen, but was made at their own instance by the Assembly at Wellington.

Now therefore, we, your subjects, who have always borne allegiance to Your Majesty ever since the arrival of the first Governor, pray you to send an investigator of sound judgment to inquire into the particulars of this act of injustice.

The name of the sub-tribe of Ngatiraukawa to which we belong, is Ngatimaio taki. In all there are of us thirty men and twenty-six women, besides children, who claim our piece in Rangitikei. Not one of us took of Dr. Featherston's money.

Signed in the presence of—
PUMIPI TE RAHA.
Otaki, 4th July, 1867.

ROTA TE TAHIWI,
RAWIRI TE WANUI,
KEPA KERIKERI,
PITA TE PUHEROA.

Enclosure 6 in No. 44.

TE HOIA and TRIBE to Governor Sir GEORGE GREY, K.C.B.

To GOVERNOR GREY,—

Otaki, 29th June, 1867.

We send you herewith our Petition to Her Majesty the Queen. Will you please to have the same forwarded.

Signed in the presence of—

MATENE TE WHIROHI,
AKAPITA TE TEWE,
MATENA TE KEHOTUKA.

TE HOIA,
and the rest of the Ngatihua Hapu
(26 in all).

Sub-Enclosure to Enclosure 6 in No. 44.

PETITION from TE HOIA and TRIBE to Her Majesty the QUEEN.

To HER MAJESTY THE QUEEN OF ENGLAND,—

Here do we, Your Majesty's loving subjects, cry to you out of the midst of the injustice inflicted upon us. We had all heard, before the Treaty of Waitangi, that you, the Queen, would take care of us and our lands. We now write to you because of a block of land belonging to us, situate at Rangitikei, in the Province of Wellington.

We, the Ngatiraukawa, took that land by force of arms, prior to the declaration of the Queen's sovereignty over New Zealand, and we have kept possession of it up to the present time.

In the year 1862, the General Assembly and the Governor established a Court to adjudicate upon Native Lands, and the Government of the Province of Wellington being desirous of purchasing our land, urged the General Assembly to exclude our lands from the operation of the Native Lands Act, in order that it might be purchased by the Government of Wellington. To this the General Assembly straightway assented.

Give heed: Only the lands of us, the Ngatiraukawa, have been excluded from the Lands Court. We sent a Petition to the General Assembly, praying that that Act might be disannulled, in order that our claims might be taken through the Court. We have also been to Governor Grey, and shown him our trouble, requesting that our claims to the land be investigated; we have also been to the Colonial Ministers, and requested to have our title investigated, but they paid no heed.

In December, 1866, the Land Purchase Commissioner, the Superintendent of Wellington, handed over the purchase-money to certain persons who own land adjoining ours. He gave money also to tribes dwelling at a distance, who had no grounds of claim to our land.

We have all seen the speech of the Superintendent of Wellington, made in opening the Provincial Council on the 26th April, 1867, in which he stated that he had purchased the whole of our lands, that is the Rangitikei-Manawatu block. He, upon a former occasion, had made use of these words, "the whole of your lands have gone to the Queen of England." Still we were aware this law was not made by the Queen, but was made at their own instance by the Assembly at Wellington.

Now therefore, we, your Majesty's subjects, who have always given support to your laws, ever since the arrival of the first Governor, pray you to send an investigator of sound judgment, to inquire into the particulars of this act of injustice.

The name of the sub-tribe of Ngatiraukawa to which we belong, is Ngatihua. We did not take of Dr. Featherston's money.

Manahi Ngatihua,
Rupuka Tahiainoa,
Matiu Maniapoto,
Pita te Rahumia,
Penehira te Rangitioro,
Tamati Takahiparu,
Rangimatou,
Tauhi,
Te Tauha,
Paraone te Manuha,
Peni te Aunui,
Namana te Arero,

Te Hemara te Tewe,
Poniwahio Pura,
Rano Paretako,
Aperahama te Ruru,
Hemi Kupa Ngapohoi,
Tame Hawea,
Winara Poaha,
Aperahama te Keu,
Matai,
Heneri Ngahoti,
Kopi te Karaka,
Haharaia te Wera,
Ururoa.

Witnesses to signatures—

Matene te Whiwhi,
Akapita te Tewe,
Matina te Kikotuha.

Otaki, 29th June, 1867.

Enclosure 7 in No. 44.

Letter from Mr. PUCKEY to Mr. ROLLESTON.

Mr. ROLLESTON,—

With reference to the account of the interview between His Excellency the Governor and Parakaia te Pouepa, appended hereto, I beg to state that when it first came under my notice I was under the impression that it must have been some other interview, and not the one at which I interpreted; nor was it until I saw the words, "The Governor then turned to Puckey" (the interpreter), that it became apparent to me it must be an account of the meeting at which I was present, though such an account as must give anyone not there an exceedingly wrong impression of what took place.

10th July, 1867.

E. W. PUCKEY.

Enclosure 8 in No. 44.

MEMORANDUM by Mr. J. C. RICHMOND.

My knowledge of Maori is not sufficient to enable me to speak with precision, but my impression of the whole meeting is totally different from Parakaia's report.

His Excellency appealed to his patriotism, was altogether conciliatory, and asked concessions as a matter of favour. He used no threat that I heard, and as to the Ngatiraukawa lands at Maungatautari, he argued that Parakaia's claims, which he was preferring in the Native Lands Court, were of the same character as those of the Ngatiapa which he refused to recognize in Rangitikei; and that he looked to the Government for the fair consideration of those Maungatautari claims, and ought, therefore, not to push them into difficulties at Rangitikei.

I added myself that the Government were resolved, so far as they were concerned, not to have land claims brought against the owner's will. That he (Parakaia) knew we could not put him in possession of his claims now without bloodshed; but that if he persisted in maintaining them, they would remain with him so far as they were right, though he might be many years kept out of possession.

18th July, 1867.

J. C. RICHMOND.

P.S.—Parts of His Excellency's address to Parakaia were in English, in order that I might fully understand them, and Mr. Puckey translated them to Parakaia.

J. C. R.

Enclosure 9 in No. 44.

(EXTRACT from NEW ZEALAND ADVERTISER of 20th May, 1867.)

Interview between Governor Sir GEORGE GREY, K.C.B., and PARAKIA TE POUEPA.

ENEI korero mo Rangitikei:

Poneke Whare o Kawana Kerei, Nowema 26, 1866.

Kawana Kerei—E Parakaia, ko te take i mea atu au ki a koe kia haere mai, he wehi noku kua tata mai te raruraru kia tatou, ko taku wehi tenei i mea atu ai, kia rongo au i o whakaaro mo Rangitikei. Ka nui taku wehi, kua tata mai te kino ki to tatou pito; ko taku kupu ki a koe, me whakaae koe ki Rangitikei, hoatu ekoe kia te Petatone, ka pupuri tonu koe whawhai iho koutou.

Parakaia—E tika ana to wehi ki te whawhai, korero atu koe ki a te Petatone, ehara i au te kupu kia whawhai, na nga hoa o te Petatone tena kupu riri.

Kawana—Nau i pupuri ka riri nga iwi nei, a Whanganui, a Ngatiapa, a Ngatikahununu, ki Rangitikei, ka pouri au, ka nui rawa taku pouri e Parakaia.

Parakaia—Kaore au e mohio e riri ena iwi, na te Petatone i whakakoakoa ki nga moni i pena ai, ko wai koai nga tangata o konei e haere ki Taranaki riri ai, e haere koia matou ki nga whenua o nga tangata o Ahuriri riri ai, pena me Ngatikahununu ka rere kau mai ki nga whenua o enei iwi whakatupu ai i te raruraru ha maku e kauwhau ena iwi, engari mau e kuuwhau.

Kawana—Kaua e pakeke e Parakaia, ka pakeke koe, ko koe hei kukume atu i etehi tangata ki te he, pena me te waka, e to ana koe i te taura o te waka, a pakaru iho te waka ki te toka, a he kukume hopi tau i te Kawanatanga ki taua pakanga.

Parakaia—E hara i au tena pakanga, na nga hoa o te Petatone tena tono whawhai.

Kawana—Me he mea ka ngawari mai koe ki taku kupu, me tuhi tou ingoa ki te pukapuka hoko, ka ki atu ki nga tangata, "Kua aetia e au tenei whenua ki te Kawanatanga, ma te Petatone te whakaaro ki toku wahi whenua, kia kapea e ia ki waho o te wahi e riro atu i te hunga hoko, me nga wahi o nga tangata e pupuri ana mau e te Petatone e kapeake o ratou wahi ki waho." Pai rawa tenei ritenga, me tuhi to ingoa kia mana ai koutou wahi, ekore e ahatia.

Parakaia—Te pena to kupu whakaako moku imua, i era marama kua taha ake nei, me i puta i reira to kupu, kua okookona e au ki te iwi hei hurihuri i to kupu, tae noa mai ki enei ra kua rite pea. Ko tenei, kua tata te ra raruraru o Rangitikei, e kore e tika taku okooko ki oku iwi, tetehei me he mea ko te Makarini a te Petatone, e marama au ki te hono iho i tau, ki ranga ki tana kupu, i pena ono te kupu a te Petatone, e marama au ki te hono iho i tau, ki ranga ki tana kupu, i pena ano te kupu a te Petatone ki au, kaore au i pai, ki noa mai, ia ki au, nie ae au ki Rangitikei, mana e homai te moni maku, kaore au i pai, mea atu ana au ki a ia, ehara au i te pononga utu, ehara i te Rangatira i ki mai puritia tou wahi, naku ake taku pupuri.

Kawana Kerei—E Parakaia, e maha o whenua kei te motu nei, he whenua ano o koutou kei Maungatautari kei whea atu, kei whea atu, ko tenei whenua tukua atu ki te Kawanatanga, kai marama ai te whakaaro a te Kawana tanga ki era whenua o koutou.

Parakaia—Ha, huia mai e koe te korero o era whenua ki te korero mo konei, he ra ke ano, hei korerotanga mo era wahi.

Kawana Kerei—Taku i mea ai, kia marama ai te whakaaro a te Kawanatanga he pai ano tenei ki au.

Parakaia—Kua kia atu koe e au i tera marama, hamumu to waha kaua e noho puku, kei pehia to noho puku e te kino a te Petatone, mei hamumu koe i reira, kua rite to kupu i na ianei, tena ko tenei, rere pu taku mauri, kaore au e marama, kua tonoa koe e au, Kawana, hamumu to reo.

Kawana—E tama, i hamumu ano au, otira ka tahi ano au, ka hamumu, e pai ana taku ritenga, e mea atu nei au, nou te he ki te ata whakaaro mai.

Parakaia—E taea e au te whawhati te rakau maro, kua pakeke ki te kupu pupuri a te iwi, ekore au e kaha ki te whawhati, engari pea ma te wehi ake ki a koe, e ae noa ake ai au ki te hoatu.

Kawana—Ki te wehi ra koe ki au, whakaaetia mai, he Kawana riri au me ae koe.

Parakaia—He riri Maori e wehi ai au, tena he riri na te Kawana e riri ana, e kite iho ana ano, i te he o te take.

Kawana—E pai ana aku kupu, he porangi ano nou, me haere koe ki Karore noho ai, ki te whare o nga porangi.

Parakaia—Kawea ekoe ko te Petatone ki Karore, ki te whare o nga porangi, e hara au i te porangi, kua tukua atu ki akoe, tetehei taha o taua whenua, kua rongo koe, kua tupu mai ano te kupu pupuri i mua, muri iho, ko Kawana Paraone raua ko te Makarini ka puritia ano, kaore i riro i aua iwi. Ko Manawatu ko te Ahuaturanga, kua riro atu i akoe, he wahi iti tenei, e pupuri nei matou, e ngari, ma Nepia, ma Takana, ma Hoeta, ma Wiriharai, ma nga tangata i nga wahi, te whakaae tuatahi, kia pai ratou ki te hoko, katahi taku ae ka haere atu i o ratou tuara. Tena ko au ki mua ae noa ai, ekore au e kaha, kua pakeke tonu te kupu whakakore o Rangitikei, kaau e hokona, ekore au e kaha, ko tena kupu.

whawhai ehara ia matou ma te Kawana e kauhau, he ngangare tonu ta nga tangata tokorua no te mea no Ingarangi koe no Nuitireni a te Petatone, na te hoko penei ano i nga whenua ka tae mai koe, mau e wawao, ma te Petatone e wawao, ma te Upoko o Parakaia ko koe hoki toku upoko, mau e wawao. Titiro maihana koe ko taku wahi kua oti te rohe, he iti nei, to Nepia wahi he iti, to Rawiri wahi he iti, to Takana wahi he iti, to Wariharai wahi, to Hoeta wahi, to tena to tena, kaore e aetia e ratou.

Katahi Kawana ka tahuri ki a te Paki ui ai mo te ingoa o Nepia ka korororero ratou a mutu noa-ka uia e Kawana kia te Paki, kia uia hoki a Rawiri kia rongo ia, ko to Kawana ranei i marama, ko to Parakaia ranei.

Hamumu ana a kawiri te Wanui, kaore au i marama ki ta raua korero, ko taku, kua mate nga kaumatua, ko ta ratou kupu pupuri, e mau nei ano, kua rongo ano Kawana i reira, ko Rangitikei no mua, ko nga wahi o te motu nei no muri, e haere nei ano Rangitikei, ora ake nei ko matou, ko taua pupuri ano, ekore e mahue, e ngari, ko te kupu riri anake, kaore i puta ia ratou kua mate atu ra, ekore nei hoki e puta i naianei taua kupu kino i a matou, i nga uri e ora nei.

Kawana Kerei—E pai ana to korua haerenga mai ki au, e marama ana, ka pai e Parakaia. Keoi kua mutu ta taton korero.

Ko te Retimana—ko te Paki—ko te Hareti.

Parakaia Tokoroa.

Rawiri te Wanui.

Wellington, Government House, 26th November, 1866.

