

see that these are not overlooked, in deciding what is the whole amount of punishment which is to be inflicted on them.

To remove what he believes to be a misapprehension on the part of his advisers, the Governor briefly alludes to the case of Ruihana and Kereopa. These chiefs saw the General on the 11th of April. It will be seen in their letter of that date that some of the 120 men they spoke of had not guns. On Tuesday, the 12th, 28 native men came in with Wm. Naylor to give themselves up to the General, of these about 13 had not guns; they were immediately made prisoners, and placed in a redoubt, in consequence of the Government notice on the subject. This must have frightened the people Ruihana and Kereopa intended to bring in; but the two chiefs had given up their guns to the General, have now given a reason for not bringing the men in, and have asked for a pass to return themselves within our lines, being clearly afraid to come in after what has taken place, without such a pass.

The Governor regrets that his Advisers should not understand his remarks upon the subject of Ministerial responsibility, and his own personal responsibility in the present state of this colony. He only intended to state what he thinks must be admitted truths; he did so trusting his Responsible Advisers would see how grave and large a responsibility still really rested upon him, and that he might consequently establish what he believes is a just claim upon their consideration. He has feared that the great loss of life, including females, which took place at Orakau, from the natives refusing to surrender, might with justice be traced in part to his having so long allowed the prisoners now on board the hulk, and the native population generally to remain in ignorance of what the fate of these prisoners, especially of Te Oriori, was to be. He has felt a very great degree of anxiety upon this subject, and has dreaded the recurrence of similar events. With all deference to the opinions of his Advisers, he thinks a very serious responsibility for such things rests upon him. He has done his utmost at all times to promote the views of his Advisers, and he only wished to shew, that on a point where he felt so strongly, a responsibility really rested on him, which gave him a strong claim on their consideration, which he hopes they will yet recognize.

April 29th, 1864.

G. GREY.

No. 10.

MEMORANDUM in reply to HIS EXCELLENCY'S Memorandum of the 29th April.

In the Governor's Memorandum, of the 29th of April, His Excellency states that the long imprisonment of the natives on board the hulk "Marion," without any announcement being made by the Government as to what their fate is to be, tends to prolong the war, and produce the consequent evils which His Excellency details. With every deference to His Excellency's opinion Ministers are unable to adopt this view.

It is true that the Government have not made any formal official announcement, but there is no doubt that the prisoners, as well as their friends, have for some time past understood that, unless the misconduct of themselves or their friends should require another course, they will be liberated without personal punishment, and be permitted to go back to Waikato when peace is established; but it has appeared to Ministers up to the present time that to release the prisoners or make an absolute promise and official declaration to do so, would be injudiciously to throw away a powerful check on both the prisoners and their friends. In support of this view, Ministers have the authority of William Thompson himself to refer to, who when questioned by a rebel native as to the cause of his defeat at Rangiriri, and what he meant to do for the future, is stated to have replied, "that he did not know; he could not do anything; his relations and friends were prisoners in Auckland."

Ministers, moreover, feel assured that these men living in our power has had the effect of checking the barbarous system of murdering unarmed men, women, and children, which had previously disgraced the rebel natives. Since the prisoners have been in custody no murder has been committed: their friends, Ministers are informed on excellent authority, being restrained by the fear of reprisal.

With regard to the 2nd point referred to by His Excellency, Ministers were not aware that many of the losses inflicted on the prisoners were inflicted in opposition to His Excellency's wishes and advice, nor did they very well see how such could be the case, as, after the Session of 1862, up to the time of the acceptance by the Assembly, in November last, of Responsibility in Native Affairs, that Responsibility rested with His Excellency, whose authority was supreme.

It might be inferred from the terms in which His Excellency refers to the Tauranga expedition, that Ministers proposed to interfere with natives not hostile. As the Memorandum in which they rendered advice on that occasion was not intended to, and, they submit, did not bear such a construction, they presume that this inference was not intended; and although the word "property" was used in the Memorandum of instructions proposed by Ministers to be sent, they assented to its omission in deference to His Excellency, although they could not then, and cannot now, see why it would not have been equally just and politic to deprive the hostile natives of any other supplies they possessed, as well as of their supplies of food.

Ministers quite concur with His Excellency that it will be generous and politic to treat the Waikato tribes with liberality by assisting them to rettle with advantage on the land to be assigned to them, and Ministers are fully prepared to take that course.

As regards the case of "Ruihana" and "Kereopa," it was simply cited by Ministers as a very recent event, which justified their unwillingness to rely on Maori parole; and if the view which His Excellency takes of their conduct were borne out by the facts, (a conclusion from which Ministers respectfully dissent), it would not alter their general estimate of the amount of reliance to be placed on the word of Maoris similarly tempted to break their word. The best that His Excellency's view of the conduct of these men amounts to is, that having failed to fulfil their promise, they offer a plausible excuse (or rather it is offered on their behalf) for its breach. What Ministers would require in such a case would be performance, and not excuses; and it is because they fear that if they relied on Maori parole they might be put off with excuses, that they think it their duty to decline to do so.