

FURTHER PAPERS

ON THE SUBJECT OF

NATIVE POLICY, RESIGNATION OF MINISTERS,
&c., &c.

[IN CONTINUATION OF E—No. 2.]

PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY BY COMMAND OF HIS
EXCELLENCY.

AUCKLAND:
1864.

FURTHER PAPERS

ON

NATIVE POLICY, RESIGNATION OF MINISTERS, &c.

MEMORANDA RELATIVE TO RESIGNATION OF MINISTERS, &c.

No. 1.

MEMORANDUM by MINISTERS.

As Ministers had sent in their resignations prior to their receiving from His Excellency the Despatches received by the last mail from the Secretary of State, Mr. Whitaker has not read them himself or permitted any other person to do so, nor will he permit them to be read without His Excellency's express permission.

Mr. Whitaker will at once return the Despatches received, if such is His Excellency's wish.
September 30th, 1864. FREDK. WHITAKER.

No. 2.

MEMORANDUM by the GOVERNOR.

In reply to the Memorandum just received, the Governor begs to state that he has already assured Ministers that he had no wish or thought of keeping back any Despatches of the Secretary of State from them, and he trusts they will read them if they desire to do so.

September 30th, 1864.

G. GREY.

No. 3.

MEMORANDUM by the GOVERNOR.

In reference to the Ministerial Memorandum, dated the 30th ultimo, in which Ministers place in the Governor's hands their resignation of offices, he begs to offer the following observations:—

He had no wish or intention in his conversation with Mr. Reader Wood, on the 28th instant, of bringing against his Ministers a grave accusation of prolonging the war, and closing the avenues of peace.

He expressed the opinion attributed to him by Mr. Reader Wood, but the impression on his mind is that the case was hypothetically put to him—that Ministers could not be accused of prolonging the war, and closing the avenues of peace," and that this elicited the remarks which the Governor made.

The Governor is strengthened in this impression from having, yesterday, had sent to him Mr. Reader Wood's correspondence from England with his colleagues. In a letter dated from London in July last, Mr. Reader Wood uses these expressions: "You will have seen, I have no doubt, with as much pain as I have, the attacks that have been made on the Colonial Government, and on the colonists generally, in the *Times*, accusing them of closing all avenues to peace."

The Governor thinks, as a matter of opinion, that the non-issue of the Proclamation he submitted to his Advisers upon the 6th September last, will have had a tendency to prolong the war. If he had not thought that the issue of that Proclamation (although he did not immediately expect from it any beneficial results) would have produced good and important effects in parts of New Zealand, he would not have requested them to issue it. He thinks he ought not, under the circumstances, to have suppressed his opinion that Ministers in standing in the way of his publishing that Proclamation were doing that which would prolong the war, and close the avenues to peace. But he assures them that he had no intention, and has no intention of doing more than this. Their opinion, which is contrary to the Governor's in this respect, may be the right one, but he cannot help holding his own.

Many circumstances have made him think this. Amongst other things, he would call their attention to the two following extracts from Mr. Commissioner Mackay's report, of the 10th of September last, after that gentleman's conversations with William Thompson, on the 2nd of that month.

"It is highly probable that if I had received instructions to enter into preliminary negotiations with William Thompson, my mission would have been very successful. I, however, felt diffident at entering on so momentous a question without special authority, and therefore confined myself strictly to such a line of action as would leave the Government unfettered as to any after proceedings which might be deemed necessary."

* * * * *

"I would most respectfully beg to recommend that as Wiremu Tamehana has expressed a willingness to visit his people with the intention of ascertaining their feelings relative to the war, that he should be distinctly told the terms on which the Government are willing to make peace, and that a reasonable time (perhaps a month) should be allowed him for the consideration of the proposals. The natives look at the present cessation of hostilities as a sort of peace, and any sudden renewal of the war on our part, without some preliminary notice, would be looked on as an act of treachery, and would do an incalculable amount of mischief among the friendly tribes."

Government House, Auckland, 2nd October, 1864.

G. GREY.

No. 4.

MEMORANDUM by MINISTERS.

Ministers beg to acknowledge the receipt of His Excellency's Memorandum of the 2nd October.

Ministers do not fail to notice His Excellency's reference to an expression of opinion in a late report by Mr. Mackay, to the effect that if he had been authorized to negotiate for peace with William Thompson, he would probably have been successful. Ministers beg most respectfully to express their opinion that the practice so usual with His Excellency of supporting his views by extracts from documents isolated from the context, as in this case, does not in reality contribute much to the elucidation of truth; but, on the contrary, too often tends to create misapprehension. Ministers have carefully read Mr. Mackay's report, and they find, in the facts and conversations with Thompson recorded by him, no ground for adopting the sanguine expression of opinion quoted by His Excellency. On the contrary, they arrive at the exactly opposite conclusion. Thompson has known at all times since the war begun what is the way to peace: and that the first step towards it must be the abandonment of the King he has set up, accompanied by the recognition of the authority of the Queen. In his late conversation with Mr. Mackay he hints at no intention of submitting to the Queen or the law; he simply intimates that he is tired of fighting, and does not wish to renew the appeal to arms. He is willing to abstain from hostilities if we will also. This position of sulky independence is precisely that which the Natives, when beaten, would apparently like to be permitted to assume; to be restored to the advantages of intercourse and trade with us, to retain all their lands, to give no compensation for the losses they have inflicted on us; to say nothing about their King and nothing about the Queen; not to recognise the authority of European law or Magistrates, but merely to draw off from the contest on condition that we do not follow them up. This does not seem to Ministers to be such a peace as His Excellency is directed by Mr. Cardwell to treat for with "defeated Rebels," nor likely to possess that permanent character, to secure which, His Grace the Duke of Newcastle says, Her Majesty's forces have been placed at His Excellency's disposal.

Ministers would also observe that Mr. Mackay is very slightly acquainted with the district in which he met Thompson, and had never before seen that Chief. Thompson seems, as usual with him, to have been very reticent and cautious: to have dealt in general expressions, without coming to any definite or tangible proposal; and it would be taking a very sanguine view of the subject to infer from anything he said that he was in a frame of mind to make such a submission as alone would satisfy the requirements of Mr. Cardwell or the Duke of Newcastle; still less which would give the smallest security to the Colony for the future.

Ministers should add that they have received information from Tauranga that Thompson is reported to have become a convert to the new superstition which forms the bond of union between the rebels on the West Coast, and they have reason to believe that he has gone down to Taranaki to join that party.

If His Excellency has used, or intends using, Mr. Mackay's report in his correspondence with the Home Government, Ministers respectfully request that he will oblige them by forwarding this Memorandum with it.

4th October, 1864.

W. Fox.

No. 5.

MEMORANDUM by MINISTERS.

It appears from His Excellency's Memorandum of the 2nd instant, that His Excellency expressed the opinion attributed to him, but that "he had no wish or intention, in his conversation with Mr. Reader Wood on the 28th instant, of bringing against his Ministers a grave accusation of prolonging the war, and closing the avenues of peace." Ministers transmit herewith a statement from Mr. Wood, giving his account of the manner in which His Excellency's opinion was expressed.

Ministers do not think that His Excellency ought to have "suppressed his opinion that Ministers in standing in the way of his publishing the Proclamation" submitted to Ministers on the 6th of September, "were doing that which would prolong the war and close the avenues of peace." Ministers may regret that such was His Excellency's opinion, but they do not complain that he has given expression to it. On the other hand, Ministers are assured that His Excellency will feel that when Her Majesty's Representative in the Colony entertains such an opinion of the conduct of his Ministers, that it was their duty no longer to hold their office as His Excellency's Responsible Advisers, as they believed that, under the circumstances, they could no longer conduct the administration of public affairs with advantage to the interests of the Colony.

With regard to the effect to be anticipated from the issue of the Proclamation, a wide difference of opinion exists between His Excellency and his Advisers. His Excellency thinks the Proclamation will produce "good and important results." Ministers, on the contrary, believe that it will produce the reverse, and feel assured that it will create in the minds of the Natives a feeling of contempt for the vacillation and weakness of the Government. It is Ministers' conviction that if a firm and consistent policy had been steadily pursued, Peace, in the Province of Auckland at least, would by this time have been established on a safe footing; but unhappily the Natives have been led to hope and believe that a prolongation of the war would induce the Governor to give way, and His Excellency's Proclamation will be pointed to as a proof of the realization of these expectations, and as an encouragement to perseverance.

It is, however, satisfactory to Ministers to feel that although they have "stood in the way" of the publication of the Proclamation by withholding their concurrence, yet they have not been the means of "prolonging the war and closing the avenues of peace." In His Excellency's Memorandum of the 14th of September, he informed Ministers that "he considers it to be his duty—sorry as he is to differ in opinion with them—to adhere to his intention of issuing it;" but that the Natives having left Kawau might cause some delay, "until the Governor has ascertained what effect this proceeding may produce on the Native population." So that it is the Natives, and not the Ministers, who have really "stood in the way" and prevented His Excellency from publishing the Proclamation.

As to Mr. Mackay's report, Ministers will only observe that it appears that Thompson well understood the terms upon which the Government have hitherto accepted the submission of rebels, and were still willing to do so; and it was in reference to those terms that Thompson expressed his willingness to meet his people with the intention of ascertaining their feelings relative to the war. Ministers believed that to volunteer new terms, not asked for, would be a mistake, and likely to defeat rather than effect the desired object.

Auckland, 4th October, 1864.

F. WHITAKER.

Enclosure to No. 5.

At the interview of Wednesday, the Governor shewed Mr. Wood a report from Mr. Baker to Mr. Fox, remarking upon opinions said to be held by the Military. His Excellency stated that he considered such a report an improper one. Mr. Wood remarked that it was no doubt true, as Mr. Cardwell, in London, had read to him a letter from a military man, which he said was only a specimen of many, accusing the Ministers of prolonging the war, and closing the avenues to peace. His Excellency replied in these words: "That is exactly what they are doing." And again, in an interview on the following day, the Governor himself stated to Mr. Wood that Ministers were "prolonging the war."

October 4th, 1864.

READER WOOD.

No. 6.

MEMORANDUM by the GOVERNOR.

The Governor is anxious to make the following remarks on the Memorandum by the Colonial Treasurer of the 4th instant, enclosed in the Ministerial Memorandum of the same date.

The Colonial Treasurer says:—"The Governor shewed Mr. Wood a report from Mr. Baker to Mr. Fox remarking upon opinions said to be held by the Military. His Excellency stated that he considered such a report an improper one. Mr. Wood remarked that it was no doubt true, as Mr. Cardwell in London had read to him a letter from a military man which he said was only a specimen of many, accusing the ministers of prolonging the war and closing the avenues to peace. His Excellency replied in these words, 'that is exactly what they are doing.'"

The Governor begs to call attention to the Report from Mr. Baker, which the Colonial Treasurer told the Governor was no doubt true, it is as follows:—

"Arrived at Te Papa about noon found everyone in a great state of anxiety and excitement regarding the peace movement, which the military seem to look upon as the first step towards their return home. From what I can learn, there appears to have been some degree of pressure brought to bear upon the question, and there seems no doubt about the fact that overtures were made from the Government side."

Again Mr. Baker states in his Report: "Called at Mr. Black's house, where we stayed some time, being desirous of ascertaining the views of a person who, from his residence amongst them, was most likely to know their intentions. He does not appear to look favourably on the present movement, and referred to a conversation with one of the Field Officers now in camp, who emphatically declared that he did not care on what terms peace was made so long as it resulted in their removal from the country."

"The military are tired of foreign service, and having no stake or interest in the country, care not for the future troubles and perplexities that may arise out of an error in the system upon which terms of peace are negotiated. The war is unpopular with them and their chief care is how quickest to get out of it. It is in this way that pressure has been brought to bear upon the question."

At the time Mr. Baker made this Report to the Government, he was acting as Interpreter to the Forces, and had been ordered to obey the instructions of Colonel Greer, who had no knowledge that such reports were being made of him. It was also admitted, as the Governor understood, that Mr. Baker was wrong in the view he took with regard to the submission of the natives, yet no expression of censure was passed upon him.

It was these statements against the military, and the military authorities at Tauranga which the Governor understood the Colonial Treasurer to say were no doubt true, for the reasons he gives.

Ten officers and thirty four men have already laid down their lives at this very place, Tauranga, fighting for the Colony, besides the large number who were wounded. Colonel Greer also, against whom the principal accusation lay, had rendered the most essential services there; and it was remarking on these proceedings that the Governor expressed the opinion alluded to.

Government House, Auckland, 11th October, 1864.

G. GREY.

No. 7.

MEMORANDUM by MINISTERS.

The Colonial Secretary begs to acknowledge the receipt of His Excellency's Memorandum of the 11th October, containing some extracts from a Report by Mr. W. Baker, in which that gentleman records a conversation between a Mr. Black and a "Field Officer," at Tauranga, and expresses his own opinion as to the feelings of the military in reference to the service on which they are employed in this Colony. The Colonial Secretary is not aware with what object His Excellency has addressed this Memorandum to his Ministers; whether by so doing he intends to add the weight of his own testimony to that of Mr. Baker on the point; or whether he refers it to his Ministers merely in order to elicit their remarks.

The Colonial Secretary begs to make the following remarks on His Excellency's Memorandum:—

1. His Excellency is under a misapprehension in supposing that either Mr. Baker or Mr. Black made any allusion to Col. Greer in the passages quoted by His Excellency. The statement was made of a "Field Officer," a rank of which there were several officers at Tauranga. The Colonial Secretary

FURTHER PAPERS ON NATIVE POLICY,

never understood Mr. Baker's report to apply to Col. Greer, as His Excellency interprets it to do; and he begs to append Mr. Baker's written disclaimer of any such application of his words.

The Colonial Secretary not only agrees with His Excellency "that Col. Greer rendered most essential services at Tauranga," but he has personally expressed himself to Col. Greer to that effect; and as long ago as the 17th of August the Colonial Secretary stated in writing to His Excellency that "the course pursued by Col. Greer in reference to the surrender of the rebel natives, appears to have been as judicious as it was successful; and the Colonial Government feels that that officer is entitled to great credit for the manner in which he executed the delicate duty which devolved upon him."

