

No. 9.

MEMORANDUM by MINISTERS.

Ministers have most carefully re-considered the subject of the Proclamation His Excellency proposes to issue, stating the conditions upon which the Queen's clemency will be extended to those Natives who return to their allegiance; but though this re-consideration has been with an anxious desire to satisfy themselves that their impressions in relation to the subject are wrong, as His Excellency states he thinks they are, Ministers cannot find any sufficient reason for arriving at such a conclusion.

Ministers have in no way opposed His Excellency giving effect to the instructions conveyed to him in the despatch which embodied the decision of Her Majesty's Government. On the contrary, Ministers complain that His Excellency will not act on those instructions and carry out the views of the Imperial Government and the General Assembly of New Zealand.

There are two points in difference between His Excellency and his Responsible Advisers upon which the despatch referred to is most explicit.

1st. That "the position of the Maoris as defeated rebels should be unequivocally exhibited."

2nd. That the Colonial Government have a right "to obtain from the punishment of the insurgent Natives some aid in defraying the expenses of the war, or, in other words, of including in the contemplated cession or forfeiture lands to be disposed of by sale as well as lands to be devoted to the purposes of military settlement."

In the opinion of Ministers the position of the Maoris as defeated rebels cannot be considered as unequivocally exhibited so long as they are permitted, unless in exceptional cases, to retain the arms with which they have been fighting the Queen's troops. Oaths of allegiance may be taken and land may be ceded with the intention, when the opportunity occurs, of disregarding the one and regaining the other by conquest; but the surrender of arms affords proof, and in the opinion of Ministers the only really satisfactory one, of unequivocal admission of defeat. The surrender of arms, therefore, they deem to be of the first importance; indispensable as a proof of a sincere submission to law and order, and the best and surest guarantee for the future peace of the Colony. They beg to remind His Excellency that in the Tauranga case, where a large body of Natives submitted at one time, as well as in many cases of smaller numbers, the Natives have made no difficulty about surrendering their arms, but did it voluntarily and without a murmur.

Ministers are as anxious as His Excellency can be that (to use the words of Mr. Cardwell) "the cession or confiscation of territory shall not be carried further than may be consistent with the permanent pacification of the island and the honour of the English name." Apart from higher motives; it is more the interest of the Colonists than of any others that these considerations should prevail, and Ministers have never desired that anything inconsistent with them should be done.

His Excellency states that he declines "to give an assurance that the cession of territory should be to the extent his Responsible Advisers might think required for the purposes they named." This conveys an altogether erroneous impression of what Ministers advised. They did not ask for an assurance that the cession should include all they might think required, but that it should "be to the extent contemplated by the Secretary of State," and include land to be disposed of by sale as well as for military and other settlements. Not a quantity to be measured by any man's opinions but by a given rule, easily applied, which would leave nothing to be determined by thoughts and opinions, and in strict accordance with the "instructions which embodied the decision of Her Majesty's Government," and with the views and legislation of the General Assembly.

Ministers regret that the careful consideration which His Excellency states he has given to any views that they have brought before him has resulted in so many differences of opinion. These, however, can be satisfactorily accounted for by the difference of the principles upon which His Excellency and his Responsible Advisers regulate their conduct. His Excellency appears to take for his guide his own opinion as to what "his country and posterity in New Zealand will think and say of him when they sit in judgment on his acts." Ministers believe that a far better guide may be found in a careful consideration of what is right, and at the same time of what is most conducive to the welfare of those of both races in this country whose interests are affected, regardless of applause, and fearless of blame, from either contemporaries in England or posterity in New Zealand. Ministers respectfully beg that they may be permitted to add, that the desire of obtaining applause is but at best not a high-minded but a self-interested motive for our actions, and that it is quite possible, while committing a great wrong and doing serious mischief, to acquire popular applause, which, however pleasing, is by no means satisfactory proof that the applauded action was just or even excusable. His Excellency may succeed in patching up a hollow peace, and thus obtain temporary credit from those who are impatient of the continuance of the war, but he can only obtain a solid reputation by a comprehensive and permanent settlement of the present unhappy difficulties.

Heretofore, when the differences of opinion to which His Excellency refers arose between himself and his Responsible Advisers, they gave way; and they trust they may be permitted to appeal to this fact as proof of their anxiety to meet His Excellency's wishes, and to smooth any difficulties he may have felt in his way. Ministers have been equally anxious to defer to His Excellency's judgment on this occasion, but their convictions are so clear and strong, that by doing so they will be led into a course which they feel assured will sooner or later lead to disappointment and disaster, that they are satisfied that duty leaves them no alternative but to act on the dictates of their judgment rather than in accordance with their feelings.

Ministers are fully impressed with the belief that no more unfortunate mistake can be made than that the Colonists should at the close of the present war smart under the belief that they have been sacrificed to His Excellency's dread of the judgment of his country and posterity, and that injustice has been done to them in order to secure to him a character for clemency at their expense. To leave