

PROCEEDINGS

OF A

BOARD OF INQUIRY HELD AT WAIHI,

TO INQUIRE INTO

CERTAIN CHARGES ALLEGED AGAINST

INSPECTOR HUNTER, ARMED CONSTABULARY.

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

WELLINGTON.

—
1868.

PROCEEDINGS OF A BOARD OF INQUIRY INTO CHARGES AGAINST INSPECTOR HUNTER, A.C.

EXTRACT from District Orders.

Patea, 8th August, 1868.

A BOARD of Officers will assemble at Waihi on Monday next, the 10th instant, to inquire into and report on certain alleged charges made against Inspector Hunter, Armed Constabulary, in accordance with sections 21, 22, and 23, Armed Constabulary Act.

President—Captain A. M. A. Page, Wellington Rangers.

Members—Sub-Inspector D. M. Brown, Armed Constabulary; Captain Buck, V.M.

The Adjutant and all evidences will be directed to attend the Board.

By order,

G. CUMMING, Captain,
Adjutant P.M. District.

MEMORANDUM for the guidance of the Board of Officers ordered to assemble at Waihi, on Monday,
10th August, 1868.

THE Board is convened under the 21st, 22nd, and 23rd clauses of the Armed Constabulary Act, to take evidence on oath, and report on the conduct of Inspector Hunter, Armed Constabulary, on the morning of the 12th July last, when the redoubt at Turu Turu Mokai was attacked by rebel Natives.

Many conflicting reports having been circulated in Patea and elsewhere relative to the delay in despatching the mounted men from Waihi to the relief of Turu Turu Mokai when attacked, and reflecting on the character of Inspector Hunter as an officer, the written statements of Senior-Sergeant Anderson and Sergeant Bennett were called for, copies of which will be laid before the Board; and it will be their duty, after receiving such evidence as may be brought before it by the Adjutant of the force, to report their opinion as to whether there was any unnecessary delay in sending the troopers to the assistance of the detachment at Turu Turu Mokai, when attacked on the 12th ultimo; and if so, was Inspector Hunter the cause of such delay?

The Board will, of course, receive the evidence of any persons Inspector Hunter may wish to bring forward, and also any statements he himself may wish to make; the latter cannot be received on oath.

THOS. McDONNELL,

Lieut.-Colonel Commanding Patea Field Force.

PROCEEDINGS of a Board of Officers, assembled at Camp Waihi, on the 10th day of August, 1868, by order of Lieut.-Colonel McDonnell, Commanding Patea District, bearing date the 8th day of August, 1868, to inquire into and report on certain alleged charges against Inspector Hunter, Armed Constabulary, in accordance with sections 21, 22, and 23 "Armed Constabulary Act, 1867."

President—Captain A. M. A. Page, Wellington Rangers.

Members—Sub-Inspector D. M. Brown, Armed Constabulary; Captain Buck, V.M.

The Board having met pursuant to order, proceeded to take evidence.

The order for the assembling of the Board having been produced and read, the following question was put:—

The Board.] Inspector Hunter, Armed Constabulary, do you object to the President or either of the Members inquiring into and reporting on certain alleged charges against you?—Legally, I object to it, as section 21, Armed Constabulary Act, states that every member of any Board appointed under this Act to inquire into the conduct of an officer of the Armed Constabulary shall be of equal or superior rank to the officer whose conduct is so to be inquired into; but, as I wish to throw no impediment in the way, I waive my right to be tried by officers of my own rank, particularly as I recognize the competency of the officers composing the Board.