The Colonial Secretary trusts that if His Excellency has intimated to Col. Greer either that Mr. Baker had made such a charge as His Excellency supposed, or that the Colonial Secretary in any way undervalued the services of that officer, His Excellency will either remove the impression from Col. Greer's mind, or allow the Colonial Secretary to forward to that Officer a copy of the above statement.

2. In reference to the sentiments which Mr. Baker has attributed to the military, the Colonial Secretary presumes that His Excellency does not intend to deny, as a matter of fact, the truth of the statement made by Mr. Black to Mr. Baker.

Whether Mr. Baker's own opinion as to the sentiments of the military in general are correct, is quite another question, and one which the Colonial Secretary does not consider he is officially bound to discuss. But as the Colonial Treasurer appears to have intimated to His Excellency that in his opinion Mr. Baker's view was corroborated by what he had heard in England, the Colonial Secretary thinks it right to remark that the recently received English newspapers do go far to support the idea that military officers in the Colony have written home to their friends very much to the same effect as Mr. Baker alleges them to have expressed themselves in the Colony. In a leading article in the *London Times* of the 15th July last, is the following passage: "The disaster betrays, what we have other means of knowing, that the soldiers we land in New Zealand are in one respect seriously 'demoralized,' as a military critic would express it. They have their own opinion upon the war, and they have lost all faith in its justice and wisdom. They don't like shooting down savages on their own land, * * * That is the feeling which now pervades the British forces in New Zealand. They don't like the work and therefore they don't do it as well as they would if their hearts were in it. It may be something to fight for—what is not? but it is not a thing to die for. If the Colonists want the land let them fight for it and die for it. * * * But it is a very sordid and cold-blooded affair for the British soldier who knows only what he sees." Again, a Field Officer writing to the *Times*, under date July 8th, quotes from a letter written to him from New Zealand "by an old comrade and as gallant and accomplished a gentleman as ever held a commission." The letter from the officer in New Zealand contains some most false and slanderous imputations on the Colonists and the Colonial Government, while the Field Officer summing it up, says, "a feeling of unmitigated disgust is beginning to be felt in the army at the way in which they are being used in this reckless and unrighteous war." "Can it be wondered at that our soldiers look with apathy and disgust on such a war, and, respecting the Maories as a brave enemy almost hate the idea of overcoming them for the advantage of their sordid opponents." "Every true-hearted soldier abhors to be made the instrument of cruelty and injustice, and feels that every life sacrificed in New Zealand is a drop of blood from England's heart that shames instead of purifying her." Many other letters to the same effect have appeared in the English papers, some written by officers in the Colony, others avowedly echoing their sentiments. It must be admitted that they go very far to corroborate Mr. Baker's assertions. And while such is the testimony of the English press, the debates in both houses of Parliament afford further confirmation to the same effect. Even His Royal Highness the Duke of Cambridge is obliged to deprecate the idea which he finds put forward in so many quarters, that the military in New Zealand had been "demoralized;" and in the House of Commons letters have been read and referred to, (in one instance at least with the name of an Officer in very high command in the Colony,) all proving beyond a doubt that Military and Naval officers in the Colony have given expression to sentiments of the same sort as Mr. Baker has attributed to them.

3. In the concluding paragraph His Excellency records, (without any special application) the fact that 10 officers and 30 men laid down their lives fighting for the Colony, at the Gate Pa. If the subject were a less painful one, the Colonial Secretary would be inclined, after the references above given, to controvert His Excellency's statement. He abstains however from doing so; but will say, that in whatever cause they fell, the loss of so many brave officers and of so many men, is deplored by the Colonists of New Zealand as deeply as by any one living. At the same time he may be permitted to doubt whether it is judicious in His Excellency to draw more attention to the unfortunate affair of the Gate Pa, than has been already attracted to it.

Mr. Baker will be so good as read the accompanying Memorandum, and say whether his remarks were intended to apply to Col. Greer, and whether he understood Col. Greer to be the person alluded to by Mr. Black.

October 11th, 1864.

W. FOX.

Neither my remarks nor Mr. Black's had reference to Col. Greer.

WILLIAM B. BAKER.

No. 8.

MEMORANDUM by the GOVERNOR.

Adverting to the Colonial Secretary's Memorandum of the 11th inst., and to the question proposed by the Colonial Secretary to Mr. Baker, as to whether he understood Colonel Greer to be the person alluded to by Mr. Black in a remark which he made, the Governor begs to state that he did not at any time think that Colonel Greer was the Field Officer alluded to by Mr. Black.

October 22nd, 1864.

G. GREY.

MEMORANDA RELATIVE TO FINANCIAL POSITION OF THE COLONY.

No. 1.

MEMORANDUM by the GOVERNOR.

It now appearing probable that the Governor may be obliged to try to form a new Ministry, he would feel very much obliged to Ministers if they would furnish him with a statement containing that information regarding the present financial position of the Colony, which may be required by any persons before accepting office, and which the Governor ought to be able to supply them with.

September 30th, 1864.

G. GREY.

No. 2.

MEMORANDUM by MINISTERS.

Ministers do not understand that it is the duty of either His Excellency the Governor or themselves to supply information as to the financial position of the Colony to any person who may profess a willingness to accept office; indeed, they foresee probable evil consequences as the result of such a circumstance to men not under responsibility. At the same time Ministers will have much pleasure in affording His Excellency all the information that he requires, leaving it of course to His Excellency's discretion to make what use of it he may deem fit.

The necessary documents are in preparation, and will be forwarded on Monday.

1st October, 1864.

FRED. WHITAKER.

No. 3.

MEMORANDUM by MINISTERS.

In compliance with the Governor's request, Ministers forward to His Excellency copies of all correspondence with the Bank of New Zealand, Messrs. Julian and Sargeant, and the Colonial Treasurer upon the subject of Finance.

In addition, Ministers beg to inform His Excellency that the Government of New Zealand have drawn to the extent of £716,000 against the million and a quarter of debentures in the hands of Messrs. Julian and Sargeant for sale or hypothecation, and they anticipate that those gentlemen, if not able at once to effect advantageous sales, will find the same facility as the Bank in borrowing money in London for the Government upon those securities.

They beg further to add that they see no financial difficulty whatever, if the plan of settlement and confiscation be carried out as authorised by the General Assembly and sanctioned by the Imperial Government.

Auckland, 3rd October, 1864.

FRED. WHITAKER.

No. 4.

MEMORANDUM by the GOVERNOR.

The Governor thanks his Responsible Advisers for having transmitted to him copies of all correspondence with the Bank of New Zealand, and Messrs. Julian and Sargeant, and the Colonial Treasurer upon the subject of Finance.

The Governor wished to be supplied with a statement of the financial position of the Colony, shewing its monthly average expenditure, and income, its outstanding debts, and liabilities upon account of contracts entered into and not completed, and a statement of the balances in the Treasury. The Governor hopes that such a statement may still be supplied to him.

The Governor also requests that he may be informed if the opinion of the Attorney General has been taken as to whether the Government could legally have entered into the terms which it concluded with the Bank of New Zealand on the 28th ultimo as those on which further advances to the extent of £80,000 would be made to the Government by the Bank.

Government House, Auckland, 3rd October, 1864.

G. GREY.

No. 5.

MEMORANDUM by MINISTERS.

In compliance with His Excellency's request, Ministers beg to forward a Statement shewing the financial position of the colony, its monthly average expenditure and income, its outstanding debts and liabilities upon account of contracts entered into and not completed; and a statement of the balances in the Treasury.

Ministers have selected the June quarter for the average, as that is the latest period to which the accounts of the Colony have been made up, and with reference to which full information is to be obtained in the Treasury, at Auckland. To have selected a more recent period, reference to the South would have been required, and Ministers were desirous that no unnecessary delay should take place in furnishing the Governor with the information he desired. Ministers think that the accounts of that quarter very fairly represent the state of things at the present time, though probably the revenue is greater and the expenditure somewhat less.

Ministers are not aware of any ground on which the legality of the agreement with the Bank of New Zealand can be impugned.

Auckland, 4th October, 1864.

F. WHITAKER.

FURTHER PAPERS ON NATIVE POLICY,

Enclosure to No. 5.

MONTHLY AVERAGE EXPENDITURE AND INCOME, June Quarter, 1864.

	Expenditure.	Income.
Ordinary Colonial	£32,446	£60,855
Payments to Provinces	18,680	
	£51,126	
Loans—1856, £3,273 ; 1862 and 1863, £79,270	82,542	68,373
	£133,668	£129,228

OUTSTANDING DEBTS, September 30th, 1864.

On account of Arms, Stores, &c., purchased in England	£50,000
Advances on account of £3,000,000 Loan	718,000
Treasury Bills issued under "Loan Act, 1862"	100,000
	£868,000
To Imperial Government, to be paid out of the proceeds of so much of the £3,000,000 Loan as may be guaranteed by H.M. Government	500,000
For Immigration purposes, the expenditure of which is contingent upon the Emigration Agents in England having selected emigrants under the Regulations of June 1st, 1864	50,000
	£550,000

MEMORANDUM.—The outstanding Contracts do not exceed the sum of £20,000. The Expenditure on account of Contracts and Military Settlers is included in the Monthly Average of Expenditure.

STATEMENT OF THE BALANCES IN THE TREASURY AND SUB-TREASURIES, AT THE LATEST DATES.

Treasury, Auckland	
Colonial Treasurer, 30th September, 1864	
Assistant Treasurer	£534 0 2
Sub-Treasuries, 31st August, 1864,	18,580 4 1
	£19,114 4 3

Due from the Province of Southland, repayable from proceeds of Land Sales, £42,000.

No. 6.

MEMORANDUM by the GOVERNOR.

The Governor thanks his Responsible Advisers for the financial statement they forwarded to him in their Memorandum of the 4th inst. He is unable from this statement, and the correspondence previously transmitted to him, to make a satisfactory estimate of what will be the probable financial state of the colony at the end of the current month; he therefore requests that they will be good enough to have an estimate prepared for him, showing what will be the probable sum required, in aid of the ordinary Colonial Revenue, on the 31st October, to pay the expenses of the current month, and from what source it is proposed to supply that amount.

6th October, 1864.

G. GREY.

No. 7.

MEMORANDUM by MINISTERS.

In reply to His Excellency's Memorandum of this day's date, Ministers beg to refer His Excellency to the fact that, on the 30th September, their resignations were placed in the hands of His Excellency, in consequence of an expression of opinion from him that they were unnecessarily prolonging the war. After the expression of such an opinion by His Excellency, and its reiteration in writing on the 2nd inst., Ministers hoped that they might be relieved, at an early date, from the offices which they hold, and they did not anticipate being called on to advise further on questions of policy.

Ministers beg to refer His Excellency to their * Memorandum of this day's date, upon the subject of retrenchment, from which His Excellency will see that it is impossible for them to furnish the estimate to which His Excellency refers, unless they are made acquainted with His Excellency's plan for future operations.

In justice, however, to themselves they would draw His Excellency's attention to the fact that as long as they deemed it at all possible that their plans, as stated to the House of Representatives during last session would be carried out even partially, they had no difficulty in making the requisite financial arrangements; and were they still His Excellency's Responsible Advisers, charged with the duty of carrying out that policy, they would see no financial difficulty in their way, notwithstanding the failure of the immediate negotiation of the loan; but they cannot furnish estimates of the cost or provide funds for the execution of plans respecting which they are only partially acquainted, and which, as far as they are acquainted with them, will, in their opinion, involve the Colony in a protracted war, and display to the natives an exhibition of weakness on our part which will afford them the best support they can obtain in continuing in their present state of rebellion, and be regarded by them as giving reasonable ground to hope that they may ultimately be successful.

6th October, 1864.

READER WOOD.

* See post.

No. 8.

MEMORANDUM by the GOVERNOR.

The Governor would earnestly request that his Responsible Advisers would allow him to be furnished with an answer to the following financial question, on a point which he cannot clearly understand from the papers forwarded to him, viz.:—

Whether the advances to be made by the Bank of New Zealand, in the terms of the agreement of the 27th of September, are to amount to Eighty thousand pounds in the whole, or whether advances at a rate not exceeding Eighty thousand pounds a-month, are to be made by the Bank to the whole amount of the Loan, whether it is negotiated or not.

October 6th, 1864.

G. GREY.

No. 9.

MEMORANDUM by MINISTERS.

Ministers beg to inform His Excellency that any information on matters of fact, which they have the power to give, is completely at His Excellency's service.

In answer to the distinct question put in the Governor's Minute of the 6th instant, Ministers would state that the amount of advances to be made by the Bank under the agreement of September 27th is £80,000 for one month. For further advances, if they should be required, a distinct arrangement will have to be made, the terms of which will depend upon the advices received from Messrs. Julyan and Sargeant by this month's mail, who have in their hands £1,250,000 of Debentures for sale or hypothecation.

Treasury, 7th October, 1864.

READER WOOD.

CONFISCATION AND LOCATION OF SETTLERS.

No. 1.

MEMORANDUM by MINISTERS.

Ministers beg to inform His Excellency that a number of immigrants equal to 159 statute adults have arrived from the Cape Colony, who were sent for under the terms for the settlement of Waikato. As no portion of the lands of the insurgents in Waikato has yet been placed at the disposal of the Colonial Government by His Excellency, they are placed in a very serious difficulty which they lose no time in bringing to His Excellency's notice, and will be obliged if His Excellency will inform them at his earliest convenience when they may expect that any part of the "territories of rebel natives" in Waikato will be available to enable the Government to carry out its pledge by locating these immigrants upon them.

Ministers beg to add that the order sent to the Cape was for 1,000 statute adults, all of whom are engaged and may be expected within a month.

October 15th, 1864.

WILLIAM FOX.

No. 2.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial Memorandum of the 15th instant, regarding the arrival of emigrants from the Cape of Good Hope, the Governor begs to state that he sees, as do his Ministers, a difficulty in the matter. It is in his belief a difficulty which ought not to have arisen, but which having arisen must be met.