THIS is what was said about Rangitikei:

Governor Grey—Parakaia, the reason why I send for you is that I am alarmed. Trouble is near; this is what I fear, and why I wished to learn what you think about Rangitikei. I am much alarmed; hostilities are now likely to take place at our end of this island. What I now desire is that you should consent to the sale of Rangitikei—give it up to Dr. Featherston. If you persist in retaining it you will quarrel among yourselves about it.

Parakaia—You do well to be alarmed at the probability of hostilities; but go and talk to Featherston. What has been said about fighting does not proceed from me: that threat of fighting came from Featherston's friends.

Governor—Those tribes (Whanganui, Ngatiapa, and Ngatikahununu) are angry because you refused to sell Rangitikei. I am grieved very much—grieved about this, Parakaia.

Parakaia—I was not aware those tribes intended to fight: it must be Dr. Featherston having offered them money caused them to be elated, and to act in that way. What right would men have to go from this to Taranaki to fight? Should we think of going to fight about the land belonging to the men of Ahuriri, as you say Ngatikahununu are coming over to the country of these tribes, without any cause, for the purpose of stirring up strife? Besides, it is not my business to lecture those tribes; it is your duty to admonish them.

Governor—Don't be headstrong, Parakaia. If you are obstinate you will only be drawing other people into trouble. You resemble a man hauling on to the rope of a canoe, until suddenly it is smashed on a rock. You are also drawing the Government into a war there.

Parakaia—I am not responsible for that war which you imagine will come. That talk about fighting comes from Featherston's friends.

Governor—If you will yield to what I advise, just sign your name to the deed of cession, and say to the people—"I have assented to sell this land to the Government. Featherston will take care that my piece of land shall be excluded from the block which is alienated, as well as the lands of those who are opposing the sale." And say to Featherston—"Have their lands excluded from the alienated portions." This is a prudent course to adopt. Sign your names to the deed, that your own pieces of land may be secure; these will not then be touched.

Parakaia—Why have you not hitherto advised me during these months that have elapsed? Had you spoken then I could have communicated what you said to the tribe for their careful consideration, which possibly by this time might have been agreed to; but the day of trouble about Rangitikei is near at hand. It is too late now to deliberate with my tribe. Besides, had I been dealing with McLean, who understands these questions, instead of Featherston, I might be induced to think there was some feasible plan in what you two propose, for Featherston made me a similar offer. I declined it. He pressed me to consent to the sale of Rangitikei, and promised me money. I declined it, and said I am not a servant working for hire. No master said to me retain your land; I retain it of my own accord.

Governor—Parakaia, you possess land in many parts of this island. You have lands at Maungatautari and elsewhere. Give up this particular piece of land to the Government, in order that the Government may treat you with consideration in reference to your claims to those other lands.

Parakaia—Stay; one thing at a time. You are now confusing the matter in hand with irrelevant allusions to other land claims. I said to you some months ago, "Speak out your mind. Do not remain silent, lest your silence be taken advantage of by Dr. Featherston as consenting to his evil doings." Had you spoken then, what you now aim at might have been accomplished; but now I am taken aback—I am not clear what to do. I said earnestly on a previous occasion, "Governor, speak out your mind."

Governor—My son, I did speak before, nevertheless I now speak again distinctly:—I am right in what I now propose; you are to blame in refusing to attend to it.

Parakaia—What can I do; can I break a tough tree? The tribe has come to a determination not to sell. I have no power to alter their resolution. I might now, perhaps, influenced by fear of you, give a hasty and useless assent to sell; but what then?

Governor—If you fear me, give your assent. I am a wrathful Governor—assent.

Parakaia—If it were Maori anger, I should be afraid; but it is a Governor who is angry. I trust he will soon see he is angry without a just cause.

Governor—My words are good. You are a madman. You ought to be sent to the lunatic asylum at Karore.

Parakaia—You ought to send Featherston to the madhouse at Karore. I am no madman. The land on one side of this block has long since been ceded to you; you heard then that there was a

determination to retain this portion; subsequently Governor Browne and McLean endeavoured to purchase it, but we refused to sell. Those other tribes did not take it from us at that time. You have obtained both the Lower and Upper Manawatu blocks. This is comparatively a small portion which we are retaining. Let Nepia, Takana, Hoeta, Wiriharai, and all the other owners of the various portions first give their assent to the sale; my assent will then follow and be of use; but for me to venture to take the land, and give a futile assent to the sale, is beyond my power. There is a fixed determination not to sell Rangitikei. I can now do nothing in the matter. With reference to what you say about fighting, we have nothing to do with that; it is for the Governor to put that down. Two men with conflicting interests will continue to quarrel: now, you are connected with England, Featherston with New Zealand. Owing to the troubles arising from land purchases conducted in the same faulty way, you came here to restore peace. It is Dr. Featherston's duty to maintain the peace. It is for Parakaia's chief—for you are my chief—to mediate and judge. Attend now to what I say:—My own piece of land is distinct; it has been surveyed; it is, comparatively with the block, a small piece (meaning his and his immediate friends');—Nepia's is small, Rawiri's is small, Takana's is small, so is Wiriharai's, Hoeta's, so is each man's on to the end. They will none of them consent to part with their lands.

The Governor turned to Puckey (the interpreter), to inquire about Nepia's name. Some conversation took place. The Governor then told Puckey to ask Rawiri to speak, that he might hear whether he thought the Governor or Parakaia had taken the more satisfactory view of the question.

Rawiri te Wanui said, Their discussion has made nothing clear to my mind. But this is what I have to say. The old men of the tribe are dead; their resolution to return this land for the use of the tribe still holds good, and the Governor was plainly informed of their determination at the time. This talk about holding Rangitikei is nothing new, questions about other places in this island are of later date. Rangitikei still goes on. We who are alive shall not depart from the determination of those who are dead. But with regard to this talk about fighting, it never came from those who are dead, nor shall that evil word originate from us, their children, who survive.

Governor—You two did well to come to me. It is well. I am satisfied. Parakaia, our talk is ended.

Present: Hon. J. Richmond, Mr. Puckey, Mr. Halse, Parakaia Tokoroa, and Rawiri Te Wanui.

Enclosure 10 in No. 44.

MEMORANDUM on the Petition of PARAKAIA, PARANIHI, and RAWIRI TE WANUI to the QUEEN.

THE history of the Manawatu-Rangitikei land dispute is far from a singular one in New Zealand. An invading tribe, the Ngatiraukawa, took possession, in about 1830, of a large tract of country between Whanganui and Wellington, driving out the tribes which before inhabited it. After some years of slaughter and violence, the expelled tribes, the Ngatiapa and Rangitane, were suffered by the conquerors to return. They came back as slaves, but gradually resumed more and more of equality with the conquerors, intermarried with them, and cultivated the land. After the colonization of the islands, land purchases were made within the district by the Crown, and leases of an irregular kind were given by the Native occupants to private Europeans.

In these transactions the Ngatiapa and Rangitane took a part. The conquering tribe received but a small share of the proceeds of the first important sales. The leases were chiefly granted by them; but the Ngatiapa and Rangitane received an increasing share of the rents.

On the death of Nepia Taratoa, a Ngatiraukawa chief of great influence, who seems to have acted as moderator, differences as to their shares of the rents grew violent. The Ngatiapa, fortified by the alliance of their powerful neighbours the Whanganui, claimed the whole of the rents for themselves and the Rangitane.

The Ngatiraukawa, on their side, ignored all but their own claims, insisting on their right of conquest, and further alleging that an understanding had been arrived at previous to the former sales, that the unsold land was theirs exclusively. The quarrel was rapidly approaching a climax, and the tribes were in arms to ascertain their rights, when, in 1863, Dr. Featherston was requested by the Colonial Government to endeavour to effect some compromise. After some time spent in negotiations and a fruitless offer of arbitration, a sale to the Crown of the whole disputed land, the money paid to be distributed equitably among the tribes, was proposed by the Ngatiapa and Rangitane.

For a long time the Ngatiraukawa held back from the proposed arrangement. Peace was in the meantime preserved; and at last a majority of the Ngatiraukawa, including Ihakara, a leading man among them, accepted the terms. A portion of the tribe still refused to accede, among them the petitioners. The purchase money was fixed at £25,000, two-fifths to be given to each of the large tribes, and one-fifth to the Rangitane. This money has been paid.

The petitioners have been repeatedly assured by the Government of full justice. Surveys have not as yet been made, except to define certain reserves for the sellers. A share of the purchase money is reserved for the non-contents, and large allotments of land will in any case be set aside for them. It has, however, been thought advisable to allow considerable delay in winding up the transaction, that as many as possible of the non-contents may come in. It is doubtful whether the quarrel might not be renewed, if an extensive part of the block proportioned to their numbers were at present laid off for them.

It must be understood that the exact definition of a Maori land claim is rarely, perhaps, never possible. It would be impracticable to make any award to the non-contents in this case which would not be challenged by the sellers, who, though they have parted with their own interest in the land, might view its occupation by the other Natives with great bitterness.

The case is one, in short, of compromising an insoluble quarrel between half-civilized men, whose titles all rest on violence of a comparatively recent date, and who are only half weaned from regarding violence, even now, as the ultimate appeal.

One side alleges conquest as its ground, the other the power to reconquer. Both appeal to Christianity, one to clinch the *status quo* at the time of its introduction, the other to claim the restoration of territory then newly taken from them.

The non-contents are about a tenth of the claimants. After a time their claims may be allowed, and dealt with on some simple arithmetical basis having regard to their relative numbers. No other mode of estimating their claims will approach nearer to justice.

Wellington, 20th July, 1867.

J. C. RICHMOND.

No. 45.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 77.)

MY LORD DUKE,—

Government House, Wellington,
7th August, 1867.

I have the honor to transmit to your Grace the copy of a letter I have received from Major-General Chute, informing me that he had transmitted for the information of Her Majesty's Government the Despatch and enclosures noted in the margin, and copies of which are forwarded herewith.

2. I have also the honor to supply copies of other letters connected with this subject, which Major-General Chute omitted to transmit in his Despatch to the Secretary of State for War, but a consideration of which is necessary to enable a correct conclusion to be formed on what transpired here.

3. The circumstances are as follows:—

In my Despatch No. 47, of 27th April, I forwarded to your Grace's Department a Memorandum from my Responsible Advisers, urging their belief that in the case of the 18th Regiment—the one regiment to be left in New Zealand—it was entirely unconstitutional that it should have been moved, within the limits of the Colony, without the orders of the Governor having been previously obtained for such movements, and they went on to show the injury that had resulted to the Colony from this proceeding.

4. In my Despatch "separate," of the 3rd June, I transmitted to your Grace's Department papers showing that instantly after the removal of the troops from Patea to Whanganui renewed disturbances had broken out at the former place, which lies on the south-west coast of this island, and is thirty-five miles distant from Whanganui, which thus became our point of greatest danger in New Zealand.

5. On the 20th of May I arrived at Auckland, in the north of this Island. Nothing could have been better than my reception there: all political feeling between the North and South of New Zealand appeared to be dying out; no cause of difference between my Ministers and the people of that place appeared likely to arise. The 18th Regiment, although it had been moved against my wishes at a moment when a few days' delay in its movements might have secured a permanent peace, was still at Whanganui, the nearest town to the point of danger. All things led me to hope for a period of political repose.

6. On the 21st of May, the day after my arrival at Auckland, Major-General Chute, whose head quarters were at that place, warned the resident Transport Officer that early in June five companies, with the head quarters of the 18th Regiment, would be ready for conveyance from Whanganui to Manukau for Auckland.

7. On the 22nd of May the Resident Transport Officer was ordered to make arrangements for the embarkation from Whanganui to the Manukau for Auckland, about the 7th or 8th of June, of the head quarters and five companies of the 18th Regiment, and of two companies of the 18th Regiment from Whanganui to Taranaki.

8. The Resident Transport Officer issued advertisements in the newspapers calling for tenders for the performance of this service.

9. On the 29th of May the Resident Transport Officer informed Major-General Chute that he had made arrangements with the New Zealand Steam Navigation Company for the performance of the several services alluded to.

10. On the 30th of May the Major-General issued to the officers commanding the troops at Whanganui orders for the distribution of the 18th Regiment as above mentioned.

11. Up to this time I knew nothing, except from public rumour, of these proposed movements. I heard in conversation from one or more private persons that Auckland was to be made the head quarters of the 18th Regiment, and that other movements of troops were about to take place, but I could not credit this. I was in Auckland; myself and my Responsible Advisers were the persons answerable to the Queen for the safety of the country; and I could not think that movements of troops from a disturbed district would have been resolved on for days, and that the persons who would have had to make all the arrangements to meet the difficulties of such ill-advised movements would have been the very last people to have been informed that they were to take place.

12. These movements also were likely to involve the Government in serious political difficulties. Major-General Chute had in fact informed the people of Auckland that their city was to be made the head quarters of the 18th Regiment, and that five companies were to be stationed there. He had in the same manner informed the people of Taranaki that two companies of the 18th were to be located in their Province. The transports were taken up for the conveyance of these troops, every requisite order issued, and it was impossible for myself or my Responsible Advisers to take measures to stop these movements without appearing to act in a spirit unfriendly to the interests of those two places.

13. When matters had reached this point, Major-General Chute first communicated with me on the subject, by informing me in his letter of the 30th of May, that in the absence of any instructions from me regarding the distribution of the 18th Regiment, he proposed locating that corps in the manner above mentioned for the winter, or until orders were received from home; and that if I desired any different distribution of the regiment, he would be glad to receive my instructions.

14. I beg to point out, that there was nothing in this letter which could have led me to infer that the Major-General had taken the conclusive steps in the matter which he had adopted, but that the tendency of the letter was to create a totally opposite impression in my mind.

15. I think if the Major-General deemed my concurrence necessary in the movements of troops which he was making, that I (especially as I was present at his head quarters) was the first person he should have consulted on the subject; and that if he did not deem my concurrence necessary to these movements, still, as I was answerable for the peace of the country, and for providing protection for the points he was stripping of troops, I should equally have been the first person consulted on the subject, and, having had the earliest warning given me, I should also have had ample time allowed to myself and my Ministers to make the requisite arrangements for the protection of the Queen's subjects when the troops were moved.

