

It is perfectly true that that document is a very voluminous one. It is also true that during the week preceding the departure of the mail two short documents which had just reached the Colonial Secretary, were added to the Appendix by His Excellency's permission. It is also true that during the week preceding the departure of the mail there was much business of importance which occupied His Excellency's attention. Notwithstanding all these facts, however, the Colonial Secretary regrets that he cannot accept as sufficient the reasons assigned by His Excellency for the course pursued by him in reference to the detention of this document.

If, when His Excellency found that he could not afford time to peruse the Memorandum of the Colonial Secretary, he had forwarded it with his own despatches on the same subject, and an intimation to the Colonial Government that he might have to comment on it by the next mail; or, if His Excellency, without forwarding it, had informed the Secretary of State that His Excellency had received it, and requested him to suspend his judgment till it should be received by him, the Colonial Secretary would not have considered that he had much to complain of. As it is, he regrets to state that he feels he has been unjustly treated in a matter of the highest importance to his own character, and that of the Government of which he is a member.

The case stands thus: His Excellency, on the 7th September, wrote to the Secretary of State, making charges of the most serious description against the Colonial Government, in reference to the manner in which they had treated the prisoners. No opportunity was afforded to the Government of commenting on this despatch, nor did any member of the Government even see it, till after the mail which conveyed it to England had left. Immediately on reading it the Colonial Secretary devoted himself for some weeks almost exclusively to the preparation of a defence of the Government, entering most fully into the whole subject in every particular. This document was sent to His Excellency eight clear days before the mail left. His Excellency could not find time even to read it; and did not forward it as requested to the Secretary of State; but His Excellency wrote and sent by the same mail two despatches to the Secretary of State on the subject of the prisoners, in one of which he reiterated most strongly his belief in the charges sent home on the 7th September. Neither of these latter despatches did any member of the Government have the opportunity of seeing till they had been sent; and the Colonial Secretary was never informed that his Memorandum was not sent, till after the mail had left, when on enquiring of His Excellency, he was informed of that fact. The result is, that by the mail of the 9th of November the Colonial Secretary will have his defence of the Government forwarded to the Secretary of State, against charges which His Excellency sent home on the 7th of September without the knowledge of the Government, and his belief in the truth of which he reasserted again without the knowledge of the Government, by the mail of the 8th of October.

Before the introduction of Representative Government into the British Colonies it was a constant complaint on the part of the colonists, that it was impossible for them ever to obtain a fair and impartial hearing by the Imperial Government. The facilities which Colonial Governors possessed for making the worse appear the better reason, by marshalling documents—by forwarding one and detaining another till the next mail—by anticipating the defence of accused persons, or the allegations of those who complained—by the enlistment of influential aid in the Colonial Office or in Parliament—these and other advantages which Colonial Governors possessed in their disputes with colonists, created in the minds of the latter a firm conviction that redress or justification by appeal to the Imperial Government were things not to be attained, and the conviction led to a growing bitterness of feeling on the part of the colonists towards the Home Government which was fast sapping the loyalty and attachment of the colonists to the Parent State. It was earnestly hoped by all lovers of their country that the establishment of Representative Government in the colonies would remove this among other serious evils—and in most colonies where the spirit of the new system has been honestly acted up to, it appears to have done so. Unfortunately in New Zealand, the late disturbances necessitating military aid, have afforded an excuse for the renewed interference of the Imperial Government in the local affairs of the colony; and the old grievances in reference to communication between the colonists and the Imperial Government are fast springing up again, and apparently with renewed vigour. "Strike, but hear me," has, from early ages of the world, been the remonstrance of those whose appeals to truth and justice have been resisted by superior power; but this was the saying of men who at least expected to be struck in front. It gives the wound additional sharpness when the blow is struck from behind, as it is when serious charges are sent to the Secretary of State without the accused being aware of the fact, or having, till long afterwards, the means of knowing that he is accused. His Excellency need not be reminded how often complaints were made of this practice during His Excellency's previous administration. The cases of Sir William Martin, Archdeacon Williams, Mr. W. Brown, and many others, which may be found in the Parliamentary papers of the period, recur to the recollection of the Colonial Secretary. He begs now most respectfully but most earnestly to protest against the renewal of a practice so unjust, and by which he conceives that so great an injury has in this instance been inflicted on himself, and the other members of the Colonial Government.

The Colonial Secretary begs to request that a copy of this Memorandum and of the previous Memorandum on this subject may be forwarded to Her Majesty's Principal Secretary of State for the Colonies by the first mail.

Auckland, October 14th, 1864.

WILLIAM FOX.

No. 26.

Despatch, of 8th October, 1864, from the Governor to the Secretary of State, No. 145. [Publication declined by His Excellency.]

No. 27.

MEMORANDUM of COLONIAL SECRETARY respecting the Escape of the Maori Prisoners from Kawau.

The Colonial Secretary has read in His Excellency's Despatch Book his Despatch to the Secretary