

## Governor of New Zealand to Secretary of State, Colonial Office Duplicate Despatches

Archives NZ References ACHK 16585 G30/11 (R3796090)

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- No.100      Finance 03 Oct 1846 Government House, Auckland  
List of persons holding or who have held situations under the Colonial Government, and in whose favor the Crown's right of pre-emption has been waived in respect of portions of land, with a fee at the rate of 1d per acre. Names listed: George O. Ormsby, F. Whitaker, J. P. Du Moulin, G. Moore, Thomas Cleghorn, C. Fulton, G. E. Elliott, C. H. McIntosh, W. F. Porter, John Halls, T. Somerville, John Brigham, R. F. Porter, Theophilus Heale, James Coates, George M. Mitford, John G. Mitford and Henry R. Cretnay.
- Enclosure      09 Sep 1846 W. B. Marlowe, Cap Commanding Royal Engineer's, Auckland (p7)  
... that in consequence of the 96<sup>th</sup> Regiment being under orders to leave New Zealand and the probability of the detachment of the 99<sup>th</sup> Regiment also being ordered away, the greater proportion of military mechanics now employed in the Royal Engineers Department being in these Regiments, will accompany them and as only a small number of Civilian Mechanics can be obtained (and those at a very high rate of wages) I beg to draw your attention to the same and to suggest for the consideration of His Excellency the Governor the propriety of obtaining convict mechanics and labourers to be employed in the public works...
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- No.101      Military 06 Oct 1846 Government House, Auckland (p11)  
... I cannot agree in the recommendation of Captain Marlowe, as I fear that from the peculiar character of the numerous and warlike native population of these Islands, the most serious evils might result from the introduction of convicts into New Zealand. But I beg to suggest for the consideration of Her Majesty's Government, that it might be a wise measure of precaution, to detach to this Colony a force of one hundred men of the Royal Sappers and Miners, with a proportionate number of Officers and non-commissioned officers...
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- No.102      Executive 07 Oct 1846 Government House, Auckland (p18)  
Sir, By a vessel which sails early tomorrow morning an opportunity is afforded me of transmitting for your information a copy of the address with which I opened the Session of the Legislative Council upon the 5<sup>th</sup> instant...
- Enclosure      Copy of Governor Grey's address on the opening of the Session of the Legislative Council...
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- No.103      Executive 07 Oct 1846 Government House, Auckland (p90)  
Sir, I had the honor this morning of receiving your despatch marked "Separate" of the 26<sup>th</sup> May last, and as a vessel sails in a few hours direct for England, I am unwilling to lose this opportunity of making some few remarks upon the changes Her Majesty's Government propose to introduce into the constitution of this Colony...
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No.104 Finance 07 Oct 1846 Government House, Auckland (p107)  
Sir, Adverting to my Despatch, No.63, of the 21<sup>st</sup> June last, upon the subject of the notice I had issued resuming the Crown's right of pre-emption over the whole of the lands of this Colony, I think it proper, as the terms of that despatch may have confirmed an opinion apparently entertained by Her Majesty's Government that such resumption of the right of pre-emption might cause much excitement amongst the natives, to state explicitly that no such excitement has ensued; upon the contrary I believe that the measure has given general satisfaction to the mass of the native population. In point of Law I doubt if the Crown even could have waived the right of pre-emption in the manner it did. I apprehend that the Native Chiefs relying upon the justice and the elevated position of the Crown, felt that they could with safety concede to it, the right of pre-emption over the whole of their lands; - but I conceive this to have been a wholly different matter from conceding to the Crown, the right to put any individual it pleased in it's own place, in reference to particular portions of land. This was what in practice was done and I doubt if the Treaty of Waitangi contains any provision which can be so construed. This in fact was to give one individual a great advantage over the remaining portion of the European population, and to subject in many cases ignorant men, anxious to acquire articles of European property to the acts and solicitations too often of more speculators; indeed it is my duty to state plainly that some of the persons thus placed in reference to the natives, in the position which the Crown by treaty ought to have held, were persons of very indifferent character. The natives felt that they were not well treated in this respect. Moreover many of the most intelligent amongst them must have perceived that until their titles had been recognised by the Government to particular portions of land, and until it had at it's disposal a force sufficient to curb the most violent and influential Chiefs, and thus to prevent them from wresting any lands to which they might choose to put forward claims, from their weaker neighbours, to permit the natives almost indiscriminately to sell land, was really placing the weak at the mercy of the strong...