Senior Sergeant William Anderson, A.C., being duly sworn, states: I received in Patea an order from Captain Cumming to make any statement, in connection with the attack on Turu Turu Mokai, on the 12th July. I made the following statement, which I repeat to-day:—I was acting sergeant-major at Camp Waihi on the morning of the 12th July. About 6.30 a.m., I was called by the corporal of the guard, who told me there was heavy firing in the direction of Turu Turu Mokai. I sent him to call the commanding officer (Major Von Tempsky), and then went on the parade ground. A short time after, Major Von Tempsky came out and asked me where the firing was. I pointed out to him the flashes of the guns. He ordered No. 5 Division to fall in, and sent me to Inspector Hunter to say he was going away himself, and Major Hunter was to take command. I called Major Hunter, and gave him the order. Major Hunter told me to tell Major Von Tempsky that "it was all right; that he was not going to turn out of bed." I asked Major Hunter if I might saddle up; he said I might do so. I gave the order to the mounted portion of No. 3 Division to saddle up and mount. When we were mounted, Lance-Corporal Cobbe came into camp, and told me that the garrison at Turu Turu Mokai was surrounded and the greater portion killed, and that some of the wounded men were on their way to this camp. I went to Inspector Hunter again, with a request that some men, with Sergeant Bennett, might be sent to assist any wounded there might be on the road. The request was refused, and I was told the men were to remain where they were. The troopers remained mounted for some time.

We could see by the flashes the firing continued. Dr. Brewster came to the door of Major Hunter's whare, and told me we were to feed the horses. I obeyed the order—tied up the horses and fed them. Another order was sent across to the stables a short time after, to mount twelve men to escort the Surgeon. The men mounted immediately. We waited about a quarter of an hour before the doctor was ready. When we arrived at Turu Turu Mokai, I—being the senior there—placed six men in charge of Sergeant Bennett to act as videttes. I posted them myself in the vicinity of the redoubt. About a quarter of an hour after I had done so, Major Von Tempsky arrived at the redoubt, and I made my report of what I had done to him.

Inspector Hunter.] At the time you asked me about saddling the horses, was it not the usual feeding time, and was it not my order that the horses were to be fed as usual, and kept saddled in case they were wanted?—It was before the usual feeding time, and there was no order of the kind given.

Sergeant C. Bennett, A.C., being duly sworn, states: About 6.30 a.m. of the 12th July, I was awoke by No. 5 Division being called out, and told there was firing at Turu Turu Mokai. All the mounted men were on parade before Major Von Tempsky left the ground. I then received an order from Sergeant Anderson to saddle up. I believe every horse was saddled before No. 5 Division was a quarter of a mile from the redoubt. About ten minutes after we were saddled up, somebody called out that a man was coming through the fern in his shirt. I requested Sergeant Anderson to ask the Major commanding to let me go with a couple of men to succour any wounded. I received an answer to remain where I was. We were then ordered to feed. Some few minutes after, we were ordered to form an escort for Dr. Brewster. In about an hour from the time we first saddled up, we started. I arrived at Turu Turu in a few minutes. I was then placed by Sergeant Anderson, with six men, as videttes. In about a quarter of an hour Major Von Tempsky arrived. When I first arrived at the redoubt, one of the survivors said if we had arrived ten minutes earlier we must have caught the enemy.

Inspector Hunter.] Did you receive the order to saddle up before or after Major Von Tempsky left the camp?—Almost directly after.

The evidence against Inspector Hunter being closed, the Board proceeded to take the evidences in favour of that officer.

Inspector William McGee Hunter, A.C., here handed in a written statement, which is marked A., and attached to the proceedings.

Major Von Tempsky being duly sworn, was examined.

Inspector Hunter.] You remember the attack on Turu Turu Mokai on the 12th July?—Yes.

Were you in command of this post at that time?—Yes.

When the rumour of the attack was reported here, did you order out the mounted portion of my division to support Turu Turu Mokai?—No, and for the following reason: no firing being heard on account of the wind, and but a few flashes seen by myself, I deemed the affair of little importance, not requiring special speed.

The Board.] What instructions did you send Inspector Hunter when you went out on the morning of the 12th July?—To take command of the post during my absence.

Did you relieve the redoubt at Turu Turu Mokai, or did the cavalry?—I did; by following a track between the redoubt and the bush, forcing the Natives thereby to run to the bush, where I followed them. On my return to the redoubt from the bush, I found the cavalry at the redoubt.

Sergeant W. Bassett being duly sworn, was examined.

Inspector Hunter.] Did you receive an order from me to send out men to relieve the wounded who were reported to be on the road?—I received an order, but I do not remember who sent it. The man who brought the message came from Major Hunter's whare. I sent out the men with stretchers as ordered, under charge of Sergeant McFarlane, A.C.