When Ministers on the 30th of June last published in the Government Gazette, Mr. Cardwell's Despatch of the 26th of April, 1864, the Governor, in conformity with the principles of Responsible Government, waited until the 6th of September, hoping that his Ministers would advise him to take some action to give effect to the instructions which they had made public. Finding that they did not do this, the Governor on the 6th of September wrote to them, recommending that a Proclamation should be issued calling upon the natives to come in and make cessions of territory before the 22nd of October. If they had failed to do this, he was then authorised to give his concurrence to bringing the New Zealand Settlements Act into operation. His Responsible Advisers, however, opposed the issue of that proclamation.

What he would now recommend is, that that Proclamation in a slightly modified form should at once be issued; and that in the meantime such land as is really required for emigrants—which is the property of tribes engaged in the rebellion—and which from position and other causes is necessary for our safety—and is such as would be required either to be ceded by the natives or would have to be taken under the New Zealand Settlements Act—should at an early date be taken for the purposes of the emigrants now arriving. If the Government will point out the localities they require, the Governor will be much obliged to them.

October 17th, 1864.

G. GREY.

No. 3.

MEMORANDUM by MINISTERS.

Ministers beg to acknowledge His Excellency's Memorandum of this day's date, in reply to their's of the 15th instant, on the subject of the arrival of the immigrants from the Cape of Good Hope. Ministers quite concur with His Excellency in thinking that there is a difficulty which ought not to have arisen, and which in their opinion is owing solely to His Excellency having so long declined to accept their advice in reference to the confiscation of Rebel Territory in Waikato.

His Excellency blames Ministers for not having advised him to take action to carry out the instructions to His Excellency in Mr. Cardwell's Despatch. Ministers refrained from doing so for the

following reasons :—First, Mr. Cardwell's Despatch consisted of instructions for His Excellency's guidance, and not for that of his Ministers. If His Excellency felt any difficulty in carrying out the instructions given to him, and wished for the advice of his Ministers, it is submitted that the proper course was for him to ask them for it, and not for them to offer such advice unasked. Secondly, They did not believe it was possible to give effect to Mr. Cardwell's instructions even if it had been expedient to attempt it. And, thirdly, They did not consider that the time had arrived which those instructions distinctly contemplated, namely, when the Maoris could be treated with on the unmistakeable footing of "defeated rebels." Mr. Cardwell expressly required His Excellency to make it a condition precedent to his treaty with them, that they should be unmistakeably exhibited in the character of "defeated rebels." His Excellency has never had the Waikato tribes in such a position. The most important tribes and the principal chiefs still retain a defiant position, and even talk of attacking Ngaruawahia in December. They have never exhibited themselves in any other character yet than as defiant rebels, and are, in the opinion of Ministers, greatly encouraged in that position by the vacillating policy which has been pursued towards them by His Excellency. The time, therefore, never arrived when, in the opinion of Ministers, His Excellency could be advised to take steps towards carrying out that part of the instructions which relates to cession, even if it had been expedient on other grounds.

As regards the Proclamation referred to by His Excellency, Ministers have already informed His Excellency that the Government Gazette is at His Excellency's service for its publication whenever he pleases.

Ministers will reply to His Excellency as to the locality where they think these immigrants should be located in a separate Memorandum.

17th October, 1864.

WILLIAM FOX.

No. 4.

MEMORANDUM by MINISTERS.

Ministers, in their Memorandum of October 17th, on the subject of providing land for the Emigrants who had arrived and were expected within the next few months, said that they would reply to His Excellency, as to the locality where these emigrants should be located, in a separate Memorandum. Ministers have felt much difficulty on this subject, because they think that their plans with reference to emigration cannot now be carried out as a whole, and to attempt to carry them out piecemeal would not, in their opinion, be successful. The object of Ministers was not simply to provide land for the mere location of emigrants, but to lay the foundation of self-supporting settlements. They hoped to have land for sale in the immediate neighbourhood of the locations of the military and other settlers, in order that the emigrants should not become a burthen on the Government for support. Ministers saw that if there were land for sale emigrants would get employment with little difficulty; and though the Government were quite willing to give them a fair start, by employing them in the first instance on public works, they did not anticipate the necessity of maintaining them for any length of time. They have stated that they did not want to undertake, as a condition of settlement, to employ the emigrants at specified works for a definite period; they stated that public works would be undertaken by the Government in districts where settlers are located; and until work is available in the ordinary course of country industrial occupations, the surplus labor of the districts will be employed on such works. A long-continued employment on such works was not contemplated. They wished to create flourishing and independent settlements; by having land for sale to capitalists and agriculturists in the neighbourhood of the settlements, they believed that this could easily be effected. The fact of there being plenty of labour at hand would induce capitalists to purchase and cultivate land. The presence of capitalists and agriculturists would afford employment for the emigrants. Ministers were most anxious to avoid the creation of pauper settlements.

They now understand, from the Governor's Memorandum of 17th instant, that he is ready to place at their disposal only so much land as is really required for emigrants; but they do not understand him to have offered to allot land which can be sold with the assurance of a good title. In carrying out such a plan, Ministers see little or no advantage. They would have to maintain the emigrants at a distance from town, without any prospect of their getting any other employment; now they have to maintain a few of them only near Auckland, many being absorbed in the labour-market of the district.

Ministers have given the subject their most careful consideration, desiring to meet a great practical difficulty which they see impending in reference to this matter of emigration; and the only way they see of avoiding it, is by advising His Excellency the Governor to set apart at once 15,000 acres on the east bank of the Waikato, opposite Ngaruawahia, for the location of emigrants arrived and expected to arrive within the next few months, and 30,000 acres in the same locality for sale; also 15,000 acres between the settlements of Cambridge and Hamilton for the location of emigrants, and 30,000 acres in the same locality for sale; also 15,000 acres between Whatawata and Ngahinapouri for the location of emigrants, and 30,000 acres in the same locality for sale; also 15,000 acres at Taupiri for the location of emigrants, and 30,000 acres in the same locality for sale.

Auckland, 27th October, 1864.

WILLIAM FOX.

REDUCTION OF WAR EXPENDITURE.

No. 1.

MEMORANDUM by MINISTERS.

The Colonial Treasurer on his return from England found a very considerable expenditure going on for War purposes, and he was of opinion that, from the negotiation of the Loan having failed, it became absolutely necessary to reduce this expenditure as much as possible without delay. He brought this

financial question under the consideration of his colleagues, and the Government had determined to advise His Excellency on the subject at the time it became incumbent on them, for other reasons, to resign the offices which they held.

The Colonial Treasurer thinks it right that His Excellency should be informed that Ministers would have advised the reduction of all War Expenditure, except so much as is absolutely indispensable.

Treasury, Auckland, 5th October, 1864.

READER WOOD.

No. 2.

MEMORANDUM by the GOVERNOR.

The Governor requests his Responsible Advisers to be so good as to inform him of the nature and extent of the war expenditure they would have advised him to reduce. He trusts, after the Memorandum he has just received from the Colonial Treasurer on the subject, he will be furnished with the information.

October 5th, 1864.

G. GREY.

No. 3.

MEMORANDUM by MINISTERS.

Immediately after the arrival of the Colonial Treasurer from England, Ministers carefully considered the financial position of the Colony.

It was obvious that some reduction of expenditure must be effected, and there were two branches that could be operated on, one relating to the Military Settlers and the other embracing the various Government establishments and military forces now on foot.

The first, involving an amount equal to about three-fourths of the whole military expenditure, was by far the most important, if possible, to deal with, and the result arrived at by Ministers was that, if His Excellency could be induced to bring under the New Zealand Settlements Act the land in our possession in Waikato, most of the military settlers might be located within a few weeks, and at the same time an important source of revenue at once made available, namely, the proceeds of the sale of the surplus land. In this way Ministers believed that a saving after the rate of about £250,000 per annum might be effected, and at least £100,000 worth of land sold by January next.

With respect to the other branch of expenditure, it appeared practicable that some saving could be effected at once, and the details were on the point of being gone into when Ministers resigned. No definite conclusion could of course have been come to without first conferring with the Governor, and the General being consulted on the subject, but it would principally it seems have rested with His Excellency, as it appears from an extract from the General's letter quoted by His Excellency, in his Memorandum of yesterday's date, that the General is equally uninformed as Ministers as to his Excellency's resolution in reference to operations in the South.

Ministers have made this statement at his Excellency's request, with an earnest desire to afford him all the assistance in their power, but not without great misgivings as to the propriety of the course they have adopted, seeing that constitutionally they cannot now be considered as His Excellency's Responsible Advisers.

Auckland, 6th October, 1864.

FRED. WHITAKER.

No. 4.

MEMORANDUM by MINISTERS.

On the 30th of September, Ministers forwarded to His Excellency their resignations, but up to the present time His Excellency has not been pleased to give them any reply. Ministers believe that, under ordinary circumstances, it would be irregular and improper for them to deal with any questions of political importance; and they certainly would not do so, but at the present time there are questions involving serious consequences, upon which some immediate action is required. Unless, therefore, His Excellency can at once accept their resignations, Ministers cannot permit any feelings of false delicacy to stand in the way of stating what, in their opinion, it is indispensable should be done without any delay whatever, as, in their opinion, the vital interests of the Colony have a right to precedence over personal considerations.

Ministers deem it indispensable—

1. That, under existing circumstances, and having regard to the present state of the Colonial Finances, all war expenditure necessarily to be paid from Colonial sources should be stopped, except such as is requisite to fulfil existing engagements.

2. That the General Assembly should be called to meet at a date not later than the 15th of November next.

Auckland, 8th October, 1864.

FRED. WHITAKER.

No. 5.

MEMORANDUM by the GOVERNOR.

The Governor begs to thank Ministers for their Memorandum, which he received at a late hour on the evening of the 8th instant, in which they tender him their advice as to what should be done at the present time.

When the Governor received this advice he was preparing a Memorandum addressed to his Responsible Advisers for the purpose of informing them that, after a careful consideration of the present and prospective financial condition of the Colony, in as far as he could form an opinion on those subjects, from the papers in reference to them, which Ministers had laid before him (the last of which only reached him upon the 7th inst.), he thought it would not be possible for him to form a new

Ministry in time to meet the difficulties which were likely to arise, and that in his opinion the proper—indeed the necessary—course was immediately to call the General Assembly together. He, therefore, at once acquiesces in the advice which they have tendered to him on that subject.

But the Governor nevertheless considers it necessary that he should issue the proclamation which he submitted to Ministers on the 6th of September last, altered somewhat in form, from circumstances which have taken place since that date.

The Governor considers that, from the conversation which Mr. Wood reports as having passed between himself and Mr. Cardwell upon the 9th June last, the subsisting arrangement is that the New Zealand Settlements' Act is to be disallowed, if it is not carried out in conformity with Mr. Cardwell's instructions. Ministers are now pressing the Governor to bring that Act into operation, but he understands from Mr. Cardwell's instructions that he ought not to give his concurrence in bringing it into operation until he has failed in obtaining cessions of land in the manner proposed by the proclamation he wished to issue. He would take care to take these cessions in a manner which should unequivocally exhibit the natives who made them in the position of defeated rebels, and, as he has already pointed out, he would conclude no arrangements for such a cession until the advice tendered by his Ministers with regard to such cession had been fully considered. He does not ask Ministers to acquiesce in such a proclamation, or to be responsible for it; all he asks is that it should be inserted in the Government Gazette in the usual manner, at the time he thinks this should be done.

The Governor cannot at once concur in the wisdom of the advice tendered to him by his Responsible Advisers, that all war expenditure to be paid for from Colonial resources should be stopped at a time like the present, but as this is a very important subject he will address a special Memorandum to his Responsible Advisers in relation to it in order that his views on the subject may be before them.

Government House, Auckland, 10th October, 1864.

G. GREY.

No. 6.

MEMORANDUM by MINISTERS.

Ministers beg respectfully to direct His Excellency's attention to their recommendation made on the 6th inst., on the subject of a reduction in the war expenditure now going on. His Excellency in his reply stated his intention of addressing a special Memorandum to Ministers in relation to it, which Ministers have not yet received. As Ministers wish to send instructions by the "Ahuriri," to-day, for the reduction of the expenditure, Ministers will feel obliged if His Excellency will give them an answer to their proposal.

October 12th, 1864.

FREDK. WHITAKER.

No. 7.

MEMORANDUM by the GOVERNOR.

The Governor is unwilling to cause any delay in the carrying out of such reductions in the war expenditure in the south of New Zealand as Ministers may think it necessary to make immediately. In answer therefore to the Ministerial Memorandum of this day's date on this subject, he begs that Ministers will send such instructions by the "Ahuriri," to-day, as they think proper regarding the proposed reductions.

He further requests that they will furnish him with a statement shewing what items of expenditure are included under the term "all war expenditure necessarily to be paid from Colonial sources, except such as is necessary to fulfil existing engagements."

Government House, October 12th, 1864.

G. GREY.

No. 8.

MEMORANDUM by MINISTERS.

In reply to His Excellency's Memorandum of this date, requesting Ministers to furnish him with a statement showing what items of expenditure are included under the term "All war expenditure, necessarily to be paid from Colonial sources, except such as is necessary to fulfil existing engagements," Ministers beg to inform His Excellency that the reductions they had in view were as follows:—

To reduce the Defence Force in the Province of Wellington to twenty-five; in the Province of Hawke's Bay to twenty-five; and in Auckland to twenty-five.

To strike off pay and allowances of the whole of the Taranaki Militia, except the Military Settlers.

To strike off pay and allowances of those officers of the Auckland Militia whose services are no longer urgently needed, such as Lt.-Col. Peacocke, Lt.-Col. Nation, and others, leaving in Auckland on active service and full pay the four Regiments of Waikato Militia only.

To lay up and sell the steamers "Prince Alfred" and "Sandfly."

Ministers are quite aware of the importance in the present state of affairs of maintaining some of the Forces above mentioned, but they also know they cannot provide funds for their maintenance from Colonial sources, and Ministers have no alternative but to make these reductions, unless His Excellency can defray these charges from Imperial Funds as advances to the Colony.

To give His Excellency an opportunity for consideration and a reply to their Memorandum, Ministers defer sending instructions for these proposed reductions until the 17th instant.

