

"But, listen; it is in your power now to stay my hand, and make it powerless against you (quotes from the circular). You see from this that if you give up your guns, and make a declaration of future loyalty to the Queen, your person is safe. I cannot then put you in gaol, although the confiscation of your land is left open for the Governor to decide."

4. On speaking upon this point to my Responsible Advisers, I understood that, in their opinion, they had, under the system of Responsible Government, a right to make use of the Governor's name personally in the manner done in the enclosed Proclamation, and then to require him to take and act on their advice, on the very point which they seemed by a public Proclamation to have left to his discretion.

5. I, therefore, on the 5th of May, wrote (see enclosure) to my Responsible Advisers, asking them to explain the power the Governor was actually to have in accordance with the terms of their notice over the disposal of the lands of the natives who might come in under it.

6. From their reply, your Grace will see that they intend that the Governor should do, with reference to the disposal of those lands, that which his Responsible Advisers may advise him to do, and that he must act on the advice which they may, in each instance, tender to him.

7. I do not think that the natives will understand the notice in the same sense as my Responsible Advisers do; and I think that those natives who have come in under the terms of the notice, are entitled to have it interpreted according to its real meaning, whatever that may be.

8. I read the notice as giving a much larger discretion to the Governor than my Responsible Advisers wish to do. The Ministers here may change every few months, with varying views of policy, on the subject of Native Lands. The Governor is a permanent Officer, and could, in a question of this sort, be aided by an Officer specially appointed for the purpose, and not expected to carry out the peculiar views of the Ministry of the hour. In dealing with so permanent and valuable a property as land, I think that one fixed and uniform system should be pursued.

9. I believe that if an opinion is pronounced by an impartial authority in England, as to the real meaning of the notice issued by the Ministers, public opinion in this country would go with such a decision, and that I shall have little difficulty in acting on it.

I have, &c.,

His Grace the Duke of Newcastle, K.G., &c., &c., &c.

G. GREY.

No. 28.

SIR,—

Government House, Auckland, 9th June, 1864.

I have the honor to transmit for your information the copy of a letter from Mr. Smith, the Civil Commissioner of Tauranga, containing some interesting information regarding the state of feeling amongst the Arawa Tribe. This letter was not sent to me until after the English Mail was despatched yesterday.

2. In compliance with the wish of my Responsible Advisers, I have sent to the Chiefs of the Arawa Tribe to say that I will receive them at Auckland.

3. At the same time information was sent from Tauranga, that the rebel natives at that place have declared their readiness to push on the war with the Europeans, asking whether it is our wish that they should act on the offensive or defensive, as they are ready to assume either attitude. By some persons this is regarded as only a boastful threat; others think that they will renew hostilities at that place, if they see a fair chance of doing so, with some prospect of success. From Mr. Smith's letter, herewith enclosed, I feel satisfied that the friendly natives believe the renewal of hostilities at Tauranga to be a probable event.

I have, &c.,

The Right Honorable Edward Cardwell, &c., &c., &c.

G. GREY.

No. 29.

MY LORD DUKE,—

Government House, Auckland, 6th June, 1864.

Upon the 7th ultimo I wrote to your Grace (Despatch No. 72) in relation to the prisoners of war taken by Her Majesty's Forces, and in my Despatch introduced this paragraph:—

"If your Grace deems it necessary, after a consideration of the case, to address any instructions regarding the mode in which it is proposed to dispose of these prisoners who were taken by Her Majesty's Forces, I have the honour to request that I may receive your commands on the subject."

2. My Responsible Advisers, in a memorandum a copy of which is enclosed, object to my having used this language, and state, in fact, that the question of the treatment of prisoners of war taken by British Forces in this Colony is beyond the control of the British Government, being a subject under the control of the Responsible Advisers of the Chief Executive Officer of the Colony.

3. It will be for your Grace to issue to me such commands as you think fitting upon this subject. But I think that, in justice to myself, this should be explicit, so that I may not hereafter be accused of improperly treating prisoners of war captured by British Forces, but that it may be clearly seen that the matter is one which is beyond my control, if that is the position in which it is to be placed.

4. That the Governor's position in relation to this subject is one of difficulty, these facts will show:—

On the 7th May, in the Despatch to which my Responsible Advisers object, I enclosed to your Grace my correspondence with them regarding these native prisoners. Amongst the papers was a memorandum from the Colonial Secretary, which they requested me to transmit to you, answering the objections I made to the treatment of the prisoners, and stating, amongst other things—

"The whole of the prisoners have improved very greatly in health and general condition—so much so that those who saw them at the time of their capture now scarcely recognise them."

"Little or no depression of spirit has existed among the prisoners, which has no doubt very greatly contributed to the health of the ship."

"The Colonial Secretary begs to express his conviction, that, under all the circumstances, no establishment of a similar nature in Her Majesty's Dominions is better managed, nor could bear a closer inspection, than the prison-ship 'Marion.'"