

RELATIVE TO A

RESOLUTION OF THE HOUSE OF REPRESENTATIVES

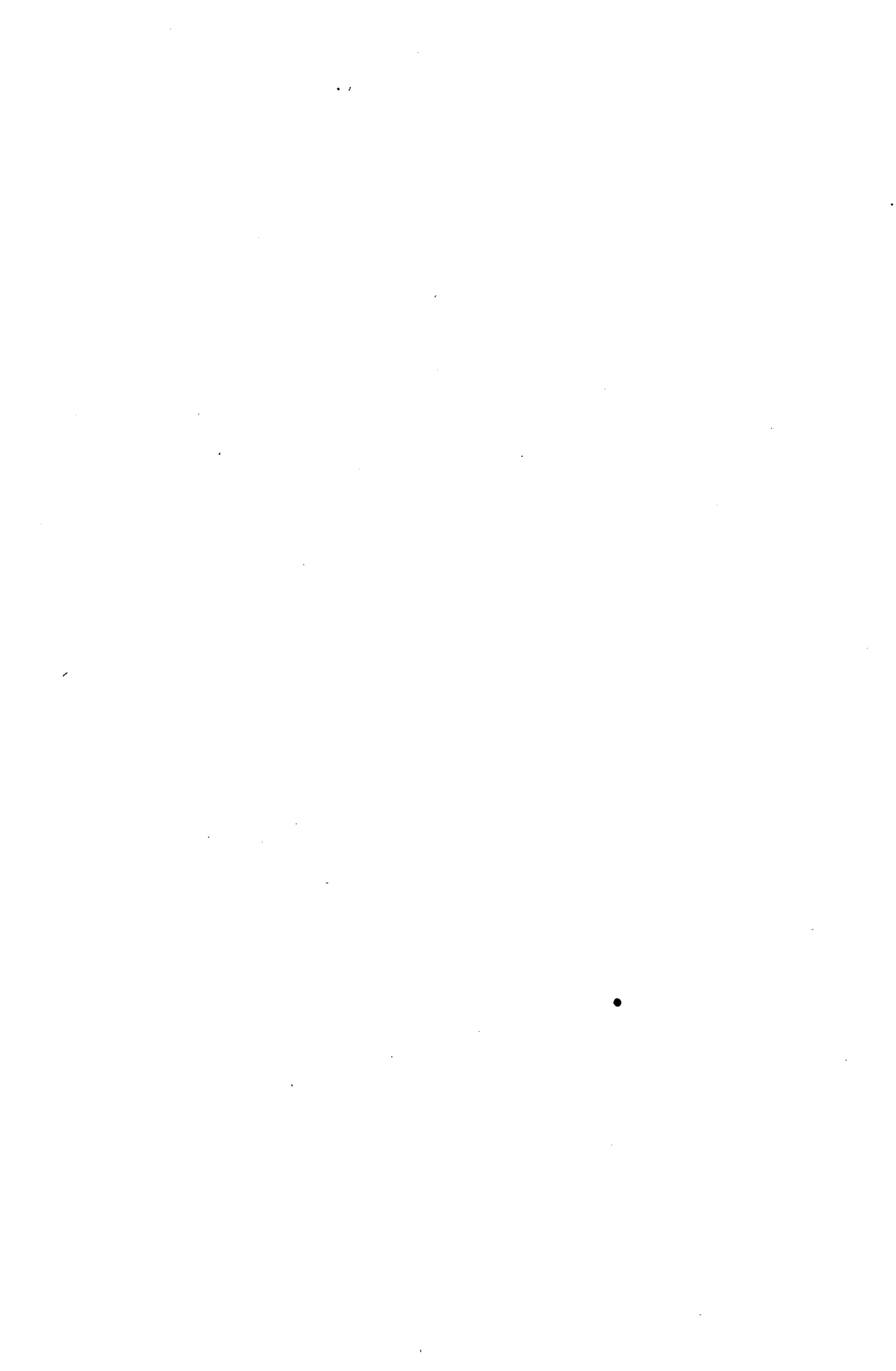
ON THE

PETITION OF J. W. PEAKE AND OTHERS.

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

WELLINGTON:

1866.



CORRESPONDENCE RELATIVE TO A RESOLUTION OF THE HOUSE OF
REPRESENTATIVES

ON THE PETITION OF J. W. PEAKE AND OTHERS.

No. 1.

Copy of a Letter from MAJOR GENERAL CHUTE to HIS EXCELLENCY SIR GEORGE GREY, K.C.B.