Colonial Defence Office, Auckland, October 12th, 1864.

T. RUSSELL.

No. 9.

MEMORANDUM by the GOVERNOR.

The Governor would be much obliged to Ministers if they would allow him to be furnished with a Return, shewing the present strength of the Defence Force in the Provinces of Auckland, Wellington, and Hawke's Bay, and the strength of the Militia at Taranaki, omitting the Military Settlers.

Government House, Auckland, October 13th, 1864.

G. GREY.

No. 10.
MEMORANDUM by MINISTERS.

In reply to His Excellency's Memorandum of this day's date, the enclosed Returns giving the information asked for, are forwarded for His Excellency's information.

October 13th, 1864.

T. RUSSELL.

Enclosure 1 to No. 10.

Return, shewing the strength of the Militia and Volunteers at Taranaki, exclusive of the Military Settlers:—

CORPS.			Field Officers.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Surgeons.	Sergt. Major and Staff Sergeants.	Sergeants.	Corporals.	Buglers.	Privates.	Field Officers.	Captains.	Lieutenants.	Ensigns.	Adjutants.	Surgeons.	Sergt. Major and Staff Sergeants.	Sergeants.	Corporals.	Buglers.	Privates.
Militia ...	1st Class ...	...	...	1	1	1	...	1	3	6	5	...	198	...	...	...	...	...	...	...	...	...	...	...
	2nd Class ...	...	...	2	2	2	...	2	5	6	1	119	...	...	...	...	...	...	...	...	...	...	...	...
	3rd Class ...	...	...	1	1	2	...	3	8	4	1	108	...	2	4	5	...	1	8	19	15	2	425	...
Volunteers, Cavalry ...			...	1	1	1	...	...	2	3	1	51	...	1	1	1	...	...	...	2	3	1	51	...
Volunteers, Rifles ...			...	...	...	...	...	...	1	1	3	91	...	...	...	...	...	...	...	...	...	...	...	...
Volunteers, Bushrangers ...			...	1	2	2	...	...	9	9	2	104	...	1	2	2	...	...	...	10	10	5	195	...
TOTALS ...			...	1	5	7	8	1	8	31	28	8	671	1	5	7	8	1	8	31	28	8	671	...

Militia and Volunteer Office,
Auckland, 13th October, 1864.

H. C. BALNEAVIS, Lieut.-Colonel,
Dep.-Ad.-General of Militia and Volunteers.

N.B. Lieut.-Colonel Lepper has assumed the command since the date of the Returns from which these numbers are taken.

Enclosure 2 to No. 10.

Return, shewing the present strength of the Colonial Defence Force in the Provinces of Auckland, Wellington, and Hawke's Bay:—

PROVINCE.	Com-mandants.	Inspectors.	Sub-Inspectors.	Staff.	Sergeants.	Corporals.	Trum-peters.	Troopers.	Horses.
Auckland ...	1	2	5	1	5	3	...	66	79
Wellington ...	1	4	3	5	5	7	4	141	164
Hawke's Bay	1	2	3	1	5	7	2	97	109
TOTAL ...	3	8	11	7	15	17	6	304	352

Militia and Volunteer Office,
Auckland, 13th October, 1864.

H. C. BALNEAVIS, Lieut.-Colonel,
Dep.-Adj. General of Militia and Volunteers.

No. 11.
MEMORANDUM by MINISTERS.

Referring to Minister's Memorandum of 12th instant, relative to the reduction of war expenditure, Ministers respectfully request His Excellency's answer to-day, as the mail for the South closes at 9 o'clock to-morrow morning.

Colonial Defence Office, Auckland, October 17th, 1864.

T. RUSSELL.

No. 12.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial Memorandum of the 12th instant, showing the reductions the Government propose to make in the existing war expenditure, the Governor begs to state that it is with great regret that he hears it is intended to reduce the Defence Force at the present moment, as they are a most useful force upon our frontiers, and the existing crisis the Governor regards as one of considerable danger.

With regard to the reductions proposed in the Taranaki Militia, the Governor supposes that although they are struck off pay and allowances, they will be forthcoming for the defence of the town in the event of the absence of the troops, otherwise there will be a proportionably smaller number of men available for any service outside the town.

The Governor also presumes that the Militia and Volunteers will be mustered under arms periodically at Taranaki as here.

October 17th, 1864.

G. GREY.

No. 13.

MEMORANDUM by MINISTERS.

Referring to the Memorandum addressed to His Excellency on the 12th instant, on the subject of certain reductions in the Colonial war expenditure which were under consideration, Ministers now beg respectfully to inform His Excellency that directions have been given for effecting the whole of the reductions specified in that Memorandum, with the exception of laying up the Colonial steamer "Sandfly."

There is one other item of expenditure, however, which Ministers omitted to specify, and which they think, under present circumstances, should also be discontinued—viz., the extra pay which has been allowed to the Mounted Artillery Corps; and they beg, therefore, that His Excellency will be good enough to inform the Lieutenant-General Commanding that this allowance will be discontinued after the end of the present month.

Colonial Defence Office, Auckland, 25th October 1864.

T. RUSSELL.

PLACE OF MEETING OF ASSEMBLY.

No. 1.

MEMORANDUM by MINISTERS.

With a view to determine the place of meeting of the Assembly, in accordance with the resolution of the House of Representatives, Ministers would feel obliged if His Excellency would be pleased to inform them whether he has received the Report of the Commissioners for fixing the site of the seat of Government in Cook's Straits.

10th October 1864.

FREDK. WHITAKER.

No. 2.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial Memorandum of the 10th inst., the Governor begs to state that he has not yet received the Report of the Commission for fixing the site for the seat of Government in Cook's Straits.

October 11th, 1864.

G. GREY.

No. 3.

MEMORANDUM by MINISTERS.

Ministers transmit a Proclamation calling together the Assembly, to meet on the 15th of November.

Ministers have felt some difficulty in determining the place, but have come to the conclusion that, under all the circumstances, Wellington would be the most convenient to all parties. Ministers therefore submit that place to His Excellency.

11th October 1864.

FREDK. WHITAKER.

No. 4.

MEMORANDUM by MINISTERS.

Ministers beg respectfully to inform His Excellency that the Ahuriri steamer has been detained till to-morrow, in order to afford the earliest opportunity of communicating to members the intention of calling the Assembly.

Unless, therefore, His Excellency has any objection, Ministers would desire to publish the Proclamation in time for transmission by the mail to be closed at 5 p.m. this day.

12th October, 1864.

FREDK. WHITAKER.

No. 5.

MEMORANDUM by the GOVERNOR.

The Governor has received the Proclamation Ministers transmitted yesterday afternoon for his signature, calling together the General Assembly to meet at Wellington on the 15th of November next. He has also received the Ministerial Memorandum which accompanied the proclamation, and their Memorandum of this day's date asking for a reply on the subject before 5 o'clock to-day.

The General Assembly at its last meeting came to the following resolution:—

"30th November, 1863.

"Resolved,—That, in the opinion of this House, if proper accommodation for the General Assembly shall not have been made previously to the next session thereof, at the permanent Seat of the General Government, in accordance with the Address to His Excellency the Governor recently passed by this House, it is expedient that the next session of the General Assembly should be held in the City of Christchurch, in the Province of Canterbury."

The Governor understands from the Memorandum of his Ministers on this subject, that they advise that the wishes thus expressed by the Assembly should be set aside, because, under all the circumstances, Wellington would be the place of meeting most convenient to all parties.

If he is right in this conclusion, then the question raised by Ministers is simply one of convenience to the Members of the Assembly.

The much larger one also necessarily occupies his mind, of the safety of the Province of Auckland. His present impression is that great evils would probably overtake this Province and its inhabitants, if, at a moment like the present when it is threatened with a financial crisis, and a war in the northern part of the Province seems imminent, the Governor, the Ministers, and many of the principal officers and

inhabitants are taken from it. He further believes, that the manner in which many of the Auckland settlers have rendered important services during this war, and the losses and suffering so many of them have undergone, will interest the entire number of the General Assembly in their behalf, and that they would therefore cheerfully submit to inconvenience rather than entail further sufferings on a Province that has undergone so much.

The evils which the Governor fears may fall on the Province of Auckland if the Governor and Ministers are at the present moment removed from it, would re-act on all New Zealand, and in many respects prove injurious to the interests of Wellington itself.

The Governor was quite taken by surprise when he yesterday afternoon received from Ministers their advice regarding the place of meeting of the General Assembly, without any prior intimation of their intention having been made to him, or without his opinion having been asked. With such momentous interests to consider, he must take longer time for reflection than Ministers wish, and he regrets therefore he cannot reply so rapidly to their question as they desire. He will endeavour to do so in the course of to-morrow.

Government House, Auckland, 12th October, 1864.

G. GREY.

No. 6.

MEMORANDUM by the GOVERNOR.

After the Governor had, yesterday, written to Ministers regarding the place of meeting of the General Assembly, he received a Memorandum in which they inform him that a great peril overhangs this portion of New Zealand; and in another Memorandum, received at a later period yesterday, they inform him that they must make immediately reductions in the Colonial forces, and that as they have not sufficient funds they have no alternative but to make these reductions, although they are quite aware of the importance in the present state of affairs of maintaining some of them.

He is further embarrassed, by Ministers advising him in some things, and declining to advise him in others. For instance: they advise him positively, in the present crisis of affairs, to call the General Assembly at Wellington, and to reduce the Colonial forces. On the first of these points they never consulted him or asked his opinion. In his belief, nothing can exercise a more important influence over the great peril, which they warn him overhangs this portion of New Zealand, than the removal of the Governor, the Ministers, the principal officers of the Government, and some of the principal inhabitants of this part of New Zealand from hence to Wellington, accompanied as this is to be by a reduction at the same time of the Colonial forces.

To advise him positively to take these two steps, which must exercise such an influence on the solution of the great difficulty which now admittedly threatens such peril to this portion of the Colony, and at the same time to tell him that the whole responsibility for its adjustment rests on him, and that they will neither relieve him from it or consent to share it with him, is, he submits, to place him in a position of the greatest possible difficulty; in no way to have consulted him on the subject previously, nor in any way to have warned him of what was to be done, has certainly increased his embarrassment.

Before proceeding further in the matter, the Governor hopes that Ministers will tell him, if the only reason which had led them to give him the advice they have tendered him, to call the General Assembly together at Wellington, is the one they have stated—the convenience of the members of the General Assembly? or whether there are other reasons of importance which he should consider at a time of such danger? He trusts they will answer these questions, for he feels he is in some degree responsible for the difficulties which have arisen from the natives leaving the Kawau, although he believes the greater part of the responsibility will be found to rest elsewhere. Hence he feels that when he is advised by Ministers that a peril from this cause overhangs this portion of New Zealand, peculiar claims rest on him to try to avert, or alleviate, or successfully meet these dangers, and that he must carefully weigh any step he takes which may in any way affect them, and he believes that in doing this rightly, and to the best of their judgment, Ministers, as well as himself, will have the support of all New Zealand.

October 13th, 1864.

G. GREY.

No. 7.

MEMORANDUM by MINISTERS.

In reply to His Excellency's question in his memorandum of this day's date relative to the place of meeting of the General Assembly, Ministers beg respectfully to state that the grounds which induced them to submit that Wellington should be the place were as follows:—

1. It appeared to Ministers that it was clearly the intention of the House of Representatives in passing the Resolution quoted by His Excellency in his memorandum of the 12th, that either Christchurch or some place in Cook's Straits should be the place of meeting.

2. That after the best enquiry they could make Ministers found that there could not be obtained at Christchurch on so short a notice accommodation either for His Excellency or buildings for the meetings of both Houses of the Assembly.

3. That at Wellington such accommodation and buildings could be had without difficulty, and nowhere else in Cook's Straits.

4. That in the event of military operations being carried on as contemplated at New Plymouth and Wanganui, Wellington would afford the most convenience for communicating with those places.

Ministers now enclose for His Excellency's information an amended proclamation fixing the day of meeting on the 21st instead of the 15th of November, and leaving the place to be determined by His Excellency. The alteration of the day has become necessary as the delay that has taken place since the former day was announced renders some additional time necessary to enable the more distant members to be present.

13th October, 1864.

FREDK. WHITAKER.

No. 8.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial memorandum of this day's date, giving the grounds which induced Ministers on the 11th instant to advise the Governor to assemble the General Assembly at Wellington, the Governor would state:—

Firstly.—On the grounds personal to himself for not calling the Assembly together at Christchurch, that he has been offered accommodation there if he requires it.

Secondly.—In reference to the contemplated military operations at Wanganui and Taranaki, the Governor would state that on the 10th instant he wrote a memorandum to Ministers, showing that in his view it was very probable that all other considerations would have to be for a time neglected to meet the great peril which they warn him overhangs this portion of New Zealand; and until he knows in what form this danger is likely to develop itself, no further military movements will be made except on the advice of Ministers, but the troops will be held ready to meet any emergency that may arise.

Government House, Auckland, 14th October, 1864.

G. GREY.

No. 9.

MEMORANDUM of the GOVERNOR.

The Governor would have preferred that in compliance with his request, Ministers could have themselves replied to the petition of the inhabitants of Auckland regarding the next place of meeting of the General Assembly; but as they see no reason to alter the views they have expressed to the Governor on this subject, he has, in compliance with their advice, caused the answer they recommended to be returned to the petitioners.

October 14th, 1864.

G. GREY.

MINUTE.—In order to save time Ministers sent a verbal message to the Private Secretary, stating that they had replied to the petitioners.

October 14th, 1864.

F. WHITAKER.

MINUTE.—The Private Secretary has inadvertently omitted to forward with His Excellency's Memorandum on the subject the letter forwarding the petition regarding the convocation of General Assembly.

October 14th 1864.

SPENCER M. MEDDLEY, A. P. Sec.

No. 10.

Correspondence on the subject of a PETITION of Inhabitants of Auckland as to the place of meeting of General Assembly.

SIR,—

Auckland, October 13, 1864.

