

# PAPERS

RELATIVE TO

STATEMENTS MADE BY COLONEL WEARE, C.B.

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

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WELLINGTON.

—  
1867.



### ERRATA IN A. No. 1B.

No. 5. Paragraph 16.—In the second line, instead of the words “a joint,” *read* the word “an.”  
In the third line of the same Paragraph after the word “them,” *read* “I therefore decline to answer or in any way notice this imputation as jointly made against myself and them.”



## PAPERS

## RELATIVE TO STATEMENTS MADE BY COLONEL WEARE, C.B.

## No. 1.

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

(Confidential.)

SIR,—

Downing Street, 26th March, 1866.

I enclose the copy of a letter which I have found myself most March 20, 1866. reluctantly obliged to address to the War Office. I think it necessary to communicate to you confidentially the allegation it contains that General Chute had declared that the Colonial Government did not want the expense of prisoners.

It is due to Colonel Weare that I should repeat to you what is stated in the letter addressed by my directions to the War Office, that it was not at his desire that the statements made by him in a private letter were communicated to me. I rely on you to take care that every effort shall be made by the officers and men of Her Majesty's Colonial Forces to secure the observance of all the humane usages of civilized warfare so long as any military operations continue; and that more especially now, when the services of the friendly Natives are rendered so available on the side of order.

I have, &c.,

Governor Sir George Grey, K.C.B.

EDWARD CARDWELL.

## Enclosure in No. 1.

Sir F. ROGERS to Sir E. LUGARD.

SIR,—

Downing Street, 20th March, 1866.

I am directed by Mr. Cardwell to state, for the information of Lord Hartington, that he has been informed that officers serving on the West Coast of New Zealand have received a semi-official notification through the Staff of General Chute that the General does not wish any prisoners to be taken, and that the General himself has stated that the Colonial Government does not want the expense of prisoners. Two particular cases are alleged in which Maoris have been deliberately put to death in presumed compliance with this notification. The one case was that of a wounded man shot by soldiers of the 14th, after an officer had directed that he should be left alone. The other was the case of an old man who was shot after having been taken and feasted with an old woman who escaped.

It is also stated that barbarities are perpetrated by the Native allies with the knowledge of our troops—two Natives, it is said, having been thrown on a fire, one alive, after being disembowelled, the other after his head had been cut off.

These statements are made on the authority of letters received from Colonel Weare, now commanding the 50th Regiment, though not communicated by his wish or permission. It appears to Mr. Cardwell that such allegations proceeding from such a quarter call for serious inquiry.

I have, &c.,

Sir E. Lugard, K.C.B.

F. ROGERS.

## No. 2.

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

(Separate.)

SIR,—

Government House, Wellington, 13th June, 1866.

I have the honor to acknowledge the receipt of your confidential Despatch of the 26th March last, upon the subject of barbarities stated to have been committed by Her Majesty's Forces under Major-General Chute, and by our Native Allies, in the district of country lying between Wanganui and Taranaki.

2. I have first to state that I never, directly or indirectly, informed any one that the Colonial Government did not want the expense of prisoners. On the

only occasion when I was present at operations during which we had an opportunity of taking prisoners, fifty-seven prisoners were taken. Their lives were all spared, and they were treated with humanity and kindness.

3. I have twice since heard reports of prisoners having been put to death.

4. On one occasion I saw a statement in some local newspaper, that the troops under Major-General Chute had shot a prisoner who was said to have been known to be the murderer of a soldier. I immediately called the attention of the Minister for Colonial Defence to the subject. He informed me that I might make my mind quite easy regarding it; because he had been informed that it had been intended to execute this prisoner; but the Superintendent of the Province of Wellington, who was present with the General, hearing what it was intended to do, spoke to the General on the subject, who immediately sent orders that the man's life should be spared.

5. Since I have received your confidential Despatch I have again spoken on this matter with the Minister for Colonial Defence, who tells me that he subsequently heard that the General's orders arrived too late, not reaching the place until the man had been executed.

6. This is all I know in relation to this subject. My ignorance regarding it is undoubtedly to be attributed to the fact of the War Department receiving communications from their officers, even of a confidential nature, reflecting on myself, without such communications having been made known to me; and to the system, then very naturally adopted by the Military Authorities in this country, of making most meagre reports to myself of their proceedings, and refusing or neglecting to furnish me with copies of their reports to the Secretary of State for War. I have thus been deprived of that authority which lawfully belonged to me, and which the safety of Her Majesty's subjects required I should be allowed to execute.

7. The second case in which I heard of prisoners being put to death, was that of two prisoners on the East Coast, tried and shot by our Native Allies. I found that this had been done from an official report made by an Officer of the Colonial Forces who accompanied the Native Force. I called the attention of the Minister for Colonial Defence to the subject. The Government wrote me a strong Memorandum regarding it, and I issued orders to the Native Chiefs positively to abstain from such proceedings for the future, pointing out to them that the power of life and death over the Queen's subjects was vested in the Governor alone, and that no person could be put to death in New Zealand without my assent to his execution having been previously obtained. Since that time large numbers of prisoners have been taken on the East Coast, and have been well treated.

8. I have heard no other allegations of acts of cruelty in New Zealand, except in the case of the attack made on the Native Mission Village of Rangiaohia, by the European Forces under General Cameron, one Sunday morning (21st February, 1864). I heard with sorrow those reports, but for the reasons I have before stated I could not tell whether they were true or not, and I was quite satisfied that, if true, they were accidental, and took place under excitement, and formed no part of a system, but that they would be as much regretted by the officers and men of the forces as by myself.

9. I at present entirely disbelieve the barbarities stated by Colonel Weare, commanding the 50th Regiment, to have been perpetrated upon the West Coast of this island. Colonel Weare either believed that they were or were not being perpetrated. If he believed they were being perpetrated, it was his duty to have reported the fact to me, that I might have instantly interfered to prevent the continuance of such barbarities, instead of reporting these in a private letter to some unknown correspondent in England, so that I did not hear of the circumstance until more than five months had elapsed, when any interference on my part was impossible. If Colonel Weare did not believe that the barbarities were being committed, then it was equally wrong of him to make such statements as he has done in a private letter.

10. In either case, myself and Her Majesty's subjects in this country have strong grounds of complaint against Colonel Weare. They, because he did not

take those means which his duty required him to take to save them from becoming the victims of such cruel atrocities as he believed were being committed; I, on my part, because he not only deprived me of my legitimate right of protecting Her Majesty's subjects, but made me appear to those at a distance to at least silently, but willingly, acquiesce in the commission of cruelties of so revolting a kind.

11. I shall forward a copy of this Despatch to Major-General Chute, and shall call upon him to take the requisite steps in regard to the line of conduct which has been pursued by Colonel Weare.

The Right Hon. Edward Cardwell, M.P.

I have, &c.,  
G. GREY.

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No. 3.

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

(Separate.)

SIR,— Government House, Wellington, 29th June, 1866.

I have the honor to transmit for your information the copy of a Minute May 23, 1866.  
which I entered upon the proceedings of the Executive Council immediately upon  
the receipt of your confidential Despatch of the 26th of March last.

The Right Hon. Edward Cardwell, M.P.

I have, &c.,  
G. GREY.

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Enclosure in No. 3.

Extract from Minutes of the EXECUTIVE COUNCIL held at Government House, at Wellington, on  
Wednesday, the 23rd day of May, 1866.

Present—His Excellency the Governor in Council.

“The Governor has, just as the Executive Council was assembling, received the Right Hon. E. Cardwell's confidential Despatch of the 26th March, by which he is for the first time informed that a semi-official notification is said to have been made to Officers serving on the West Coast of New Zealand, through the Staff of General Chute, that the General did not wish any prisoners taken, and that the General himself has stated that the Colonial Government did not want the expense of prisoners.”

“The Governor denies, absolutely and solemnly, that he has ever, directly or indirectly, communicated to the General Commanding the Forces that the Colonial Government did not want the expense of prisoners. He denies, in the same emphatic manner, that any of his Ministers have ever made such a recommendation or suggestion to him. He states that he believes them to be incapable of so doing. He adds that if they had done so, he would instantly have appealed to the General Assembly for support in resisting such a policy, and he fearlessly asserts that he would instantly have received from the Assembly the support for which he asked. He denounces the statement made to the Secretary of State, that the Colonial Government had desired such a policy, as a base and wicked calumny upon himself and the Colonial Ministers. He at once enters this Minute on the proceedings of the Executive Council. He transmits a copy of it to the Right Hon. Edward Cardwell, M.P., and he at the same time demands, as he has a right to do, that copies of Colonel Weare's letters be communicated to him, with the name of the person who supplied this information to the Secretary of State, and that a full inquiry be instituted into the whole matter; and he declines to receive the communication as a confidential one.”

