

cases he acted on some settled principle which he was well able to justify, and which was consistent with a regard for "the good name of Great Britain." It happened in the year 1846, when a disturbance occurred with the Natives on the West Coast of the Province of Wellington. A section of them was in arms, headed by Rangihaeata, a Chief of great note, the principal warrior of the Ngatitua tribe. Te Rauparaha, the head of that tribe, professed friendship for the Government, but fell under His Excellency's suspicion. As far as His Excellency's despatches, recorded in the Parliamentary papers shew, there was no other evidence of his complicity with the hostile natives than a not very explicit intercepted letter written by another native, and a vague story about pigs, which Rauparaha said were in one place when the Governor had some reason to believe they were in another.* His Excellency, with very considerable adroitness, seized the persons of Te Rauparaha, and two other Chiefs—Te Kanae and Hohepa. He placed them on board H.M.'s S. "Calliope," where they remained close prisoners for a period considerably exceeding six months. During this period His Excellency was endeavouring to find evidence which might legally justify their detention and trial; but having at the end of that time failed to procure any, Te Rauparaha and Hohepa were placed in a sort of honorable custody among their old enemies the Waikatos. Te Kanae appears to have been allowed to return home. Rauparaha continued in this honorable banishment for another year, when he also was allowed to return to his own place at Otaki, in Cook's Straits.†

24. In citing these two cases of Ihaka and Rauparaha, Ministers desire to express no opinion on the question of policy involved in them. They may both have been wise strokes of statesmanship, and necessary for the "safety of the Republic." But it is certain that in all their leading features they were censurable on precisely the same grounds as His Excellency censures the acts of his Ministers in reference to the detention and treatment of the prisoners in the present rebellion. Indeed the acts of His Excellency were much more so, for neither Rauparaha nor Ihaka were taken in open rebellion, as the Waikato prisoners were, but on mere suspicion, to justify which no evidence could ever be obtained of sufficient weight to sustain a prosecution before the tribunals of justice. They were taken under no legal warrant, and were detained for many months without any authority of law. The ordinary tribunals of the country were open, but the prisoners were never brought before them. In one of the cases, at least, the imprisonment appears to have been attended with great "harshness," which "it is believed" hastened the deaths of two or three out of the seventeen or eighteen who were subjected to it, and most probably in other cases has "sown the seeds of disease for life." No "generosity" seems to have been exercised in either case; and indeed what room was there for generosity to men taken only on suspicion and detained for so many months without authority of law?

Ministers repeat that they do not desire to criticize, on the merits, the course pursued in these cases. But they cannot help most respectfully submitting that it is not just nor consistent with common fairness toward them, that His Excellency, having himself established such precedents, should attempt to impugn their conduct upon charges the truth of which they entirely deny, but which, if fully proved, would find its exact parallel in cases where His Excellency was the sole agent unrestrained and uncontrolled by the "requirements" of Responsible Government.

Ministers cannot but deeply regret the course which His Excellency has pursued in reference to this subject. Had His Excellency been contented to repose confidence in the ability of his Ministers to conduct a very simple branch of administration, which the General Assembly had, among others, confided to them; and if he had abstained from personal interference in a matter on which he was very imperfectly informed, and on which the little information he had appears to have been incorrect; the prisoners would at this moment almost to a certainty have been in safe custody, in comfortable quarters in the Harbour of Auckland and on the North Shore. A course of action on the part of His Excellency which he has been pleased to term "generous" towards the prisoners has terminated in their escape, and in a very serious complication of the difficulties of the Colony. In the meantime, while so much "generosity" is shewn towards the Maoris taken in arms, His Excellency's sympathy is withheld from the unfortunate English colonists who have been driven from their homes and reduced to ruin; and the Colonial Government is unable to provide for their reinstatement, or to compensate them for their losses, because His Excellency declines to confiscate the lands of those who have inflicted so much misery upon them. His Excellency appeals to the judgment of "posterity" for a verdict on his actions: he cannot mean the posterity of those who are thus left in destitution, while a morbid and unaccountable sympathy is extended towards rebels (who have themselves made no complaint, but) who have shown the most marked ingratitude for the forbearance, lenity, and kindness expended upon them.

30th September, 1864.

WILLIAM FOX.

Appendix A.

MEMORANDUM for HIS EXCELLENCY.

The Colonial Secretary begs to forward for His Excellency's perusal a copy of Instructions which he is about to issue to the Native Secretary.

As it is the earnest desire of the Ministry to avoid putting His Excellency to any personal inconvenience in the matter, the Colonial Secretary has thought it his duty to forward these instructions for His Excellency's perusal; but will be glad to be informed as early as possible, consistently with His Excellency's convenience, that their issue will not involve His Excellency in any difficulty by their being immediately put in force.

28th June, 1864.

WILLIAM FOX.

DRAFT Instructions to Native Secretary on HIS EXCELLENCY taking charge of Prisoners.
Dr. SHORTLAND,—

His Excellency having taken charge of the rebel prisoners on account of the Imperial Government, the Colonial Government is very desirous of avoiding for the future both the reality and appearance of responsibility in connection with their detention or custody.

* See Papers in N. Z. Imp. Par., 1847, p. 37; Governor Grey to Right Hon. W. E. Gladstone, under date July 20, 1846.

† See Papers in N. Z. Imp. Par., December, 1847, p. 79; Governor Grey to Ear. Grey, July 6th, 1847.