Enclosure C. A. Arney, Major 58<sup>th</sup> Regiment, Camp Porirua 25 Jun 1846 (p139)  
Sir, Referring to my letters of the 18<sup>th</sup> & 19<sup>th</sup> instant, reporting the insubordination of certain men at this camp, I have now the honour to acquaint you, that I have attentively considered all the circumstances relating to this misconduct. Although nothing can ever justify mutiny in a soldier, I feel it to be my duty in the present instance, to remind you of the privations and sufferings to which the Troops have been subjected, since the arrival of Lieut. Col. Hulme in this District, the long time they have been kept out in the field, during a season of continual cold and rain, some without cloth trowsers and nearly all in rags, some without coats, and even barefooted, the extraordinary labour required to fortify this inconvenient position, and ensure its safety, the severe duty necessarily imposed on the men, owing to the large number of sick, and the weakened state of the Detachment joined to others, numerous trials and difficulties peculiar to this station, have all conspired to cause discontent amongst the Troops at "Porirua".

On the other hand when it is remembered how little has been done, by the Colonial authorities to lessen their sufferings, either in erecting Barracks, or granting any Colonial allowance at this District, where regimental necessaries and provisions, are so extravagantly dear, and that after I had personally remonstrated with the Offenders, they all without exception returned to their duty and expressed themselves sorry for what they had done. I cannot but think that the majority were made the tools, of a few wicked and designing men. With this conviction I would therefore venture to submit for your consideration, how far the articles of war might be relaxed and the ends of justice satisfied in arraigning before a General Court Martial such of the prisoners only as appeared most conspicuous in stirring up

mutiny amongst the others, and allowing the remainder to be dealt with at once by a minor tribunal...

Enclosure C. A. Arney, Major 58<sup>th</sup> Regiment, Wellington 04 Apr 1846 (p143)  
Sir, I have the honor to request you will bring under the notice of His Excellency the Governor, the strong claim which the officers commanding the Troops of this Station, has to some pecuniary allowance from the Government. If it is remembered that the Officer commanding at the Settlement on Swan River, received ten shillings and at Adelaide five shillings per diem, and that this command is greater and more responsible than either. I do not think that want of funds or the absence of precedent, can fairly be made an excuse for refusing so reasonable an application. When you bear in mind that my painful duty here consists in affording protection to life and property, and the safe keeping of the settlement in this part of the Colony of New Zealand I trust you will not object to submit this letter, without delay to His Excellency, and to recommend my appeal to his favourable consideration.

Enclosure M. Richmond, Superintendent, Wellington 09 Apr 1846 (p145)  
Sir, In reply to your letter of the 4<sup>th</sup> instant, I am desired to acquaint you that His Excellency regrets it is not in his power to entertain your application, for any other purpose than to forward it to the Home authorities. At the same time I am to inform you that you are quite correct in stating that the payments you mention are made to the Officers in command, in Western and South Australia, but they are made from the Military Chest, and in the latter instance it is an allowance given to the officer in command, for signing warrants on that Chest.

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No.105 Executive 17 Oct 1846 Government House, Auckland (p148)  
Sir, Adverting to my Despatch No.95 of the 19<sup>th</sup> September last, I have the honor to state that subsequently to my writing that Despatch Walker Nene arrived in Auckland, for the purpose of obtaining my advice upon the subjects alluded to in it. I found the old man, as usual, generous and noble-minded in all his ideas in reference to Heke. I did my best to encourage him to persevere in such becoming sentiments, and he then returned to Captain Graham at the Bay of Islands, from whom I have since received the enclosed letter dated the 1<sup>st</sup> inst. I am particular in stating these circumstances because Captain Graham attributes Walker Nene's good feeling and proper views to my influence over him; whilst I in justice to him, am desirous you should know that they were really his own feelings, and that no necessity arose for my instilling these proper views into his mind. It will be found from Captain Graham's letter, that the whole of the Native Chiefs to the North, are behaving well, but I regret to add, that it will also be seen, that most disgraceful intrigues are being carried on by Europeans, in the northern portion of the Colony, for the purpose of defeating my intentions of maintaining peace and tranquility. Indeed, Captain Graham reports distinctly that efforts are being made to incite rebellion and to blow the flames of discord from the base and selfish motives of continuing in this Country a large naval and military expenditure. I cannot also, but attribute these proceedings in a great degree to the conduct of those individuals who are anxious to obtain possession of the large tracts of land which they claim, either under Grants from my predecessor, or under the penny an acre proclamation, and who look to the Government ultimately putting them in possession of these lands by force.