16. The proceedings taken by Major-General Chute in this case are opposed to the practice hitherto pursued throughout the Empire, and are in breach of the instructions issued by Her Majesty. I feel sure, if they are allowed to be drawn into a precedent, it will be impossible for Colonial Governments successfully to carry on Her Majesty's service. I think if I said that the result of such proceedings must be to embarrass Her Majesty's public servants in Colonies, not to aid them, I should not speak too strongly.

17. When I consulted my Responsible Advisers on their views regarding the distribution of the 18th Regiment, they informed me that they were of opinion that, if the regiment remained to be of any use to the Colony, it should be divided between Tauranga, the Waikato, and Patea. That if the regiment was retained here for Imperial purposes they had nothing to say in the matter; and that they believed, in that case, the sooner it was withdrawn from the Colony the better it would be for their interests.

18. But if the General would now assent to such an arrangement the 18th Regiment could not be stationed at the points named, for the military buildings at

all those places were abandoned by the military authorities without any notice having been given to the Colonial Government, and were generally sold to private parties and destroyed.

19. The proper system would have been, to have given the Colonial Government notice of the date at which the military buildings were to have been abandoned, and to have given that Government the opportunity of purchasing on fair terms buildings which might have been essential to the safety of the Queen's subjects. It was rather as if an enemy's country were being abandoned, and it was requisite to injure them, and destroy buildings they might use for military purposes, than as if an offset of the British nation, hitherto carefully tended by the Mother Country, was now being deprived of military assistance, and left to defend itself against enemies with whom a long and indecisive military struggle had been carried on.

20. I feel sure your Grace will regret that this system was so unnecessarily pursued, as it will take a long period of time to erase from the minds of the inhabitants of this Colony a sense of having been treated with a harshness which was neither requisite nor judicious.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 45.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

SIR,—

Head Quarters, Auckland, 11th June, 1867.

I have the honor to forward for your Excellency's information, the copy of a letter I have addressed to the Under Secretary of State for War, in transmitting copies of the correspondence I have recently had the honor of having with your Excellency on the subject of the distribution of the 18th Regiment in this command.

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

I have, &c.,

T. CHUTE,
Major-General.

Sub-Enclosure to Enclosure in No. 45.

Major-General CHUTE to the UNDER SECRETARY OF STATE.

(No. 130-67.)

SIR,—

Head Quarters, Auckland, 11th June, 1867.

I have the honor to forward, for the information of the Right Honorable the Secretary of State for War, the enclosed copies of a correspondence which has taken place between the Governor of New Zealand and myself, on the subject of the distribution of the 18th Regiment, in this command.

I am not aware what steps the Governor may have considered it necessary to take in relation to this correspondence; but I think it right, as His Excellency may by this mail have addressed the Secretary of State for the Colonies on the subject, to place the Secretary of State for War in possession of the correspondence, so far as it has gone, and, should it be necessary, will report further on the matter.

I have to state that in compliance with His Excellency's wishes, the 18th Regiment will remain at Whanganui, awaiting his instructions regarding their destination; and I am happy to be able to add that the Resident Transport Officer has reported to me, he is in hopes no loss to the public will be incurred consequent on the withdrawal of my instructions for the transport of the detachments of the 18th Regiment to Auckland and Taranaki.

I have, &c.,

T. CHUTE,
Major-General.

The Under Secretary of State, War Office, London.

Enclosures.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

(113-67.)

SIR,—

Head Quarters, Auckland, 30th May, 1867.

I have the honor to state for your Excellency's information, and with reference to your letter of the 1st April last, that in the absence of any instructions from your Excellency regarding the distribution of the 2-18th Regiment, I propose locating that corps for the winter, or until orders for their disposal are received from home, as follows, viz., head quarters and five companies, at Auckland; two companies at New Plymouth; three companies at Whanganui. Should your Excellency desire any different distribution of this regiment, I shall be glad to receive your instructions.

I have, &c.,

T. CHUTE,
Major-General.

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

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

(No. 122-67.)

SIR,—

Head Quarters, Auckland, 4th June, 1867.

I have the honor to acknowledge the receipt of your Excellency's letter of the 31st ultimo, in reply to mine of the 30th.

General to Gov.,
7 Feb., 1867.

Gov. to General,
19 Feb., 1867.

General to Gov.,
5 March, 1867.

General to Gov.,
1 April, 1867.

Gov. to General,
1 April, 1867.

A reference to the correspondence noted in the margin, which commenced nearly four months ago, will show that I have urgently requested your Excellency to favour me with instructions as to the distribution of the 18th Regiment, with which request your Excellency distinctly refused to comply; and your Excellency, in your letter of the 1st April, in finally refusing to give me instructions, wrote as follows: "under these circumstances I think it better for the public service to decline to take any responsibility whatever regarding the movement of troops in this command."

The instructions received from home, both by your Excellency and myself, stated that the 18th Regiment was not to be located either in distant or isolated posts, or in places where adequate accommodation and other necessities for the maintenance of discipline, &c., were wanting; and in consequence of your Excellency refusing to give me instructions for the distribution of the corps, in which I was most unwilling to interfere, a considerable portion of the regiment has hitherto been under canvas; and they have been in the field or on outpost duty since July, 1863, except for four months, when they were in barracks at Otahuhu.

Your Excellency having, as already stated, refused to favour me with your instructions for so long a time, I considered it my inevitable duty, in pursuance of the orders of Her Majesty's Government, and in consideration of the welfare and health of the troops, to locate them comfortably for the winter, or until I received further orders from home, in the available barrack accommodation; and the distribution I proposed was made with that object (as your Excellency will have inferred from my letter of the 30th May), as well as for the protection of Imperial property more especially in Auckland.

Again, your Excellency having refused to have anything to say to the movement of troops, and not having at the same time communicated to me any opinion of the political difficulties likely to result from any portion of the 18th Regiment being moved from Whanganui, it was impossible for me to anticipate that your Excellency would have any objection to my assuming the responsibility of directing a movement intended for the health and comfort of the men, combined with the protection of Imperial property.

It was also impossible for me to anticipate that your Excellency would expect more serious results to the Colony from the distribution of the corps in barracks than from their entire removal from the country, which your Excellency informs me I am at liberty to carry out; but your Excellency will readily believe that I would scarcely be justified in availing myself of your permission in this respect, in the absence of orders as to the destination of the corps.

With reference to your Excellency's remark, that the public were made aware of the intended distribution of the 18th Regiment before your Excellency, by the advertisement for tenders for the conveyance of detachments from Whanganui, which tenders were to be opened on the 29th ultimo, I have to assure your Excellency that I have nothing whatever to do with the insertion or contents of advertisements, or naming the day on which tenders are opened, these being entirely matters of detail within the province of the Resident Transport Officer, to whom I simply give instructions as to the date on which troops will be available for removal from any particular point.

I now beg further to explain that I had made arrangements for proceeding to Whanganui about the 7th instant to inspect the 18th Regiment, that your Excellency having refused to give me instructions for the distribution of the corps, I had informed the Resident Transport Officer that the detachments specified in my letter of the 30th May would be available for removal at Whanganui about the 8th; and having been compelled for considerations of discipline and the comfort of the troops to assume the responsibility of locating the corps, I still, notwithstanding your Excellency's repeated refusal to have anything to do with the matter, felt it my duty to your Excellency's position to make you acquainted with what I proposed in the event (which I confess I considered a most improbable one) of your Excellency's altering your previous decision, and wishing to order any different distribution.

So far from having any desire to act contrary to your Excellency's wishes in reference to the movements of troops, I am sure your Excellency will on reflection do me the justice to admit that I have exhausted all possible means to secure your Excellency's sanction and consideration in acquitting myself of the responsibility placed on me by Her Majesty's Government.

Had your Excellency wished any other distribution than that I proposed in my letter of 30th May, it was quite within my power, when at Whanganui, to divert any portion of the troops to any other town your Excellency might have desired.

As, however, your Excellency has resumed the responsibility of the movements of Her Majesty's troops by prohibiting the removal of the 18th Regiment from Whanganui, I have given instructions for countermanding the arrangements for carrying out the measures submitted to you in my letter of the 30th ultimo. At the same time it is my duty to inform your Excellency that the Resident Transport Officer reports he cannot at present say what expense this will involve; but whatever it be, I do not feel myself in the remotest degree responsible for it. I now beg to inform your Excellency that on the departure of the Military Train, who are now doing garrison duty in Auckland, and who will probably embark for England about the 20th instant, there will be no troops here for this duty, including the protection of the valuable stores and magazine, &c., &c., and I beg your Excellency to be good enough to allow me to bring up about 150 men of the 18th to Auckland for these duties. In anticipation of your Excellency having no objection to this, I have intimated to the Resident Transport Officer my wish that he should still have transport available for this service, and I earnestly request your Excellency to grant me your permission by to-morrow to carry it out. Should you not be pleased to do so, I shall have no alternative but to employ special constables at a heavy expense.

Your Excellency's opinion that the previous movements of troops in New Zealand, which I made without your Excellency's sanction, have in your belief seriously and unnecessarily injured the interests of the Colony, has caused me the deepest regret; but while feeling this regret, as I sincerely do, I have at the same time the consciousness of having simply and strictly obeyed my orders, a consideration which, with me, must ever be paramount to all others.

I have, &c.,

T. CHUTE,

Major-General.

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

Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR,—

Government House, Auckland, 5th June, 1867.

I have the honor to acknowledge the receipt of your letter of yesterday's date, regarding the proposed redistribution of the 18th Regiment, and in reply I would beg to remark as follows:

If it was necessary to ask me if I desired any different distribution of the regiment than the one you were making, and thus to obtain my approval of the distribution which was to be made, my consent ought long since to have been sought for. To ask me this when all the arrangements had been completed, was really to trifle with myself and my Government; and not to acquaint me with the intended movement of a regiment in this command until everyone else knew it, was to impair my authority and that of my Government, and to seriously weaken it in the eyes of the Native population who gather early information upon all such subjects, and are well aware that many recent movements of troops must have been made against my wish.

If the object in view had been solely the welfare and health of the troops, I should say that this is a point on which myself and my Government are, at least, as anxious as yourself; and it would appear with such an important end in view, to have been only the more necessary that the question now asked me should have been asked at a much earlier date; but, in truth, the location of a detachment at New Plymouth could have had no relation to the health or comfort of the troops.

If from the value of the stores you have retained here, and upon account of the magazine, it is necessary to retain so large a guard for their protection, there is a part of the 50th Regiment still in the Colony which is under your own control, and which, as you are aware, is not required in the Australian Colony, and the cost of which is still to be defrayed from Imperial funds.

To send men from a Colony where you think they are so urgently required, to other Colonies which never asked for them, whilst no saving whatever is affected to Imperial funds by so doing, but on the contrary a very heavy charge for transport is incurred by moving them from New Zealand, seems an unnecessary proceeding; and this especially at a time when a part of the country near Whanganui has, by the recent movements of the troops, again been placed in a position of much peril.

There is, in my opinion, a wide difference between the entire removal of the 18th Regiment from the Colony, and the Officer in command of the Forces here, having the power without the knowledge or consent of the Governor, to move it from place to place within the limits of New Zealand, and in detachments of such strength as he thinks proper.

In the former case, the Government know exactly what force they have to rely upon at each point; they move their own forces directly without having any officer of the Imperial Forces to correspond with. Their own officers, who look to them as their superiors, command the forces at each place, have all the credit of success, and run no risk of being embarrassed by having to act under officers who may be ignorant of the Natives, their mode of warfare, and of the country.

The Government choose their own Commanding Officer at each point, and the Natives learn to respect a Government who exercise a real and efficient control over the forces in the Colony.

In the latter case, the Natives may be either alarmed or encouraged at the most inopportune moments by troops being marched unexpectedly into their vicinity, or withdrawn from it, at a time of danger. The authority of the Governor must be destroyed in the country, by a subordinate officer openly acting in defiance of his well known wishes. The Government can never tell what force they may rely upon to be present at any particular point. Their well arranged plans may fail from the command of the forces being taken out of the hands of a most competent officer and suddenly transferred to the hands of an incompetent man, who has been unexpectedly sent there. The military ardour and spirit of their own officers must be seriously impaired by their knowing there is always a risk of their being suddenly deprived of their commands, and being compelled to serve under an officer who does not possess the knowledge or experience that they do.

Serious political difficulties and party spirit might be created in the country by the military authorities exercising, or being supposed to exercise, the power of fixing the Head Quarters, or locating troops at particular points where they may be desired, if they are supported in their proceedings by inhabitants of those places; and the Governor may also be involved in serious political difficulties by towns or districts believing that he is the obstacle to the Head Quarters being fixed in their locality, or troops being located there, which the General may appear by overt acts to have promised to have done without any previous consultation with the Governor. The party spirit which must spring from such proceedings must paralyze all united effort in the Colony for its own protection, and produce other disastrous results.

With regard to orders having been sent from home, both to you and myself, regarding the movement of the 18th Regiment; and to your remarks that to simply and strictly obey your orders is a consideration which, with you, must ever be paramount to all others, I would observe that to do my duty has been the consideration which has been paramount with me, even if my duty led me to disregard, or to act contrary to, orders issued from the other side of the world, in entire ignorance of the long and important series of events which might have taken place in this Colony between the issue of the orders and their arrival here; and I must still act upon the principle that it is my duty to preserve Her Majesty's possessions, to protect the lives and properties of her subjects of both races, to guide to the best of my ability what is in each case most likely to promote the interests of the Empire,

and to regard orders issued to me from so great a distance as intended to be general indications of a line of policy to be pursued, but to be interpreted in each case by a reference to the great principles I have above named.

I feel sure it is only by an observance of those principles that extended Empires can be maintained in safety and prosperity; and I am also certain that these are the principles upon which the British Government expect us to act. But had you carried out the recent orders in concert with the Colonial Government, you might have done so simply and strictly and with little injury to the country.