Approved in Council.

FORSTER GORING,  
Clerk of the Executive Council.

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No. 4.

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

(Confidential.)

SIR,— Downing Street, 26th April, 1866.

I think it right to forward to you for your information, and for your report so far as the statements refer to your Government, the enclosed letter from the Rev. T. W. Weare, together with extracts of a letter which he informs me he has received from Colonel Weare, C.B.

I learn that Mr. Weare has made a similar communication to the Secretary of State for War; and do not doubt that a strict inquiry will be made in consequence by the Military Authorities.

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 statement 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.

I have, &c.,  
EDWARD CARDWELL.

Governor Sir George Grey, K.C.B.

Enclosure in No. 4.

The Rev. T. W. WEARE, to the Right Hon. E. CARDWELL M.P.

SIR,—

Hampton House, Hampton Bishop, Hereford, 23rd April, 1866.

With reference to my former letter addressed to you on the 19th March last, I beg now to enclose to you, evidence of further atrocities committed by the troops in New Zealand, under pressure, as would appear, from the Colonial Authorities; and I feel assured that by thus laying the matter at once before Her Majesty's Secretary of State for the Colonies, I am adopting a course which will, without delay, arrest the further progress of this merciless policy, as well as give an opportunity for repudiating acts already done, which are a stain upon the Christian character of the Nation.

I have, &c.,  
THOMAS WILLIAM WEARE, M.A., J.P.

The Right Hon. Edward Cardwell, M.P.

Sub-Enclosure to Enclosure in No. 4.

Extract from a Letter from Colonel WEARE, C.B., to the Rev. T. W. WEARE.

Extracts from a Letter written by Colonel H. E. Weare, C.B., Commanding Fiftieth (Queen's Own) Regiment, dated "Patea, New Zealand, January 13th, 1866," and addressed to his brother, Rev. T. W. Weare, by whom it was received 14th April, 1866, and forwarded to the Right Hon. the Secretary of State for the Colonies, 23rd April, 1866:—

"I am sorry to say I have a far worse matter to relate, which concerns us as a regiment. On the 7th, the day the General took the Pa of Putahi, I was ordered to lay an ambush with fifty men, to cut off fugitives. A party of five fell into it,—one was badly wounded and got away with three others, as the bush was so dense. One man was taken alive, unhurt—a Piperiki Chief. The General received me very coldly on his arrival at Patea, for taking this man alive, after his intimation of 'no prisoners.' However I told him I could not order my men to kill a man after he had thrown down his arms and surrendered. This prisoner was taken to Kakaramea, where the General encamped on the 9th, and kept there till the 11th, on which morning the General left at 3 a.m.; and at 8, under instructions from the General, this prisoner was taken down to a gully, tied hand and foot, and then cruelly shot to death by some men of the Fiftieth. . . . I have written officially to the General to know if Captain Young had due authority and orders for this act, as otherwise we consider he has cast a stain on the name of the regiment.

"Since the leaving of Sir Duncan, 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 they cannot get out of it, for Dr. Featherston, the Superintendent of the Province, and a Government man, is moving about with the General's Camp.

"The Natives will be very badly off for the next six months, for they have no open land open to them now, and they must fall back into the bush, make clearings, and cultivate, which will take them six months at least. The friendlies took two men the other day, one a chief, whose ears they cut off, dried in the sun, and presented them to their chief, with the request that he would wear them on his watch chain. Nice Allies! . . . This wholesale confiscation should be inquired into, as there is not an inch of open land left them in the line from Mount Egmont to Parakeno. If you want peace, you must give your enemy a chance of living, and means of procuring food; at present they have none left to them. I hope the degrading and brutalizing manner in which this war is now conducted may be known in England, and the troops no longer be allowed to be demoralized by the Colonists for their sole selfishness."

True extracts by me, THOMAS WILLIAM WEARE, M.A., J.P.

The Right Hon. Edward Cardwell, M.P.

No. 5.

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

(Separate.)

SIR,—

Government House, Wellington, 30th June, 1866.

I have the honor to acknowledge the receipt of your confidential Despatch of the 26th April last, enclosing the copy of a letter of the 23rd April last, from the Rev. T. W. Weare. Your Despatch also encloses extracts from a letter written to that gentleman by his brother, Colonel H. E. Weare, C.B., commanding the Fiftieth (Queen's Own) Regiment, which letter is dated Patea, New Zealand, January 13th, 1866.

2. These letters contain the gravest accusations against myself, the Government of this country, and against the General Commanding the Queen's Forces, and the officers and men composing those forces.



3. Generally I would remark on the accusations made, that they are, in as far as Her Majesty's Forces are concerned, charges of enormous and atrocious cruelties practised either by the troops or with their knowledge, such as partially disembowelling prisoners and then roasting them whilst still alive, &c.

4. Now what is done by Colonel Weare, C.B., under such circumstances? Does he, justly filled with righteous indignation, instantly report these acts to the Governor, or the Government of the country, that an immediate stop may be put to them, and their perpetrators punished? No, he does not do this. Does he instantly write to the Government at home, forwarding his letter through the Governor, and pray that instant orders may be sent out to put a stop to such atrocities? No, he does not do this. Or does he, as a just man and an officer should have done, openly, boldly, and instantly make an official report of these alleged atrocious acts to his General, and at once stop them in this way?

5. No, he does none of these things, but, in private letters addressed to a person in England, he details horrid atrocities which he states have been committed, and alleges 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, and that he hopes the degrading and brutalizing manner in which this war is being conducted may be known in England, and the troops no longer be allowed to be demoralized by the Colonists for their sole selfishness.

6. That is, according to the system pursued when Sir D. Cameron was in this country by private letters, or statements to Editors of newspapers or other persons, even sometimes from officers at his Head Quarters or on his Staff, and indeed by Sir D. Cameron's own confidential and private letters to persons in authority at home, people in England were to be prejudiced in the most violent manner against myself, my Ministers, and the people of this country. Ample proof of the justice of the statements I thus make will be found in previous Despatches of mine.

7. The result of this system was for the Empire, a disastrous war, great and unnecessary loss of life and expenditure of money. For the Colony, almost ruin. For those who pursued it, a large participation in honors and rewards. For myself, repeated censures, at least implied, and an absence for years of that public sympathy from those in authority so requisite to enable a man to struggle with cheerfulness and hope against great difficulties, whilst unjust and wrong as was the conduct of those who were the cause of my experiencing this treatment, I am not aware that they were ever subjected to the slightest censure or reproof.

8. I could have wished that Her Majesty's Government had, in this case of Colonel Weare's letters, so manifestly a shameful one, at last peremptorily put a stop to a system at once so unjust and pernicious, by refusing, in accordance with the rules laid down for the guidance of Her Majesty's Service, and hitherto for so long a series of years carefully and beneficially observed, to receive reports made in this manner, and by directing and requiring Colonel Weare to make them through the proper channel, and at the same time at least subjecting him to the reproof which he so justly deserved for having made statements privately against his superior officers, which he should have made instantly and openly or not at all.

9. You have been pleased to order me to make a complete reply to the imputations made upon myself and my Government in the letters from Colonel Weare and his brother, of the 13th of January and the 23rd of April last, I have, therefore, to consider in the first place by whom these imputations have been cast upon myself and my Government, and how this has been done. In the second place what the imputations are.

10. Firstly, the imputations came from an officer serving under my command, that is, from a junior against the Senior Officer in this Government. They are not made openly and officially through the head of his department, as Her Majesty directs shall be done, but in a private letter sent through an unofficial channel to the Secretary of State. This is a proceeding dangerous in itself as being subversive of all discipline, and as an example which would be bad from anyone, but especially so from an officer of Colonel Weare's rank and standing. It is also a proceeding which is in direct disobedience of Her Majesty's instructions.

11. With every respect for yourself and your office this proceeding is,

therefore, one which I should, under all ordinary circumstances, feel it to be my duty in every manner to discourage and discountenance. I think it, therefore, especially my duty to do so in the extraordinary circumstances with which I have now to deal.

12. Secondly, the imputations to which I am now called upon to furnish a complete reply are—That since General Cameron has left this Colony, the true sentiments of the Governor and his Government have come out towards the Maoris, in their urging General Chute on to atrocities. That atrocities are being committed by the troops in New Zealand, under pressure from the Colonial Authorities. That the war is now being conducted in a degrading and brutalizing manner, and that the troops are allowed to be demoralized by the Colonists for their sole selfishness.