Enclosure Charles Graham, Captain, HMS Castor, Kawa Kawa River 01 Oct 1846 (p154)  
Sir, I have the honor to acknowledge the receipt of your letter of the 28<sup>th</sup> September by which I learn that Your Excellency still requires my endeavours to bring about friendly intercourse with the Native Chiefs in the North, and ultimate peaceable arrangements for the general benefit of the Colony.

These matters, Your Excellency must be fully aware, are very difficult to accomplish, and in order that you may be perfectly acquainted with my proceedings towards the attainment of your desirable object I consider it to be my duty to report how I have thus far acted.

Anticipating the possibility of Your Excellency not finding it convenient to come here at present, I have visited Pomare and expressed to him in strong terms that your principal wish is for the Natives and White people to live amicably together, and that the best way to accomplish the same is to encourage confidence and peace among all the Native Chiefs and their Tribes.

I find that false reports have been freely circulated among the Natives founded upon information from numerous disaffected White people that the Government wishes to destroy the Natives; and to steal away their Chiefs viz Pomare, Kawiti, Pokahuti and others; and so credulous are they, that I could not prevail upon these Chiefs to visit me on board this ship. By free intercourse with them on shore, I have, I hope reduced this false impression; and yesterday, when Walker Nene arrived, I have been able to have a great meeting on board; consisting of Pomare, Kawiti, King and Walker, with their followers; at which I have impressively made them aware Your Excellency's wishes – viz. peace, extension of Trade and cultivation of the Land, all for the material benefit of Natives and White people.

This meeting was accomplished by Walker going on shore and requesting the other Chiefs to throw aside fears and false reports and come to visit me. The result of this visit is I think satisfactory; as I have arranged for Mr Meurant, the interpreter, to start today in company with Kawiti to visit John Heki; conveying Your Excellency's letter to him, and another from me, of which I enclose a copy. Also I think it so, because Pomare and Kawiti assured Walker Nene that his advances towards meeting Heki would be accepted and that he need not fear treachery or revenge. Your Excellency will perceive that I trust much to the fidelity of Mr Meurant, who accompanies Kawiti on this mission.

In the meantime (I now come to a ticklish point) Walker Nene goes to his tribe and friends full of good feeling and proper views, primed by Your Excellency and prepared to give up Land, possibly now belonging to him according to native custom, old rights of conquest and war (Maori fashion) also to meet Macquarrie and others of his friends, and try to persuade them to do likewise. The result of which is I fear very doubtful; and may throw overboard our best wishes. However, I think a point is gained by persuading Kawiti to take our letters himself to Heki; also another, in Walker Nene generously proposing to meet Heki and become friendly with him, for the good of the country; that is, if his tribe will permit it which from communication with the other Chiefs I still think feasible, especially as Kawiti and Pomare on board this ship assured him (Walker) of his safety from insult.

It is lamentable that the reports which are circulated in this Colony tend towards defeating bringing about peace and quiet: indeed it requires much time and tact to dissuade the Natives from the promulgated injurious falsehoods for instance had not Walker gone on shore yesterday at Pomare's old pah, neither he nor Kawiti would have visited me, from downright fear of being made prisoners; all of which I think emanates from base, selfish White people's reports, for their temporary personal advantage; in short I assure Your Excellency that from my experience, I

think there are more vagabond scoundrels in the Colony amongst the White inhabitants than the Maoris.

What is the use of my freely pledging my word, and telling the Natives that honored with your confidence I guarantee to them justice, and an anxious desire on your part and my own for peace and happiness; when the White scoundrels and Missionaries (if one of the many reports be true) incite rebellion and blow the flame of dissent?