You appeal to me to do you the justice to admit that you have exhausted all possible means to secure my sanction and consideration in acquitting yourself of the responsibility placed on you by Her Majesty's Government. It is with unfeigned regret that I state that I cannot do this. In the first place, I would remind you that you yourself suggested that this responsibility should be placed on you, and that Sir E. Lugard states that you had reported to the Home Government that I had prevented you from carrying out your instructions with regard to the removal of the troops; and I would then say, that I owe it to the Colonial Government and to myself, whom you have deeply injured in the estimation of Her Majesty's Government, to add that all these difficulties would have been avoided if you had not so persistently neglected to comply with my reiterated requests and orders that you would reside at Wellington, where we should have been able to act in entire concert for the good of the service. In no other manner could you have satisfactorily, for the interests of the Colony and the Empire, discharged the duties you have been lately fulfilling.

It is now useless to advert to the past, but my earnest advice to you still is to proceed to Wellington, and reside there for the remainder of your period of service in the Colony, however short it may be. You can there immediately adjust with the Government those outstanding questions regarding the location of the 18th Regiment, the protection of stores, the future position of Military Head Quarters if a regiment is to be left in the Colony, &c., &c., &c.; and I can assure you that on these and all other matters you shall receive the most friendly and cordial co-operation from myself and the Colonial Ministers, and that we will by all the means at our disposal render your duties as easy and pleasing for you as we possibly can.

You must, from what I have already said, be aware that I cannot give my sanction to the movement of any troops in this command, until I have heard from the Colonial Ministers upon the subject, but I have already written to them regarding it.

I have, &c.,

G. GREY.

The Hon. Major-General Chute, &c.

Major-General CHUTE to Governor Sir GEORGE GREY, K.C.B.

(No. 123.-67.)

SIR,—

Head Quarters, Auckland, 7th June, 1867.

I have the honor to acknowledge the receipt, yesterday, of your Excellency's letter of the 5th instant.

I think it right to inform your Excellency with the least possible delay that the detachment 50th Regiment, at Taranaki, is about to embark in a few days for Australia, in pursuance of the orders of Her Majesty's Government; that transport has already been taken up; and that I cannot take upon myself to disobey the instructions I have received, notwithstanding your Excellency's expression of opinion as to their wisdom.

I still beg to urge on your Excellency my humble opinion that it is absolutely necessary for Imperial interests that 150 men of the 18th Regiment should be brought at once to Auckland for duty, for the reasons stated in my letter of the 6th instant.

It is not necessary for me, in the performance of a simple duty, to discuss with your Excellency the general principles affecting the maintenance of extended Empires.

Your Excellency, I observe, in your Despatch under reply, makes no allusion to your repeated refusals, in answer to my urgent appeals, to give me instructions for the location of the 18th Regiment, and the only information I obtained from you regarding them was that the Colonial Government declined their services on the conditions specified by Her Majesty's Government as those only under which they would sanction their remaining.

I am not aware, under those circumstances, nor indeed under any, that it was my duty to consult the Colonial Government, if your Excellency means thereby the Colonial Ministers. I looked to your Excellency alone for support and orders, and I regret to say received none.

The case, then, with regard to the 18th Regiment is, I respectfully submit, not at all that which a reader of your Excellency's Despatch, not acquainted with the facts, would infer, viz., that I am endeavouring to move troops against your orders; but in truth it is that, in consequence of your Excellency's repeated refusals to give me any orders, a consideration for the welfare of Her Majesty's troops compelled me to locate the corps to the best of my ability for the winter, and that I am now prohibited from so doing.

The "Ahuriri" steamer by which I propose to proceed to Whanganui, and in which the detachment for Auckland was intended to return, has arrived. I therefore lose no time in addressing your Excellency in case you may wish, on being made aware that I do not feel justified in delaying the 50th, to modify your orders (which your Excellency will understand I regard your letter as distinctly conveying) for the detention of the whole 18th Regiment at Whanganui. If your Excellency is not pleased to do so I cannot, as already stated, do otherwise than employ special constables, for the expense of whom, consequent on your Excellency's alteration of your decision to take the responsibility of moving the troops, I do not feel myself in the least responsible.

I request your Excellency will be good enough to favour me with a reply regarding the 150 men of the 18th Regiment as soon as possible, as I am waiting to communicate with the Resident Transport Officer regarding the disposal of the steamer "Ahuriri."

I will reserve any further observations on your Excellency's letter until I am addressing the Secretary of State for War on the subject.

I have, &c.,

T. CHUTE,

Major-General.

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

The PRIVATE SECRETARY to the ASSISTANT MILITARY SECRETARY.

SIR,—

Private Secretary's Office, Auckland, 7th June, 1867.

The Governor has directed me to request you to inform the Major-General Commanding, in answer to his letter of this day's date, that he is sorry he cannot give his approval to the movement of any part of the 18th Regiment within the Colony of New Zealand, until he has heard from his Responsible Advisers, with whom he has already communicated.

I have, &c.,

FRED. THATCHER,

Private Secretary.

The Assistant Military Secretary, Head Quarters.

Governor Sir GEORGE GREY, K.C.B., to Major-General CHUTE.

SIR,—

Government House, Auckland, 31st May, 1867.

I have the honor to acknowledge the receipt of your letter of the 30th instant, informing me that, for the purpose of the distribution of the 2-18th Regiment, you propose locating that corps as follows:—

Head quarters, 5 companies, at Auckland,
2 companies at New Plymouth,
3 companies at Whanganui.

My attention has been called to the fact that the public were made aware of this intention on your part before I was, by the insertion in the newspapers of the 22nd instant of an advertisement calling for tenders for the conveyance of detachments of the 2-18th from Whanganui to the places named in your letter, which tenders were to be sent in by noon of the 29th instant.

By the recent movements of troops within New Zealand which you made without my sanction, you have, I believe, seriously and unnecessarily injured the interests of the Colony.

Even if you were authorized to make these movements on your own authority, and to concentrate the 2-18th at Whanganui, which I cannot admit, it is clear that you cannot proceed to distribute again that regiment within the Colony of New Zealand without my authority, previously obtained, for so doing.

I offer no objection to your at once ordering the removal of the regiment from this Colony; the instructions from home only authorized you to retain it here if the Colonial Government agreed to comply with certain conditions, and I have informed you that they decline to accede to those conditions. But I must request that no redistribution of the 2-18th Regiment within this Colony of New Zealand may take place until I have had an opportunity of consulting my Responsible Advisers upon the subject, which I will do without delay.

It is due to them, at the moment they have such great difficulties to contend against, that no movements of Her Majesty's forces should take place within the limits of New Zealand which may interfere with their policy, or with the measures they are taking for the defence of the country and the settlement of the difficulties prevailing in it, and I regret extremely that you should have issued advertisements in relation to these movements of troops without having previously consulted me on the subject.

The Hon. Major-General Chute.

I have, &c.,

G. GREY.

Memo., D. Qm.-Gen., 21 May, 1867.

D. Qm.-Gen. to Res. Trans. Off., 22 May, 1867.

Res. Trans. Off. to D. Qm.-Gen., 29 May, 1867.

D. Qm.-Gen. to Res. Trans. Off., 29 May, 1867.

D. Qm.-Gen. to Off. Commanding, Whanganui, 30 May, 1867.

Coombes & Daldy to Res. Trans. Off., 31 May, 1867.

D. Qm.-Gen. to Res. Trans. Off., 1 June, 1867.

Res. Trans. Off. to D. Qm.-Gen., 1 June, 1867.

D. Qm.-Gen. to Mr. Amphlett, 1 June, 1867.

D. Qm.-Gen. to Res. Trans. Off., 4 June, 1867.

Mr. Duncan, Man. N.S.N. Co., to Res. Trans. Off., 3 June, 1867.

(rec. 5 June.)

Enclosure 2 in No. 45.

The PRIVATE SECRETARY to the ASSISTANT MILITARY SECRETARY.

SIR,—

Private Secretary's Office, Auckland, 5th June, 1867.

I have the honor by direction of His Excellency the Governor to request you to be good enough to move the Major-General Commanding to cause to be supplied to His Excellency copies of any orders to or correspondence with the Resident Transport Officer, the Officer Commanding the 2-18th Regiment, or any other persons, relating to the proposed movement of troops from Whanganui to Auckland and Taranaki.

I have, &c.,

FRED. THATCHER,

Private Secretary,

The Assistant Military Secretary,
Head Quarters.

Enclosure 3 in No. 45.

The ASSISTANT MILITARY SECRETARY to the PRIVATE SECRETARY.

(No. 5046.)

SIR,—

Head Quarters, Auckland, 6th June, 1867.

I have the honor to acknowledge the receipt of your letter of the 5th instant, requesting me to move the Major-General Commanding to cause His Excellency the Governor to be supplied with copies of any orders to or correspondence with the Resident Transport Officer, the Officer Commanding 2-18th Regiment, or any other persons, relating to the proposed movement of troops from Whanganui to Auckland and Taranaki.

In reply, I am directed to forward for His Excellency's information the accompanying copies of letters as per margin.

I have, &c.,

G. W. DEAN PITT, Lieut.-Colonel,

Assistant Military Secretary.

The Private Secretary,
Government House, Auckland.

Sub-Enclosures to Enclosure 3 in No. 45.

MEMORANDUM by Deputy Quartermaster-General GAMBLE.

Copy of a Memorandum given to Captain Spain, R.N., Resident Transport Officer, to remind him of the wishes expressed by the Major-General Commanding, at an interview on the 21st May, 1867.

GENERAL wants to leave Manukau on the 3rd June; to stop at Taranaki a few hours to inspect the troops there; then to proceed to Whanganui to inspect the 18th Regiment. About two days' delay will be necessary at Whanganui, when five companies with the Head Quarters 18th Regiment, will be ready for conveyance to Manukau for Auckland.

21st May, 1867.

D. J. G.

DEPUTY QUARTERMASTER-GENERAL to RESIDENT TRANSPORT OFFICER.

(No. 253-1867.)

Deputy Quartermaster-General's Office,

Head Quarters, Auckland, 22nd May, 1867.

SIR,—

I have the honor, by desire of the Major-General Commanding, to request that you will have the goodness to make arrangements for the performance of the following services:—

Officers, 16; N.C.O. and men, 430. With proportion of women and children.

Removal of head quarters and five companies of the 2-18th Regiment from Whanganui to the Manukau for Auckland; strength about as per margin.

These troops will be ready for embarkation about the 7th or 8th June next.

Two companies 50th Regiment, from Auckland to Sydney; strength about as per margin.

Officers, 4; N.C.O. and men, 154. Women, 7; children, 18.

This detachment will be available for removal on the arrival of any similar number of 2-18th Regiment from Whanganui.

Two companies 2-18th Regiment, from Whanganui to Taranaki; strength probably as in margin.

These companies will be ready for embarkation on any date after the 8th proximo.

Officers, 4; N.C.O. and men, 150. With proportion of women and children.

Three companies 50th Regiment, from Taranaki to Adelaide; strength about as per margin. To be available on their relief by the two companies 2-18th Regiment from Whanganui.

One company 2-14th Regiment, from Adelaide to Melbourne, strength about as per margin, will be available on relief by the detachment 50th Regiment from Taranaki.

Officers, 9; N.C.O. and men, 241. Women, 22; children, 41; female servant, 1.

One company 2-14th Regiment, from Adelaide to Hobart Town, strength about as in margin, will be available on arrival of the detachment 50th Regiment from Taranaki.

I have, &c.,

The Resident Transport Officer,
Auckland.

D. J. GAMBLE, Colonel,
Deputy Quartermaster-General.

MEMORANDUM by the RESIDENT TRANSPORT OFFICER.

Transport Office, Auckland, 29th May, 1867.

With reference to the Major-General's requisition of the 22nd instant, I beg to inform you that arrangements have been made with the New Zealand Steam Navigation Company for the conveyance to the Manukau and to Taranaki, from Whanganui, of detachments of 18th Regiment. The men to be ready to embark about the 8th proximo.

The steamer "Prince Alfred" has also been engaged to convey to Onehunga about 150 men 18th Regiment from Whanganui with the heavy baggage of the regiment. The detachments to embark about the 10th instant.

It is requested that instructions may be sent to Whanganui accordingly.

The Deputy Quartermaster-General,
New Zealand.

DAVID SPAIN, Captain,
Resident Transport Officer.

DEPUTY QUARTERMASTER-GENERAL to the RESIDENT TRANSPORT OFFICER.

MY DEAR SPAIN,—

What is the strength of the detachment to embark at Whanganui on the 8th proximo? I am puzzled to give instructions about the numbers to be held in readiness; or if it cannot be given now, who is to intimate it, and what steamer?

D. J. G.

DEPUTY QUARTERMASTER-GENERAL to the OFFICER COMMANDING TROOPS, Whanganui.

(No. 260-1867.)

Deputy Quartermaster-General's Office,

Head Quarters, Auckland, 30th May, 1867.

SIR,—

I have the honor, by direction of the Major-General Commanding, to request that you will have the goodness to cause the head quarters and five companies, 2-18th Regiment, to embark for the Manukau (for Auckland), and two companies for Taranaki, in such vessels as may be provided for the service.

The Resident Transport Officer states that arrangements have been made with the New Zealand Steam Navigation Company, for the conveyance from Whanganui to the Manukau and to Taranaki of detachments 18th Regiment, the men to be ready to embark about 8th proximo; and that the steamer "Prince Alfred" has also been engaged to convey to Manukau about 150 men, 2-18th Regiment, from Whanganui, with the heavy baggage of the regiment. This latter detachment to embark about the 10th June, for Manukau.

With regard to the detachments to embark about 8th proximo, as above stated, for Manukau and Taranaki, the Resident Transport Officer further informs me that the names of the steamers to convey them are not yet known, and that the numbers to embark for each place are to be arranged by you in conjunction with the master of the vessel or vessels, with reference to the size of the steamer, the state of the weather, &c.

You will cause the detachments to embark accordingly.

The two companies for Taranaki will embark with camp equipage complete.

I have, &c.,

The Officer Commanding the Troops,
Whanganui.

D. J. GAMBLE, Colonel,
Deputy Quartermaster-General.

Messrs. COOMBES and DALDY to the RESIDENT TRANSPORT OFFICER.

SIR,—

Auckland, 31st May, 1867.

