

“ they will prove of great service to the Colony, as showing the true intention and objects of the rebels, and silencing the calumniators of the Government and of the settlers in respect of their treatment of the Hauhaus. . . . The real nature of the West Coast rebellion has been made manifest, Te Kooti’s professed object clearly having been to exterminate the adherents to the Government of both races, and to enjoy the plunder.” It certainly cannot be alleged with truth in any quarter that the policy of the Colonial Government, in the suppression of this outbreak, has been guided otherwise than by great, though probably wise, leniency.

I have, &c.

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

Enclosure in No. 30.

Copy of MINUTE of PROCEEDINGS at a Meeting of the Executive Council, held at Auckland, at the Government House, 2nd November, 1869.

Present :—

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

HIS Excellency the Governor, at the instance of the Colonial Secretary, asked the advice of the Council respecting the Maori prisoners recently convicted before the Supreme Court of the Colony.

After careful consideration and weighing of the evidence, and of the reports of the Judge who presided at the trials, the Members of the Executive Council present agreed to advise His Excellency :—

First. That the sentence of Hamiora Te Peri should be carried into effect, except those parts of it peculiar to sentences of high treason.

Secondly. That the sentences on Hetariki Te Oikau, Rewi Tamanui, Toti Toti, and Matene Te Karo, be severally commuted to penal servitude for life.

Thirdly. That the sentences on all the other Native prisoners named in His Honor Mr. Justice Johnston’s reports, being prisoners taken on the West Coast, be commuted to penal servitude, in no case exceeding seven years.

The Members present desire to record their reasons for thus advising His Excellency in these cases.

Hamiora Te Peri was not a Chatham Island prisoner, and was not one of Te Kooti’s tribe, but voluntarily joined him some time after his landing, and took a prominent part in the armed parties which committed the Poverty Bay massacres. It cannot be said, therefore, that he was avenging his imprisonment, or was under any influence of clanship. The Judge says, in his report of the 11th of October, one thousand eight hundred and sixty-nine :—“As to Hamiora Te Peri, I did not feel at liberty to hold out any hope that his life would be spared, inasmuch as the evidence given against him at the trial would have justified his conviction for participation in several murders of unarmed men, women, and children.”

Hetariki and Rewi were both Chatham Island prisoners. The former was not proved to have been in any armed parties sent out to massacre. It is doubtful whether the latter was in more than one. Matene was not a Chatham Island prisoner, and to appearance voluntarily joined Te Kooti, after having originally fought on the European side, but as he is almost a boy, and of no note, it is difficult to say whether or not he was overborne in his secession from the European side by others more influential, who probably thought we were suffering reverses, and that prudence required that they should rather make Te Kooti their friend than their foe. Matene was proved to have been in some of the parties commissioned to burn and kill.

With regard to Hetariki, Rewi, and Matene, the Judge says, in his report of the 25th of September :—“I am not aware of any reasons why the sentence of death should not be carried out, other than those which may be suggested by the evidence. It did not appear that any one of the prisoners occupied a conspicuous position among the followers of Te Kooti, nor was there any distinct evidence that any one of them took a leading part in any of the murders of unarmed persons. Matene Te Karo, who is quite a young man, was proved to have taken a prominent part in warlike operations, and to have started and returned with certain (*ko kiris*) parties which committed murders; but he also stated that at Ronaki he had fought on the Government side (which the Attorney-General admitted was true); he moreover said that he had been forced by Te Kooti to join his party, but the Jury evidently were of opinion that he might have escaped if he wished.”

The principle on which the Members base their advice, is that sentence of death should not be inflicted in case of high treason, except where such high treason is accompanied by murder or some other atrocity.

Under all these circumstances, and taking into consideration the importance, on every ground, of showing to the Natives that our action towards criminals is not the result of vindictiveness, but of discriminate judgment, tempered, when the public interests permit of it, by mercy,—

The Members of the Executive Council advise that only in the case of Hamiora Te Peri (the more aggravated case, evidently, in the opinion of the Judge,) the sentence of death be carried into effect, and that the sentences on Hetariki, Rewi, and Matene, shall be severally commuted to penal servitude for life.

The cases of the prisoners who surrendered on the West Coast are, from circumstances which appear in the evidence, and in the Judge’s reports, deserving of more favourable consideration; and the maximum punishment is advised to be seven years’ penal servitude, on the understanding that there will be, after careful consideration of the special circumstances in each case, a further remission in some