I shall anxiously wait for information from Mr Meurant who I have told to inform Heki that I shall be happy to see him in the same manner as any other Native Chief, when he becomes sufficiently patriotic to make friends with those Chiefs who wish well for their country; and recognise the Queen's authority, in which I shall also be glad to be a mediator and introduce him to Your Excellency.

Permit me to on this occasion to point out to Your Excellency a notorious fact the white population of this Colony look to the aggrandisement of their profits from the result of pecuniary expenditure by the Military and Naval Force in the Island; and this I think is a principal reason for false reports to keep up rebellion and consequently a large force to check it, in this idea I am born out by barefaced paragraphs which I read in the newspapers. Of course the profits they calculate upon, indeed are sure of, arising from the expenditure of the Civil Government departments do not come under their remarks, although equally remuneration. I would almost add – "Deliver me from my friends"!!!

I send the *Racehorse* back to Auckland to follow out the duties already arranged between yourself and me. This ship is ready for sea and any Service which may be required, but I shall remain here at present. If Your Excellency can spare the Colonial Schooner, I think her constantly passing between this place and Auckland will be useful, in order that I may keep you acquainted with any proceedings in following out your wishes.

If anything important occurs of course the *Racehorse* or *Driver* are available either for speedy communication or other Service.

Enclosure C. Graham, HMS Castor, Kawa Kawa River to John Heki 30 Sep 1846 (p167)  
I send you a letter from the Governor. I now tell you that I am most anxious to complete the Governor's wishes that all the Native Chiefs shall live friendly together and I shall be glad to assist in accomplishing this; which is for the general good of the Country.

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No.106 Executive 17 Oct 1846 Government House, Auckland (p169)  
Sir, I avail myself of the opportunity of a vessel which sails direct for England this evening or early tomorrow morning to state that everything in these Islands up to the date of my last reports from various quarters was proceeding satisfactorily, with the exception of the line of conduct pursued by certain ill disposed Europeans...

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No.107 Miscellaneous 17 Oct 1846 Government House, Auckland (p179)  
Sir, I have the honor to transmit for the information of the Commissioners of Audit the enclosed replies to their various queries, which they have sent to this Colony on the several accounts stated in the margin.  
[1] Accounts of G. Cooper, Esq., acting Treasurer of New Zealand from 17 Jan to 31 Dec 1840 – Nos 52 to 61  
[2] Accounts of the Colonial Treasurer of New Zealand from 01 Jan 1845  
[3] Accounts of Henry Tucker, Colonial Storekeeper, New Zealand from Oct 1840