In reference to conveying the Troops, &c., from Whanganui to Taranaki and Manukau, we have arranged for the steamer "Ahuriri" to leave Manukau about the 7th or 8th June, so as to convey the Major-General to Taranaki or Whanganui, as he may require; after which no time will be lost in completing the contract for the conveyance of the troops, &c., as it is intended to put on the "Rangitira," in conjunction with the "Ahuriri," so as to carry out the service with the least possible delay.

We have, &c.,

The Resident Transport Officer, Auckland.

COOMBES AND DALDY.

DEPUTY QUARTERMASTER-GENERAL to the RESIDENT TRANSPORT OFFICER.

(No. 262-1867.)

Deputy Quartermaster-General's Office,

SIR,—

Head Quarters, Auckland, 1st June, 1867.

His Excellency the Governor having intimated to the Major-General Commanding his desire that the 2-18th Regiment should be detained at Whanganui until he has communicated with his Responsible Advisers, I am directed by the Major-General to request you will be good enough to state whether any and what expense will result to the public if, instead of the distribution of the above corps being carried out in manner explained in my letter No. 253-1867, of the 22nd ultimo, the following movement only take place, viz., 150 men, with proportion of officers, &c., from Whanganui to Manukau (for Auckland), for the performance of garrison duty.

I have, &c.,

The Resident Transport Officer, Auckland.

D. J. GAMBLE, Colonel,
Deputy Quartermaster-General.

The RESIDENT TRANSPORT OFFICER to the DEPUTY QUARTERMASTER-GENERAL.

SIR,—

Transport Office, Auckland, 1st June, 1867.

In reply to your letter of this date respecting the movement of the 18th Regiment from Whanganui, I beg you will acquaint the Major-General Commanding that with regard to expense no immediate answer can be given, but that if it is the Major-General's wish that only part of the regiment (150 men) should now be brought to Auckland, and such wish is at once communicated to me, I will endeavour to postpone the arrangements already made for the conveyance of troops from Whanganui to Taranaki and Auckland.

I have, &c.,

The Deputy Quartermaster-General, New Zealand.

DAVID SPAIN,
Resident Transport Officer.

The DEPUTY QUARTERMASTER-GENERAL to Mr. AMPHLETT.

MY DEAR AMPHLETT,—

At the General's, 1st June, 1867.

Captain Spain requested I would communicate to you this evening the General's decision regarding the removal of the 18th Regiment from Whanganui.

He now wishes that all arrangements should be stopped, except for the removal from Whanganui to Auckland of 150 men, or thereabouts, with proportion of officers, women, and children, &c. These men will be ready for removal in the vessel that brings back the General, about the 11th instant.

I have, &c.,

D. J. GAMBLE.

The General is aware from Captain Spain that the vessel which takes him is not likely to be here before the 7th, and he does not want the men to be brought away till after his inspection of the whole regiment at Whanganui.

The DEPUTY QUARTERMASTER-GENERAL to the RESIDENT TRANSPORT OFFICER.

(No. 268-1867.)

Deputy Quartermaster-General's Office,

SIR,—

Head Quarters, Auckland, 4th June, 1867.

In reply to your letter of the 1st instant respecting the removal of the Detachments 2-18th Regiment from Whanganui, I am desired by the Major-General Commanding to inform you that he wishes you would be good enough (as already semi-officially communicated to you) to stop all arrangements for the conveyance of the detachments of that corps, with the exception of about 150 men, with the proportion of officers, women, &c., with their baggage, whom he is desirous of having conveyed from Whanganui to Manukau for Auckland.

I have, &c.,

The Resident Transport Officer, Auckland.

D. J. GAMBLE, Colonel,
Deputy Quartermaster-General.

MANAGER New Zealand Steam Navigation Company, to the RESIDENT TRANSPORT OFFICER.

DEAR SIR,—

Auckland, 3rd June, 1867.

I beg to acknowledge receipt of your letter of 1st instant, which I regret to say I only received as I was leaving church yesterday morning.

With respect to the conveyance of troops from Whanganui to Taranaki and Manukau, and the wish you express of the s.s. "Ahuriri" bringing only one half of the number agreed upon, I have the honor in reply to state that I did not make any tender for the transport of the troops referred to, but from the information given me by Mr. Coombes, that you had instructed him to prepare for the conveyance of 300 men and officers from Whanganui to Manukau, and 150 men, &c., from Whanganui to Taranaki. To carry out this in the most expeditious manner, and as I understood, at your particular request, I sent directions by the "Ahuriri" for her return at once from Whanganui to Manukau, and forwarded a telegram to Wellington for transmission to Nelson, for the "Rangitira" to proceed on to Whanganui in time to commence the service as per advertisement. The "Ahuriri" was coaled at Manukau at considerable expense, and I waived a cattle charter for this vessel in addition. All done especially on account of the troops.

Under all these circumstances, so far as the Company is concerned, I am quite unable to alter former arrangements, however willing I feel to meet your convenience in every possible form. In order to make any changes now it would involve a loss of some hundreds of pounds to the Company.

I have, &c.,

The Resident Transport Officer, Auckland.

R. J. DUNCAN,
Manager, N.Z.S.N. Company.

P.S.—I should have called at your office, but having to see His Excellency the Governor before leaving at noon, I am unable to do so.

The "Ahuriri" left the Manukau at noon of Friday, after which time it was impossible to countermand the arrangements entered into.

Forwarded for the information of the Major-General Commanding.

I do not altogether agree with many of Mr. Duncan's statements, as my notice to him of the 1st instant gave ample time to stop or postpone arrangements.

The Major-General may perhaps be enabled on his arrival at Whanganui to give further directions in regard to these troops.

4th June, 1867.

DAVID SPAIN, Captain,
Resident Transport Officer.

No. 46.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM,

(No. 79.)

Government House, Wellington,

MY LORD DUKE,—

7th August, 1867.

I have the honor herewith to transmit a Petition to Her Most Gracious Majesty, from the Legislative Council in New Zealand, in relation to the statements made by Colonel Weare, C.B., which they have requested me to forward to your Grace ; at the same time stating their earnest desire that your Grace would be pleased to lay it before the Queen.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure 1 in No. 46.

Copy of a PETITION from the LEGISLATIVE COUNCIL to HER MAJESTY THE QUEEN.
To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN,—

We, the Legislative Council of New Zealand in Council assembled, humbly pray that Your Majesty will be graciously pleased to direct that the annexed resolutions, which have been passed by the Legislative Council, together with the accompanying papers, be laid before both Houses of the Imperial Parliament, in order that the unfounded charges which have been made against the Governor, the Government, and the inhabitants of New Zealand, as well as the refutation and withdrawal of these charges, may become known to the Legislature and people of Great Britain.

T. H. BARTLEY, Speaker.

Enclosure 2 in No. 46.

EXTRACT from the JOURNAL OF THE LEGISLATIVE COUNCIL dated 2nd August, 1867.

RESOLVED :

1. That the thanks of this Council are due to His Excellency the Governor for the prompt and able manner in which he has vindicated the honour of the Government of New Zealand from the unfounded charges made against it, on the authority of certain statements of Colonel Weare, C.B., viz. :—Of urging Major-General Chute to the commission of atrocities by Her Majesty's troops, and of permitting the perpetration of barbarities by the Native allies, which have been stigmatized as "a stain upon the Christian character of the nation."

2. That the mode of correspondence which has been adopted, and the course generally which has been pursued by Her Majesty's Principal Secretary of State for the Colonies towards the Governor and Government of New Zealand, in reference to the unfounded allegations of Colonel Weare, are calculated to impair the authority of Her Majesty's Representative in this Colony, to prejudice the best interests of Her Majesty's Service, and to cause injustice to Her Majesty's loyal subjects of both races in New Zealand.

3. That a copy of these resolutions, together with a copy of the "Papers relative to the Statements made by Colonel Weare, C.B.," which have been presented to both Houses of the General Assembly of New Zealand, be forwarded to His Excellency the Governor for transmission to the Secretary of State, with a humble petition from this Council to the Queen, praying that Her Majesty will be graciously pleased to direct that they may be laid before both Houses of the Imperial Parliament.

L. STOWE,
Clerk of the Legislative Council.

No. 47.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 80.)

MY LORD DUKE,—

Government House, Wellington,

8th August, 1867.

I have the honor to request your Grace's attention to a practice which has sprung up in the Military Departments, which is contrary to the regulations which have prevailed in Her Majesty's service for a long series of years, and which appears to be of an inconvenient character.

2. Until recently, any officer in Her. Majesty's Imperial Forces desirous to receive any pecuniary reward from a Colonial Government, or a grant of land in recognition of his services in a Colony, made his first application for such a reward to the Senior Military Officer in the Colony, from whom it came on to the Governor, who reported the circumstances to Her Majesty's Government, with his decision upon it, for their approval. Thus, if the application was refused, the responsibility for such refusal lay upon the Governor.

3. From the Memorandum from my Responsible Advisers upon a letter from Deputy-Commissary General Strickland, C.B., to the Lords Commissioners of the Treasury, which Memorandum I transmitted to your Grace in my Despatch (separate) of 8th June last, it will be found that Mr. Strickland had pressed on my Responsible Advisers a claim for a grant of a portion of the confiscated lands in this Colony, and they appear to think he may have been embittered against them by the rejection of his claim.

4. This is not the only instance that has incidentally come under my knowledge of Imperial officers applying direct to my Responsible Advisers for grants of confiscated lands. In one instance, serious difficulties might have arisen between myself and my Responsible Advisers in reference to such a claim.

5. It is very probable that officers making such claims on a Colonial Ministry may feel embittered at the rejection of their demands, and may hope that if other men were in power their wishes might be acceded to, and as the Military Departments have exercised here powers independently of the Governor, which enabled them greatly to aid or embarrass Ministries, they might, if disposed to do so, easily manifest their dislike in such a manner as to throw very serious difficulties in the way of a Colonial Ministry.

6. There is also, I think, a manifest impropriety in officers in the position of Mr. Strickland, who can make secretly reports to Her Majesty's Government, seriously damaging to the character and reputation of a Colonial Government and Ministers, being allowed, unknown to Her Majesty's Government, to apply for valuable gifts to the very men whom they at their pleasure secretly defame, in a manner most injurious to the public interests and to their reputation.

7. I therefore beg to recommend your Grace positively to insist upon the old established customs of the Empire being again resorted to by all Imperial officers serving in a Colony, who apply for rewards in money or lands from the Colonial Government, being obliged to make such applications through the Governor of the Colony.

I have, &c.,

G. GREY.

His Grace the Duke of Buckingham and Chandos.

No. 48.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 82.)

MY LORD DUKE,—

Government House, Wellington,

17th August, 1867.

Since I wrote to your Grace my Despatch No. 77, of the 7th of July last, in which I alluded to the sale of certain military buildings at Patea, Tauranga, and on the Waikato River, I have received additional information upon the subject which I now beg to lay before your Grace.

2. When I wrote my Despatch of the 7th of July, I had examined the official records, from which I found that no official reference regarding the sale of these buildings had ever been made to the Government.

3. I subsequently heard that the Minister for Colonial Defence had been twice privately spoken to on the subject of the sale of some of these buildings at two of the points named, viz.:—at Patea and Tauranga.

4. I enclose, for your Grace's information, a letter I have received from the Minister for Colonial Defence, in which he tells me that no formal official reference was ever made to the Government on the subject of the sale of these buildings, nor did the Colonial Government suggest that they should be sold, but that in casual conversation, Deputy-Commissary General Strickland, in September or October last, asked the Minister for Colonial Defence whether the Colonial Government would be disposed to take any of the Imperial huts or other buildings at Patea at fifteen per cent. below their actual cost price, and that he told Deputy-Commissary General Strickland that he did not know whether the Colonial Government would require any of them, and that it was not disposed to take any at that rate, but that if they were sold by auction the Colonial Government might take that opportunity of securing any that would suit it.

5. And that at Tauranga, at the commencement of this year, the Minister for Colonial Defence was asked by Colonel Hamilton (it is believed, he said, at the instance of the Commissariat) if the Colonial Government would buy any of the huts occupied by the troops at that station, when a similar reply to that given at Patea was returned to Colonel Hamilton's question; but that afterwards the Colonial Government agreed to purchase a small magazine at Tauranga, which it urgently required, at such price as might be fixed by the Commissariat.

6. With regard to the third point (the Waikato River), I am assured by the Colonial Government that all the knowledge they have of the sale of military buildings there is contained in the enclosed extract from one of the local papers, from which it appears that the huts there had all been sold, and that buildings, which are believed to have averaged a cost of £40 each, sold for from £1 to £3 each.

7. This additional information does not alter the views I have expressed on this subject. Such a step as the destruction of military buildings, immediately following upon the withdrawal of troops from the posts they held in the face of a barbarous enemy with whom we were even at the moment, in some points, still engaged in a warfare which had been of a determined character and of several years' duration, was a step which, in my belief, ought not to have been ventured upon without the sanction and concurrence of the officer whom Her Majesty had appointed to govern the country, and who was the person immediately responsible to the nation for the safety of this part of the Queen's possessions, and for the welfare and security of the British subjects who inhabit New Zealand.

8. I still fear that the manner in which the troops were withdrawn and the posts abandoned and buildings destroyed, will entail serious evils on this Colony; and I trust that the military authorities here may not be borne out in so acting independently of the Governor to gain so trifling a sum for Great Britain.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure 1 in No. 48.

Colonel HAULTAIN to Governor Sir GEORGE GREY, K.C.B.

MY DEAR SIR GEORGE GREY,—

In casual conversation with Mr. Strickland, in September or October last, he asked me whether the Colonial Government would be disposed to take any of the Imperial huts, or other buildings, at Patea, at fifteen per cent. below their actual cost price. I told him that I did not know whether we should require any of them, and that we were not prepared to take any at that rate, but that if they were sold by auction we might take that opportunity of securing any that would suit us. And when at Tauranga, at the commencement of this year, I was asked by Colonel Hamilton—I think he said at the instance of the Commissariat—if the Government would buy any of the huts, &c., occupied by the troops at that station, I returned a similar reply; but afterwards agreed to take a small magazine, which we urgently required, at such price as might be fixed by the Commissariat.