13. On reconsidering these imputations, and the manner in which they have been made, you will, I am sure, agree with me that I ought not to be expected to attempt to make a complete reply to them, and that I act for the good of Her Majesty's service in respectfully but decidedly declining to do so.

14. I have duty to perform to that position in which the Crown has placed me. A person in this Colony chooses, in a private letter sent to you, to allege that myself and my Ministers had secretly entertained sentiments of the most atrocious nature towards Her Majesty's Native subjects in New Zealand, but had concealed them until Sir Duncan Cameron had left the country, and then, thinking we had found a fit instrument for our purpose in General Chute, had let these sentiments come out, and had urged him on to commit shocking atrocities.

15. For my part, I will not deign to deny such a charge, so made, for it is only by denial such a charge can be met; and with all due respect for your position, I must maintain my own, and I decline to answer or in any way notice this imputation against myself.

16. I also think that I ought not to lower my Ministers by attempting to make a complete reply to such a joint imputation, so made, as against myself and them.

17. Nor will I make any reply to the imputation that, in consequence of pressure from myself and the Government, General Chute and Her Majesty's Forces have committed atrocities in this country. If I had been base enough to have desired that they should commit atrocities, I should have known better the noble nature of many of the officers and men of Her Majesty's Forces than to have dared to have striven to put a pressure upon them to attain such ends. Let any man try to do so who doubts what the result will be. If, in consequence of treacherous murders committed on their messengers of peace and on officers or men, they have judged any act of severity necessary as an example, and to save life hereafter, it is, I feel assured, with sorrow and sadness they came to that conclusion.

18. Although I have thought it due to myself and my position so decidedly to refuse to notice the imputations to which I have been directed to furnish a complete reply, I beg to state that if any cases of cruelty are brought to my notice, I will see that the fullest inquiry is made into them, and that ample justice is, in as far as possible, done.

19. I will also throw no obstacle in the way of the fullest publicity being given to your Despatches, and to Colonel Weare's allegations against myself, the Government, and the Troops. Every one shall have full freedom to make complaints of cruel acts, or of pressure put upon them, directly or indirectly, by myself or my Ministers, to force or induce them to commit acts of cruelty, and a patient hearing of his or their complaint shall be secured to them, and full copies of all such complaints, of any of the evidence taken upon them, and the decision come to, shall be, without delay, transmitted to you.

20. I mentioned the subject of the atrocities of which they were accused to some Wanganui Natives, stating how distressed I was at the allegations made. They replied—"Why should you distress yourself? It arises from jealousy. These are just such stories as we should tell amongst ourselves, if we were jealous of each others actions. We thought the Europeans were superior to us; we now see they are as jealous a people as we are."

21. I beg you will set your mind at rest upon the subject of the statements made that no open or good land is being kept for the Natives between Wanganui and Mount Egmont. The Government assure me that their wants will be amply cared for. At present little or none of that country is occupied by Europeans.

The Right Hon. Edward Cardwell, M.P.

I have, &c.,  
G. GREY.

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No. 6.

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

(Separate.)

SIR,—

Government House, Wellington, 3rd July, 1866.

Since I had the honor, on the 30th ultimo, of replying to your confidential Despatch of the 26th of April last, I have received from Major-General Chute the enclosed copy of a letter from Colonel Weare, C.B., dated the 6th ultimo.

Colonel Weare to  
Assist.-Mil. Sec.,  
Auckland, June 6,  
1866.

2. Colonel Weare now states that his letters were private ones, written to a near relative, in the freedom of family correspondence; that these letters merely mentioned certain camp rumours that were in circulation at the time; that he believes (trusting to his recollection) that in many respects the statements detailed in your Despatches are expressed in much stronger terms than those actually contained in his letters; that he now believes that there were no grounds for the rumours that certain prisoners were disembowelled, and then thrown on the fire alive; or that a Maori was shot by soldiers of the 14th Regiment after an officer had tried to save his life; and that he regrets having in any way, even in a private letter, given the weight of his authority for such rumours.

3. The General having addressed the Secretary of State for War upon the whole question, in as far as the military are concerned, it is unnecessary for me now to enter into the questions he has discussed. I will merely say that Colonel Weare's letter of the 6th ultimo appears to me to confirm the view I from the first took of this case, and to show that the course I have pursued in relation to it is the proper one.

The Right Hon. Edward Cardwell, M.P.

I have, &c.,  
G. GREY.

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Enclosure in No. 6.

Colonel WEARE, C.B., to the ASSISTANT MILITARY SECRETARY.

SIR,—

Auckland, 6th June, 1866.

I have the honor to acknowledge the receipt of your letter of the 29th ultimo, relative to certain statements said to have been made in private letters of mine, the contents of which it would appear have been communicated to the Secretary of State for the Colonies. I deeply regret that any such use should have been made of any of my private letters, written to a near relative in the freedom of family correspondence. I am unable to comply with your request to furnish copies of those letters, as none were retained by me; and with regard to giving an explanation of the grounds on which I made the statements they are said to have contained, I beg to observe that though I did mention in my private letters the nature of certain camp rumours that were in circulation at the time, I believe (trusting to recollection) that in many respects the statements detailed in your letters as those which I am alleged to have made, are expressed in much stronger terms than those actually contained in my letters. At all events, I now believe that there were no grounds for the rumours that certain prisoners were disembowelled and then thrown on the fire alive, or that a Maori was shot by soldiers of the 14th Regiment after an officer had tried to save his life; and I regret having in any way, even in a private letter, given the weight of my authority for such.

A Native, I have since heard, was shot under some such circumstances, by some one probably of the Native Contingent, who I heard likewise shot another Native prisoner after releasing him.

I do not believe I made such a statement in my private letter as that "Officers serving on the West Coast of New Zealand had received a semi-official notification from the Major-General's Staff that he did not wish prisoners to be taken;" nor that two Maoris had been put to death in compliance with such; but I certainly myself understood that the Major-General did not wish prisoners.

Finally, I would again assure the Major-General of my regret at the use made of my private letters, which I in no way authorized, and I hope he will consider them as withdrawn.

I have, &c.,

H. E. WEARE, Colonel,  
Commanding 50th Regiment.

The Military Secretary, Auckland.

## No. 7.

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

(Separate.)

SIR,—

Government House, Wellington, 12th July, 1866.

I am anxious that everything which has been stated as a fact by Colonel Weare, C.B., in the extracts from his letter of the 13th of January, 1866, should be carefully examined, that you may on these points be put in possession of full information.

2. With a view of this being done, I beg to call your attention to the following extract from Colonel Weare's letter:—"And they (that is the Governor and Government) cannot get out of it, for Dr. Featherston, the Superintendent of the Province, and a Government man, is moving about with the General's Camp."

3. On this I beg to state that Dr. Featherston, the Superintendent of the Province of Wellington, is an officer elected by the people of that Province; that he neither was, nor is, in any way connected with the General Government of New Zealand; that I had nothing to do with his presence at General Chute's camp; and I am informed by my Ministers that they had nothing to do with his presence there. At the same time, I am of opinion that his position, his knowledge of parts of the country, and of the Natives, and his general disposition and qualifications, rendered him a very fitting person for the General to have taken with him.

I have, &c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P.

## No. 8.

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

(Separate.)

SIR,—

Government House, Wellington, 24th July, 1866.

In pursuance of the course I had the honor to inform you I should follow, of doing my utmost to have any circumstance of cruelty fully investigated which Colonel Weare, or others, stated as an actual fact, I have now the honor to enclose for your information a copy of a letter I addressed to General Chute, asking that Colonel Weare should be called on to substantiate his statement that the friendly Natives had taken two men, one a chief, whose ears they cut off, dried in the sun, and presented them to their chief, with a request that he would wear them on his watch-chain. I have also the honor to enclose copies of General Chute's reply to me, and of Colonel Weare's two letters of explanation to General Chute, which latter letters I regard as unsatisfactory.

I have, &c.,

G. GREY.

The Right Hon. Edward Cardwell, M.P.

## Enclosure 1 in No. 8.

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

SIR,—

Government House, Wellington, 12th July, 1866.

In a letter addressed by Colonel Weare, C.B., to the Rev. T. W. Weare, on the 13th of January last, extracts from which have already been transmitted to you, the following passage occurs:—"The Friendlies took two men the other day (one a chief), whose ears they cut off, dried in the sun, and presented them to their chief with a request that he would wear them on his watch chain—nice allies."