Senior Sergeant Anderson being recalled, was further examined on his former oath.

Inspector Hunter.] When you informed me Major Von Tempsky ordered me to take charge of the camp in his absence, what answer did you take to him from me?—I told Major Von Tempsky it was all right.

Why did you not take the whole answer, as stated by you in your evidence?—I did not like to take such an answer from one officer to another. I should not have made use of the expression in my statement, had I not thought I should have been put on my oath.

Major Von Tempsky being recalled, was further examined on his former oath.

The Board.] How many men fit for duty did you leave in camp when you went out on the morning of the 12th July?—The garrison consisted of about one hundred men, and I took out about fifty.

Do you consider Inspector Hunter would have been justified in sending out the cavalry, and thereby reducing the strength of the post, after you had taken away about fifty men?—Under ordinary circumstances, Inspector Hunter would not have been justified in further reducing the garrison.

It being four o'clock p.m., the Board adjourned until further orders.

A. M. A. PAGE,
President.
D. MICHIE BROWN,
Sub-Inspector, Armed Constabulary.
GEORGE BUCK,
Captain, Volunteer Militia.

TUESDAY, 14TH JULY, 1868.

The Board assembled pursuant to adjournment.

Major Von Tempsky being recalled, and on his former oath stated: Under the extraordinary circumstances that were communicated to myself and Major Hunter (to the effect that the rebels had

taken Turu Turu) by the fugitives to Waihi, it would have been folly to attempt to take a redoubt garrisoned by Maoris with cavalry. Under this impression I did not think it of any use, nor prudent, to send word by Wilkie (a fugitive) for the cavalry.

The Board.] From the time of your leaving Waihi to when you saw the Natives running away from Turu Turu Mokai, about what time had elapsed?—About half an hour, more or less.

This closed the evidence for the defence.

OPINION.

The Board having maturely weighed and considered the evidence brought before it, is of opinion—

That after Major Von Tempsky had gone to the relief of Turu Turu Mokai, and left the camp, magazine, &c., in charge of Inspector Hunter, the latter was not justified in further reducing the strength of the garrison, except on the two occasions he did so, namely, in sending an escort with the surgeon, and a party with the stretchers to succour the wounded reported to be on the road to Waihi.

A. M. A. PAGE,
Captain (President).
D. MICHIE BROWN,
Sub-Inspector, Armed Constabulary.
GEO. BUCK,
Captain, Volunteer Militia.

APPENDIX A.

Waihi, 10th August.

The statements of the two non-commissioned officers, Sergeants Anderson and Bennett, are in the main correct, as far as I know, with reference to all that took place in connection with the attack upon Turu Turu Mokai on the 12th July last.

My reply to such statements, for there has not been any direct charge preferred against me, is simply this :—I was not in command of this post at the time the attack was reported, and therefore I had no power to order the cavalry or any men out of the camp. When Major Von Tempsky started for the support of Turu Turu Mokai he simply told me to take charge of the camp, without ordering me to send any further assistance; and I do not consider it was my duty then, nor do I now think it would have been so, to send a single man away without a message from him, or in case of an attack in the immediate neighbourhood. Great stress appears to have been put upon the order given "to feed the horses." The order was given by me as it was about the usual hour for so doing, and I directed their saddles to be put on them, so that in case they should be wanted there might be no delay in starting them.

With regard to my not allowing any of the mounted men to go to the assistance of the wounded, I simply state that I sent a party of dismounted men, under Sergeant McFarlane, with stretchers, thinking them more suitable for that duty. It would take me much more time than the present emergency admits of to enter fully into all the statements made from time to time in the public press, and which contain a certain amount of truth, with the most gross and exaggerated falsehood. My character has been assailed and blackened in a manner unprecedented. The attributes of cowardice and incompetency have been applied to me; and, in a word, I have been made the scapegoat of an unfortunate and untoward affair. I refrain, therefore, from more than alluding to these statements, heaping such an amount of obloquy and abuse upon me. These I shall deal with in another way, if advised to do so by competent authority. But I do on my own part, and for the sake of the force to which I have the honour to belong, most earnestly protest against such a course of action being permitted. My case may be any one's to-morrow. Any reverses, any mistakes, may, by popular outcry, throw a blot upon a man's escutcheon that he can never wipe off. Without fault of his own, he suddenly becomes a marked individual for ever.