We have the honor to place in your hands a petition, addressed by one thousand five hundred and thirty-nine inhabitants of the City of Auckland and the surrounding districts, to His Excellency Sir George Grey, K.C.B., praying His Excellency, for reasons therein set forth, that the ensuing Session of the General Assembly may be convened at Auckland; and we have to request that you will have the goodness to lay the petition before the Governor without delay.

We are, &c.,

C. F. FISHER,
C. A. HARRIS,
DAVID SHEEHAN,
HUGH COOLAHAN.

The Hon. Frederick Whitaker, &c. &c.

MINUTE.—The petition is transmitted to His Excellency, in conformity with the wishes of the petitioners.

October 13th, 1864.

FREDK. WHITAKER.

MINUTE.—The Governor requests that Ministers will advise him as to the reply he should return to this petition.

October 13th, 1864.

G. GREY.

MINUTE.—Ministers advise that His Excellency should reply, acknowledging the receipt, and informing the petitioners that their petition shall be carefully considered.

October 14th, 1864.

FREDK. WHITAKER.

MINUTE.—The Governor begs that Ministers will return the reply they propose to this Memorial, and that when they have considered it they will advise him what further action he should take.

October 14th, 1864.

G. GREY.

MINUTE.—Ministers see no reason to alter the views they have already expressed to His Excellency on this subject.

October 14th, 1864.

FREDK. WHITAKER.

[PETITION.]

To His Excellency Sir GEORGE GREY, K.C.B., Governor of the Colony of New Zealand, &c., &c.
The Petition of the Undersigned humbly sheweth—

That your Petitioners have heard with much concern that it has been proposed that the approaching session of the General Assembly shall be held elsewhere than in Auckland.

That the present grave condition of the Province of Auckland, the disquiet that has been aroused in districts previously tranquil, and the uncertainty at what moment a most critical conjuncture may arise of such a kind as to require promptness of decision, lead us earnestly to deprecate a step that would tend to remove for an indefinite period your Excellency and your responsible advisers from this Province.

That the Session of the General Assembly about to be held being a special one, convened at an unforeseen time and from unforeseen circumstances, is thereby exempt from a reasonable application of the Resolution passed by the General Assembly, during its last Session, respecting the place of meeting in the next Session; and that in consideration of the premises, your petitioners humbly and earnestly ask your Excellency to cause the approaching Session of the General Assembly to be held in the City of Auckland.

[Here follow the signatures.]

MINISTERS' REPLY to Petitioners.

GENTLEMEN,—

Auckland, 14th October, 1864.

I have the honor to acknowledge the receipt of the Petition transmitted by you to me yesterday, asking His Excellency the Governor to cause the approaching Session of the General Assembly to be held in the City of Auckland, with a request that I would lay the same before His Excellency the Governor; and I have to inform you that I have complied with your request, and that the Petition will receive careful consideration.

I have, &c.,

Messrs. C. F. Fischer, C. A. Harris, &c.

FRED. WHITAKER.

No. 11.

MEMORANDUM by MINISTERS.

Ministers beg to be permitted to inform His Excellency that the steam ship "Wellington" will leave for the South to-morrow morning, and that in their opinion the greatest public inconvenience will be caused if a Proclamation summoning the Assembly be not sent by that opportunity; Ministers trust, therefore, that His Excellency will be pleased to fill up the Proclamation transmitted to him on the 11th instant with the name of the place at which, in His Excellency's opinion, the Assembly should meet, and forward it to them for publication this morning.

17th October, 1864.

FRED. WHITAKER.

No. 12.

MEMORANDUM by the GOVERNOR.

The Governor has just received the Ministerial Memorandum of this day's date, regarding the place of meeting of the General Assembly.

On the 11th instant, Ministers advised the Governor that the place at which the Assembly ought to meet was Wellington.

At the same time they warned the Governor that a very great peril now overhangs this portion of New Zealand.

The Governor fully believed that such was the case, and shewed the danger that might result from moving at such a moment the Governor, the Ministers, and many of the chief inhabitants of this part of New Zealand from Auckland.

Ministers, however, again informed the Governor, on the 14th of October, "that they saw no reason to alter the views they had expressed to the Governor on this subject." He at first understood these expressions to apply to the answer he was to return to a Memorial which has been presented to him, but was afterwards informed they were intended to apply to the place of meeting of the Assembly.

The Governor has fully stated to Ministers his views upon the subject, and feels after the reply that he has returned to the Memorial from the inhabitants of Auckland on this subject, that it is for Ministers to inform him that they have carefully considered that Memorial, and then to advise him as to the place where the Assembly should meet; and that it would not be right in him to fill up and sign a blank Proclamation upon so important a subject.

Government House, Auckland, 17th October, 1864.

G. GREY.

No. 13.

MEMORANDUM by MINISTERS.

Ministers beg to acknowledge the receipt of His Excellency's Memorandum of this day's date, relative to the place of meeting of the General Assembly. Ministers beg to state that they have carefully considered the Memorial of some of the inhabitants of Auckland, but that it has not altered their opinion as to the place where the Assembly ought to meet.

Ministers do not participate in the feelings of alarm which His Excellency entertains at the prospect of the Governor, the Ministers, and many of the chief inhabitants of this part of New Zealand being taken away from Auckland. They believe that if Lieut.-General Sir Duncan Cameron were left behind as Deputy Governor, with the forces at his command, the North would be quite as safe in his hands as if His Excellency remained here. An additional reason for adhering to their recommendation of Wellington is found by Ministers in the fact of the Commissioners for deciding the question of the Seat of Government having decided on that place, where there is ample accommodation for holding the Session, and where it would be in accordance with the spirit of the resolution of the Assembly.

At the same time, Ministers having given this advice, beg respectfully to state that, if His Excellency still entertains the strong and decided opinion he has already expressed, they are ready,

FURTHER PAPERS ON NATIVE POLICY,

rather than that the Assembly should not be called together without a day's delay, to advise him that Auckland shall be the place of meeting, and are willing to fill up the Proclamation accordingly.

Auckland, October 17, 1864.

FRED. WHITAKER.

No. 14.

MEMORANDUM by the GOVERNOR.

The Governor has received the Ministerial memorandum of yesterday's date in which they inform him that they adhere to their recommendation of Wellington as the place of meeting of the General Assembly at the approaching Session but that rather than that the Assembly should not be called together, without a day's delay, they were ready to advise the Governor that Auckland shall be the place of meeting, and to fill up the Proclamation accordingly.

The Governor has no wish whatever to delay the meeting of the Assembly for a single day, and cannot consent to receive advice upon such an understanding as Ministers propose.

His Responsible Advisers had advised him that a very great peril overhangs this portion of New Zealand; they have this day tendered him advice regarding possible measures to be taken with reference to the Prisoners who left Kawau, which he believes will in all probability have to be taken, and which he fears will prove the commencement of a war in the north close to Auckland, which may be of a very serious character. He has expressed his views upon these subjects to Ministers, and it is for them to advise him after considering these points, where the Assembly should meet.

The Governor having stated his views will feel it to be his duty to sign the Proclamation calling the Assembly together in the form in which his Advisers may present it to him, in order that no obstacle on his part may be thrown in the way of the convenience of members of the General Assembly.

But he feels that he himself owes a duty to the Colony and to the Imperial Government, in the event of this part of the Colony being in a state of great peril, which would prevent him absenting himself from it at such a time. He hopes this great danger may have passed before the Assembly meets, but he does not at this moment see much chance of such being the case.

Government House, Auckland, 18th October, 1864.

G. GREY.

No. 15.

MEMORANDUM by MINISTERS.

In reply to His Excellency's Memorandum just received, Ministers beg respectfully to state, that they consider the presence of the Governor at the place where the Houses of Assembly will hold their sittings as indispensable; and they therefore respectfully advise His Excellency to sign the proclamation now transmitted, appointing the Assembly to meet at Auckland, on Monday, the 21st of November next.

Auckland, 18th October, 1864.

F. WHITAKER.

No. 16.

MEMORANDUM by the GOVERNOR.

The Governor, in conformity with the advice of Ministers, has signed the proclamation calling the General Assembly together at Auckland, on the 21st day of November next,—and herewith returns it to them.

October 18th, 1864.

G. GREY.

FURTHER PAPERS ON CONFISCATION.

No. 1.

MEMORANDUM by the GOVERNOR.

The Governor, observing in a Ministerial Memorandum of yesterday's date, that it is stated that the Governor alone can confiscate the prisoners' land, requests that the opinion of the Attorney-General may be taken as to whether the Governor of this Colony has the power of confiscating land; and if so, under what law he has that power.

October 15th, 1864.

G. GREY.

No. 2.

MEMORANDUM by the ATTORNEY GENERAL.

In reply to the question put by His Excellency, in his Memorandum of this day's date, as to whether the Governor of this Colony has the power of confiscating land, and if so, under what law he has that power? I have the honor to state that in my opinion he has the power in certain cases of confiscating, or perhaps to speak more accurately, of taking land without payment or compensation, and that that power is given by "The New Zealand Settlements Act, 1863."

15th October, 1864.

FRED. WHITAKER, Attorney-General.

FURTHER PAPERS ON MINISTERIAL RESPONSIBILITY.

No. 1.

MEMORANDUM by MINISTERS.

In His Excellency's Memorandum of October 13th, he states that he is "embarrassed by Ministers advising him in some things and declining to advise him in others;" and as instances His Excellency

quotes two cases in which Ministers tendered him their advice, but he does not quote any instances in which Ministers declined to advise him, nor are they aware that it is possible to quote one. On the other hand, Ministers could quote various instances of the Governor declining to take their advice when it has been tendered. To so great an extent has this practice on the part of His Excellency gone that Ministers feel it is now out of their power practically to carry out their views, theirs and the Governor's being diametrically opposed. The course adopted by Ministers for months has been an endeavour, by tendering advice, to secure the carrying out of the policy which was affirmed by the Assembly—to which they are pledged—and which they believe to be as applicable to the present circumstances of the country, as they did when they proposed it to the Legislature during the last Session. The advice which they have given His Excellency on this point he has declined to follow.

Believing that the rebel natives are far from being submissive—that they have not such a conviction of our strength as to render peace well-founded and lasting—that they are as desirous as ever of driving Europeans from this part of the North Island, and plundering the settlements, Ministers have been of opinion all along that any delay caused by attempting to obtain land from them by cession would be regarded as an act of weakness and indecision on our part, and would be attended not only with no good results, but would be productive of evil in two ways; first by retarding the settlement of the country and continuing expenses which press heavily on the Colony; secondly, by affording the natives time after the defeats they have sustained to regain strength and hope, and so to prolong the war indefinitely.

On these questions of great importance the Governor has differed from Ministers. In the hands of the Governor is all the power; he alone can move troops; he alone can confiscate; he alone has the fate of prisoners in his hands. Ministers are really powerless. They felt under such circumstances, and with the Governor's expressed opinion that they were prolonging the war, that but one course was open to them, that of resigning their offices, after every attempt on their part had failed to induce the Governor to carry out that line of policy which in November last the Assembly understood to be His Excellency's own, and the only one which in his belief really grappled with the existing state of affairs.

The resignations of Ministers have not been accepted, nor has the Governor favoured them with his intentions on the subject. They have felt it their duty to hold office until time has been given for the appointment of their successors. They felt also that under such circumstances, as a rule, they ought not to, and would not be called on to advise on questions of policy. There were, however, some matters of pressing importance, which as far as they knew were not occupying the attention of the Governor. Upon these, in the interests of the Colony generally, they ventured to tender advice, after stating the reasons which induced them to take a course admitted by them to be unusual. They have not in any instance declined to advise the Governor when asked, since the date of their resignations.

They feel, however, strongly, that no advice of theirs can now be of any use. To carry on the Government of the country with effect at the present juncture the views of the Governor and his Ministers must be in unison. The views of the Governor and his Ministers are, upon material points, in direct opposition, and they feel strongly that as Ministers they have ceased to possess any influence whatever. For the Governor to continue asking advice of men who differ so materially from him in opinion upon all the subjects on which he can require their advice seems to them to be unconstitutional and useless. Such a course cannot be in accordance with the interests of the public service, and merely serves to swell the already enormous file of Despatches and Minutes. This, however, is not Government; it is not the work in which practical men of business can be engaged, and it can only add to the difficulties of the present situation.

Ministers are most willing to do all in their power to carry on the business of the country, and are desirous above all things not to embarrass the Governor. Unless, therefore, His Excellency is prepared to relieve them, they will, should His Excellency desire it, continue to conduct the ordinary business of their offices until the meeting of the Assembly, in November next, and give His Excellency all the official assistance in their power, they will also give advice whenever His Excellency may be pleased to desire it, though they cannot see what practical advantage can ensue, as Ministers and His Excellency differ on the most essential points of policy, and in their opinion the action produced by divided councils cannot fail to be both weak and mischievous.

Auckland, October 14, 1864.

F. WHITAKER.

No. 2.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial Memorandum of the 14th instant on the subject of the Governor's declining in various instances to take the advice that Ministers have tendered to him, the Governor would state that he does not view the matter in the same light that they do. He believes that in the majority of cases in which he declined to act upon their advice, he did so because they advised him to do that which was contrary to law or to equity, and that it would have been no excuse for him in such cases to have alleged that he had acted on their advice, for all persons would have held him responsible for what he did as he believes it can be conclusively shown in such cases as he alludes to, that if he had done that which Ministers advised him to do, he would have done that which was wrong, and contrary to the enactments of the General Assembly. He presumes that such acts on his part, had he done them, would not have been in accordance with the Policy of the Assembly.

If Ministers thought, on any of the occasions to which they allude, that the Governor in declining to follow their advice was preventing them from carrying out the Policy which was affirmed by the Assembly, and to which they were pledged, the Governor submits that the constitutional course would have been upon any such occasion to have resigned. The finances of the Colony were then in a good state, and the Governor thinks that in the event of Ministers having resigned on any of the questions to which he alludes, he could (although necessarily after considerable delay) have found a Ministry which would have agreed with him, that the views he held were in accordance with the legislation of the General Assembly, and which could have satisfactorily conducted the public business.