I should feel very much obliged to you if you would call on Colonel Weare to substantiate the statements he has thus made.

I have &c.,

G. GREY.

The Hon. Major-General Chute.

## Enclosure 2 in No. 8.

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

SIR,—

Head Quarters, Wellington, 14th July, 1866.

I have the honor to acknowledge the receipt of copies of a correspondence relative to certain statements made by Colonel Weare in a letter to his brother, forwarded to me in the Private Secretary's letter of the 4th instant, also of your Excellency's letter of the 12th instant.

As it is evident from the correspondence that I shall receive instructions on the subject from the Secretary of State for War by the mail expected in a few days, I propose to defer making any remarks of my own on the matter, until after the arrival of the mail.

In the meantime, however, I think it right to place your Excellency in possession of the enclosed copies of letters I have received from Colonel Weare.

I have, &amp;c.,

T. CHUTE,

Major-General.

His Excellency Sir George Grey, K.C.B., &amp;c.

## Sub-Enclosure 1 to Enclosure 2 in No. 8.

Colonel WEARE, C.B., to the Assistant Military SECRETARY.

SIR,—

Wellington, 8th July, 1866.

I have the honor to acknowledge the receipt of your letter of the 7th instant, enclosing copies of a correspondence to Sir G. Grey, K.C.B., from the Secretary of State for the Colonies, containing extracts of a private letter of mine to my brother, and furnished by him without my authority, and calling upon me to state, for the Major-General's information, my reasons for making assertions of so extraordinary a nature.

In reply, I would beg first to express my deep regret that a private letter of mine, written to a brother, should have been used in a way I never authorized and never anticipated, and even the most private sentiments of so humble an individual as myself so largely quoted.

I will now, as requested, most respectfully submit the reasons which, influencing my feelings, caused me to give utterance to many private sentiments in a hurried private letter to catch the mail, which I should not have done had I had more time for deliberation.

The circumstances under which a Maori prisoner met his death at Kakaramea, on the 11th January last, created such a feeling amongst the officers of the regiment as to the interpretation that might be put on the various rumours, and thus bring reflections on the hitherto stainless name of the 50th Regiment, that they called upon me, as their commanding officer, to see that none was suffered to remain.

For this purpose I addressed an official letter to the Adjutant-General, requesting to be informed whether the officer commanding at Kakaramea had due instructions for what he did.

It was while thus labouring under my anxiety lest any of the various rumours of the case should be circulated to the discredit of the regiment, and before I received a reply, that I gave utterance to the sentiments in the extracts now furnished, but as they were merely my private impressions at the moment, and of a most private nature, and in a private letter to a brother, I must express my deep regret that they should have been so largely quoted, or any of the matter used in the way it has been, or that any of the expressions should bear an appearance of casting an imputation on any one, and I beg respectfully that they may be withdrawn.

I have, &amp;c.,

H. E. WEARE,

Colonel, Commanding 50th Regiment.

The Assistant Military Secretary, Head Quarters.

## Sub-Enclosure 2 to Enclosure 2 in No. 8.

Colonel WEARE, C.B., to the Assistant Military SECRETARY.

SIR,—

Wellington, 13th July, 1866.

I have the honor to acknowledge the receipt of your letter of this day's date, enclosing a copy of a letter from His Excellency Sir George Grey, K.C.B., to the Major-General Commanding the Forces, requesting that I might be called upon to substantiate the statements therein contained.

With reference to that statement I hasten to place on record that it never having entered my mind to convey the meaning that these men were alive I did not allude to it in my letter of the 8th instant, and that it was only on my attention being drawn, this day, by a friend, that the expression would bear that interpretation, that I became aware of it.

I made the statement referred to in a private letter to a near relative, on hearing it from several officers whose credibility I could have no reason to doubt, and I trust that, after the explanation made in the first part of this letter, the matter contained in my private letter may be withdrawn, as requested in my letter of the 8th instant.

I have, &amp;c.,

H. E. WEARE,

Colonel, Commanding 50th Regiment.

The Assistant Military Secretary, Head Quarters.

## No. 9.

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

(Separate.)

SIR,—

Government House, Wellington, 13th August, 1866.

Adverting to my Despatches of the numbers and dates specified in the

Separate, June 13. margin, regarding certain letters from Colonel Weare, C.B., which had been laid  
 " " 29. by his brother before Her Majesty's Government, I have now the honor to enclose  
 " " 30. a copy of a letter I have received from Colonel Weare, expressing his regret at  
 " July 3. having, in a moment of great excitement, given expression, in a family letter, to  
 " " 12. thoughts which had come hurriedly into his mind, and which he would not, on  
 Colonel Weare to more calm deliberation, have felt himself justified in making or entertaining.  
 Sir George Grey, August 4, 1866. Colonel Weare, in the same letter, apologizes as fully as he can for the injustice  
 Maj. Gray in reply, August 7, 1866. he has done in writing such letters to his brother.

2. As the whole question is under the consideration of the Military Authorities, I have thought I shall now best promote the good of the service by preventing the publication of any part of the correspondence relating to this matter, and by moving no further in it until your instructions, after you have received the present Despatch, have been made known. I have therefore determined to pursue this course, in which my Responsible Advisers have concurred.

I have, &c.,  
G. GREY.

The Right Hon. Edward Cardwell, M.P.

#### Enclosure 1 in No. 9.

Colonel WEARE to Governor Sir GEORGE GREY, K.C.B.

SIR,—

Wellington, 4th August, 1866.

The Major-General commanding having kindly granted me permission to address your Excellency direct, I venture to entertain the hope that you may be pleased to allow me that indulgence.

It is with a view of affording myself an opportunity of expressing my deep regret that, at a moment of great excitement, I should have in a family letter connected your Excellency's name, that of your Government, and Dr. Featherston, with the utterance of thoughts that came hurriedly to my mind, and which I should not, on more calm deliberation, have felt myself justified in making or entertaining.

Having already submitted my letters of the 8th and 13th ultimo, explaining the circumstances under which my family letter had been written, and expressing my deep regret, as also my letter of the 30th ultimo, tendering my apologies, I would desire to submit to your Excellency that if they appear meagre or unsatisfactory it is not from any want of sincerity in either my regrets or apologies for the injustice I have done you and your Government in the expression of those thoughts, but from the peculiar position in which I have found myself placed by the use made of my private letter, and I trust your Excellency will be pleased to accept this renewed expression of my apologies, and allow the extract to be withdrawn.

I have, &c..

H. E. WEARE,  
Colonel, 50th Regiment.

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

#### Enclosure 2 in No. 9.

Major GRAY, A.D.C., to Colonel WEARE.

SIR,—

Private Secretary's Office, Wellington, 7th August, 1866.

The Governor directs me to acknowledge the receipt of your letter of the 4th instant. His Excellency wishes that you had written that letter at an earlier date, as your doing so would have saved a very large amount of embarrassment both to the Imperial and Colonial Governments.

His Excellency desires me further to state that the accusations you made against himself and the Colonial Government, which were received by the Home Government, and to which he was expected to furnish a complete reply, caused him deep and serious concern, but that he will transmit a copy of your letter of the 4th instant to the Home Government, and that as he thinks it now out of your power to make any further reparation for the injuries you have caused to others than you have done in your letter of the 4th instant, he will, in as far as he or the Colonial Government is concerned, request that no further steps may be taken in relation to yourself in consequence of what you have done,—trusting that an officer, who has rendered such services as he has always understood you have done, will carefully abstain for the future from inflicting such injury upon the reputation and feelings of other public servants as you have done in this instance.

I have, &c.,

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

Colonel Weare, C.B., 50th Regiment.

#### No. 10.

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

(No. 41.)

SIR,—

Downing Street, 1st November, 1866.

I have the honor to acknowledge the receipt of your several Despatches

of the dates noted in the margin, relating to certain acts of inhumanity alleged to have been committed by Her Majesty's Forces in New Zealand, and by our Native Allies, and in some particulars to have been approved or suggested by the Civil or Military Authorities.

I perceive with satisfaction, but, I need hardly say, without any surprise, that, so far as these charges regard yourself and your Government, they are repudiated by you with the utmost indignation. They are also withdrawn by the officer who made them, after having given you an opportunity of bringing to my knowledge various transactions which illustrate your watchful determination to protect the rebel Natives from inhuman treatment not warranted by the usages of civilized warfare.

I recognize in these transactions your accustomed care for the Maoris; I require no other vindication of your Ministers than that which is afforded by your own disclaimer and by Colonel Weare's explanation or retraction of his statements; and I consider the charges against you and them to be completely disposed of.

