

must have tended to produce the conviction in the minds, at all events, of the Waikato Natives (including the Ngatimaniapotos), although they perhaps care very little about it, that their past offences are forgiven. It appears to the Colonial Secretary that the Government might as well at once give up the intention of attempting to punish these offenders at all, as hold it under so many chances against its ever being carried into effect.

The last condition that compensation should be made by the Natives who destroyed property, is even more unlikely to be complied with, and certainly could not be enforced against the Ngatimaniapoto and Waikato, except after a general and successful war.

The Ngatimaniapoto were the rebels who took and retained most of the plunder, and burnt the greater part of the houses. If the view above expressed be correct, the offences of this tribe in this, as in other respects, have been virtually, though not expressly, condoned.

There does not seem to be any reason why the Southern tribes should not share in the condonation accorded to Waikato regarding the offence of insurrection; for they were more nearly connected as friends and allies with William King than the Ngatimaniapotos were, to avoid attacks from whom he had formerly taken refuge on the South side of the Waitara. The Ngatimaniapoto, therefore, of the two, had less excuse to take up arms in his cause.

The offences of holding plunder and destroying property having been thus treated in the case of the Ngatimaniapoto, the more powerful and inaccessible tribe, who committed these offences to a much greater extent: it is out of the question that Government should punish the southern tribes, who were less guilty and are much weaker.

There is no question of the loss to Europeans of the property taken or destroyed, because the Colony, as pointed out by the Native Minister, has already provided the means of compensating them for their losses. The plunder then, if restored, and any compensation if given by the Natives for property destroyed, would have belonged to the Colony and not to the settlers of Taranaki.

It is equally undeniable that Government has always treated the insurgent natives less as rebels than as a foreign enemy at war with it. Plunder taken on both sides would consistently with this practice have to be looked upon as spoils of war, and have to be restored by both sides if by either.

Looking, then, at what has been done already with respect to the Northern tribes, and comparing their offences with those of the Southern, and the strength and circumstances of both, it appears that—the decisions of the Government regarding the Northern tribes having been approved by the British Government,—the Government can only avoid inconsistencies (and those of a kind unworthy of it) by shewing to the Southern tribes the same leniency already shewn to the Northern.

The question of the mode of dealing with the murderers belonging to the Southern tribes is not entered on in the above remarks, because the Governor proposes very rightly to except them from the amnesty proposed.

ALFRED DOMETT.

May 2nd, 1863.

Sub-Enclosure in foregoing.

MR. DOMETT,—

With regard to the Governor's Minute, on the subject of the plunder taken by Natives during the recent war, I think it will be as well if I put you fully in possession of my view before you reply to His Excellency.

I have always considered, myself, that those who demanded the restitution of the plunder taken during the war, proceeded upon an erroneous view of the relations between the Government and the insurgent Natives. The Government never treated the latter as rebels; they declared them to be such, but practically admitted their belligerent rights, just as in America, the Secessionists are always called rebels by the Federal Government, but are in practice treated as Foreign enemies engaged in lawful war. My opinion on this matter was known to Governor Browne and the former Governments.

At a very early period of the war, both Natives and settlers were in the habit of making raids, and taking away each others cattle. I annex extracts from reports of Mr. Parris, which will show you the kind of transactions that used to take place. When the report of December 24th, 1861, was received in Auckland, it appeared to me that the time was come when it should be decided, once for all, what should be done about the plunder question. It appeared to me quite ridiculous that settlers should be holding horses and cattle taken by them during the war as loot; but that on the other hand, the natives should be required to give up what they had taken. It was absurd to suppose that the natives could ever be brought to see that there was any difference between the acts of the soldiers, militia, and settlers, in taking their cattle, and their acts in taking the settlers'.

When I was engaged at Mr. Fox's request in the printing of the Sessional Native Papers to be laid before the Assembly last year, I became aware of the fact that the Governor had withdrawn from the declaration of May, 1861, made to the Waikato tribes. From that moment I considered that the Government ought to give up any demand for the plunder at Taranaki. It was notorious that the Ngatimaniapoto, as the Governor expressed it in one of his Despatches, "did all the house burning business," and "possessed lots of plunder which they would not give up." To condone an offence in one tribe, and punish it in another, was impossible.

When the Assembly met, the question of compensating the Taranaki settlers for their losses was considered upon the basis of Mr. Sewell's award upon the claims brought before him, which comprised