SIR,—

Head Quarters, Auckland, 12th March, 1866.

I have the honor to acknowledge the receipt of your Excellency's letter (No. 85 A., Dec. 1st, 1865,) enclosing an extract from the Journal of the House of Representatives relating to a Resolution of the House on a petition of J. W. Peake and others.

I thank your Excellency for affording me an opportunity of distinctly denying the accusations there set forth against the Imperial troops now under my command, and who for some years past have been employed on active service for the protection of the Colony of New Zealand.

The documents which your Excellency transmits me do not contain the evidence laid before the Committee, on which they deem it their duty to record their condemnation of the conduct of Her Majesty's troops, to bring under the notice of your Excellency what they term "the disgraceful conduct of the detachment of the 18th Royal Irish;" and add that "No good would appear to have come from the appeal which was made to the Lieut.-General lately commanding."

It is a matter of much regret to me that the honorable members of the Committee, before recording an opinion so disparaging to the army, did not afford the Military authorities an opportunity of answering the malicious accusations laid to their charge; and I cannot but express my surprise that such a censure should have been supported by the honorable House of Representatives on *ex parte* statements made by interested parties claiming compensation for real or supposed damage to their property during the war, without the accused being allowed to defend themselves.

I cannot remark on the grounds on which the Committee have arrived at this decision. As I have already stated, the evidence has not been laid before me, but I am in a position to state to your Excellency that all reports made to the Military (however frivolous) on the subject of alleged depredations, have invariably been carefully investigated. If proved, the depredators have been punished; when not proved, precautions have been taken to prevent the bad conducted, who must exist in all communities, from bringing disgrace by their misconduct on the entire body.

I enclose for the perusal of your Excellency extracts from voluminous correspondence that has passed on the subject. Your Excellency will there see that complaints have been enquired into; that in the case proved, the individuals were dealt with by the civil power; and that in other cases, where the general accusation could not be proved, every opportunity was given to civilians to identify the supposed culprits, and steps taken by check rolls, regulation as to dogs, &c., &c., to prevent depredations (by the Military) being committed on the property of settlers, although there was every reason to presume that the depredations complained of had been caused by other parties.

The troops, it is true, were stationed at the Redoubts for the protection of the settlers, in so far as to protect them against the enemy, and to induce them to remain on their own lands and properties; but not, as appears to be supposed, that the troops should act as police to look after houses and flocks deserted by the settlers, or that they should be accountable for loss of sheep and cattle allowed by their owners to roam without sufficient care-takers.

It appears to me that the loss complained of by J. W. Peake, and others, could not have occurred without the depredators being discovered, had these gentlemen looked after their flocks, or taken the simplest precautions against robbery, by application to the civil power at Wanganui, when they found their sheep continually disappearing, their houses plundered, &c., &c., in lieu of bringing vague charges some time after the alleged robberies had taken place, and finally ending by a claim for damage to the amount of £1409.

I have no desire to defend soldiers guilty of crimes, and I am most anxious to see discipline strictly maintained, yet I cannot allow the troops under my command to be aspersed by the honorable The House of Representatives without raising my voice against what I consider an injustice. It seems overlooked that the troops were sent to Woodall's Redoubt because marauding parties of the enemy, and the unsettled state of the neighbourhood rendered property at the time insecure. It is far from improbable that the losses complained of actually occurred previous to the arrival of the troops at the Kai-iwi Redoubts; and it is much more likely that these losses did occur through the enemy, by civilians in public employ, contractors, idlers, vagrants, and other inhabitants in the Colony; through want of care of the settlers themselves, and in some instances through intention on the part of settlers willing to risk loss in chance of future compensation from the public purse, rather than to the troops stationed at the Redoubts and carefully looked after.

I trust that your Excellency will take all steps necessary to have these accusations withdrawn or fully proved—both sides of the question being heard; and in the meantime that you will be pleased to direct the same publicity to be given to my denial of the accusation against the Military as has already been given to the censure passed upon them by the House of Representatives.

CORRESPONDENCE RELATIVE TO THE

I regret that your Excellency's letter on this matter should have remained so long unanswered, but my continued absence in the field, and the difficulty of obtaining the necessary documents from Wanganui, has rendered the delay unavoidable.

I have, &c.,

J. CHUTE,

His Excellency Sir George Grey, K.C.B.,
Governor, New Zealand.

Major-General.

Enclosures in No. 1.

COPY OF OPINION of a COURT OF ENQUIRY assembled at Wanganui, 11th March, 1865.