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- No.108      Executive 19 Oct 1846 Government House, Auckland (p187)  
Re efforts of Captain Graham...
- Enclosure      C. Graham, Captain & Senior Naval Officer at New Zealand, HMS Castor, Houraki Gulf 16 Oct 1846 (p189)  
Report... I have caused Mr Meurant (the Interpreter) to make out a sort of Log of his proceedings since his departure from this ship with Kawiti on the 1<sup>st</sup> instant till his return with the same Chief to this ship on the 9<sup>th</sup> instant; this Log is framed from notes written daily; and I have the honor to enclose a copy of it...
- Enclosure      John Heke Pokai, Tautoro 04 Oct 1846 – translated copy (p192)  
Friend, Captain of the large Man of War, listen to what I have to say. I have received your letter and hope you are well, if you have as much regard for me as I have for you. I have seen the Captains of the different men of war, and we have saluted each other at Pahia. This is my thought and love, that peace is made. I am waiting for another letter from you and the Governor, then I will make another reply; let everything be true and sincere in those days, then I consider that everything is peace and quiet both for men and the land; this will be the fruit of a good feeling, also mine to him will be the same.
- \* I leave it with the Governor and you the thoughts for the peace of the Country, and all the people. That is all – ending here from me.
- \* Refer to verbal explanation respecting the translating of this sentence
- Enclosure      C. Graham, HMS Castor, Kawa Kawa River 14 Oct 1846 to John Heki (p194)  
Friend, I have got your letter. Edward Meurant (the Interpreter) has told me that you have had a meeting with Nene Waka on friendly terms, and claims about land are amicably arranged; and that you wish for peace, for the good of men and the Country. All this makes me glad – I hope it will continue, and that it will be equally good for European and Native Inhabitants.
- I will myself give your letter to the Governor, and see your present safely given to him, also all Messages and what took place at the Meeting shall be explained by me to the Governor. I wish well for all the inhabitants of New Zealand, and I know the wish of the Governor is the same.
- Although I cannot meet you at this time, because of your being engaged planting, and my now sailing to Auckland, yet I hope to see you when I return, either on board or on shore. I have already met Kawiti, Waka, Pomare, Rivers, Pukatutu, and other Native Chiefs on friendly terms. I send you 10lbs of Tobacco as a small present from myself.
- Enclosure      Copy of diary kept by Mr E. Meurant, Interpreter, between the first and ninth of October 1846 inclusive... (p196-203)
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- No.109      Military 23 Oct 1846 Government House, Auckland (p228)  
Sir, I have the honor to transmit the proceedings of a Court Martial held at Porirua by order of the Officer Commanding the Troops in the Southern District of this Colony upon the 15<sup>th</sup> September last, the district being at that time under Marshal Law, for the trial of a Native prisoner named Martini Ruta Te Wareaitu, who having been found guilty of a portion of the charges brought against him, was sentenced to death, and this sentence, having been approved and confirmed by the Officer Commanding the Troops in the Southern District was carried into effect upon the 17<sup>th</sup> ultimo.
- I think it proper to state that the prisoner was the half-brother of "Mameku" or "Te Karemu" a Chief of Wanganui, who being excited thereto by Te Rauparaha came down and found Rangihaeata, and although Wellington was distant more than 120 miles from his own country, and he had no claims whatever to land, or compensation from the Settlers in that District, commenced with his party committing the most atrocious murders upon British Settlers, who had never entered or approached his country, and who had inflicted on him no injury whatever. The object of himself and of his party according to their own letters was the extermination of the Europeans, and he omitted no efforts to stir up all the Chiefs of his own country to join him.
- The prisoner, together with his brother, was known to have been present, aiding and abetting throughout the whole of these proceedings. They were surprised and captured close to Rangihaeata's pah (the resort of the murderers) when it was attacked, and as they were persons of consequence, it appeared for many reasons desirable, that they should be tried and summarily punished.
- In the first place, after the dreadful murders which had been committed upon the Settlers, it appeared proper that the minds of the European population should be satisfied by seeing that an adequate punishment had been inflicted upon the instigators and abettors of these murders.
- Secondly, it was necessary that the natives should see that we distinguished between open and honourable warfare, and the dreadful murders of old men and boys, which have been committed by Rangihaeata and his followers.
- Thirdly, it was almost certain that the native witnesses, who could alone be brought forward against the prisoner, would never have been induced to go to the Town of Wellington and to have remained there during the Sittings of the Supreme Court, and there was also too much reason to apprehend, that if time had been afforded to the prisoners' relatives to intimidate the Native witnesses by threats, they might have been prevented from giving any evidence whatever against him.
- Upon the whole, the urgency of the case appeared to me to justify me in recommending the Officer Commanding the Troops in the Southern District to direct the prisoner to be proceeded against according to the forms of Martial Law.
- Enclosure      Proceedings of a Court Martial assembled at Porirua under Martial Law on the 15<sup>th</sup> September 1846 by order of Major Edward Last, 99<sup>th</sup> Regiment commanding the Troops, Southern District... (p237-252)
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No.110      Military 23 Oct 1846 Government House, Auckland (p253)  
Sir, Adverting to my Despatch of this day's date, forwarding the proceedings of a Court Martial held upon the Native Chief Martini Ruta Te Wareaitu, I have now the honor to transmit the proceedings of a Court Martial held upon his brother Te Rangiatea who was apprehended at the same time and under the same circumstances; it having however been proved to the satisfaction of the Court that the prisoner was insane, the Court sentenced him, in the usual manner to be confined as a Lunatic during Her Majesty's pleasure. As the prisoner is a most dangerous Lunatic, and unfortunately, at the same time, possesses great influence amongst his countrymen and has been the cause of much mischief, I intend to give directions for his being confined in the Gaol at Wellington, until further instructions on the subject have been received by me.

Enclosure      Proceedings of a Court Martial assembled at Porirua under Martial Law on the 14<sup>th</sup> September 1846 by order of Major Edward Last, 99<sup>th</sup> Regiment commanding the Troops, Southern District... (p257-275)

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