I have applied for a General Court-Martial, and the Government have decided that I am to be tried by a Board of Officers, consisting of the minimum number allowed by the Act—the number which would have composed it had it been convened to report upon the most trivial matter. Whereas I stand here this day, one of the oldest officers in the Colonial troops, to combat with charges which, if substantiated, are enough to crush and ruin any man. To sustain my character, as earned by my previous conduct and services, I would have to summon witnesses from all parts of the country, and I trust at some future time this right may be granted me.

W. HUNTER.

SIR,—

Camp, Patea, 14th July, 1868.

Having been ordered by you to make a report of any circumstances connected with the unfortunate affair of the 12th instant, I have the honor to make the following statement :—

I was acting sergeant-major at Camp Waihi about 6.30 o'clock a.m. on the morning of the 12th instant. I was awoke by the corporal of the guard, who told me that there was heavy firing in the direction of the Camp Turu Turu Mokai. I sent him to call the commanding officer, and immediately dressed and went on the parade ground.

A short time afterwards Inspector Von Tempsky appeared and asked me where the firing was, and I pointed out to him the flashes of the guns. He ordered his own division, No. 5, to fall in, and sent me to Inspector Hunter to say that he (Inspector Von Tempsky) was going away, and that he was to take

command. The answer I received was, that "He was not going to turn out of bed, and to tell Major Von Tempsky that it was all right." I then asked Inspector Hunter (as my Inspector) whether I should saddle up, and he said I might do so. I gave the order to the mounted portion of No. 3 Division (about thirty men) to saddle up and mount, expecting the order to march at once. As we were getting ready, a man in his shirt (Lance-Corporal Cobbe) ran into the stables, and told me that the garrison at Turu Turu Mokai was surrounded, and the greatest portion killed, and that some of the wounded men were on their way into Camp Waihi. I went to Inspector Hunter with a request that some men, with Sergeant Bennett, might be sent to assist them. The request was refused, and I was told that the men were to remain where they were. When I returned to the stables and gave the order, the men refused to a man to obey it, and were starting by themselves to rescue their comrades, and it was with the greatest difficulty I prevented them.

The troop remained mounted, and the firing continued, as we could see by the flashes, when Dr. Brewster came out of Inspector Hunter's whare, and gave me orders to feed the horses. However unwillingly, I obeyed the order and fed the horses. About ten minutes afterwards another order was sent, that I was to mount twelve men and escort the surgeon. I mounted the men immediately, and we waited at least a quarter of an hour before the surgeon was ready. At last, when we got a fair start, we lost no time on the road, and when we arrived at Turu Turu Mokai we saw a few of the survivors of the unfortunate garrison inside the redoubt. I at once, as the senior non-commissioned officer, there placed Sergeant Bennett in charge of six men to act as videttes, and posted them myself in the vicinity of the redoubt. I then ordered the remainder to dismount and assist the surgeon in succouring the wounded. The survivors told me that had I been a quarter of an hour sooner I should have been in time to take part in the action, and I am certain that I might have prevented the greater part of the slaughter had I been allowed to start when I first mounted. About a quarter of an hour after I had posted the videttes, Major Von Tempsky arrived at the redoubt, and I made my report to him and handed over charge.

I have, &c.,
R. W. ANDERSON,
Senior Sergeant, No. 3 Division, A.C.

The Adjutant, Patea District.

SIR,—

Patea, July 14th, 1868.

Having been directed by you to send in a report of what occurred with regard to the mounted portion of the 3rd Division, A.C., on the morning of the 12th instant.

I have the honor to report that about 6.30 a.m. I was awoken by No. 5 Division being called, and told that there was firing at Turu Turu Mokai. All the mounted men were on parade before Major Von Tempsky's division left the ground.