Opinion :

The Court having considered the evidence adduced, are of opinion that a certain amount of property has been destroyed and stolen from the house of Messrs. Peake, but that there is not sufficient evidence to prove by whom the robberies were committed.

Wanganui, New Zealand,
11th March, 1865.

J. DWYER, Major, 14th Regt.,
and Brevet Colonel, President.

Members { W. A. SHORT, Bt.-Major, 57th Regt.
 { W. B. CHURCHWARD, Ensign, 2-14, Regt.

Approved—R. A. LOGAN, Lieut.-Col., 57th Regiment, Commanding District.

True copy, R. WADDY, Brigadier-General.

Extract—Garrison Orders.

Wanganui, 12th March, 1865.

2. The Officers commanding at the out-posts will invariably have a parade at sunset. Any man absent to be at once confined, and reported. No soldier is to be allowed out after that hour.

It has come to the notice of the Officer Commanding the District that the houses of Mr. J. Peake and Mr. Wickstead have been broken into, and property wantonly destroyed and stolen. Lieut.-Col. Logan holds Commanding Officers strictly responsible for the safety of property, and has to remind them that they are stationed in the Redoubts for that purpose, as well as for the defence of the settlement.

Frequent check roll calls will be called when necessary, particularly at Woodall's Redoubt.

True extract,

By order,

W. THOMPSON,

H. M. POWELL,

Lieut., 57th Regt., and Gar. Adjt.

Lieut., 57th Regt., and Gar. Adjt.

LIEUTENANT DAWSON, 2-18th Regiment, to the DEPUTY ADJUTANT GENERAL, Wanganui.

SIR,—

Woodall's Redoubt, June 6, 1865.

I have the honor to report, for the information of the Brigadier-General, that Mr. John Peake, farmer, in the neighbourhood of my Redoubt, informed me this day that he has lost a great number of his sheep, estimated by him at 200 head. He attributes his loss to the dogs at the Redoubt. He also stated that he had evidence to prove that my men were in the habit of bringing sheep into camp. He gave me his authority, which proved to be the canteen-man at this post. I immediately sent for him, and have obtained the statement of the sergeant to whom, it appears, he mentioned the circumstance at some subsequent date. On referring to the duty roster, I find that the canteen-man's statement to the sergeant must have been made on the morning of the 28th May, but the first intimation that I receive on the subject is through Mr. Peake on the afternoon of the 6th June. Mr. Peake tells me that he got his information on the 3rd June, but did not think it necessary to acquaint me with his discovery. I may further remark that Mr. Nicholls, Mr. Peake's assistant, has been residing off and on at Mr. Peake's house for some time, looking after Mr. Peake's property; that he frequently visits me at the Redoubt, and did so on Saturday and Sunday last, the 3rd and 4th June. He ought to have been aware of Mr. Peake's losses, but still I was not informed on the subject. I may add that it is my custom frequently to inspect the vicinity of the Redoubt, and can assert I have never seen anything to lead me to suppose that any depredation such as attributed to my men could have taken place. I do not allow large dogs to remain loose about the Redoubt, as I have found that they interfere with the sentries by night as also the cleanliness of the Camp, consequently I cannot understand that the very extraordinary loss which Mr. Peake appears to have suffered can be attributed to dogs at this Redoubt. In reference to the statement made by the canteen-man, if true, I can only regret that he so far neglected his duty in not identifying the men which, if they belonged to this Redoubt, he might easily have done, or reported the circumstance immediately, when it might have been in my power to detect the culprit. I take the liberty of sending this report, as Mr. Peake informs me that he has already spoken to the Brig.-General Commanding on the subject.

I have, &c.,

The Dep.-Adjutant General, Wanganui.

C. DAWSON,

Lieut., 2-18 Regiment.

Summary of Evidence.

Woodall's Redoubt, June 6th, 1865.

Wm. Artmen, (Canteen-man, Woodall's Redoubt) states—On or about the 27th May, at about 6.30 p.m., I was some distance from my canteen looking after my horse, when I saw three men, one of whom had a sheep on his back; when they saw me they made away, and I heard the sheep bleat. I mentioned the circumstance to the sergeant on the canteen, but cannot say whether it was on the same evening or the following morning.

Sergeant McNassan, 2-18 Royal Irish, states—On the 28th May, I was sergeant on canteen duty. At about 9 a.m., whilst in conversation with the canteen-man, he mentioned to me that he had seen one night three men with a sheep, and that they laid down in the fern when they saw him, and he heard the sheep bleat. I asked if he could tell me who they were, and he said he could not. I remember mentioning the circumstance to the color-sergeant.