I wish very sincerely that I could dismiss the subject with these observations. But unfortunately some of your Despatches are written in a tone which cannot pass, and which you cannot have intended to pass, unnoticed by the Secretary of State.

On the 26th of March Mr. Cardwell communicated to you confidentially, and, as it seems to me, in no unfriendly tone, the substance of certain allegations to the discredit of yourself and your Ministers which had been laid officially before him. It was not surprising that you should feel much indignation at these allegations and at their author; that you should desire to be acquainted with the words in which they were couched, and the name of the person who had transmitted them, and even that you should feel yourself bound to place Mr. Cardwell's Despatch, confidential as it was, before those who were affected by the charges of which it informed you. And all this you might very properly have communicated in fitting language to the Secretary of State. This course however you did not adopt. You laid before your Executive Council, on the 13th of June, a Minute denouncing the statement made to the Secretary of State as a "base and wicked calumny;" and concluding as follows:—

"He (the Governor) at once enters this Minute on the proceedings of the Executive Council; he transmits a copy of it to the Right Honorable Edward Cardwell, M.P., and he at the same time demands, as he has a right to do, that copies of Colonel Weare's letters be communicated to him, with the name of the person who supplied the information to the Secretary of State; and that a full inquiry be instituted into the whole matter; and he declines to receive the communication as a confidential one."

This expression of your sentiments you convey to Mr. Cardwell in the following terms, without further comment or explanation:—

"I have the honor to transmit for your information the copy of a Minute which I entered on the proceedings of the Executive Council immediately upon the receipt of your confidential Despatch of the 26th of March last."

You can, I think, be hardly unaware that this is not the tone or manner in which the Officer representing the Queen ought to communicate with the Minister from whom he receives Her Majesty's commands.

It would have been difficult for me, with due regard for the office which I hold, to pass over this communication in silence. A later Despatch renders it impossible to do so.

On the 26th of April Mr. Cardwell had already transmitted you much of the information which you had demanded in so peremptory a tone: The name of Colonel Weare's informant, and the words in which some of his charges were couched. He had also directed the inquiry which you claimed.

In the Despatch enclosing this information, the following passage occurs:—

"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 statement to have been altogether founded in error; but, on the other hand, I am not warranted in considering

Separate, June 13,  
1866.  
,, June 29, 1866.  
,, June 30 "  
,, July 3 "  
No. 69, July 10 "  
Separate ,, 12 "  
,, " 24 "  
,, Aug. 13 "

“ that they are made in bad faith, and must regard them, therefore, as calling for  
“ immediate and most serious inquiry.”

To this you reply on the 30th June, the day following that on which you transmitted the Minute of the 13th June, which, I suppose from oversight, had not been despatched by the previous mail.

I do not at present concern myself with so much of your Despatch as relates to Colonel Weare, or to the differences which unhappily existed between yourself and General Cameron. I have only to deal with it as it relates to Her Majesty's Government, and in doing so I wish to forget that any change has taken place in that Government.

You state then that this case being manifestly a shameful one, you could have wished that Her Majesty's Government had at last peremptorily put a stop to an unjust and pernicious system, “ by refusing, in accordance with the rules laid down  
“ for the guidance of Her Majesty's service, and hitherto for so long a series of  
“ years carefully and beneficially observed, to receive reports made in this manner,  
“ and, by directing and requiring Colonel Weare to make them through the proper  
“ channel, and at the same time at least subjecting him to the reproof which he so  
“ justly deserved, for having made statements privately against his superior officers,  
“ which he should have made instantly and openly, or not at all.”

Having thus stated what you consider Her Majesty's Government ought to have done, you proceed to deal with what they have done.

I have quoted the terms in which Mr. Cardwell expresses his confidence that the statements of Colonel Weare will receive a complete reply from yourself and General Chute, to whom they had been communicated.

I now quote extracts from your reply.

“ You have been pleased to order me to make a complete reply to the  
“ imputations made upon myself and my Government in the letters from Colonel  
“ Weare and his brother, of the 13th January and 23rd of April last.” . . . .  
“ The imputations come from an officer serving under my command, that is, from  
“ a junior against the Senior Officer in this Government. They are not made  
“ openly and officially, through the head of his department, as Her Majesty directs  
“ shall be done, but in a private letter sent through an unofficial channel to the  
“ Secretary of State. This is a proceeding dangerous in itself as being subversive  
“ of all discipline, and as an example which would be bad from anyone, but  
“ especially so from an officer of Colonel Weare's rank and standing. It is also a  
“ proceeding which is in direct disobedience of Her Majesty's instructions.”

“ With every respect for yourself and your office, this proceeding is therefore  
“ one which I should, under all ordinary circumstances, feel it to be my duty in  
“ every manner to discourage and discountenance. I think it is therefore  
“ especially my duty to do so in the extraordinary circumstances with which I  
“ have now to deal.” . . . . “ On reconsidering these imputations, and the  
“ manner in which they have been made, you will, I am sure, agree with me that  
“ I ought not to be expected to make a complete reply to them, and that I act for  
“ the good of Her Majesty's service in respectfully but decidedly declining to do  
“ so.” . . . . “ For my part, I will not deign to deny such a charge, so  
“ made, for it is only by denial that such a charge can be met; and with all due  
“ respect for your position I must maintain my own, and I decline to answer or  
“ in any way notice this imputation against myself.”

“ I also think that I ought not to lower my Ministers by attempting to make  
“ a complete reply to such an imputation, so made, against myself and them. I  
“ therefore decline to answer or in any way notice this imputation as jointly made  
“ against myself and them.”

“ Nor will I make any reply to the imputation that in consequence of  
“ pressure from myself and the Government, Major-General Chute and Her  
“ Majesty's Forces have committed atrocities in this country. . . . .

“ Though I have thought it due to myself and my position so decidedly to  
“ refuse to notice the imputations to which I have been directed to furnish a  
“ complete reply, I beg to state that if any cases of cruelty are brought to my  
“ notice, I will see that the fullest inquiry is made into them, and that ample  
“ justice is, as far as is possible, done.”



On these passages several remarks cannot fail to suggest themselves. The ground of the expostulation—I should rather perhaps say reprimand—which you have thought it not unbecoming to address to Her Majesty's Government, is, that they have not properly censured Colonel Weare for having sent through an unofficial channel to the Secretary of State, a complaint which ought to have been forwarded, if at all, through his official superiors. But when you wrote this Despatch you must have had under your eye Mr. Cardwell's Despatch of the 26th March, in which the following passage occurs:—

“It is due to Colonel Weare that I should repeat to you what is stated in the letter addressed by my directions to the War Office, that it was not at his desire that the statements made by him in a private letter were communicated to me.”

The letter to the War Office, a copy of which you also possess, contains the following passage:—

“These statements are made on the authority of letters received from Colonel Weare, now commanding the Fiftieth Regiment, though not communicated by his wish or permission.”

I do not consider this the place for expressing the opinion which I may have formed of Colonel Weare's conduct, in making such communications to a private correspondent in this country. Whatever may be the impropriety of his proceedings on the whole, I do not think that the Secretary of State was called upon to reprove him for an offence which he had not committed.

In the next place it is no doubt the practice of the Colonial Service to discourage the transmission of representations from a Colony otherwise than through the Governor, by sending back such representations to those who make them. In the value of that rule both to the Secretary of State in England, and to British Authorities acting in distant parts of the world, I entirely concur. But it would be merely vexatious to apply such a rule to communications received from persons in this country. In such cases the practice is, as reason requires, to send the communication at once to the Governor for his explanation or report, and to take no decision (except in matters of exceptional urgency) till that report is received. This practice was accurately adhered to by my predecessor in the case of Mr. Weare's complaints.

You consider that Colonel Weare should have been required to make his complaints through the usual channel. But this in effect was done. The complaints were sent back to his Commanding Officer, with instructions which obliged Colonel Weare either to withdraw or substantiate them. He chose the former alternative. But in any case I do not see what more regular or effectual method could have been adopted, to secure that truth should be ascertained and justice done.

Lastly, I must observe on your statement, that Mr. Cardwell ordered you to make a complete reply to the imputations made upon yourself and your Government. That statement, though not perhaps inexact in its letter, is yet so framed as to convey an impression very opposite to that which I derive from perusing that passage in Mr. Cardwell's Despatch to which you refer, and which I have quoted.