I then received an order from Senior Sergeant Anderson to saddle up. I gave the order, which was obeyed with great alacrity, and I am certain that every horse was saddled before No. 5 Division was a quarter of a mile from the redoubt.

In about ten minutes some one called out that there was a man coming through the fern in his shirt. I requested Sergeant Anderson to ask the Major commanding to let me go, if only with two men, to succour any wounded. I received an answer—I was to remain where I was. We were then ordered to feed. A few minutes after, we were ordered to form an escort for Dr. Brewster. The men became very impatient (especially as the three men came in from Turu Turu Mokai, and reported the garrison cut up), and demanded to be led on. Sergeant Anderson, however, succeeded in keeping them to orders.

In about an hour from the time we first saddled, we started, and, going at a full gallop, arrived in a few minutes. The survivors told me that, had we arrived ten minutes earlier, we must have caught the Natives.

I was then placed by Sergeant Anderson in charge of six men as videttes, and in about a quarter of an hour Major Von Tempsky arrived.

I have, &c.,
C. D. BENNETT,
Sergeant M.A.C., 3rd Division.

The Adjutant, Patea District.

The finding of the Board on the charge submitted by Lieut.-Colonel McDonnell for their investigation is approved; and Inspector Hunter is entirely acquitted of blame for refusing to send any further portion of the force at Waihi to the relief of Turu Turu Mokai. He had been left in command of the redoubt by Major Von Tempsky, and would not have been justified in reducing the strength of the post unless he had reason to suppose that that officer was in urgent need of assistance. But Inspector Hunter's conduct in not turning out of bed when another post, within sight of his own camp, was reported to be attacked, showed so much apathy and want of alacrity that, had he not on former occasions proved his general zeal and courageous conduct, he could no longer be trusted in any position of responsibility. His character as an officer has suffered, but in consideration of his previous services the opportunity of redeeming it will not be taken away from him; and it is confidently expected that he will by his future conduct justify the leniency which is now shown to him.

Waihi, 16th August, 1868.

Approved. G. F. BOWEN,
24th August, 1868.

T. M. HAULTAIN.

**FURTHER PAPERS RELATIVE TO A BOARD OF INQUIRY INTO
CHARGES AGAINST INSPECTOR HUNTER, A.C.**

No. 1.

Copy of a Letter from Lieut.-Colonel McDONNELL to the Hon. Colonel HAULTAIN.
(No. 360-1.)

SIR,—

Patea, 15th July, 1868.

In forwarding enclosed statements for your consideration, I have the honor to inform you that in consequence of certain reports which came to my knowledge when at Waihi, I, on my return to Patea, after due reflection, directed the statements of Senior-Sergeant Anderson and Sergeant Bennett to be taken down, and request instructions as to the course I am to pursue in this matter.

Copies of the statements have been forwarded to Inspector Hunter.

I have, &c.,

The Hon. the Defence Minister,
Wellington.

THOS. McDONNELL,
Lieut.-Colonel Commanding Patea Field Force.

No. 2.

Copy of a Letter from the Hon. Colonel HAULTAIN to Lieut.-Colonel McDONNELL.
(No. 406-2.)

SIR,—

Colonial Defence Office,

Wellington, 22nd July, 1868.

I have the honor to acknowledge receipt of your letter No. 360-1, of the 15th instant, forwarding statements of Senior-Sergeant Anderson and Sergeant Bennett, charging Inspector Hunter with having neglected his duty by not allowing the mounted men of his division, Armed Constabulary, to go to the assistance of the garrison at Turu Turu Mokai; and as I have been given to understand that copies of the statements referred to have been furnished to Inspector Hunter, you will (unless you consider his explanations entirely satisfactory) summon a Board of Officers under the 21st, 22nd, and 23rd clauses of the Armed Constabulary Act, to take evidence and report on the charges preferred against him.

Lieut.-Colonel Gorton has been requested to act as President of the Board, should you require his services, and he can conveniently leave his district.

I have, &c.,

Lieut.-Colonel McDonnell,
Commanding Colonial Forces, Patea.

T. M. HAULTAIN.