The Governor of course cannot tell what are all the cases to which Ministers allude, he can only say that in many cases he has acted contrary to his own feelings and wishes in taking their advice, from a desire of avoiding all difficulties with them, and that in all ordinary matters of administration of the affairs of the Colony, he has never once declined to act on their advice, and has, he believes been far less consulted upon such matters, than the Governor usual is in countries where responsible Government prevails.

In the recent instance in which he sought for time to consider their advice, Ministers without the least previous intimation of their intention, advised him to call the General Assembly at Wellington, at the very moment that they warned him that a very great peril was overhanging this part of the colony. He cannot think that it can be deemed unreasonable that under such circumstances he sought for time to consider what he should do.

As to any delay in carrying out what the Governor believes to have been the intentions of the Assembly, as those are to be gathered from their enactments, the Governor believes he is not responsible for this delay. For example had the Proclamation he wished to issue on the 6th of September last been issued at that date, he thinks that the whole aspect of the country would have been quite different from that which is now the case, and that after the 22nd day of this month, his way would in many respects have been quite clear.

The Governor most sincerely thanks Ministers for the expression of their willingness to do their utmost to carry on the business of the country until the Assembly meets. He will in every way in his power aid them in this task. Whenever he thinks it requisite to ask for their advice he will apply to them for it, but he trusts that they will tender it to him at all times they may think it necessary to do so, and he will in all cases carefully consider their advice, for he can assure Ministers that he is quite as anxious as they are that a settlement of the existing difficulties should be come to, and nothing that has passed shall prevent him from co-operating with them in the most cordial and friendly spirit to obtain this end, so long as they hold office.

Government House, Auckland, 17th October, 1864.

G. GREY.

No. 3.

MEMORANDUM by MINISTERS.

In His Excellency's Memorandum of the 17th, in reply to a Memorandum from his Ministers dated the 14th instant, His Excellency is pleased to state that "he believes that in the majority of cases in which he declined to act upon their advice he did so because they advised him to do that which was contrary to law or to equity," and that His Excellency believes "it can be conclusively shewn in such cases as he alludes to that if he had done that which Ministers advised him to do he would have done that which was wrong and contrary to the enactments of the General Assembly."

Ministers beg most respectfully to appeal to His Excellency's sense of justice to state to them the instances to which he refers when he states that "they advised him to do that which was contrary to law or equity," or "contrary to the enactments of the General Assembly." Ministers regret to have to ask His Excellency to take this trouble, but they feel themselves entirely at a loss on the subject, and they trust that His Excellency will excuse their anxiety in consideration of the gravity of the charges made against them.

It is quite true, as His Excellency observes, that it was competent for Ministers to have resigned on any occasion on which he declined to follow their advice, and perhaps it is to be regretted that they did not do so, but they from time to time were led on by the hope that the differences between His Excellency and themselves would be cleared away by the concessions on their part.

With respect to the Finance, Ministers conceive that His Excellency is under a misapprehension. Ever since the last Session of the Assembly no change with the exception of that presently referred to has taken place which ought to or would affect the question of His Excellency being enabled to obtain a new Ministry. It was then clear that the money required for the suppression of the rebellion and for the settlement of the country must be raised under the Loan Act, there was no other resource to look to except the sale of lands under the New Zealand Settlements Act. Unfortunately delay has taken place in realising the loan, and the sales of land have not been effected in consequence of the course taken by His Excellency. The first would necessarily have been an element in the calculation of any gentlemen about to undertake the duties of the Government, but it must be admitted that the latter could not have been anticipated.

In the recent instances to which His Excellency refers, as having taken time to consider the advice of His Ministers, they made no complaint, and did not think it unreasonable; but they certainly have never understood that His Excellency expected that previously to Ministers tendering him advice on any subject that they should intimate to him their intention to do so, nor do they see any advantage that could arise from so unusual a course.

With regard to the Proclamation, of which His Excellency transmitted an imperfect draft, on the 6th of September, for the consideration of Ministers, they have ever been ready, and have so assured His Excellency, to afford every facility for its publication in the Government Gazette, but they certainly declined to concur in what they believed would be considered by the natives as an additional proof of that vacillation and weakness which has already produced so much contempt, and was therefore, in their opinion, calculated to do still further mischief.

In December last Ministers felt the force of His Excellency's remarks upon offering terms to the rebels, and Ministers still think that the following passage in His Excellency's Memorandum, of the 12th December, 1863, deserves careful consideration:—

"The Governor thinks that any terms with the Natives in arms, which are agreed upon without having been first earnestly solicited by them, and which might, from any action on the part of the Government, appear to have sprung from overtures made by the Government, might prove only temporary and delusive, and might result in a renewed struggle between the two races, at a time when we are less prepared for it than now. He would not for one moment refuse to accept the submission of

the Natives when sincerely offered, and he would let them know this if necessary; but he believes they do know it. On the other hand he would not take any step whatever which could possibly lead the Natives to believe that he was trying to gain them over to tender their submission to the Government. He wishes this to spring from themselves, and that the acceptance of their offer of submission, when made, should be regarded by them as a boon accorded to them, for which they have reason to be grateful to Government, from whom they have sought this advantage."

But Ministers do not understand how the proposed Proclamation, of the 6th of September, could have lessened (as His Excellency seems to think in his Memorandum of the 17th inst.) the delay that has taken place in carrying out the enactments of the General Assembly. On the contrary, it was to have the effect of further postponing any satisfactory action under the New Zealand Settlements Act for upwards of six weeks, and His Excellency refused to promise that something should be done even at the end of that time. Moreover, it was not in September or October that effect should have been given to the enactments of the General Assembly, but in April and May last, when Ministers pressed it and His Excellency refused. For the most mischievous delay that has taken place His Excellency is solely responsible.

Auckland, 20th October, 1864.

F. WHITAKER.

No. 4.

MEMORANDUM by the GOVERNOR.

In the Ministerial memorandum of the 20th instant, it is stated that the Governor has made grave charges against his ministers, in alleging that they have in some instances advised him to do that which was contrary to law or equity, or contrary to the enactment of the General Assembly, and ministers consequently beg the Governor to state to them the instances to which he refers.

The Governor begs to say in reply that he thinks the matter is misunderstood, and that he cannot in justice be said to be making grave charges against his Responsible Advisers, or be asked to be the first to make further explanations on the subject.

In their memorandum of the 14th instant the Governor understood Ministers to make serious complaints against him in saying, that by declining in various instances to take advice which they had tendered him, he had prevented them from carrying out the policy to which they were pledged, and which had been affirmed by the Assembly.

In defending himself against this complaint, the Governor stated, that he believed that at least in the majority of instances in which he had declined to take their advice, he did so because they advised him to do that which was contrary to law or to equity, and that it would have been no excuse for him in such cases to have alleged that he had acted on their advice.

He said this in his own defence, and to give a reason for his conduct, as he thinks he was authorized to do, and with no wish to make any charges against his Responsible Advisers.

October 25th, 1864.

G. GREY.

No. 5.

MEMORANDUM by MINISTERS.

Ministers have received His Excellency's memorandum of the 25th in reply to their memoranda of the 14th instant.

His Excellency states that he thinks the matter—the subject of Ministers' memorandum—is misunderstood. Whatever misunderstanding there may be on either side, Ministers submit that these facts are at all events clearly established:—

1. That in various instances the Governor has declined to take advice which Ministers have tendered to him.

2. That His Excellency has stated that the grounds on which he so declined were "that he believed that in a majority of instances he did so because they advised him to do that which was *contrary to Law or to Equity*."

3. That Ministers have asked His Excellency to state the instances in which they have advised him to do that which was *contrary to Law or Equity*, and he has refused to do so.

Ministers felt that an accusation against them of advising that which was contrary to Law or Equity was a grave charge; and they respectfully requested His Excellency to particularise the instances, because it would have afforded them an opportunity of defending themselves. This being refused, Ministers can only meet what they consider a grave charge in the same general terms as those in which it has been made. They believe that they have not given advice contrary to Law or Equity, and that they should be able to show this conclusively if they had the opportunity.

27th October, 1864.

FREDK. WHITAKER.

MEMORANDUM by MINISTERS on the subject of Despatch from Sir G. GREY to the SECRETARY OF STATE (dated 7th October, 1864).

Ministers feel that His Excellency's Despatch to Her Majesty's Secretary of State of the 7th of October, requires some explanation and observations from them.

In reference to that portion of the Despatch in which His Excellency states that Ministers delayed their answer to his memorandum of the 14th of September until the return of Mr. Wood from England on the 20th of September, when news was received that he had failed to negotiate the loan, although the Governor had asked for a reply to the question put in his memorandum of the 14th, as soon as they could conveniently give it. Ministers would observe that they did not understand from the concluding paragraph of His Excellency's memorandum in question that he was desirous of having a speedy reply to his question, but on the contrary they felt that, as he stated it was not his intention to publish the proclamation immediately, and as he was absent at Kawan, that he did not desire an immediate reply, or they certainly would have given him one.

Immediately, however, on the receipt of His Excellency's memorandum they proceeded to consider it in all its bearings, and as matters of great consequence were involved, they desired to give it full and earnest consideration. On the 18th of September Ministers' memorandum dated 22nd was written, was copied for transmission to His Excellency on the 19th, and that copy was forwarded to His Excellency without the alteration of a word except the date. Ministers beg further to add that their decision as to the course they would pursue was formed without any reference whatever to financial considerations.

The delay that took place in forwarding the memorandum to His Excellency, arose in consequence of the unexpected arrival of Mr. Reader Wood, by the mail arriving on the 20th of September, two days before the appointed time. At his suggestion the memorandum was delayed till the 22nd to give them time to read the papers connected with the subject, and either acquiesce or not as he might think right in the decision his colleagues had arrived at. Ministers therefore submit, that they cannot fairly be charged with unreasonable delay in giving His Excellency their reply. Four days was certainly not too long a time to consider so important a subject, nor can Mr. Wood's demand of two days—practically one—be deemed unreasonable to read the correspondence and make up his mind. Ministers regret exceedingly that His Excellency should officially, by implication at least if not directly, accuse them of basing their resignation on false grounds, and they regret still more that His Excellency should have deemed it compatible with his position to state verbally to his friends, as they believe that he has, that the sole ground of Ministers' resignation was the prospect of financial embarrassment. Whatever other faults Ministers may be charged with, they at least claim to themselves the credit of speaking the truth.

Ministers can conceive no ground of resignation more constitutional and proper than that which induced them to resign, viz., the expressed opinion of the Queen's Representative that they were prolonging the war and closing the avenues of peace (tantamount as it was to an expression of want of confidence), and the firm conviction on the minds of Ministers that they could no longer carry on the public business with honour to themselves or with advantage to the Colony.

As regards finance, Ministers would observe that they were taken by surprise by His Excellency's Memorandum of the 30th September. The course which His Excellency adopted was unprecedented. Some one or other of the members of the present Government have held office in every Government since the establishment of Responsibility in 1856, and they are able to state that no such demand as that made by His Excellency has ever been made before. When Mr. Domett's Government resigned in 1863, the Colony was then in a state of financial difficulty. War had suddenly broken out, without any provision having been made by the Legislature for the necessary expenditure thereby entailed, and that expenditure had to be met by the last resource—viz., by advances from the Commissariat chest; and yet, on that occasion, no demand for a financial statement to shew to any person who might express his readiness to take office was made by His Excellency, nor did the present Ministers, who succeeded Mr. Domett's Government, require anything of the kind. And Ministers beg to be permitted to add that in their opinion, the greater the difficulties, the more incumbent it is on men whom the occasion, requires to lend their assistance to the public service.

From His Excellency's first minute of the 30th September, Ministers were really unaware of what it was precisely that His Excellency required. They knew that the permanent officers of the Treasury could give every information to an incoming Government, and they knew that no such information had been given to them, and that they had never been called on before to supply information to any except to the Governor personally and to the Colonial Assembly, to whom Ministers are responsible. They, however, at once furnished in detail what they thought was required, viz., the particulars of the arrangement with the Bank of New Zealand for supplying the Government with funds; but at the same time they stated, that they thought, as they still think, that such arrangements should not be made public, but, to avoid the possibility of complaint, they expressed their wish to leave it to His Excellency's discretion to make whatever use he thought fit of the documents they furnished; and when His Excellency became more precise in his inquiries, they gave him at once that for which he asked. Ministers therefore submit that His Excellency had no grounds for the following statement made to the Secretary of State:—"The difficulties in my way of forming a Ministry will be considerably increased from Ministers having advised me, as you will see from the enclosures to this Despatch, that they do not think, in the present state of things, I ought to supply information as to the financial condition of the Colony to any person who may profess a willingness to accept office." Ministers are placed in this unfortunate position: the Governor rejects their advice whenever he thinks fit, and makes it appear, at other times, that he is suffering a species of martyrdom from the way in which he would have it supposed that he was bound by the smallest expression of their opinion.

His Excellency states that he fears he should get no one to accept office who was not first made fully acquainted with the financial difficulties he would have to meet, and as no returns of revenue and expenditure have recently been published there are no means of acquiring such information except from the return and statement His Excellency has now received. The accounts of the Colony and all returns of revenue and expenditure have, since the commencement of the war, been published in precisely the same manner as previously, and in no instance whatever has financial information been denied to His Excellency whenever he has required it.

During the last session of the Assembly an Act was passed authorising the Government to raise a loan of £3,000,000 to meet the war expenditure then going on and authorised, and to repay advances and other debts due to the Imperial Government. This loan was placed upon the open market in London by Messrs. Julyan and Sargeant, the agents for these Colonies, to whom Mr. Wood was introduced by His Excellency, but here a combination of circumstances over which no member of the New Zealand Government had any control—namely, the high rate of interest ruling in England at the time, and the disastrous accounts of the military operations which reached London a week before the tenders were opened—it is true that the loan did not sell; but His Excellency would see from the correspondence forwarded to him that all means were taken by the agents for the negotiation of the loan, and all power given to Messrs. Julyan and Sargeant to enable them to raise money upon the

security of the New Zealand Debentures to prevent the very difficulties arising which His Excellency says a new Government would have to meet. Supposing the difficulties which the Governor anticipates did arise, another Government would have precisely the same means of meeting them that this Government has, and this Government the same means that another would have and no other—the means, in fact, provided by the Colonial Legislature—means which Ministers are sure will sooner or later be realized, and all difficulty in respect of which will in all probability be avoided by the agents-general hypothecating the debentures till later news from this country revives its credit. In the meantime, and until later advices were received, Ministers had made arrangements to meet all current expenditure, and if the advice of Ministers had been followed, and land taken from the rebels had been available as a security, Ministers feel assured that no difficulty whatever would have been felt in making further arrangements that any delay in the negotiation of the debentures might render necessary.

