

avert from the Colonists the disastrous consequences of a policy, which would have been pursued against their advice, and, over which they could, under the actual constitution of the Colony, exercise so little control."

70. Within a week after Your Excellency had assumed the administration of the Government you forwarded to His Grace the Duke of Newcastle certain Memoranda, submitted by Ministers, respecting the position of the Colony, the machinery of Government for Native purposes, and the efficiency of the existing form of Government. From these documents it would appear that actual fighting at Taranaki had ceased on the 14th of March, the Waikato contingent having returned home, accompanied by William King and a few followers,—his fighting general, Hapurona, and a portion of the Ngatiawas, having accepted the terms of peace. The Ngatiruanuis and the Taranakis had also returned home, remaining in a state of passive insurrectionary sullenness. These latter tribes, it is said, "refused submission to the terms proposed, retained large quantities of the settlers' stock carried off during the war, have stopped the mail, though carried by Natives, and threaten death to all Europeans, who venture beyond certain lines, so that no one dare travel beyond a few miles from the town of New Plymouth on the one side, or Wanganui on the other." The Natives boasted that they held by right of conquest the Tataraimaka block, formerly purchased from them, and parcelled out into thriving farms from which the settlers had been forced to retire. Such a state of things could not be suffered to continue, and Ministers declared that the true policy consisted in vigorous measures as retribution for wrongs done, and with a view "to open up and establish military communication by roads between Taranaki and Wanganui," while the Waikatos, it was suggested, should be dealt with in a gentle and friendly manner. With reference to the machinery of Government for Native purposes, the continued existence of the Native Secretary's Department, which was free from all control on the part of the Responsible Ministry, was regarded as a very serious evil, and one which obstructed the Colonial Government, when bringing its energies to bear on the advancement of Native interests. In the Memorandum of the 8th October, 1861, the Ministry declared their conviction that the difficulties of the present crisis "have arisen solely in reference to the administration of Native affairs." They say, "now, this has—partly by the operation of the Constitution Act, and partly by the action of the late Governor on the introduction of Responsible Government—been practically reserved in the hands of the Governor as the Representative of the Imperial Government, and the Colonial Government has, in fact, had little or nothing to do with it. The Colonial Government has done what it could, consistently with the limited powers vested in it, to advise and legislate in support of the Governor's administration of Native affairs; but, substantially, the whole control and action has been with him; and it may be safely asserted that the present difficulties are in no way chargeable on any exercise by the Colonists of the Constitutional powers vested in them by Parliament."

71. With the hearty concurrence of your Ministers, who looked forward to a permanent solution of the Native question, and with a great part of your plan for the introduction of the proposed new institutions for Native government, prepared to your hand by the legislation of the General Assembly, Your Excellency resolved to avoid, if possible, the renewal of military operations, in order that you might secure all the friends you could, reduce the number of your enemies, and might establish law and order in the Native districts. Impelled by these motives, and influenced by the conviction that the Waikatos would not submit to the terms demanded of them by Governor Browne on the 21st of May last, which were—submission to the Queen's authority—restoration of plunder—and compensation for the destruction of European property,—you communicated to the Duke of Newcastle on the 30th of November, 1861, your present intention not to carry out the publicly recorded determination of your predecessor; and on the same day, in a separate Despatch, you communicated to His Grace your intention to consult and act through your Responsible Advisers in relation to Native affairs, adducing, among other reasons, that "it is better to show that full confidence in the General Assembly which, by its proceedings towards the Native race, it has, I think, fairly merited, rather than to evince an undeserved mistrust in it." As an additional argument in favor of this organic change, you remark that "another disadvantage of the system of making the Governor chiefly responsible for Native affairs is that it will be thought that the wars, which may arise under it, have sprung, whether rightly or wrongly, from the acts of the Representative of the British Government, over whose proceedings the Colonial Legislature had but very imperfect control; so, it would seem difficult to call upon that body to find the means of defraying the cost of a war for the origin, continuance, and conduct of which it was only in an indirect manner responsible."

72. Your Excellency then proceeded to visit the Lower and Upper Waikato, and in a letter to General Cameron, of the 19th December, 1861, a clear insight is given into the defenceless character of the town of Auckland, and the neighboring country, should a threatened attack be made on them, and the troops be reduced. In order to enable the European settlers to continue their operations, and to remove the obstacles to the progress of the country, which you represent as at a "complete standstill," you requested the General to undertake the construction of a road from Auckland to Havelock, as a military work, and also the selection of a site for a military post on the Waikato river; and in your Despatch of the 7th January, 1862, on the same subject, it is vividly pointed out that as things were, "we were almost checkmated," that the "Natives completely held the game in their own hands," and that the construction of the road, and the selection of a post on the Waikato were essential to the security of the Province.

73. It is necessary, with a view to a thorough understanding of the liability of the Colony for the consequences of any future action in connection with Native affairs, that I should trace the extent to which the General Legislature sanctioned the provisional arrangement entered into between your Excellency and your Ministers in the conduct of these affairs. The Assembly met on the 7th July, 1862, and on the 28th of July Mr. Fox retired from office on an adverse vote of the House of Representatives, which, by the Speaker's casting voice, passed to the previous question, when the subject of the administration of Native affairs by Responsible Ministers was under consideration. On the 19th of August the House passed a series of resolutions, the last of which asserted, that "as the decision of all matters of Native policy is with His Excellency, the advice of Ministers shall not be held to bind the Colony to any liability, past or future, in connection with Native affairs, beyond the amount authorized,