Color-Sergeant G. Hawkesbury, states—I remember one night, whilst in conversation with Sergeant McNassan, him mentioning something about a sheep being seen by the canteen-man in possession of some men on the ranges. I attached no credence to the statement, as I knew that the men of the detachment had been present at retreat roll call for at least a fortnight previous, and consequently, I thought, could not have had time to commit such an offence, according to the time stated to me.

C. DAWSON, Lieut.,
2-18 Royal Irish.

LIEUTENANT DAWSON, 2-18th Regiment, to the DISTRICT ADJUTANT, Wanganui.

SIR,—

Woodall's Redoubt, June 9, 1865.

I have the honor to report, for the information of the Lieut.-Colonel Commanding the Wanganui District, that yesterday evening Ensign Phillips, belonging to the detachment under my command, reported to me that when returning to this Redoubt, at about 6 p.m., he saw close to Mr. J. Peake's house four men, who, when they saw him, ran away into the bush; he rode on to camp as fast as possible, and reported the circumstance to me. I immediately ordered the fall-in to sound, and was present myself when the roll was called, when all were present. I then sent a sergeant and ten rank and file to Mr. Peake's house, who found Mr. Nicholls, Mr. Peake's assistant, there, who said he was quite alone, and knew nothing about the men seen by Mr. Phillips.

I am prompted to make this report, feeling that it has become a fixed idea in the minds of the settlers that any depredation committed in the neighborhood of a Redoubt must be done by the soldiers of the same. These men seen by Mr. Phillips could have been on no lawful business, and I think it significant of the fact that there are men in the country committing outrages in the neighborhood of Redoubts, knowing that suspicion will not attach itself to them, but that the odium will rest on the soldiers. I may further add that Mr. J. Peake reports to me that he has, in the last few months, lost upwards of two hundred head of sheep.

I have, &c.,

The District Adjutant, Wanganui.

C. DAWSON, Lieut.,
Commanding Det. 2-18 Royal Irish.

The DEPUTY-ASSISTANT-GENERAL to the BRIGADIER-GENERAL COMMANDING, Wanganui.

SIR,— Deputy-Adjutant General's Office, Auckland, June 29, 1865.

In reply to your letters June 11, 1865, No. 58-65, and June 14, 1865, No. 60-65, the Lieut.-General Commanding desires me to say that it does not appear to him that any evidence is adduced to prove that the depredations complained of were committed by the soldiers stationed in the Wanganui District. At the same time, the Lieut.-General Commanding desires that Officers commanding posts may be again cautioned to be most careful in guarding against the possibility of any injury being inflicted by those under their command, on the property of the settlers whom they are sent to protect.

The Lieut.-General Commanding requests that you will continue to give your attention to this matter, so that any offenders may be at once detected and punished. He desires particularly to remark on the practice of large numbers of dogs being kept in Camps or Redoubts. Dogs should not be permitted at any posts in the neighbourhood of sheep stations, unless sanctioned by the Officer commanding under your authority; and, if necessary, the practice of keeping dogs should be totally prohibited.

I have, &c.,

The Brigr.-General commanding Troops, Wanganui.

R. CAREY, Col. D. A. G.

MEMORANDUM by the DEPUTY-ASSISTANT ADJUTANT-GENERAL.

MEMO. Dy.-Asst. Adjt.-General's Office, Wanganui, 10th July, 1865.

The Brigadier-General Commanding the Wanganui District calls the attention of Officers commanding Redoubts to previous orders that have been issued on the subject of dogs being allowed loose about Redoubts. He now directs that every dog shall be either destroyed or tied up immediately, and holds Officers commanding posts strictly responsible that this order is strictly attended to; they will appoint trustworthy men of their Regiment as Camp Police, with orders to destroy any loose dogs they may see about the Redoubts. Should the Brigadier receive any more reports respecting

depredations being committed near their post, he will be obliged to give orders that no Officer or man will be allowed at any time whatever to quit the vicinity of their respective Redoubts. Every Officer in command of a Redoubt will send in a written report to this office that no dogs are allowed in or near their Redoubts, except they are tied up; and they will use every endeavour in their power to prevent their men from committing any depredations whatever. If necessary, they will increase the guards, or send out patrols in the vicinity of their posts.

True copy—G. LEACH, Capt., D. A. A. G.