It does not appear, at least as far as Ministers are aware, that His Excellency has made any attempt to form a new Government. The financial difficulty, in the opinion of Ministers, is not the real one, but a more formidable difficulty has to be encountered. The policy affirmed by the Legislature during its last session by large majorities, in both Houses, has not been carried out. His Excellency has, in opposition to the advice of his Ministers, frequently given, refused to carry it out. Ministers have advised in vain. They have done their part in endeavouring to carry out the expressed will of the Legislature; they have advised the confiscation of certain lands belonging to rebel natives, they have advised the establishment of a defensible frontier line which General Sir D. Cameron says is a good one, they have obtained a large body of military settlers, and have made arrangements for emigration. The Governor has refused to follow their advice in reference to the confiscation of rebel territory; he has refused their advice as to the frontier line, and, as a consequence, the arrangement made with His Excellency's sanction for the military settlers and emigrants cannot be carried out. Political difficulties arising out of the action of His Excellency are, in the opinion of Ministers, more likely to stand in the way of his forming a new Ministry than a mere temporary failure in the negotiation of a loan.

Ministers, however, are not blind to the fact that financial difficulties of a very serious nature are impending. In May last, Ministers, in their Memorandum of May 30th, brought this subject under His Excellency's notice. The Legislature agreed to raising a loan for war and emigration purposes because they saw their way, if these views were fairly carried out, to a final settlement of all native difficulties without entailing an expenditure beyond that which the Colony could bear. In May last, after the abandonment of Mangatauri by the rebels, Ministers advised the Governor to issue a proclamation confiscating a portion of the territory of the natives who had been engaged in the rebellion, and the immediate location of military settlers thereon. Had this been done the war expenditure would by this time have been much reduced, and the natives would have seen that we were in earnest. As it is, a large expenditure has been going on solely in consequence of His Excellency's refusal to be guided by the advice of his Ministers. The Colony cannot bear this drain long. Ministers advised His Excellency, in May, that financial embarrassment must be the result of the course he was pursuing, and if it should occur the Colony will be fully relieved of responsibility in the matter. Against the advice of Ministers, the Governor has been wasting time in the hope of obtaining territory from natives by cession; who are themselves hoping to retake from us all that is in our possession. The whole tone and tenor of the Governor's despatch appears to be to throw blame on his Ministers for the difficulties that at present exist, and to produce the impression that they are desirous of evading the responsibilities which fairly attach to their position. Against this Ministers protest. They believe that had their advice been followed—advice in strict conformity with the policy affirmed by the Legislature—the rebellion would by this time have been substantially at an end; the Waikato lands would have been usefully occupied—many of the natives now in arms and ready to renew the war would have submitted, and been quietly living on land held there under the tenure of Crown grants—the escaped prisoners now causing us so much trouble and anxiety would probably have already received a pardon, and returned to live in Waikato as peaceable subjects of Her Majesty—there would have been abundance of land for the emigrants now arriving, and for sale to agriculturists and capitalists—the finances of the country would have been relieved, and general confidence in the future would prevail. The course which the Governor has taken has rendered all this for the present impossible, and Ministers are bound to confess that they feel the greatest anxiety for the future.

20th October, 1864.

FRED. WHITAKER.

MEMORANDUM by MINISTERS.

In transmitting to Ministers Colonel Pitt's letter of the 15th inst., with the enclosures, they presume that the object His Excellency has in view is that they should express their opinions upon the points on which Colonel Warre asks for instructions. Ministers, therefore, state that in their opinion:

1. Paora, a spy, should be kept in custody.
2. That the submission of Maoris willing to surrender should be accepted.
3. That Moore, if there be suspicious circumstances to justify it, should be detained in custody.
4. That Colonel Warre should be authorised to attack the rebels on any occasion in which it appears to him he can do so with advantage and success.

17th October, 1864.

T. RUSSELL.

MEMORANDUM by MINISTERS relative to Movements of Escaped Prisoners

Adverting to the native letter, Ministers have just sent to the Governor, warning the Government that Thompson's attempts to bring about peace have failed, and that an attack on Ngaruawahia (probably some of our posts on the Waikato) will be made in December, the Governor now transmits a letter containing warnings to the same effect, which he has just received from Patene Puhata. A few

days since secret information to the same effect was given to the Governor, but the time then named for a renewed attempt at a general rising was stated to be January, and he was not certain what dependance could be placed on this information, and waited to hear was it confirmed from other sources.

The Governor's impression now is, that the Native Prisoners quitted the Kawau as a part of this plan. He fears their object is to distract our attention from Waikato by raising disturbances in the North, and that the several devices that they have had recourse to for the purpose of gaining delay all point to their desire that disturbances should not break out too soon in the North, or until their preparations were completed in the South. To solve this point, which is a most important one to know, the Governor thinks that if Ministers intend to offer to allow the prisoners to return to Waikato, they should do so at once. If they decline this offer, there is then strong presumptive evidence that the escaped prisoners are mixed up in the present plot; and not an hour should be lost in hurrying on preparations to meet the threatening danger. Since the Governor has feared danger in the North, the Lieut. General has been making arrangements to have a force in hand to meet any contingency that may arise.

The Governor transmits another letter, which he received from Captain Cooper late on Saturday, which bears on this subject.

October 17th, 1864.

G. GREY.

Enclosure to above.

Sir,—

Orewa, 14th October, 1864.

I beg to offer for your Excellency's further information the following remarks relative to my communication with the natives who have escaped from Kawau, and the settlers at Matakana and Omaha.

I am of opinion that the natives are making their naturally strong position stronger every day, and that they have considerable support from the Northern Maories; and if they remain where they are, they will very probably involve the Northern tribes in their wars with us. Northern natives have supplied them with arms and ammunition, corn and potatoes; they are very careful of their flour, and getting all they can into their pa. Most of them now live on corn, with which they are well provided. I have been told they have plenty of potatoes, and are planting them in rear of their position.

I am under a strong impression that the Northern and Kaipara natives, who have visited them nominally to persuade them to leave the pa, have taken little if any means to accomplish that object, and, if they visited them with that intention, have in most cases been talked over to different views. Therefore I consider that Northern natives in Government pay should, as a rule, be directed not to communicate with them, and to prevent other natives under their control from doing so; and if they are allowed to remain in their position, it is better they should be supplied with food by the Government, and that some European officer should superintend its issue, remaining at Mr. Meicklejohn's house.

The leading men at the pa told me their people had not committed the depredations on the settlers of which I accused them, particularly for having threatened Mrs Sankey with a pistol; and they requested me to speak to the woman, and I told them I would do so. They admitted they had shot two head of cattle, but they were bush cattle.

I subsequently visited Mrs Sankey, and she told me two Maories threatened her with a loaded pistol, while two others took potatoes from her store.

Mr. Waring also told me they had stolen four pairs of boots, a rod for cleaning guns, and some other things, from his house; and he says he saw them do it.

I carefully pointed out to the Maories at the pa their bad conduct in running away from the Kawau; and that, if they did not accept the favourable conditions of your Excellency at once, *that theirs would be the fault whatever after-steps might be taken*; that their remaining on Mount Hamilton was a cause for trouble; that even if they remained there without molesting the settlers, trouble might arise, by other natives doing evil for which they would get the credit.

I found all argument useless, either at their public meetings or at night in their private houses. One of them said to me, "You have come to-day, and you know the Governor will send soldiers to-morrow." I replied, "I don't know; but if he does, the fault is yours if you remain."

I conceive they are acting in concert with some of the Northern people as well as with their own people, and *they believe the war will eventually become general, and desire it to be so.*

They are well acquainted with what is going on among ourselves and their own people; they even know that the Colony will have soon to pay £40 per annum for each soldier retained in the Island, and quite understand the advantages of delay, to gain time to strengthen their positions even over other tribes, and allow the resources of the Colony to be wasted in an unprofitable military expenditure.

They will not believe that the land south of Waitara is given up, or that William Thompson is trying to make peace; they say there will be war all over the Island whatever Thompson may do, even if he is suing to make peace, which they don't believe.

The natives who tell your Excellency that Waikato desires to go to Waihaion, Mahurangi, or any place, deceive you; they will only, with their own consent, remain where they are, and say they will remain quiet if let alone; but this is, I believe, only to gain time, strengthen their position, and win over other tribes.

Whatever action your Excellency may purpose to take, I venture to suggest that you act quickly, and previous to acting allow no one to know your intentions, as the safety of the settlers depends on this, and I am fully sure that all the natives employed by Government make all movements connected with the natives known as soon as they know them; and whatever they do, either for your Excellency or the Government is done for the love of money, not for the love of those who employ them, or the Europeans.

I have, &c.,

His Excellency Sir G. Grey, K.C.B.

J. R. COOPER.

MEMORANDUM by MINISTERS in reply to foregoing.

Ministers beg to acknowledge His Excellency's Memorandum of the 17th instant, expressing His opinion that a plot exists among the Natives to effect a general rising, and that the escape of the prisoners from Kawau was a part of it.

Ministers have not concurred in His Excellency's views as to the inclination of William Thompson and other Natives to make peace, which have formed the subject of very recent communication from His Excellency to Ministers and to the Secretary of State; nor do they now concur in his belief that a plot exists for a general rising. The evidence for the latter seems to Ministers quite as insufficient as that previously adduced in favour of the former position.

Ministers believe the position of the Natives at this moment to be this. The result of the campaign of last summer, terminating in the evacuation of Maungatautari; the decisive actions of Te Ranga, Orakau, Ma'ah, and Moutua (Wanganui); together with the occupation by our forces of nearly the whole of Waikato, properly so called, did undoubtedly go far to quell the rebellion and break the bond of union which held the disaffected Natives together: and had these events been promptly followed up by confiscation of part of the rebel territories, as originally recommended by His Excellency, affording evidence of our determination, Ministers believe that the finishing stroke would have been put to the rebellion, and that with the exception of probably a very brief campaign between Taranaki and Wanganui, no further occasion would have existed for the employment of Her Majesty's forces.

But the vacillation which has been allowed for several months to supersede the previous action, and the knowledge which the Natives have obtained of the view taken in England of the struggle going on, and of the intention of Her Majesty's Government—particularly of the proposal to substitute a voluntary cession for confiscation; as well as of the serious differences existing between His Excellency and his Ministers, have given renewed vigour to the rebel cause and may probably incite them to a renewal of hostilities, which but for the stimulus so given would have been at an end. As a proof of this, circumstances were such a short time ago as to induce His Excellency to report our position in Waikato as a recognized cession to us of the district by the Natives. Now these very Natives are threatening to recapture Waikato, to restore their King to Ngaruawahia, and drive us back to our old lines.

Still the King cause is so far crushed, the union of tribes so broken up, and so much wholesome dread of our arms has been instilled, that Ministers do not believe that any such concerted plan of action, or anything which can fairly be designated a plot for a general rising, exists. Least of all do they think that there is evidence of any such combination among the tribes North of Auckland, although the presence of the escaped prisoners in that district affords a very obvious rallying point for any disaffected sections of tribes or individuals there may be; and unless promptly and judiciously dealt with may lead to very serious disasters.

October 18th, 1864.

W. Fox.

MEMORANDUM by the GOVERNOR.

There is one part of the Ministerial Memorandum of this day's date on the subject of the present state of the country on which the Governor ought perhaps to remark, without, by refraining from saying more, either admitting that they justly represent his views or that he coincides in theirs; but he ought not to withhold from them that it is still his opinion, founded on what he believes to be good ground, that William Thompson and other natives with him are sincerely desirous at the present time of making peace, and of separating themselves from those natives who are preparing for renewed disturbances.

Government House, Auckland, 18th October, 1864.

G. GREY.

MEMORANDUM by MINISTERS on SECRETARY OF STATE'S Despatch, 20th August, 1864.

Her Majesty's Secretary of State for the Colonies in his Despatch of the 20th of August refers to an assurance given by Mr. Reader Wood when in England, "that the Local Government will cordially co-operate with Sir George Grey in carrying out that just and temperate policy toward the native race embodied in the New Zealand Settlements Act, as limited in its operation by his (the Secretary of State's) instructions of April 26th;" and adds that Mr. Wood's reply "was perfectly satisfactory and complete in this respect." Ministers would regret exceedingly if Her Majesty's Secretary of State should come to the conclusion that Mr. Wood's assurance was not fully assented to by them. Ministers have always earnestly desired and endeavoured to co-operate cordially with His Excellency, and with that object have time after time modified and in some instances altogether abandoned their own views to meet those of the Governor. In the matter of the Proclamation referred to by the Secretary of State in his Despatch, they have assented to several different forms of proclamation to conform, if possible, to His Excellency's wishes, and on more than one occasion have given up their intention of issuing a Proclamation in deference to His Excellency's opinion. When Mr. Wood on behalf of Ministers expressed his readiness to co-operate cordially with the Governor, it was to carry out a clear and definite policy which was well understood, and which Mr. Wood had the honour to explain personally to Mr. Cardwell; but Mr. Wood, as is clear from his language, had no intention of pledging himself or them to anything so absurd as that Ministers would change their mind and policy whenever Sir George Grey might think fit to set the example by taking such a course. Of all the difficulties that Ministers have had to contend with since they accepted office, one of the greatest has been the Governor's vacillation and infirmity of purpose. So complete indeed in some matters of the

first importance has been His Excellency's change of opinion, that the best arguments to be found against him are in his own previous writings. The strongest desire for co-operation has found it difficult to follow so tortuous a course. Ministers have sacrificed much in their efforts to do so, and ceased only when it became evident that to continue, necessarily involved the abandonment of a policy which they firmly believed to be consistent, wise, and just. For co-operation there must be mutuality. Ministers could not co-operate with the Governor if he would not co-operate with them. They have been as anxious as His Excellency or the Secretary of State could be to act with justice and generosity toward the native race, and they have been above all things anxious to bring the war to a conclusion and secure a just and lasting peace. But instead of co-operation on the part of His Excellency, they have been met by ingenious excuses for opposition to their views,—much of His Excellency's time has been devoted to endeavour to make out cases against them, and he has spared no pains to put the worst possible complexion on their acts and propositions.