All these inaccuracies—for so I am obliged to call them—acquire an importance which might not otherwise belong to them, from the place which they occupy in your Despatch. They furnish the only justification for your repeated and studiously direct refusal to comply with what you represent as being the Secretary of State's instructions to you, a refusal which becomes even more pointed, because what on the 30th of June you thus peremptorily refused to do in compliance with instructions, you seem in fact to have done, independently of such instructions, on the 29th.

I wish that it were open to me to misunderstand the character of that refusal, or to put a more favourable construction upon it. My strong sense of the public services which you have at various times rendered, and of your high character; my recollection even of the circumstances attending your temporary recall from the Governorship of the Cape, during my former connection with this department, all combine to make it personally very painful to me, that my first communication

of importance to you from this office, should be a Despatch of this nature. I endeavour to make every allowance for the feelings of an Officer who is conscious that he has rendered important services to Her Majesty, and who conceives himself to have been left without due protection from cruel and unfounded imputations. But it is wholly impossible that the Government of the Colonies can be carried on if such language as you have addressed to my predecessor is to be applied on such grounds as you have alleged by an Officer representing Her Majesty (I repeat my words), to the Minister whose function it is to communicate to him Her Majesty's commands.

I will add no more now. I hope that a cooler consideration of this painful question will have convinced you of the impropriety of the language which you have used; and will lead you to take what appears to me to be the course which is due, not less to yourself than to others, viz., that of recalling both your Minute of the 13th June, and your Despatch of the 30th. In this hope I now refrain from considering what would be the duty of Her Majesty's Government, should you unfortunately come to a different conclusion.

I have, &c.,

Governor Sir George Grey, K.C.B.

CARNARVON.

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No. 11.

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

(No. 11.)  
MY LORD,—

Government House, Wellington,  
12th January, 1867.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 41, of the 1st November last, in relation to certain accusations which had been made by Colonel Weare, C.B., against myself, my Ministers, the Military Authorities, and the inhabitants of this Colony.

2. I am very anxious not to enter into any controversy on this subject, and shall therefore make as few remarks as possible in relation to it; but as your Lordship has undertaken, upon receiving my reply, to pronounce a decision upon it, I beg to be permitted to state a few points which have been overlooked, but a full understanding of which is necessary to enable anyone to form a just opinion regarding it.

3. The main question which has sprung out of the correspondence under consideration has been overlooked. That is, the right of the Military Authorities to execute subjects of Her Majesty without making any report regarding such execution to the Governor of the country. This in one instance has been done, and it raises a question of the gravest importance, regarding which authoritative instructions should, without delay, be issued by Her Majesty's Government.

4. Colonel Weare's letters are treated, in your Lordship's Despatch, as private letters, communicated, without his wish or permission, to the Secretary of State. This is not, as I apprehend it, a correct view of the subject. Colonel Weare, in his letters to his brother containing the accusations under consideration, expresses, in language which cannot be mistaken, his hopes that the purport of his letters may be made known in England. I think a perusal of his letters will show that his brother, in making them known, carried out Colonel Weare's wishes, only perhaps in a manner different from that which he had intended. I feel satisfied, if your Lordship peruses the letters and Colonel Weare's expressions, you will admit that his intention was that the purport of them should reach the public.

5. A most objectionable feature in Colonel Weare's proceedings is now also dropped out of sight. I especially pointed it out, in my Despatch of the 13th June, 1866, in the following words:—"Colonel Weare either believed that these barbarities were or were not being perpetrated. If he believed they were being perpetrated, it was his duty to have reported the fact to me, that I might have instantly interfered to prevent the continuance of such barbarities, instead of reporting these in a private letter to some unknown correspondent in England, so that I did not hear of the circumstance until more than five months had elapsed, when any interference on my part was impossible. If Colonel Weare

“ did not really believe that the barbarities were being committed, then it was equally wrong of him to make such statements as he has done in a private letter. In either case, myself and Her Majesty’s subjects in this country have strong grounds of complaint against Colonel Weare. They, because he did not take those means which his duty required him to take to save them from becoming victims of such cruel atrocities as he believed were being committed; I, on my part, because he not only deprived me of my legitimate right of protecting Her Majesty’s subjects, but made me appear to those at a distance to at least silently but willingly acquiesce in the commission of cruelties of so revolting a kind.”

6. I think that Colonel Weare, in attributing to me such wicked motives and a connivance in shocking crimes brought about at my instigation, and in then passing me by without calling my attention to them, and in allowing such crimes to continue unchecked until people in England could be appealed to, when it would be too late to stop that which should have been instantly repressed, virtually reaffirmed the wickedness of my motives, and made it apparent that it would, in his belief, have been useless to appeal to me. I also think that Her Majesty’s Government, in leaving this point unnoticed, and taking his charges up, did not do me justice.

7. The imputations made against me were that, entertaining the most wicked hatred of the Native race, I had concealed my real feelings whilst there was anyone in the Colony to keep me in check, but that after General Cameron had left the Colony, my own true sentiments, and those of my Government, towards the Maoris, had come out, in our urging General Chute on to atrocities; that most shocking atrocities were being committed under pressure from the Colonial Government; and that Her Majesty’s Troops were allowed to be demoralized by the Colonists for their sole selfishness.

8. Three specific acts of the most revolting cruelty were stated to have been committed, and, in the plainest terms, it was alleged that an attempt was made to force officers to murder prisoners who had surrendered and given up their arms, Colonel Weare himself having been made to feel that he was under the General’s serious displeasure for not having committed a crime of this nature.

9. Upon the imputations I have above named, I understood Mr. Cardwell to say (as well as upon the other points):—“ 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 statement 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.”

10. If the conclusion is correct that Mr. Cardwell called for and expected a complete reply to be given to these imputations (and it was upon that belief I acted), I think the course I pursued was the correct one. But, in truth, a still graver question arises out of this matter: I was an officer on distant service, acting as Mr. Cardwell’s representative, and I think the imputations I have quoted are of such a character, that I was entitled to his instant protection against them; they were mere surmises of such wicked motives of actions on my part, and on that of other public servants. I think he might instantly and indignantly have stated that he did not credit, and would not entertain, such suggestions of evil motives.

Had our places been reversed, I would to the last have supported him against accusations of the kind, and in stern but becoming language have expressed my opinion of the conduct of the officer who made them.

11. On this part of the subject I would make one other remark. I do not think, if such accusations and imputations had been entertained at all, that they should have been confidentially entertained, and have been made the subject of a confidential Despatch.

This fact was more painful to myself and my Responsible Advisers than any other. I feel sure your Lordship will, on full consideration, admit that, knowing that such accusations against myself and my Government, were on record in the Colonial Office, where hereafter they will be certain to be found by some historian, who must naturally conclude that there must have been some ground for believing

them to be true, or that Her Majesty's Government would never have entertained them, or have stated that they regarded them as calling for immediate and most serious inquiry, that I only showed a just jealousy of the good name of my Government and of that of the people of this country, by putting them on record here as a public document. This proceeding could have injured no one, if the accusations were made in good faith, and the manner in which they ought to have been, and I believe that I did my duty to the Crown, and to the race to which I belong, in thus publicly and indignantly dealing with the question.

12. I beg now to remark upon my Minute in the Executive Council of the 13th June last. Your Lordship expresses to me your opinion that I should withdraw that Minute, and then in language the meaning of which I think I do not mistake, intimates to me that if I unfortunately come to a different conclusion the probable result will be that I shall fall under the serious displeasure of the Queen's Government.

13. When I wrote that Minute I had only received Mr. Cardwell's Despatch of the 26th March. I then found that some secret accuser, whose name was not communicated to me, had accused myself and my Government of aiding and abetting in crimes of the most revolting character. His accusations were based on information said to have been furnished by Colonel Weare, C.B., an officer of rank, who had the best opportunity of knowing the truth, or the contrary, of what he stated, but who had kept back from me the information which was secretly supplied to the Secretary of State. This was confidentially communicated to me. This was my position when I entered on the proceedings of the Council my Minute of 13th of June.

14. I have at the end of this Despatch enclosed a copy of that Minute, in which, at the end of each paragraph, I have briefly stated why that paragraph is essential to my defence or that of my Government, and could not, in justice to myself and my Government, be withdrawn whilst the accusations against us stand on record. I earnestly request your Lordship, before coming to a decision, to read that enclosure, and I feel satisfied that you will find that each paragraph contains what is necessary for the exoneration of myself or my Government from a specific charge, and that there is really not an unnecessary word in the paragraph.

15. If you consider, you will find that I was here doing my duty to the best of my ability, neither injuring nor interfering with any one, when charges of the most serious and shameful kind were made privately to the Secretary of State against myself and my Government. These charges emanated from an officer, whose rank and position gave weight and authority to them. The Secretary of State entertained them, and sent them out to me, stating that he regarded them as calling for immediate and most serious inquiry.

