

No. 50.

MEMORANDUM relative to the Resignation of MINISTERS.

The Colonial Secretary begs to acknowledge the receipt of His Excellency's Memorandum of this day's date. It does not appear to require any comment except on one point. His Excellency intimates that when he refused to take the advice of the Attorney General in April last, Ministers ought to have resigned.

Ministers beg to remind His Excellency that in his Memorandum of the 22nd April, 1864, in reference to the subject of the trial of the prisoners, and his refusal to take the Attorney General's advice, he complained of the difficulties which he conceived to lie in the way of his changing his Ministry, and "forming a new Government." Ministers immediately replied, expressing their opinion that there was no great difficulty, offering to give His Excellency every assistance towards effecting that change of Government which he expressed himself desirous of attaining. His Excellency, in his reply on the 29th of April, appeared to intimate that Ministers had misunderstood him; at all events, he neither accepted their challenge nor their offer of assistance towards changing his Ministry.

It seems to Ministers, after this, unfair on His Excellency's part to make the remarks he has done on their not having resigned at that date. They would also take the liberty of observing that their present experience does not lead them to perceive that if they had then absolutely resigned, instead of only intimating their readiness to do so, any result would have followed. Their resignations have now been in His Excellency's hands for twenty-five days, and he has neither accepted them nor intimated his intention of doing so.

They would further remark that they do not understand that under Responsible Government Ministers are bound to resign whenever the Governor refuses to take their advice. So long as Ministers conceived that there was a possibility of inducing His Excellency to carry out that policy which he had inaugurated, and which they had been placed in office by the Assembly to carry out, they did not consider they would be acting in conformity with the wishes of the Assembly if they resigned on a mere collateral point, which, though of importance in itself, might have no great bearing on the ultimate issues at stake. So long as they thought His Excellency had the intention of adhering to the policy of July 1863, which he had reported to Her Majesty's Secretary of State as the only panacea for the existing difficulties, and which the Assembly had adopted in the belief that it would be carried out in good faith, so long Ministers were prepared to regard as of secondary importance both the question about the custody of the prisoners and many other difficulties which His Excellency interposed in their path. Had they been able to force the course pursued by His Excellency since that date—his entire departure from, not to say reversal of, the policy referred to, and the very serious calamities which seem in consequence to be impending over the colony, they would have resigned without a single day's delay. When Ministers arrived at the conclusion that His Excellency had made up his mind to abandon the principles which he had enunciated in July, 1863, and endeavour to patch up a peace which would neither be stable nor permanent, they lost no time in placing their resignations in his hands, where they regret to know they still remain unaccepted.

Auckland, 25th October, 1864.

WM. FOX.

No. 51.

MEMORANDUM respecting the Trial of certain Maori Prisoners for Murder.

The Governor thinks it right to bring the following circumstances under the notice of Ministers. On Friday last Mr. Mackay, the Commissioner of the Thames District, in an interview with the Governor, told him that circumstances had recently come to his knowledge which led him to believe that Tapihana, the leading chief who had been sent down to the Kawau, was one of the murderers of the Merediths. The Governor then made further enquiry, which has resulted in his believing that a suspicion that such was the case has for some time been entertained in the Native Department. The Governor had previously known that another chief named Tarahawaiki, also sent to the Kawau, was believed to have been one of the murderers of the Merediths.

At the beginning of this week the Governor received from the Colonial Secretary a Memorandum without date, which enclosed a Memorandum from Mr. T. A. White, which informed the Governor that a formal official announcement had been made to the native prisoners, who were collected for the purpose, by the Colonial Secretary, in the presence of the Premier, to the effect "that when the time should arrive, and peace be made, they would not be tried or punished, but allowed to return to Waikato, excepting any who had committed murder; they would be tried and punished according to law."

The Governor does not think that people suspected of murder, probably, from what he hears, on good grounds, sent to the Kawau, with a knowledge that they would probably be hereafter tried and executed, can be regarded as having been prisoners of war upon parole. Nor does he now think that there is the least probability of such persons ever again trusting themselves within our power, if the information given regarding them is correct; on the contrary, he believes they are, from their position, desperate characters, from whom violence in some form may be apprehended.

October 26th, 1864.

G. GREY.

No. 52.

MEMORANDUM respecting suspicions entertained as to the Murderers of the MEREDITHS.

Ministers beg to acknowledge the receipt of His Excellency's Memorandum of the 26th October, relative to certain "suspicions" said to have been entertained that Tapihana was one of the murderers of the Merediths, and that Tarahawaiki was "believed" also to have been one of their murderers. Ministers will be very much obliged if His Excellency will inform them on the following points:—