No formal official reference was ever made on the subject, nor did the Colonial Government suggest or express any wish that the buildings should be sold at all.

I have, &c.,

T. M. HAULTAIN.

Enclosure 2 in No. 48.

EXTRACT from the *Southern Cross* newspaper of 13th June, 1866.

“Ngaruawahia—(from a Correspondent.)”

“6th June.

“THE sale of Government huts, tools, &c., took place this week, and the prices were merely nominal. The price of the huts ranged from £1 to £3. These would probably originally cost £40 each; however, it must be borne in mind that they have answered the end for which they were built.”

[True extract.]

FRED. THATCHER,
Private Secretary.

No. 49.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 86.) Government House, Wellington,
MY LORD DUKE,— 30th August, 1867.

I had the honor, on the 27th instant, of receiving your Grace's Despatch, No. 37, of the 18th of June last, communicating to me my recall from the Government of this Colony.

2. I beg to be allowed to remark on one statement your Grace has been led to make erroneously in that Despatch.

3. Your Grace is pleased to say that in my Despatch of the 4th of April, No. 30, I promised to send by another opportunity the further expression of my views on the subject of your predecessor's Despatches referring to military operations in New Zealand.

4. Your Grace must pardon me for saying that I did not do this. In my Despatch No. 30, of the 4th of April, I merely transmitted to Lord Carnarvon a Memorandum from my Responsible Advisers. The language which your Grace has been led to attribute to me is an exact quotation word for word from that Memorandum, and is the language of my Responsible Advisers.

5. I have been anxious at once to correct the error to which I have alluded, as it might prove to be one of much importance.

I have, &c.,
G. GREY.

His Grace the Duke of Buckingham and Chandos.

No. 50.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 89.) Government House, Wellington,
MY LORD DUKE,— 6th September, 1867.

I have the honor to transmit to your Grace, a letter I have received from the Speaker of the House of Representatives of New Zealand, enclosing an Address to the Queen, earnestly praying Her Majesty to cause steps to be taken to put an end to the practice which has grown up in some of the Imperial Departments of State of receiving letters from Imperial officers, all knowledge of which has been withheld from the Governor of the country, and making further representations, which Her Majesty is humbly requested to take into consideration.

I have, &c.,
G. GREY.

His Grace the Duke of Buckingham and Chandos.

Enclosure in No. 50.

Sir DAVID MONRO to Governor Sir GEORGE GREY, K.C.B.

SIR,— House of Representatives,
Wellington, 5th September, 1867.

I have the honor to transmit to your Excellency herewith, a copy of certain resolutions adopted by the House of Representatives yesterday *nemine contradicente*.

Sir George Grey, K.C.B.

I have, &c.,
D. MONRO,
Speaker.

Sub-Enclosure 1 to Enclosure in No. 50.

EXTRACT from the JOURNALS of the HOUSE OF REPRESENTATIVES.

RESOLVED—

I. That the thanks of this House are due to His Excellency the Governor for the prompt and decided manner in which His Excellency replied to certain Despatches from the Right Honourable the Secretary of State for the Colonies, conveying grave imputations against the Government of New Zealand, by Colonel Weare, C.B., which imputations this House deliberately repels, and declares to have been most unwarranted and calumnious.

II. That this House is of opinion that the course adopted by the Right Honourable the (late) Secretary of State for the Colonies of receiving and investing with official importance private communications, wholly unsupported by evidence, such as those of Colonel Weare, gravely reflecting upon the honour and Christian character of the people and Government of New Zealand, is calculated (notwithstanding that the charges themselves have been completely refuted, and have been acknowledged by Colonel Weare to be without foundation) injuriously to affect the reputation of the Colony, to embarrass the position of His Excellency the Governor, to impair the good understanding which ought to subsist between the Colonists and the Mother Country, and to prove hurtful in a high degree to the interests and relations of both races.

Resolved that the following Address to Her Majesty be adopted:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY,—

MOST GRACIOUS SOVEREIGN,—

We, your Majesty's faithful subjects, the Representatives of New Zealand, in Parliament assembled, beg to approach Your Majesty with the expression of our loyalty and attachment to Your Majesty's Throne and Person, and of our hope that Your Majesty will be graciously pleased to take into consideration the representation which we humbly desire to make in relation to the accompanying Papers, presented by command of Your Majesty's Governor to both Houses of the General Assembly of New Zealand on the subject of certain statements made by Colonel Weare, C.B., commanding Your Majesty's 50th Regiment of Foot.

These Papers contain correspondence during the years 1866 and 1867 between Your Majesty's Principal Secretary of State for the Colonies, and the Governor of this Colony, in which it is shown that Colonel Weare, in January, 1866, while commanding a Regiment in New Zealand, wrote to his brother, the Rev. T. W. Weare, M.A., a private letter containing statements accusing the Major-General commanding Your Majesty's Forces in the Colony, and also accusing Your Majesty's Colonial Troops, of atrocious cruelties to the hostile Natives, and alleging, with respect to the Governor and the Colonial Government, that "since the leaving of 'Sir Duncan' (Cameron), 'the true sentiments of the Governor and his Government have 'come out towards the Maoris in their urging General Chute on to all these atrocities of 'killing, and no prisoners;'" and further alleging, with respect to the Colonists, that the war was conducted by them in a "degrading and brutalizing manner," and that the troops were being "allowed to be demoralized by the Colonists for their own selfishness."

This correspondence also shows that Your Majesty's Principal Secretary of State for the Colonies, to whom these statements of Colonel Weare were communicated by the Rev. T. W. Weare, forwarded them in a Despatch, marked "Confidential," and dated 26th April, 1866, to the Governor for his report, so far as the statements referred to his Government, and further wrote in that Despatch the following words:—

"I cannot for a moment suppose that such imputations, either upon General Chute or upon your Government, can be made without meeting with such a complete reply as will show Colonel Weare's statements to have been altogether founded in error; but, on the other hand, I am not warranted in considering that they are made in bad faith, and must regard them, therefore, as calling for immediate and most serious inquiry."

We have no wish to animadvert harshly on the conduct of Colonel Weare, who has unreservedly apologized for and withdrawn his statements, but we cannot refrain from expressing our regret that the circumstances on which he has chiefly founded his apology and his retractation—namely, his hasty adoption of "certain camp rumours," and the private nature of his letter, written in "the freedom of family correspondence,"—did not preclude him from expressing in such a letter his hope that its general purport "may be known in England."

We humbly desire to represent to Your Majesty our complaint that these calumnious imputations, unsupported by the slightest evidence, and emanating from a junior Officer in Your Majesty's service, against Your Majesty's Representative and Your loyal subjects in this Colony, reached the Secretary of State in a most irregular manner, and were so far entertained by him that he felt himself justified in referring them to the Governor for his report, and in regarding them as calling for most immediate and serious inquiry. We respectfully consider that it would only have been due to the dignity of the Crown, and only just to Your Majesty's Representative and to your Colony, that Colonel Weare should have been forthwith called on to make these charges through the proper channel, and in conformity with the rules of Your Majesty's service, and to explain why he had not at the time officially reported these alleged atrocities, and that the Secretary of State should have merely informed the Governor to that effect, and altogether abstained from any appearance of prejudging the case. We cannot but painfully feel that the course pursued by the Secretary of State has been a peremptory arraign-

ment of the Governor and the Colony on grave charges which no one had openly preferred, and a demand rather on the accused to prove their innocence than on the secret accuser to prove his accusation.

We extremely regret to be compelled to represent to Your Majesty, that in some of Your Majesty's Imperial Departments of State, the practice of receiving from Imperial Officers in the Colony, letters, all knowledge of which had been withheld from the Governor, impugning the conduct of himself and his Advisers, has been, as is shown in Papers on New Zealand affairs presented by Your Majesty's command to both Houses of Parliament, repeatedly adopted during the last five years, notwithstanding the protests of the Governor; and we most respectfully beg to state, that such a practice is not only a violation of the express rules of Your Majesty's service, and a manifest injustice to the Governor and his Government, but that it has been productive of serious injury to the interests of Your Majesty's service, and of Your Majesty's loyal subjects in New Zealand.

We sincerely trust that Your Majesty will not deem us impatient, or unduly sensitive, in the particular matter at issue. The honour and good name of the Colony are our most precious possession, and there are special political circumstances affecting this Colony, which make us the more jealous of the view taken by Your Majesty's Imperial Government of our treatment of the Natives, and the more solicitous to vindicate our character in that respect. In 1840 Your Majesty entered into a treaty with the Aborigines of New Zealand, on the faith of which Your Majesty assumed the Sovereignty of the country, and in that treaty Your Majesty was graciously pleased to extend to them your Royal Protection, and to impart to them all the rights and privileges of British subjects; and since that time Your Majesty has issued repeated injunctions honourably and scrupulously to fulfil the conditions of that treaty. In 1863 Your Majesty's Imperial Government relinquished absolutely to the Colonial Government the fulfilment of these sacred obligations. When that relinquishment was made, a civil war was raging between the two races, and a force of twenty thousand men, consisting of Your Majesty's Imperial and Colonial troops, was engaged in suppressing insurrection. At the present date, when complete tranquillity has not been restored and the relations of both races are extremely critical, the Imperial troops are withdrawn from the Colony. The Colony is now alone engaged in making efforts,—nowhere, we believe, previously paralleled, in proportion to the means at command,—to restore and maintain Your Majesty's authority, and to promote the welfare and civilization of all the Native inhabitants of these Islands. We have no wish now to question the policy, or to comment on the course of events which led to it, of imposing on the unaided resources of the Colony the exclusive duty of discharging what are to a great extent Imperial responsibilities; but we respectfully venture to point out these facts as demonstrating that, in the absence of material aid, the sympathy and moral support of Your Majesty's Imperial Government are all the more necessary to the Colony in its endeavour to fulfil these objects, and that indifference and distrust will render that fulfilment, difficult as it always must be, an altogether hopeless task.

Under these circumstances, while in this instance we cordially recognize that the charges against the Colony have been, owing to the prompt action and firm attitude of the Governor, refuted fully to the satisfaction of Your Majesty's Imperial Government, we are apprehensive that the precedent created in this case by the Secretary of State, namely, that of recognizing charges made in so irregular a manner against the Governor and the Government of this Colony would, if persisted in, impair the confidence which should subsist between the Imperial Ministers and the Colonial Authorities; would be prejudicial to the reputation and usefulness of public men; would tend to alienate the affections of the Colonists, and would be dangerous to the welfare and concord of the two races in New Zealand.

We therefore earnestly pray that Your Majesty may be graciously pleased to cause such steps to be taken as will obviate the future adoption of a course similar to that taken by Your Majesty's Secretary of State for the Colonies in this and in other instances, and that Your Majesty may be also pleased to extend to ourselves and to Your Majesty's other loyal subjects in this Colony Your Majesty's Most Gracious consideration, and that all our proceedings may receive from Your Majesty the most favourable construction.

We also humbly pray that Your Majesty may be pleased to cause the Papers forwarded herewith, and others bearing on the same subject, to be presented to both Houses of the Imperial Parliament, in order that the fullest publicity in the United Kingdom, where the imputations have been secretly circulated, may be authentically given to all the circumstances connected with such imputations, and to their complete refutation.

And we, Your Majesty's most faithful and loyal subjects, will ever pray, &c.

D. MONRO,
Speaker.

No. 51.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 90.)

Government House, Wellington,

MY LORD DUKE,—

7th September, 1867.

I have the honor to transmit an Address which I have this day received

from the Legislative Council of New Zealand, which they wish me to communicate to your Grace.

2. I propose on another occasion to write to your Grace regarding this Address, if I find it necessary to do so. At present my position is such that I find it difficult to decide how I should write on the subject.

3. In one short paragraph of your Grace's Despatch, No. 37, of the 18th of June, I am informed in one sentence that I had said that which I never said, and in the next short sentence I am told that my successor in this Government is to be appointed. After so many years service, such an intention so communicated, bears until further explanation, the appearance of intentional censure.

4. This and other circumstances connected with the proceedings of the military authorities, and the position in which the action of the Home Government has placed me, in reference to those proceedings, make me anxious carefully to review the whole question, and to hear further from your Grace before I write upon the matter.

I have, &c.,

G. GREY.

His Grace the Duke of Buckingham and Chandos.

Enclosure 1 in No. 51.

ADDRESS from the LEGISLATIVE COUNCIL to Governor Sir GEORGE GREY, K.C.B.

To His Excellency Sir GEORGE GREY, Knight Commander of the Most Honourable Order of the Bath, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Legislative Council of New Zealand, in Parliament assembled, desire to express to Your Excellency our sincere regret at the intimation which you have received from the Right Honourable the Secretary of State for the Colonies, that your successor in the Government of this Colony will be immediately appointed, and to convey to Your Excellency the assurance of our regard and esteem.

Your Excellency's administration of the Government of New Zealand has been distinguished by circumstances of no ordinary character. Twice summoned by our Sovereign to that Government, in times of difficulty and danger, as being especially qualified to meet an emergency—Your Excellency has for fourteen years in all, more than half the age of the Colony, administered its affairs. During that time Your Excellency has spared no exertion of mind and body in the conscientious discharge of your duties, and in the promotion of the welfare of both races of Her Majesty's subjects in these islands. Conversant with the customs and language of the Natives, and conspicuous for your influence with them, Your Excellency has shown unwearied industry and activity in their improvement, and has cheerfully encountered peril, privation, and fatigue, whenever you considered your presence among them conducive to their peaceful union with European settlers, and to their advancement in civilization.

We respectfully beg to testify our appreciation of the earnest desire evinced by Your Excellency to co-operate at all times with the two Houses of the Legislature, and of the confidence reposed by Your Excellency in their desire to promote the interests of both races.

We consider that the Imperial authorities have listened too credulously to accusations of the gravest kind, communicated by non-official informants, against Your Excellency, your Government, and the Colonists generally; and by acting upon such information before ascertaining its truth or falsehood, they have been led to reiterate against the Colonists most unfounded calumnies, and have produced unfortunate results.

