

Two courses only appeared to be open: either to try the prisoners before some competent Court, or to release them upon parole. The latter course Ministers felt would be a dangerous experiment, and necessarily therefore advised the adoption of the former.

Apart, then, from questions of minor importance, with which the subject is mixed up, the substantial point of difference between the Governor and his Advisers is this:—His Excellency desires at once to release the prisoners, or, at all events, some of them, upon parole. Ministers' objection to that course is insuperable; they desire that the prisoners should—at all events, for the present—be kept in safe custody; but whether without trial, or after trial, Ministers consider not to be of essential importance.

Ministers regret that His Excellency should feel that the great distances of the New Zealand Settlements from each other opposes any serious obstacle to his forming a new Government entertaining his own views for the purpose of carrying out his policy; but they beg to be allowed to say that, having regard to the frequent and rapid communication by steam, they consider that His Excellency overrates this difficulty, and they assure him that they shall be ready to render their best assistance towards removing or obviating, as far as possible, any obstacle of this nature. They think it, however, their duty to place on record that, the policy on which they are acting, received the support of large majorities of both Houses of the Assembly during the last Session, and was embodied in its legislation; that all the advice they have hitherto tendered to His Excellency has been in strict conformity with that policy, nor have they in any respect seen the smallest reason to change their opinion as to its efficiency to solve the difficulties of the present crisis.

There are several matters referred to in His Excellency's Memorandum, upon which Ministers desire to be permitted to add a few remarks:—

1. In attributing to the present Government the infliction of the long list of punishments so minutely detailed, His Excellency appears to have altogether overlooked the fact that, as regards many of the prisoners, all their losses, except their liberty and arms, took place before the present Government came into office, and were the result of a plan of operations devised by His Excellency, and carried out under his directions before Responsibility in Native Affairs was accepted by the Colony; and that as regards many other of the prisoners, they have suffered no loss of any kind, except their liberty and their arms, for troops have never yet entered their country.

2. Ministers did not propose to try the prisoners before a Military Court for High Treason. A principal objection to the Civil Court was that Ministers did not clearly see what other charge than Treason could be properly preferred, while, on the other hand, the "Suppression of Rebellion Act" afforded an opportunity of framing other appropriate charges for trial by a Military Court, and hence one reason for Ministers' preference of the latter tribunal.

3. Ministers feel that the case of Te Oriori is a special one; they recognise his claims to consideration, and are fully prepared to treat him generously; but they cannot feel that it would be safe or prudent to place him in a position in which his only restraint from rejoining his tribe and friends, who are still in arms, would be his parole. It is well known that Te Oriori is infirm of purpose, and that in joining in the Rebellion he suffered himself to be over persuaded by his tribe and friends, and yielded against his own convictions to their pressure. Ministers cannot believe that it would be judicious to place him for the present in a position in which he could possibly be again subject to the same influences.

4. Ministers agree with his Excellency that conditions as to residence, or otherwise, could be as easily broken by persons who lay down their arms, as by prisoners who are released from imprisonment on similar conditions; but his Excellency does not appear to recognise the difference of our position as regards these two classes. Those of one class we have taken with arms in their hands, and are therefore in a position to use the best means in our power of providing for our own protection; whereas those of the other class are induced to submit upon the express condition that they shall not be imprisoned—terms which we grant, not because we feel assured that they will not be broken, but because we deem it desirable to make offers which will have the effect of thinning the ranks of the enemy, notwithstanding that there may be some risk of those who accept them returning at a future period,—a risk which, in the opinion of Ministers, would become imminent, if unhappily our arms were to suffer any serious reverse in the field. Ministers cannot entertain the same exalted opinion of the parole of a New Zealand chief, as that to which His Excellency gives expression; and the recent conduct of Ruihana, Kereopa, and other chiefs at Maungatautari, who accepted the terms of submission, gave up their arms to General Cameron, signed a declaration to the effect that they would bring in their people on the next day but one, went back to the enemy's camp on the following day, and have not since returned, strongly confirms Ministers as to the correctness of their views on this point.

5. Ministers are at a loss to understand His Excellency's observations on their advising him to inflict punishment on all the native prisoners, exceeding in severity that which Great Britain has ever before inflicted on any people under similar circumstances. Ministers are not aware of ever having given any advice which can in any way bear out such a charge. They have never advised the infliction of any punishment whatever, except so far as the restraint of liberty necessary for safe custody, may be called punishment, and the confiscation of land, neither of which is new in the history of rebellions against British authority. As fully explanatory of the treatment the prisoners in the hulk have received at the hands of the Government, Ministers transmit the enclosures specified in the margin; these do not appear to require any commentary. On the subject of imprisonment for safe custody, Ministers may refer for a precedent to the case of the native chief, Rauparaha, who was imprisoned in 1846 under the express direction of His Excellency, then Governor of New Zealand; and they believe that an examination of the circumstances of that case would not tend to place the present imprisonment of the natives in an unfavourable contrast. Rauparaha was taken when not engaged in actual fighting, was kept for nearly a year a close prisoner on board of a man of war, was never brought to trial, and during the far greater portion of his whole period of imprisonment no hostilities were taking place between the natives and Her Majesty's Troops in any part of New Zealand. If motives of political expediency at that time justified Rauparaha's imprisonment, similar reasons now exist in