When Ministers found themselves unable to follow His Excellency in his changes, they did not seek to throw obstacles in the way of His Excellency's carrying out his own views, but they at once placed their resignations in His Excellency's hands, and since then they have used their best endeavours to assist His Excellency in carrying on the public business, though they have personally felt the greatest desire to be relieved from the extremely unpleasant position in which His Excellency's conduct towards them has placed them.

Ministers believe that in consequence of the misrepresentation of their views, and the delay in the transmission of papers necessary for their justification, that disappointment and even indignation may for a time be felt in England, but they believe also that when the facts become fully known and appreciated, that justice will be done both to Ministers and the Colony; and for the present they must be content to trust to that impartial consideration which fair play will ultimately secure to remove feelings which imperfect information and misrepresentation may have unhappily produced.

November 2nd, 1864.

FREDK. WHITAKER.

MEMORANDUM by MINISTERS as to their Resignations.

On the 30th September, Ministers transmitted to His Excellency their resignations of their offices, but as yet they have received no direct reply. It would appear from what His Excellency has since said and written, that His Excellency either felt or contemplated some difficulty in obtaining a new Ministry in consequence of financial embarrassments which he expected to ensue. As the intelligence by the Mail removes all difficulty, real or supposed, on this ground, Ministers trust that His Excellency will be prepared to relieve them without any further delay, as they feel that having regard to their present relations with His Excellency, they are unable to conduct the public business in a satisfactory manner; and they are particularly desirous of not being even apparently parties to a course of proceeding by His Excellency which, in their opinion, must sooner or later end in embarrassment and disaster.

24th October, 1864.

FREDK. WHITAKER.

MEMORANDUM by the GOVERNOR on the subject of formation of new Ministry.

The Governor has carefully considered the Ministerial Memorandum of the 24th inst., in which his Responsible Advisers request that the Governor will relieve them of their offices without any further delay.

On the 8th inst. Ministers advised the Governor that the General Assembly should be called to meet not later than the 15th day of November next. The Governor was about himself to request that this course should be taken, he therefore at once acquiesced in their advice.

On the 14th of October Ministers wrote to the Governor as follows:—"Ministers are most willing to do all in their power to carry on the business of the country, and are anxious above all things not to embarrass the Governor. Unless, therefore, His Excellency is prepared to relieve them, they will, should His Excellency desire it, continue to conduct the ordinary business of their offices until the meeting of the Assembly, in November next, and give His Excellency all the official assistance in their power."

Ministers also promised some time since to have the whole of the correspondence between the Governor and themselves at once printed, a proceeding which, after the misrepresentations which have got abroad, would, in his belief, have very much facilitated the formation of a Ministry.

The Governor, acting on the faith of these arrangements, had not intended to attempt to form a new Ministry until the Members of the General Assembly arrived in Auckland. Ministers must be aware that if he now tried to do so, he could only form a Ministry in which Auckland alone would be represented. There are no materials here for the formation of any other Ministry. Under such circumstances, for the Governor now to proceed to take the course his Ministers wish would probably be a cause of disappointment to all New Zealand. He trusts, therefore, that his Responsible Advisers will, at whatever inconvenience to themselves, fulfil their offer of the 14th October, and continue to conduct the business of their offices, until the meeting of the General Assembly, which is now so shortly to take place.

October 30th, 1864.

G. GREY.

MEMORANDUM by MINISTERS in reply to foregoing.

In reply to the Governor's Memorandum of October 30th, in which he states that he trusts his Responsible Advisers will fulfil their offer of the 14th October, and continue to conduct the business of their offices until the meeting of the General Assembly, Ministers would observe that they had no desire to depart from that offer, should it be acceptable to His Excellency; but they did not under-

stand from the Governor's minute of October 17th, in answer to theirs of the 14th, that he accepted the offer which they then made. They rather gathered from that Memorandum that the great difficulty in the way of the Governor forming a new Ministry arose, in his opinion, from the view he took of the state of the finances, and they thought it right when all fear was gone of the financial difficulties occurring which the Governor had anticipated, again to request to be relieved from the anomalous position which they hold.

Now that they understand that the Governor desires it, His Excellency may rely on Ministers fulfilling the duties they then offered to continue to discharge until the meeting of the General Assembly.

October 31st, 1864.

FRED. WHITAKER.

MEMORANDUM by MINISTERS on Secretary of State's Despatch, 20th August, 1864.

In a despatch from Her Majesty's Secretary of State for the Colonies, to His Excellency the Governor, dated the 20th of August, 1864, No. 85, the following passages occur:—"I have read with great regret the continuation, which has reached me by this Mail, of the correspondence between yourself and your Responsible Advisers on the subject of Terms of Peace proposed, or to be proposed, to the Natives; and of the extent to which the principle of confiscation ought to be carried." And "I do not collect with certainty what Proclamations have been actually issued."

The passages quoted are in answer to the despatch of the Governor's of the 7th of May, 1864, No. 71, to the Secretary of State, the enclosures to which consisted of Memoranda between His Excellency and Ministers from the 3rd to the 25th of May inclusive, upon the subject of the terms to be offered to the rebel Maoris, and the extent to which the principle of confiscation should be carried.

His Excellency's Despatch, though dated on the 7th of May, was forwarded to England by the mail of the 8th of June, and it would of course be inferred that the whole, and not a part only, of the correspondence on the same subject between those dates had been transmitted: but such was not the fact. On the 30th May, Ministers replied to His Excellency's Memorandum of the 25th of May—the document of the latest date forwarded by His Excellency on the 8th of June; but Ministers' reply, in which Ministers deferred to His Excellency's opinion and accepted His Excellency's views, and which was absolutely necessary to a clear understanding of the result of the discussion that had taken place between His Excellency and his Ministers, was kept back till the 3rd of September, when it was made an enclosure to a despatch of that date, upwards of three months after it was placed in His Excellency's hands.

Ministers can feel no surprise at the remarks made by the Secretary of State. For themselves they will, in deference to His Excellency's position, refrain from comment; but they beg respectfully to express their conviction that it will be vain for the Government and Colonists of New Zealand to hope to have their acts and opinions understood by the Imperial Government so long as documents of importance to the comprehension of these acts and opinions are dealt with as in this and other instances, in which Ministers have had reason to complain.

Ministers would feel obliged by His Excellency transmitting a copy of this Memorandum to the Secretary of State for the Colonies by the first opportunity.

Auckland, 1st November, 1864.

FREDK. WHITAKER.

MEMORANDUM by MINISTERS.

The Colonial Secretary begs to forward to His Excellency a letter from Mr Stewart, the Resident Magistrate of Waikato Heads. Similar letters have been received from Mr Mainwaring and other Resident Magistrates. The fact which they establish is, that natives who have been for months in rebellion, or among the rebels, are returning into the settled districts on terms not in conformity with the Proclamation lately issued by His Excellency, neither giving up arms nor ceding land to the satisfaction of His Excellency and the General.

The Colonial Secretary proposes to write a circular to all Resident Magistrates in native districts directing them not to act, on this subject, on any instructions furnished hitherto, but to refer all natives of the class above mentioned to His Excellency and the General.

Auckland, 3d November, 1864.

WM. FOX.

MEMORANDUM by MINISTERS on the Governor's Despatch to the Secretary of State (dated 8th October 1864).

Ministers respectfully request that His Excellency will be pleased to transmit to Her Majesty's Secretary of State for the Colonies the following observations on His Excellency's Despatch of the 8th of October, 1864, No. 144.

In this Despatch His Excellency states that he and General Cameron would only have fixed a cession in each case, after *hearing and considering the opinion of Ministers*. Ministers deemed it altogether inconsistent with their position, and an abandonment of their functions and duty, to be parties to a document, in the most authentic form, declaring the authority of His Excellency and the General at their own pleasure, without reference to Ministers, to deal with one of the most important questions in which the Colony is interested; nor would their conduct in placing themselves in so false a question have been excusable, even though it might be the intention of His Excellency, as he states in his Despatch that it was, to go through the formality of hearing and considering their opinion. Sir George Grey, backed by an army of 10,000 men, may assume—as he has assumed, in defiance of the Constitution—absolute power; but this, in the opinion of Ministers, is a less evil than that those who have been entrusted by the General Assembly with the guardianship of the rights of the Colony should deliberately consent to renounce their trust. Where there is the power, there must rest the Responsibility. The Governor has assumed the power, and thereby released the Ministers, the General Assembly, and the Colony from Responsibility. Whatever may be the results of the policy adopted and acted on by Sir George Grey against the protests of the Representatives of the Colony, be these

results good or bad, he alone, as the Representative of the Imperial Government, is responsible for them; and if the effect be indefinitely to prolong the rebellion, and Ministers firmly believe that such consequences must ensue, the Colonists in reason and justice must be acquitted of all share in bringing about such a disaster. Unfortunately alike for Great Britain, the Colonists, and the Natives, Sir George Grey, in his anxiety about the opinions of the world and the judgment of posterity, shrinks from pursuing the wise and just policy which he himself deemed as necessary to ensure a satisfactory termination of the rebellion. In dealing with the Maoris, weakness and vacillation inevitably produce contempt, and will now revive hopes of success which have been abandoned, and the consequence will be an indefinite prolongation of the rebellion.

In a Memorandum of the 2nd of August last, Ministers protested against the introduction of a new form of Government under which Native affairs would be administered partly by His Excellency and partly by his Advisers. Subsequent experience has fully confirmed Ministers in the views they then gave expression to, and it now appears that Sir George Grey means the division between himself and his Advisers to be made by taking to himself all power in matters of importance, and leaving those of little or no moment to them; for example, while he deals in his own way with confiscation, surrender of arms, and questions of the like vital importance, against the advice of his Ministers, he will permit his Native Minister to fix a Native Policeman's salary, or determine the cut or colour of his official coat, without unreasonable interference; and this is what His Excellency in a recent Memorandum describes as following the advice of his Ministers in all ordinary matters.

It is easy for His Excellency to state that the assurance Ministers required as to the extent of territory to be confiscated was vague, but it is not easy to see how that term can be fairly applied. Ministers asked that there should be included in the "contemplated cession or forfeiture, land to be disposed of by sale, as well as land to be devoted to the purposes of Military Settlements"; and it is remarkable how very clear these words appear to have been to His Excellency's comprehension when used by the Secretary of State, and how vague they became when adopted by His Excellency's Ministers.

It is equally remarkable that when His Excellency is asked for anything definite how readily he finds reasons why he should not be explicit, and how little weight similar reasons are permitted by His Excellency to have when advanced by Ministers. His Excellency declines to give any assurance as to the extent of land which he would require to be ceded; he will not say whether it shall be one or one million acres, but with great pertinacity he urges Ministers to state, not only the extent they would desire to have ceded, but even to define its very locality and boundaries. And it would not be surprising if Ministers have occasionally hesitated to commit themselves to anything very definite, as to what they would do at a future time under circumstances still to arise, as they have felt that the only result would be, as in this instance, not to secure a compliance with their wishes, as His Excellency professes to desire, but to give His Excellency scope for exercising his ingenuity in producing plausible objections to their proposals.

It is difficult to understand the object with which His Excellency states his thoughts as to what he should have to do in order to comply with the idea of his Ministers, when he had at the same time before him a direct statement from them showing clearly that his thoughts were supported by no foundation whatever. The Governor, in conforming to those views, even without the modification which Ministers stated further information might render necessary, would not "have to take the entire native territory of friendly natives and all others in that district"—the district between Taranaki and Wanganui. Ministers did not propose to take from the natives 600,000 acres between Taranaki and Wanganui, but that quantity in the Provinces of Taranaki and Wellington, being about 500,000 acres in the former, and 100,000 in the latter. The map herewith will show the exact nature of the proposal made, and that if it were carried out, upwards of eighteen hundred thousand acres in the Province of Taranaki would be left in the hands of the natives—not one fourth of the area of the province being included in the cession applied for, and not one sixtieth part of the Province of Wellington.

Ministers did not ask for troops to be sent to conquer land, with "no direct and certain object," as His Excellency would lead the Secretary of State to believe was involved in the proposal made by them. What they wished was, to use the words of Mr. Cardwell, "that the position of the Maoris, as defeated rebels, should be unequivocally exhibited"—all the rest would become easy if this were done. It may be quite true that a great deal of land, of which Ministers desired His Excellency to obtain a cession, might not be available for immediate use; but Ministers fully believe that less available land than a gross area of 500,000 acres would give, would be insufficient for the location of an adequate number of settlers in the Province of Taranaki to secure the permanent peace of the country. How little the Governor's thoughts about "an average distance of nine miles inland" has to do with the proposal made by Ministers will be seen on reference to the accompanying map, and to their Memorandum of the 5th of October.

If, as His Excellency says, it is "due equally to the European inhabitants of this country and the Natives that the aim and scope of the war should be determined, and that it should be known what we required, and the acquisition of what country would bring the war to a close," it might reasonably have been expected that His Excellency would have stated with some precision what extent of territory would satisfy him. But when has he made known what territory he will require? If asked even to fix the extent only, to say nothing of site and boundaries, he replies, "such territory as may in each instance be fixed by the Governor and the Lieutenant General commanding Her Majesty's forces in New Zealand," which extent, His Excellency believes, will fulfil all reasonable expectations. It is not very intelligible by what rule either Europeans or Maoris are to measure the minds of these gentlemen in acres, or what is the extent that should fulfil reasonable expectations; and it is very clear to Ministers that the Maoris will not trust to the measure of confiscation proposed to them unless they are driven to submit unconditionally.

5th November, 1864.

FREDK. WHITAKER.