We have therefore to express our gratitude for the efforts made by Your Excellency during the last three years to protect the constitutional rights of New Zealand, and to defend its character.

We lament that the important constitutional questions connected with the Government of New Zealand, raised by Your Excellency, should be passed over in silence by the Imperial Government. In asserting the honor of the Crown, and maintaining the position of the Governor as representative of the Crown, and the constitutional rights of the Colony, as well as in vindicating its character from unjust aspersion, Your Excellency has put aside all personal considerations, and has not been dismayed by menace or misrepresentation. This spirit of self-sacrifice has well earned for Your Excellency the gratitude of the Colony, and we feel sure that when the passions of the moment have passed away, and personal feeling and prejudice no longer obscure the perception of the distinction between right and wrong, it will be universally admitted that Your Excellency has, in the interests of honor and justice fulfilled a duty to the Crown which you represented and to the Colony which you governed.

We cannot conclude this Address without recording our high sense of the services rendered in your private capacity to New Zealand. The love of science for which Your Excellency is distinguished, has specially induced you to support and interest yourself in the creation and development of Institutions calculated to encourage intellectual pursuits. Your Excellency has also imported, at your own cost, valuable animals and plants, for the purpose of acclimatization in this country. Charity has never appealed to you in vain, and your sympathy has always been with the industrious settler in his humblest efforts to aid the progress of colonization.

The history of New Zealand is so closely identified with yourself, that the retrospect of its progress must, we are assured, be ever associated in your mind with pleasurable recollections. The

few isolated settlements, which, on your first arrival, were struggling into life, have multiplied throughout the length and breadth of the land into numerous thriving communities. Roads, farms, villages, towns, churches, schools, and all the conditions of civilized life, now occupy the then untraversed wilderness, and, above all, the people, animated by loyalty to the Queen, desire to exercise the constitutional liberty they possess in a manner not unworthy of the traditions of the great Empire to which it is their pride to belong.

We trust that, on the termination of Your Excellency's second administration, the great services which you have rendered to the Crown and to the people of this Colony may be rewarded by Her Most Gracious Majesty by some signal mark of Her favour; and we respectfully beg you to accept our hearty wishes for your future happiness and welfare.

T. H. BARTLEY,
Speaker.

Enclosure 2 in No. 51.

REPLY to the ADDRESS from the LEGISLATIVE COUNCIL.

MR. SPEAKER AND HONORABLE GENTLEMEN,—

I can now only give you thanks for this Address. I can no longer promise by public services in your behalf to show any gratitude, but I thank you most sincerely, not only for your Address, but for the efforts you have so long made to secure the maintenance of the honor and authority of the Crown, and the welfare of Her Majesty's subjects, of both races, and to save Great Britain from an unnecessary expenditure of life and money.

None can deny that a great and heroic work has been performed in this country. In the midst of difficulties of a most unusual kind, men—many of whom were distinguished by birth and intellectual and physical endowments of no common order—have each in their vocation, by enterprise, toil, and suffering, continued through long years, laid the stable foundation of a great Anglo-Saxon nation.

Men who have so laboured together may well find a present happiness and consolation in their mutual regard, esteem, and admiration, and leave the case of their fame and reputation to the grateful millions who will follow them, and for whom they have in truth laboured.

Associated, as I have been, with you in so great a work for so many years, it is with sorrow I find that the public ties which have bound us together are to be rent asunder; but it will be much to remember that one of your last acts towards me has been to present me an Address of which any Governor or ruler might feel proud, and to know that while I live, I shall have the pleasure of seeing you still labour honorably to fulfil your duties to your Queen and your country, however arduous they may be.

G. GREY.

No. 52.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
the Right Hon. the Duke of BUCKINGHAM.

(No. 93.)

Government House, Wellington,

MY LORD DUKE,—

7th September, 1867.

I have the honor to transmit for your Grace's information the copy of an Address adopted by the House of Representatives, which is to be presented to me upon Tuesday next.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 52.

ADDRESS from the HOUSE OF REPRESENTATIVES to Governor Sir GEORGE GREY, K.C.B.

To His Excellency Sir GEORGE GREY, Knight Commander of the Most Honorable Order of the Bath, &c., &c., &c.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Representatives of New Zealand in Parliament assembled, desire to express to Your Excellency our sincere regret at the intimation which you have received from the Right Honorable the Secretary of State for the Colonies, that your successor in the Government of this Colony will be immediately appointed, and to convey to Your Excellency the assurance of our regard and esteem.

We respectfully beg to testify our appreciation of the earnest desire evinced by Your Excellency to co-operate at all times with the two Houses of the Legislature, and of the confidence reposed by Your Excellency in their desire to promote the interests of both races.

We have especially to express our gratitude for the efforts made by Your Excellency during the last three years to protect the constitutional rights of New Zealand, and to defend its character. A practice has arisen with respect to this Colony, under which persons have been permitted secretly to convey to the Imperial authorities accusations of the gravest kind against Your Excellency, your Government, and the Colonists generally. This system of direct defamation, violating as it does every principle of justice, has naturally produced animosity and discord. The constitutional position of the Governor has been ignored, his commission from Her Majesty degraded, and the spread of calumny officially recognized and indefinitely extended. Thus the political rights of the Colony have been imperilled and its character maligned.

We lament that the important constitutional questions connected with the Government of New Zealand, raised by Your Excellency, should be treated by the Imperial Government as a mere personal matter, and that it should apparently regard as a satisfactory solution of the whole difficulty, the with-

drawal of the Troops, the retirement of the General Commanding, and the recall of the Governor. In asserting the honor of the Crown, and maintaining the position of the Governor as representative of the Crown, and the constitutional rights of the Colony, as well as in vindicating its character from unjust aspersion, Your Excellency has put aside all personal considerations, and has not been dismayed by menace or misrepresentation. This spirit of self-sacrifice has well earned for Your Excellency the gratitude of the Colony, and we feel sure that when the passions of the moment have passed away, and personal feeling and prejudice no longer obscure the perception of the distinction between right and wrong, it will be universally admitted that Your Excellency has, in the interests of honor and justice fulfilled a duty to the Crown which you represented and to the Colony which you governed.

We cannot conclude this Address without recording our high sense of the services rendered in your private capacity to New Zealand. The love of science for which Your Excellency is distinguished, has specially induced you to support and interest yourself in the creation and development of Institutions calculated to encourage intellectual pursuits. Your Excellency has also imported, at your own cost, valuable animals and plants, for the purpose of acclimatization in this country. Charity has never appealed to you in vain, and your sympathy has always been with the industrious settler in his humblest efforts to aid the progress of colonization.

The history of New Zealand is so closely identified with yourself, that the retrospect of its progress must, we are assured, be ever associated in your mind with pleasurable recollections. The few isolated settlements which on your first arrival were struggling into life, have multiplied throughout the length and breadth of the land into numerous thriving communities. Roads, farms, villages, towns, churches, schools, and all the conditions of civilized life, now occupy the then untraversed wilderness, and, above all, the people, animated by loyalty to the Queen, desire to exercise the constitutional liberty they possess in a manner not unworthy of the traditions of the great Empire to which it is their pride to belong.

In contemplation of the early close of Your Excellency's official relation to the Colony as Her Majesty's Representative, we respectfully beg you to accept our hearty wishes for your future happiness and welfare.

D. MONRO,

Speaker.

No. 53.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 96.)

Government House, Wellington,

MY LORD DUKE,—

17th September, 1867.

Adverting to my Despatch No. 93, of the 7th of September last, enclosing a copy of the Address which was to be presented to me by the House of Representatives, I have the honor now to transmit for your Grace's information a copy of the Reply which I returned to that Address.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 53.

REPLY to the ADDRESS from the HOUSE OF REPRESENTATIVES.

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,—

The assurances you give me of your regret at my removal from the Government of this Colony are very gratifying to me.

To yourselves I shall always feel grateful for the support you have invariably afforded me, for the efforts you have made to provide the large sums requisite to secure the pacification of the Colony, and for the courage and resolution with which you have met and overcome all difficulties.

I agree with you in believing, that when the passions of the moment have passed away, and personal feeling and prejudice no longer obscure the perception of the distinction between right and wrong, it will be universally admitted that this Colony has made noble exertions to suppress a most dangerous rebellion.

In striving, whatever might be the peril of the moment, so to accomplish this that the rights and privileges which belong to all subjects of the British Empire should be preserved in as far as possible inviolate, New Zealand statesmen have given a worthy example.

Whatever obloquy I have incurred in aiding you in the duties you have thus performed, I can bear with cheerfulness; and I shall solace myself in after years with the remembrance of the language you have used in this Address, and of the wishes you have expressed for my welfare and happiness.

Government House, Wellington,

G. GREY.

10th September, 1867.

No. 54.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 97.)

Government House, Wellington,

MY LORD DUKE,—

17th September, 1867.

Adverting to my Despatch No. 74, of the 5th ultimo, I have the honor to transmit for your Grace's information, a copy of a letter which I have directed

to be addressed to the Officer commanding the Troops in New Zealand, requesting him to give to the Commissariat Officer in charge such instructions as may be necessary to recover from the contractors in the Waikato District, the value of upwards of five thousand rations of meat, paid for by the Imperial Government and charged against the Colony, in excess of the amount actually received by the Colonial Troops.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,

G. GREY.

Enclosure in No. 54.

The PRIVATE SECRETARY to the OFFICER COMMANDING THE TROOPS in New Zealand.

Private Secretary's Office, Wellington,

16th September, 1867.

SIR,—

I have the honor, by direction of His Excellency the Governor, to transmit for your information, the copy of a Memorandum which he has received from his Responsible Advisers.

The correspondence enclosed in this Memorandum shews that the contractors in the Waikato District have been paid by the Imperial Government for upwards of five thousand rations of meat, in excess of the amount actually received; and I am directed to request that you will be good enough to give the necessary instructions for the recovery, by the action of the Imperial Commissariat, of the value of these rations, which have been made a charge against the Colony.

I have, &c.,

The Officer Commanding the Troops in New Zealand.

FRED. THATCHER,

Private Secretary.

Sub-Enclosure to Enclosure in No. 54.

MEMORANDUM by Mr. HALL.

Colonial Defence Office, Wellington, 5th September, 1867.

MINISTERS respectfully submit to His Excellency the accompanying copies of correspondence received from the Officer commanding the Waikato Militia, showing that the contractors have been paid for upwards of five thousand rations of meat, by the Imperial Government, in excess of the amount actually received; and Ministers request that His Excellency will be pleased to transmit this correspondence to the Officer commanding Her Majesty's Forces in New Zealand, with a view to the recovery, by the action of the Commissariat, of the value of these rations, which has been made a charge against the Colony.

JOHN HALL,

(for the Defence Minister.)

His Excellency the Governor.

CORRESPONDENCE ENCLOSED.

No. 435-3, 8th August, 1867.—Lieut.-Colonel Lyon to Under Secretary.

No. 1059-66, 24th November, 1866.—Captain Tisdall to D. A. Commissary-General Johnston.

No. 100, 26th November, 1866.—D. A. Commissary-General Johnston to Captain Tisdall.

No. 1065-66, 28th November, 1866.—Captain Tisdall to D. A. Commissary-General Johnston.

No. 104, 1st December, 1866.—D. A. Commissary-General Johnston to Officer commanding 2nd Waikato Regiment.

No. 1075-66, 3rd December, 1866.—Captain Tisdall to Lieut.-Colonel Moule.

No. 92-3, 5th December, 1866.—Lieut.-Colonel Moule to Officer commanding 2nd Waikato Regiment.

No. 1089-66, 6th December, 1866.—Captain Tisdall to Lieut.-Colonel Moule.

No. 112-3, 15th December, 1866.—Lieut.-Colonel Moule to Officer commanding 2nd Waikato Regiment.

No. 1118-66, 21st December, 1866.—Captain Tisdall to Lieut.-Colonel Moule.

No. 173-3, 16th January, 1867.—Lieut.-Colonel Lyon to Officer commanding Waikato Force, Hamilton. (A.) 2nd Waikato Regiment Statement, 2nd January, 1867. (B.) 2nd Waikato Regiment Return of Quantities of Meat, 19th January.

No. 193-3, 24th January, 1867.—Lieut.-Colonel Moule to Commanding Officer, Ngaruawahia.

No. 290-3, 2nd April, 1867.—Lieut.-Colonel Lyon to Assistant Commissary-General Ibbetson.

No. 1014-10, 2nd April, 1867.—Deputy Assistant Commissary-General Marshall to Senior Commissariat Officer, Auckland.

No. 405-3, 6th July, 1867.—Lieut.-Colonel Lyon to Mr. McFarlane, contractor.

No. 405-3, 27th July, 1867.—Mr. J. S. McFarlane to Lieut.-Colonel Lyon.

No. 55.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the Right Hon. the Duke of BUCKINGHAM.

(No. 98.)

MY LORD DUKE,—

Government House, Wellington,

17th September, 1867.

I have the honor to transmit for your Grace's information a Memorandum which my Responsible Advisers have requested me to forward, in which they request your Grace's attention to certain constitutional questions which they think have been wrongly dealt with as mere personal matters.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 55.

MEMORANDUM by Mr. STAFFORD.

Wellington, 16th September, 1867.

THE Responsible Advisers of the Crown in New Zealand observe the following statements in the Secretary of State's Despatch to the Governor, No. 37, of the 18th June, 1867:—

"With regard to the ultimate disposal of this regiment (18th) I await the arrival of the next mail, in the expectation of receiving by that opportunity the further expression of your views on the subject of my predecessor's Despatches referring to military operations in New Zealand, which your Despatch of the 4th of April, No. 30, promises."

On referring to the Despatch of the 4th April, it will be observed that the Governor did not (as assumed by the Secretary of State) promise a further expression of his own views, but that he merely transmitted, at the request of his Responsible Advisers, a Memorandum on the subject of that regiment, in which Memorandum they stated that they would "take another opportunity of expressing their views on the subject of this Despatch, and of other Despatches from the Secretary of State referring to military operations in New Zealand." This promise was fulfilled in their Memorandum of the 17th April, 1867, enclosed in the Governor's Despatch No. 47, of the 27th of that month.