16. I was thus forced, against my will, to defend myself against charges of the most serious character—the only publicly recorded defence of myself and my Government against one of the most important of those charges, is contained in the Minute to which I allude,—and I now infer—the charge still standing confidentially against me in your Lordship's Department, stamped with the authority which invests it—that unless I withdraw my defence against it, I shall be probably in some way punished by Her Majesty's Government. I feel sure that this conclusion, if it has been entertained, has been unadvisedly come to. Such a thing was never done before as to accuse a high public functionary wrongfully of most atrocious crimes, and when he defends himself to the best of his ability, and proves his entire innocence, to inform him that unless he withdraws his defence he will be subject to punishment. The rule is to allow great latitude in a defence, but I am satisfied that there is nothing in that which I have made which can justly be objected to. If its language is too curt, as also that of the letter in which I enclosed it, I was at the time beset by business and cares, and the fault, if such there is, should rather be attributed to those who forced upon me the necessity of making any defence against such accusations, than to myself.

17. Moreover, others are concerned in this question, viz., my present Ministers, and the General Assembly—men who have given me the most loyal

and generous aid in many difficulties. I cannot give them up. I have defended them as well as myself: my defence of them I cannot withdraw, so long as the accusations, invested with the authority I have named, stand recorded in your office against them.

18. A confusion has crept into your Lordship's Despatch regarding the subjects on which, in my Minute and in my Despatch of the 30th of June, I deemed it to be due to my position, and to those serving under me, to afford or to decline to afford explanations.

19. Regarding every alleged specific fact of cruelty I gave all the explanation which it was in my power to afford. I only declined to notice imputations which it was only possible to meet by denial, and which it was impossible to disprove, and which were of such a nature that I did not think a regard to the position I held permitted me to notice them.

20. In reference to the opinion your Lordship has expressed that I have made use of improper language in the Despatch and Minute to which you refer me, I conceive that I should submit at once to your decision on this point, as you are the head of the department under which I serve. I cannot myself detect this improper language, but I may be a very wrong judge in my own case. Wherever therefore your Lordship may decide that any improper language may occur I beg it may be withdrawn, and I offer the fullest and most unreserved apology for any such language of which I may have made use.

21. Your Lordship thinks I have done that which will prevent the Government of the Colonies being carried on. The present state of this Colony, and of the two races which inhabit it, will, I am satisfied, convince you that such is not the case. The great body of the Native race are now loyal in the extreme. In cases of local disturbances they have, upon receiving my orders to that effect, raised considerable bodies of men, many of whom, without pay or any allowance for the destruction of their clothing, receiving nothing but their rations, have taken the field, and acting under the orders of the Queen's officers, without delay suppressed the disturbances which had arisen.

22. As your Lordship has justly reminded me I am the Queen's representative. It has been my misfortune that others should have wantonly accused me of having committed shocking crimes in that high office, and of having misused the powers with which I was entrusted, to give effect to my own wicked hatred of one class of the Queen's subjects, and of having put a pressure upon the army of a great and merciful nation, to compel them to give effect to my most wicked and cruel desires.

23. I know it is one of the incidents of high office, of the nature of those offices which I have held, in which I have constantly had to act between races and parties embittered against one another by civil war or other causes, to be liable to accusations of this or some analogous nature.

24. I was quite prepared to meet the common lot of men, whom accident or the wish of their countrymen forces into such difficult and unhappy positions, and I have endeavoured so to meet the misfortune which has overtaken me as might become the position I held. I had a duty to perform to the Queen and the high office with which Her Majesty had entrusted me, a duty to my own reputation, to the Secretary of State, to my Responsible Advisers, to my fellow subjects in this country. With such varied claims upon me, it was difficult to decide with exactitude the path which I ought to tread. I however decided to the best of my ability, and I have striven earnestly, and with perfect good temper, to come to the right decision. On a point on which my future reputation rests, I ought to and must decide for myself; and I believe that hereafter it will be admitted (if not now) that the course I have taken was becoming to my office, to the great powers with which the Queen and nation had entrusted me, and to my own long services, and I still trust that your Lordship will concur in this view of the subject.

I have, &c.,

The Right Hon. the Earl of Carnarvon.

G. GREY.

## Enclosure in No. 11.

Extract from the MINUTES of the EXECUTIVE COUNCIL,  
13th June, 1866.

“ THE Governor has, just as the Executive Council was assembling, received the Right Hon. E. Cardwell’s confidential Despatch of the 26th March, by which he is for the first time informed that a semi-official notification is said to have been made to Officers serving on the West Coast of New Zealand, through the Staff of General Chute, that the General did not wish any prisoners taken, and that the General himself has stated that the Colonial Government did not want the expense of prisoners (1).  
“ The Governor denies absolutely and solemnly that he has ever directly or indirectly communicated to the General Commanding the Forces, that the Colonial Government did not want the expense of prisoners (2). He denies in the same emphatic manner that any of his Ministers have ever made such a recommendation or suggestion to him. He states that he believes them to be incapable of so doing (3). He adds that if they had done so, he would instantly have appealed to the General Assembly for support in resisting such a policy, and he fearlessly asserts that he would instantly have received from the Assembly the support for which he asked (4). He denounces the statement made to the Secretary of State that the Colonial Government had desired such a policy, as a base and wicked calumny upon himself and the Colonial Ministers (5). He at once enters this Minute on the proceedings of the Executive Council. He transmits a copy of it to the Right Hon. E. Cardwell, M.P., and he at the same time demands, as he has a right to do, that copies of Colonel Weare’s letters be communicated to him, with the name of the person who supplied this information to the Secretary of State, and that a full inquiry be instituted into the whole matter (6), and he declines to receive the communication as a confidential one (7).

The Council were unanimous in their approval of this Minute, and expressed themselves in terms of the greatest indignation at being thought capable of either countenancing or conniving at such barbarities and atrocities, and considered they had a right to demand the name of the person who had written and imputed to them such motives.

*Notes by His Excellency the Governor.*

- (1) This is merely a necessary statement of a fact.
- (2) This was necessary for my defence against a specific charge.
- (3) This was necessary for the defence of my Ministers.
- (4) This was necessary to show the state of feeling here.
- (5) The most mature reflection convinces me that I ought to have made this statement for my own defence and that of others.
- (6) What I asked for was necessary for my own defence and protection.
- (7) My duty to myself and my Ministers required me to treat Colonel Weare’s accusations as public ones. If he made them honestly and in good faith, no wrong could have been done to him or any other person by the course I took, whilst I performed a mere act of justice to my Ministers and the other accused persons.

## No. 12.

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

(No. 18.)

MY LORD,— Christchurch, Canterbury, 1st February, 1867.

Adverting to your Lordship’s Despatch, No. 41, of the 1st of November last, and to my reply to it, No. 11, of the 12th ultimo, I fear that from my desire to raise in that reply no unnecessary questions, I have omitted one important point.

2. Your Lordship states in your Despatch No. 4, of 1866, that I have made an inaccurate statement in a previous Despatch to your Lordship’s Department, whilst in truth the inaccuracy arises from an oversight on the part of the person who supplied your Lordship with the information on which your Despatch No. 41, of 1866, is based. I notice this fact because if your Lordship took any action on the supposition that I had made an inaccurate statement when I had not done so, and I was aware you were in error on this point, I might hereafter be blamed for not putting you right when it was in my power to do so.

3. Your Lordship in your Despatch No. 41, of 1866, informs me as follows:—  
“ In the next place, it is no doubt the practice of the Colonial Service to discourage the transmission of representations from a Colony otherwise than through the Governor by sending back such representations to those who make them. In the value of that rule, both to the Secretary of State in England and to British authorities acting in distant parts of the world, I entirely concur. But it would be merely vexatious to apply such a rule to communications received from persons in this country. In such cases the practice is, as reason requires, to send the communication at once to the Governor for his explanation

“ or report, and to take no decision (except in matters of exceptional urgency) till that report is received. This practice was accurately adhered to by my predecessor in the case of Mr. Weare’s complaints. You consider that Colonel Weare should have been required to make his complaints through the usual channel; but this, in effect, was done. The complaints were sent back to his Commanding Officer, with instructions which obliged Colonel Weare either to withdraw or substantiate them: he chose the former alternative. But in any case, I do not see what more regular or effectual method could have been adopted to secure that truth should be ascertained and justice done.”

