

Enclosure in No. 26.

MEMORANDUM by Mr. STAFFORD.

Wellington, 11th February, 1868.

A LETTER dated the 3rd of December last, from the Superintendent of the Province of Auckland, enclosing a Resolution of the Provincial Council of that Province, recommending that a General Amnesty for all Political Offences be proclaimed, is submitted to the Governor.

His Excellency cannot be advised to grant an indiscriminate amnesty of all "Political Offences," a term which would, in New Zealand, include many treacherous murders of unarmed persons. Nor has experience shown that proclamations granting a general pardon have had any beneficial or tranquillizing effect, or that the benevolent intention of the Government in issuing them is either understood or appreciated by the hostile Natives; on the contrary, proclamations of this nature have been immediately followed by acts of aggression on the part of the Natives to whom they were addressed, who have even murdered, in cold blood, the bearers of these proclamations.

The more prudent and practical course is to take advantage of every favourable opportunity as it arises of restoring confidence and re-establishing peace, and to foster the slightest indication shown by any tribe of returning to their allegiance, by dealing with each case on its own merits, and as its particular circumstances require. Whenever any rebel Natives have given any genuine, however informal, intimation of their desire to be at peace, the Government has hastened, on its part, to condone the past, and to give them every opportunity of proving their sincerity by future good behaviour. It has, moreover, in the case of Native Rebels sentenced by the Supreme Court to death or penal servitude, commuted, with but few exceptions, those sentences; and has even liberated some of those Natives whose conduct in gaol had been good, whenever particular circumstances justified such liberation. But this course of proceeding has been discriminative, and has been regulated by special considerations, and the Government has not, in an indiscriminate manner, pardoned those who contemptuously reject, equally with those who are willing to accept the clemency of the Crown.

The only political offenders in confinement were captured in arms against the Queen, and have been placed for safe custody on the Chatham Islands. A numerical Return of these prisoners is enclosed. The women and children belong to their families, and have not been sent with them in any way of punishment, but have been allowed to accompany their husbands and fathers, with a view of adding to their domestic comfort.

In the hope that the improved state of our relations with the Natives would justify the release of most, if not all of these prisoners, the Government addressed, on the 12th of December last, a letter (of which a copy is enclosed) to Mr. McLean, the Government Agent at Napier, with the view of ascertaining his opinion, which, from Mr. McLean's general knowledge of Native matters, and intimate acquaintance with the special circumstances of the capture of these prisoners, and of their individual character and influence, would be valuable in the highest degree. A copy of Mr. McLean's reply is enclosed. The reasons adduced by Mr. McLean against the release of any considerable portion of the prisoners appeared conclusive, and consequently only some of the most deserving have been released. Prior to their release, and with the object of fully ascertaining the condition, treatment, and general disposition of all the prisoners, the Government despatched Mr. Rolleston, the Under Secretary for Native Affairs, to the Chatham Islands, a copy of whose Report is enclosed for His Excellency's information. From that Report His Excellency will perceive that eight prisoners and some women and children have been brought back and sent in freedom to their homes, and that the general condition of the prisoners is on the whole satisfactory, remedies having been applied where there were any causes of complaint. In addition to those who were released, on the occasion of Mr. Rolleston's visit, three other prisoners, accompanied by two women and four children, had previously been released. A copy of a letter written and published by these men is enclosed.

Thus while the treatment of the prisoners has been characterized by leniency and kindness, there is little doubt that their temporary removal from the districts in which they fomented rebellion, and were captured in active hostility against ourselves, has tended much to the re-establishment of tranquillity and has saved both races from much bloodshed.

As questions connected with the amnesty referred to by the Provincial Council of Auckland, and on the subject of the Chatham Island prisoners, may arise in the Imperial Parliament, His Excellency is requested to transmit copies of this Memorandum, and of its enclosures, to the Right Honorable the Secretary of State for the Colonies.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 26.

His Honor the SUPERINTENDENT of Auckland to the Honourable the COLONIAL SECRETARY.

(No. 214, Book 31.)

Superintendent's Office,

Auckland, 3rd December, 1867.

SIR,—

I have the honor to enclose herewith copy of a Resolution passed unanimously by the Provincial Council of this Province, on the 29th ultimo, expressing the wish of the Council (for the reasons set forth in the Resolution) that a general amnesty for all political offences should be proclaimed with as little delay as possible.

Believing, as I do, that a growing desire exists in the minds of the Native people who have for some time past been regarded as hostile to the Queen's authority, and to the settlement of Europeans in some of the districts in this Island, south of Auckland, that peaceful relations might be again restored, and that the course desired by the Council to be taken would lead to a more speedy fulfilment of an end so much and so generally wished for, I have no hesitation in expressing my concurrence with the Resolution adopted by the Council, and in earnestly commending it to the favourable consideration of His Excellency the Governor.

I have, &c.,

The Hon. the Colonial Secretary,
Wellington.J. WILLIAMSON,
Superintendent.