By command,

G. LEACH, Capt., D. A. A. G.

LIEUTENANT DAWSON, 2-18th Regiment, to the ADJUTANT.

SIR,—

Woodall's Redoubt, November 22, 1865.

In reference to reports made by certain settlers residing in the neighbourhood of this Redoubt, of sheep having been stolen and destroyed by soldiers of the same, as also their houses being broken into :

I have the honor to state, for the information of the Officer commanding 2-18 Royal Irish, that the only instances of sheep stealing that have been brought to my notice are, Firstly, a report made by the canteen-man at this post of his having one evening seen three men with a sheep in their possession, and that when they saw him they made away, and that he did not recognize any of the men. Whether his story is true or not it is impossible for me to say, but it does not appear that he took any steps to identify the men, neither was I informed of the matter until more than a week after, and through another channel. The second instance was committed by two men belonging to my detachment, who had absented themselves without leave, and were apprehended by the civil police near Wanganui, with a live lamb in their possession; they were duly convicted by the civil power, and punished for the same. Mr. John Peake made a report to Brigadier-General Waddy, C.B., on or about the 3rd June last, in the which he stated he had lost upwards of two hundred head of sheep, and attributed his loss to the men under my command. The whole of the correspondence was, however, forwarded to Lieut.-General Sir D. A. Cameron, K.C.B., who, as I am informed, decided that there was not sufficient evidence to prove that my men were in any way implicated.

As to the charge of house-breaking laid to my men, I have the honor to state that a Court of Inquiry assembled at Wanganui, of which Lieut.-Colonel Dwyer, 2-14 Regt., was President, to inquire into statements made by Mr. J. Peake and others, but they failed to convince the Court that the men of this detachment under my command were the culprits. I had heard no more of the matter until a few days ago, when I observed a paragraph in a local paper, which I assert is utterly false.

I have, &c.,

C. DAWSON, Lieut.,
2-18 Royal Irish.

The Adjutant, 2-18 Royal Irish.

BRIGADIER-GENERAL WADDY to the DEPUTY-ADJUTANT GENERAL.

SIR,—

Wanganui, December 31, 1865.

With reference to your letter of 11th December, 1865, I have the honor to report, for the information of the Major-General Commanding the Forces in New Zealand, that early in March last a detachment of the 18th Regt., under Lieut. C. Dawson, proceeded to Woodall's Redoubt, which is about one mile from the house of Mr. H. Peake. It appears that these settlers complained to Lieut.-Col. Logan, 57th Regt., then commanding at Wanganui (during my absence with the Field Force) that their houses had been robbed about the 8th March. Lieut.-Col. Logan assembled a Court of Inquiry into this complaint. A copy of the opinion of the Court, dated 11th March, 1865, is attached; the proceedings of the Court were forwarded for the information of Lieut.-General Sir D. A. Cameron. I returned to Wanganui at the end of May, and on the 1st June Mr. J. W. Peake made his first complaint to me of depredations having been committed on his property. The correspondence relative to the matter is attached; it will be seen by Mr. J. W. Peake's letter, of the 14th July, that he admits that he did not lose a sheep after the date of his first complaint to me; so that the whole damage said to have been done to his property must have taken place in the months of March, April, and May, 1865, and it appears to me impossible that so many sheep as stated could have been killed during this time without some man being caught and identified. I have carefully examined the Defaulter sheets of the 18th Regt. at Woodall's Redoubt, and I do not find any case (save one) of absence without leave; the general conduct of this party I consider good, if I except cases of drunkenness.

I have no reason to think Lieut. Dawson has not exerted himself to prevent destruction of property, and to carry out the orders given him by me and Col. Logan. I beg now to forward a letter, dated the 18th December, from Lieut. Dawson, with regard to the charges brought forward by Mr. Peake.

I beg further to state that the only instance of sheep-stealing by men from Woodall's Redoubt that has been detected occurred in September last, the two culprits were handed over to and dealt with by the civil power.

I have never received a complaint from any person against the men of the detachment of the 14th Regt., under Capt. Vivian, stationed at Stewart's Redoubt (Mussen's Farm) since March last.

The monthly average strength of the detachment at Woodall's Redoubt in March, April, and May, was—2 officers, 3 serjeants, 1 drummer, 70 rank and file: at Stewart's Redoubt, it was—3 officers, 3 serjeants, 2 doctors, and 100 rank and file.

I have, &c.,

R. WADDY, Brig.-General,
Commanding Wanganui District.

The Dep. Adjt. General.

True copies.

R. CAREY, Colonel, D. A. G.