

with any future opposition of the natives to Government, on account of the King movement, for instance, would be very much increased.

Ministers have no hesitation, then, in recommending that the Governor should immediately renounce all claim on the part of the Crown to the site of the pas occupied by Wi Kingi and his people, and to all the land intended to have been reserved,—the amount of which, or any additional amount which it would have been reasonable to have reserved on the same grounds, should be determined by arrangements immediately to be made.

With respect to the proposal for abandoning the remainder of the land, it is not one—at least in its present unqualified shape—which seems to Ministers free from the serious objections above stated. Nevertheless, considering the great complexity of the whole case, the difficulty of the Governor's position, the critical state of the colony, and the aggravation of all these evils which would be produced by the opposition of the Ministry to any course which the Governor might feel himself compelled to adopt, Ministers consider that they are justified, especially under the relations between them and the Governor established with respect to all matters of Native policy, in leaving the decision of this part of the question entirely to His Excellency; undertaking, on their part, whatever that decision may be, to assist His Excellency to the utmost of their ability in so carrying it into effect, as to make it conducive to the establishment of a permanent peace.

ALFRED DOMETT.

New Plymouth, 30th April, 1863.

Enclosure 2 in Despatch No. 2.

MEMORANDUM BY HIS EXCELLENCY ON MINISTERIAL MINUTE OF 30TH APRIL, 1863.

The Governor feeling the responsibility which rests on him in relation to the land under purchase at the Waitara to be very great, thinks it right to offer the following remarks on the ministerial minute of the 30th of April.

Firstly.—In reference to the statement made by Ministers that the Governor's opinion was, "that some of the Taranaki settlers desired that war should be made for the acquisition of territory," he would state that he did not say that. What he said was, that there was a desire "to induce him to enter into a war with the Native race, or to take land from them with the avowed object of promoting the permanent security of the Province." In his opinion cases might arise when either of the measures he had named might be necessary and justifiable acts, without which the lives and properties of large numbers of the Queen's subjects could not be secured: and it would often be a proper question for argument, regarding which opinions might differ, as to whether such a necessity had or had not arisen. But he does not think it would under any circumstances be justifiable to make war for the mere purpose of acquiring native territory. He concurs therefore with Ministers in thinking that the judgment of the Assembly would be against such a course.

Secondly.—The Governor would remark that Ministers admit, from facts now come to their knowledge, that they conclude that such a purchase as that of the block of land at the Waitara should not have been completed, until satisfactory arrangements on certain most important points had been made with William King's natives. That if these circumstances were to occur over again they could not recommend that any offer of sale, leaving such points of difference undetermined, should be entertained; and that some of these are such as would have prevented the former Government, had it been aware of them, from completing the purchase.

Under these circumstances the Governor does not attach any great weight to the former views of the Assembly and of the Secretary of State as to the origin of the war, for they were based on imperfect information. The Government, it is now evident, was and still is in the same unfortunate position. It is a very unusual circumstance, in reference to so important a subject as turning more than two hundred of the Queen's subjects out of their houses and homes, and deciding that the right of property in these was in another subject, not in themselves, that not a line of written evidence exists to show the grounds on which the Officer deciding this question came to such a conclusion. No appeal can consequently be made against his decision; and it is probable that so light and careless a mode of dealing with rights they value so highly, must create great bitterness in the minds of any race. Moreover from the frequent use made of the Queen's name in the manifesto setting forth the causes of the war—such as, "the land was now the Queen's land," that William King was "interfering with the Queen's rights," &c., &c., the question became in the minds of many Europeans, one of loyalty to the Crown, and on which consequently all their better feelings were likely to lead them astray; whilst to the Natives, what they considered a great wrong appeared to have been done by the Queen's direct authority, to which they had always been previously accustomed to look as their protector from wrong. It seems probable, therefore, that the result might have been to create a great prejudice in their minds against the Queen's authority.

Thirdly.—The Governor would remark—on the Native Minister's declaration, that "with the exception of the tribal occupation of the villages, nothing has occurred to shake his conviction that the proprietary rights of the sellers to the greater part of the block would be proved by any investigation to be valid"—that the Governor's situation is one of great difficulty. He asks in vain for the Evidence taken at the investigation of the title, and none can be produced for his guidance; and in each

Vide Minutes 3 and 3 A,
page 20.