This inaccuracy of statement which Ministers point out assumes a peculiar importance, inasmuch as the Despatch containing it concludes with the simple announcement that the Governor's successor will forthwith be appointed.

Adverting to the previous part of the Despatch of the 18th June, Ministers are unable to understand on what grounds the Secretary of State believes that the grave constitutional questions raised by the Governor in his Despatches to the Colonial Office are mere personal matters, which the withdrawal from the Colony of Her Majesty's regular forces, and the transference of General Chute's head quarters from Auckland to Melbourne render it unnecessary to discuss.

These questions are, generally, to the following effect:—

1. Whether the Governor of a Colony, holding Her Majesty's commission as Governor and Commander-in-chief, responsible for life and property, and invested with constitutional relations to the Colony, can be required by a Despatch from the Secretary of State, to hold the powers given to him by the Royal Commission in subservience to a subordinate military officer, in respect of whom that responsibility and those relations do not exist.

2. Whether the Colony can be held liable for the consequences which may ensue from the sudden withdrawal by that subordinate officer of garrisons from disturbed districts without an opportunity being afforded to the Governor and the Colonial Government of making any provision for the protection of life and property, and for the fulfilment of obligations entered into by them with loyal Natives. On this point Ministers would refer to the enclosures in the Governor's Despatch No. 24, of the 19th February, 1867, from which it will be seen that General Chute, on the 7th of that month, without previous communication with the Governor, informed the local Government Agent at Auckland that the 57th Regiment would be withdrawn in eight days from the outposts in Waikato and Raglan, and that the Government Agent pointed out the direct encouragement which such a sudden step would give to the insurgents at Tauranga; that he had no means of providing protection after the abandonment of those posts; and in vain requested that action might be deferred until at least an opportunity had been given of communicating with the Governor.

3. Whether the proper functions of a Governor and his Responsible Advisers can be to a great extent abrogated, and the good government of a Colony frustrated by the system adopted by the Imperial Government of receiving secret accusations of the gravest kind against the Governor and the Colonial authorities, and of officially publishing those accusations, before either explanation or defence could be received. In illustration of this, Ministers would refer to the Papers on New Zealand Affairs presented in May last by Her Majesty's command to both Houses of Parliament, wherein is published the Despatch No. 9, of the 1st February, 1867, from the Earl of Carnarvon, transmitting to the Governor for his explanation letters from Deputy Commissary-General Strickland, in which the Governor and his Government are charged with conducting an aggressive war against the Natives, and with improperly using Imperial troops and money for the purpose of acquiring forcible possession of Native territory. The Secretary of State, who sent these letters to the Governor for explanation, must necessarily have been aware that all knowledge of them had been previously withheld from the Governor, yet does not refrain from ordering, before any reply could be received, their publication in the most authoritative form known to the constitution of the realm.

4. Whether it was consistent with the due position of the Governor, and with the rights of Her Majesty's subjects, that General Chute, as stated in the Governor's Despatches to the Secretary of State (Separate, 13th June, 1866, and No. 18, 1st February, 1867), should have caused a Native prisoner to be executed without trial, and have withheld from the Governor all knowledge of this fact.

These questions do not, as the Secretary of State apparently believes, raise merely temporary and personal issues, but their determination involves principles affecting the lives and property of both races in this Colony.

Ministers will only briefly advert to the recall of the Governor. They recognize the absolute right of Her Most Gracious Majesty to appoint and recall at pleasure Her Governors; but they regret that Sir George Grey, who has held for twenty-six years Her Majesty's commission as Governor of various Colonies, and has rendered to the Empire great services, which have been from time to time cordially recognized by the most eminent English statesmen, should be summarily recalled without one word of explanation in the Despatch which communicated that recall. Ministers desire to express their sympathy with His Excellency at having been, by so unusual a proceeding, subjected to what appears to be a studied act of discourtesy; and they are unable to divest themselves of the belief that the recall of His Excellency has in a great measure resulted from the uncompromising manner in which he has upheld the constitutional position of the Representative of the Crown,—a position upon the due observance of which the rights and liberties of Her Majesty's subjects in New Zealand so greatly depend.

E. W. STAFFORD.

No. 56.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 101.)

MY LORD DUKE,—

Government House, Wellington,

5th October, 1867.

In compliance with the request of my Responsible Advisers, I have the honor to transmit for your Grace's consideration a Memorandum which relates to your Grace's Despatch, No. 49, of the 1st of August last.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 56.

MEMORANDUM by Mr. STAFFORD.

Wellington, 3rd October, 1867.

THE Responsible Advisers of the Crown in New Zealand have read the Despatch No. 49, of the 1st of August last, from His Grace the Duke of Buckingham and Chandos, referring to their Memorandum of the 17th of April, 1867.

It does not appear necessary for Ministers to refer again to the imputations on the Colonial Government and forces conveyed in the Earl of Carnarvon's Despatch, No. 56, of the 28th of December, 1866, as His Lordship has, in his place in the House of Lords, expressed his regret at having made those imputations, and frankly admitted the error into which he had been led; and Ministers gratefully acknowledge the promptitude with which His Lordship has made the best reparation in his power for his unintentional injustice. They must, however, express their disappointment that His Lordship omitted at the same time to act with similar justice towards the Governor, whom he had also undeservedly censured.

A portion of His Grace's Despatch, however, re-opens the question whether the fulfilment of treaty engagements, and the protection of life and property, are subjects to be dealt with by the Representatives of the Crown, or by an inferior military officer having no constitutional relations to the Government of New Zealand.

Ministers have on various occasions, and recently in their Memorandum of the 16th ultimo, submitted that this was not a personal but a constitutional question, and they now desire respectfully to submit for the consideration of the Secretary of State that this question, upon which such large issues depend, can only be settled in accordance with the constitutional form of government established in New Zealand, which necessarily requires that the Queen's representative, as an integral part of that Government, should not be subordinated to any military authority, either by instructions from a Secretary of State or otherwise.

Ministers observe with satisfaction that His Royal Highness the Duke of Cambridge, in a debate in the House of Lords on the 15th of July last, expressed an opinion to the same effect. His Royal Highness is reported to have spoken as follows:—

"It was not his intention to say a word with respect to the policy adopted by the Secretary of State, but he wished to express a strong opinion as to the impolicy of making the military independent of the civil authorities. Their Lordships might rely upon it that no more dangerous step could be taken, and for this reason, that the military authorities must and ought to be subordinate to the civil. In order to effect that object every Governor was made Commander-in-Chief, and if they were to take away his power in that respect, they would do an act which would be fatal to the position of the Governor, detrimental to the Imperial interests, and extremely embarrassing and inconvenient both to the officers and troops. Under these circumstances he could not but express his conviction that the time had arrived when a strong policy must be adopted. He knew the difficulties which successive Governments had felt in dealing with the Colony of New Zealand, but the taking away of the troops was a step which he would rather not have seen adopted. He hoped that what had been done in this case would not be turned into a precedent, because otherwise it would be impossible that the civil and military authorities could work harmoniously and cordially together. On the contrary, the utmost distrust would be produced between them. It was most important in a constitutional State that the General should understand that it was his duty to be subject to the sway and control of the civil authorities, because these authorities were really responsible either to the Crown or to the Governor of the Colony who was exercising the authority of the Crown."

In respect of the removal of the Imperial Troops, the Secretary of State was under a misapprehension if he understood Ministers to object to their removal, or to state that the Colonial Government was not prepared for it. On the contrary, they have repeatedly signified their acquiescence in the withdrawal of the troops, and have also declined to accede to the terms proposed by the Secretary of State concerning the one regiment which the Imperial Government desired should remain in the Colony. What they did complain of was that the agency for effecting that removal was unconstitutional, and they pointed out some of the evils which had practically resulted from that unconstitutional agency.

With reference to the last paragraph of His Grace's Despatch, Ministers would observe that they did not object that charges made against the Colonial authorities, or public statements of transactions which seemed to call for explanation, were communicated to the Governor for such explanation or other action as the case might require. Their objection has been that the Imperial Government, in violation of the rules of the service and of the requirements of justice, has systematically allowed its officers stationed in New Zealand to prefer charges against the Colonial authorities, and, at the same

time, to withhold all knowledge of these charges from the persons accused; that the Imperial Government has, from time to time, demanded explanations in terms which to a great extent prejudged the question at issue; and that in some cases, as indicated by Ministers in their Memorandum of the 16th ultimo, it has authoritatively published these charges before any reply or explanation could possibly be received.

Ministers feel assured that His Grace will recognize the justice of that objection, and the propriety of altering a practice which has admitted of the evils on which it was founded.

For His Excellency the Governor,

E. W. STAFFORD.

No. 57.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Duke of BUCKINGHAM.

(No. 106.)

Government House, Wellington,

8th October, 1867.

MY LORD DUKE,—

Vide Appendix.
G.—No. 6.

I have the honor to transmit for your Grace's information a Petition which has been addressed to Her Majesty by John Topi Patuki, Chief of the Ngahitahu and Ngatimamoe tribes.

2. This Petition relates to a reserve in Princes Street, Dunedin, in the Province of Otago, which was made for the Natives in the year 1853, and has now become of very considerable value.

3. I enclose for your Grace's information a Memorandum which my Responsible Advisers have prepared upon the enclosed Petition, the allegations contained in which they state are for the most part correct.

4. Your Grace will find from this Memorandum that my Responsible Advisers, at a meeting of the Executive Council, inadvertently advised me to sign a Crown Grant, dated the 11th January, 1866, by which the reserve in dispute was granted to the Superintendent of the Province of Otago, and which grant I signed in ignorance of what I was doing.

*Vide NEW ZEALAND PARLIAMEN-
TARY DEBATES,*
Vol. I., pp. 522,
523, and pp. 526,
527.

5. I also enclose for your Grace's information, copies of the explanations made upon this subject in the House of Representatives by the Honourable the Colonial Secretary, and the Honourable J. C. Richmond, the Minister for Native Affairs.

6. Upon inquiry I find that the sum of £6,031 12s. 9d., (six thousand and thirty-one pounds twelve shillings and nine pence), accrued rents, was, upon the 24th ult., paid over to the Superintendent of Otago as following the grant.

7. I have thus put your Grace in possession of all requisite information in reference to a case which I sincerely desired should have been compromised in a generous spirit towards the Natives of the Middle Island, who parted with large tracts of land to this Government for an almost nominal consideration.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. GREY.

Enclosure in No. 57.

Memorandum by the Hon. J. C. RICHMOND upon JOHN TOPI PATUKI's Petition to Her Majesty. HORI TOPI PATUKI's Petition has been held back in the hope that an arrangement of an equitable kind might be effected between the two claimants to the reserve—the Province and the Ngaitahu tribe. The prospect of this has for the present passed away, and Ministers are not justified in asking His Excellency to delay any longer to forward the petition for presentation to Her Majesty.

The allegations contained in the petition are for the most part correct. There is good evidence that the native owners at the time of the first negotiations for the land at Otakou objected to giving up a part of what now forms the reserve, and in consequence of that objection the negotiation was broken off. In the subsequent deed of sale no specific reservation of the land is made, but a general understanding is indicated that some lands are to be surveyed by the Governor for the sellers, and the vague terms of the deed may have been meant to include *inter alia* a portion of the reserve in question.

No notice of such a reserve appears on the original official map of the Town of Dunedin, on which the land comprised in it is shown as sections, open for choice by the holders of Land Orders for the Otago settlement.

On a subsequent map the section lines are effaced, and by order of the agent of the New Zealand Company the water frontage was declared a reserve.

This Act appears to have been without sufficient authority, and called forth protests at the time from the holders of land orders. The land was however withheld from selection and continued to be treated as a reserve for general public purposes.

In 1853 a reserve out of this frontage was set apart by the Governor for Native purposes, which is now known as the Princes Street Reserve, and is the subject of the present petition. The property has, since 1862, become of great value, and the objection which always existed to its being reserved for the Natives has been steadily urged on the Government.

It is alleged that His Excellency exceeded his powers in making such a reserve within the lands specifically assigned to other purposes by the New Zealand Company.

In 1865 the question was pressed to an issue in the Legislature, and a resolution of the House of Representatives, founded on a Report of a Select Committee, was passed, declaring that a grant to the Superintendent ought to be issued under the Public Reserves Act. The Government of the day proposed that an amicable suit should be instituted to try the questions of authority on one side and the other which had been raised. The Provincial Government never acquiesced in this proposal. Mr. Stafford, then Colonial Secretary, was advised that to bring the matter into Court a grant must issue to one party or the other, and had intended to recommend a grant; but in the mean time, inadvertently as regards His Excellency and the Colonial Secretary, a grant which had been prepared on the authority of the resolution of the House of Representatives was presented for signature and issued.

Since this the accrued rents, amounting to above £6,000, which had been impounded pending the settlement of the claim, have been handed to the Province on the undertaking to refund, should the ultimate legal decision upset the grant.

A suit has been instituted by the Native claimants, since the commencement of which an offer of £1,000 and a reserve of equal area on another part of the reserved frontage has been made by the Superintendent but not accepted by the Native claimants in satisfaction of their claims. The suit is now going forward. The Bill referred to by the petitioner was an authority to the Treasurer to pay over the rents to the grantee, but expressly saved the legal question, and in no way validated the grant.

It has since been withdrawn, and the money advanced, on the terms stated above.

The recent decision of the Privy Council in the Queen against Hughes and another having made it uncertain whether *scire facias* will lie to repeal letters patent from the Crown, it has been provided by an Act of the present session that *scire facias* shall be applicable in such cases, and now no technical obstacle exists, so far as Ministers are aware, to obtaining a decision of the Supreme Court.

It is doubtful whether in case of a decision adverse to the Natives any power exists to carry out the intention of His Excellency in 1853 in any other way. The power reserved in "The Waste Lands Act, 1853," for fulfilling promises, of which there is evidence in writing, would probably be held to be limited to specific promises, or to promises as to specified land.

5th October, 1867.

J. C. RICHMOND.