4. Colonel Weare’s complaints consisted of two points: 1st,—accusations against myself and my Government, and 2nd,—accusations against his Commanding Officer.

5. In so far as I was concerned (including my Government), his letters were taken to the Secretary of State for the Colonies; the complaints they contained were received by him. They were sent out to me. I was told that they were such as to demand full and immediate inquiry, and was expected to give a complete reply to them.

6. What passed between Mr. Weare and the Secretary of State for War, I do not know. I assume, because I am now told so, that Colonel Weare was informed that he must either substantiate or withdraw his complaints against his immediate Commanding Officer, but of this I had no knowledge at the time, and I feel sure that your Lordship will upon consideration agree that that was a matter with which I had nothing to do, and that it in no way affected the fact with which I was concerned—that Colonel Weare’s letters, in so far as they related to myself and my Government, had been received, and were at once referred to me for inquiry and explanation.

7. The regulations for the guidance of Her Majesty’s Colonial Service require that any letters complaining of the conduct of the Governor or Colonial Government shall be forwarded through the Governor, and it is stated that if this rule is not observed the letter will be returned to the writer for the purpose of being forwarded through the Governor.

8. If a person in the Colony may write such a letter as that which is alluded to in the Colonial Regulations, to some individual in England, and upon the person to whom it is written sending it or delivering it to the Secretary of State, then it is to be regarded as not falling within the regulations, it appears useless to have established such a rule, which anyone can so easily evade.

9. But great difficulties must in every case arise from the breach of such a regulation, in whatever manner this is effected.

10. In the case of Colonel Weare’s letter to his brother, had it been returned to the writer, as the regulation directs, he would have withdrawn it, and such accusations against myself and my Government would not have been put on record; if he had not withdrawn it, the Secretary of State, when I returned the letter, would have had full explanations regarding the several accusations contained in it, gaining all the information he required without doing a wrong to anyone. He would have stood in the true position of a judge, not of one who had taken up accusations, and who admitted that there was such ground of probability in them that inquiry must be made, and the accused persons put upon their defence.

11. If Colonel Weare intended his letter to be made public, in that case, by the course he pursued, he made it appear that the Governor and Local Authorities were so bad that it was useless to appeal to them; and that it was necessary to get indirectly at the Secretary of State, or the public, to have such great crimes brought to light; and with every deference to your Lordship’s Department, I think that the Secretary of State, by entertaining such accusations, so made to him, gave strong grounds for others to believe that such presumptions as those above stated rested upon some, at least, probable foundations.

12. If Colonel Weare did not intend the statement in his letters to reach the public, and they were hurried passionate expressions of an ill-judging and irritated man addressed under the seal of confidence to his brother, then the course pursued by the Secretary of State made an old and distinguished officer, against his will,

accuse old and high public functionaries of crimes of which he did not believe them guilty, and of which he never had any serious intention of accusing them, and unnecessarily subjected high public officers to the pain of meeting such accusations.

13. I feel sure that the foregoing explanations will satisfy your Lordship that the expressions which I used in relation to this subject, in my previous Despatches, were strictly accurate.

14. I think your Lordship has not sufficiently considered the great questions which underlie the whole of this matter. Colonel Weare, C.B., made no report to the Governor of the country of circumstances he apparently believed, relating to the lives and welfare of Her Majesty's subjects. General Chute made no report to the Governor of the country of his thinking it necessary to order the execution of a man, or as to whether any inquiries whatever took place as to the guilt of that man. The Secretary of State for War and the Military Authorities leave the Governor in ignorance of the nature of their correspondence with General Chute and Colonel Weare on these subjects. He only incidentally learns from the Secretary of State for the Colonies the tenor of one letter of that correspondence. Her Majesty's Colonial Department has, up to the present time, apparently supported the Military Authorities in the fact of their having utterly ignored the existence of the Governor and Government of the country on these most important questions which the Constitution entrusted to their care. I assume that in these proceedings all acted according to the best of their judgment under circumstances of difficulty; but some rule should be laid down for the future, or old rules should be revived and orders given, that they should be hereafter strictly acted on; for such proceedings as have taken place impair the authority of the Governor and of the Local Government, and they weaken the security which should surround life.

15. In all countries in which civil wars, or wars of races prevail, there is one party, it may be very small, in favour of violent and extreme measures. In this country the General Assembly has, throughout the rebellion which has prevailed, supported me in not allowing death to be inflicted by the sentence of a court martial. In a recent case in which prisoners were tried by a court martial for murder, found guilty and sentenced to death, my Responsible Advisers would not act upon this sentence, but sent the prisoners to be tried again before the Supreme Court of the country. With some this line of policy was unpopular. In my belief, and in that of my Responsible Advisers, it was the right one. The small number of Natives in the country, the number of years we have resided amongst them in a state of peace, their continued decrease, whilst the European population was rapidly augmenting, the fact of so large a proportion of the Native population remaining loyal, all seemed to take away every kind of justification which might, under different circumstances, be alleged as calling for acts of sudden and extreme punishment. We therefore steadily adhered to a line of policy which we trusted might, in the future history of this country, if similar difficulties ever arose, be pointed to as an example which deserved to be followed.

16. But if it is believed that there is another authority in the country, superior in fact to the Government, which can disregard it, and acting upon its own will, adopt measures which the Government will not adopt, then encouragement will be given to those who may be in favour of violent measures, and the difficulties of the Government will be very greatly increased. Or even if, as in New Zealand, the vast majority of the people hold with the Governor and the Government and their line of policy, then the authority of the Home Government, even if it has only apparently supported the Military Authorities, loses some portion of that hold which it ought to have on the affections of the people.

17. I therefore earnestly recommend your Lordship to make such arrangements with the War Department as will prevent the recurrence of such difficulties for the future. I feel sure that the issue of such instructions as I asked for in my Despatch, marked "separate," of the 3rd November, 1866, and a direction that the Colonial Office Regulations regarding correspondence, should, for the future,



be strictly observed, would go far to prevent the recurrence of what has taken place; but I think also, that the Secretary of State for War should further order that copies of all correspondence with his department, relating to Colonial matters, should be forthwith communicated to the Governor.

I do not think that it is either constitutional or convenient that the Secretary of State for War should correspond, except with the knowledge of the Governor, with his subordinates in the Colony, on matters relating to the lives of Her Majesty's subjects, or of the proceedings of the Governor or of his Advisers, or of the Government of the country. This cannot be done without the Secretary of State for War assuming the responsibility of all acts which his subordinates may perform. It also, in practice, must, unless his subordinates are men of the most extraordinary judgment, lead to their acting independently of the Local Government, and probably indirectly setting its authority at defiance, or at least treating it with utter neglect, even on the most important subjects; whilst as the Local Government have no control whatever, under such a system, over the General Officer, and as he renders no report of his actions to them, and as they are ignorant of whether or not he renders any report of them to the Secretary of State for War, every constitutional rule which has hitherto been observed, is, in fact, swept away.

18. Your Lordship has recently objected to the language I use in writing to the Secretary of State. I trust in this Despatch I have said nothing that may give offence. It is perhaps difficult to treat of such grave questions without doing so, but I have really desired to write in the most proper and becoming manner, and I believe that your Lordship will rather look to the magnitude of the interests at issue than to the precise words and form in which I have brought them under your notice; and that it will be to you a most pleasing duty to apply a remedy to the difficulties which have, perhaps not unnaturally, arisen from the separation of the office of the Secretary of State for the Colonies from that of the office of the Secretary of State for War. The division of one office into two, each under a separate Secretary of State, naturally created what may be called a departmental feeling in the offices of the respective departments, and to some men it would become almost a duty to maintain and even extend the authority of the department under which they serve.

19. No difficulties need, however, arise from this cause that cannot easily be met by proper regulations, and I feel sure that your Lordship will have such regulations laid down.

The Right Hon. the Earl of Carnarvon.

I have, &c.,  
G. GREY.

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No. 13.

COPY of a DESPATCH from His Grace the Duke of BUCKINGHAM to  
Governor Sir GEORGE GREY, K.C.B.

(No. 18.)

SIR,—

Downing Street, 1st May, 1867.

I have received your Despatches of the 12th January and 1st February, 1867, relating to certain charges against the Civil and Military Authorities of New Zealand, made in private letters by Colonel Weare, and subsequently withdrawn by him.

I observe with satisfaction your expression of "the fullest and most unreserved apology" for those passages of your Despatch which my predecessor considered to have been couched in improper language.

Governor Sir George Grey, K.C.B.

I have, &c.,  
BUCKINGHAM AND CHANDOS.

