

It thus appears that in the opinion of Ministers the despatch referred to was capable of two interpretations,—one by which the arrangements made would be subverted and the other consistent with it. It was against the former interpretation, which would in fact introduce a new form of Government, under which Native affairs would be administered partly by the Governor and partly by his Advisers, that Ministers thought it their duty to protest.

It is very remarkable that throughout His Excellency's very long Despatch he does not commit himself to an opinion as to which interpretation is the correct one,—his despatch will suit either. This is no doubt very safe, but Ministers most respectfully submit that it is neither candid nor fair. His Excellency, in the last paragraph of his despatch, states, "I am not at all satisfied that when the subject has been fully considered public opinion will be adverse to the instructions you have issued for the management of public affairs during the present crisis." If those instructions are intended to subvert the arrangement of February, 1863, and to authorise the Governor without qualification to act on his own judgment irrespectively of his Responsible Advisers, (and it was against this Ministers protested), they beg to express their dissent from His Excellency's opinion; but if, on the other hand, the instructions are not inconsistent with that arrangement, but only point out the manner in which it is to be carried into practice, the opinion of Ministers is not adverse to them, nor do they believe will be that of the public.

Ministers now beg to be permitted to make some corrections in matters of fact, and to point out what appears to them to be some false inferences.

1. His Excellency states it to be his opinion that several discussions which have taken place between his Responsible Advisers and himself constitute differences of opinion. It would have been folly for Ministers to have said that these discussions did not exhibit differences of opinion, but Ministers did not say anything which could be construed to bear such an interpretation. The words used by Ministers on the 2nd of August last were these:—"Practically no difference of opinion as yet exists between His Excellency and his Advisers." At that time the statement was true—no difference did then exist of a practical nature; for although differences had frequently arisen, they had been obviated by Ministers, with an earnest desire to yield to His Excellency as the representative of the Imperial Government, surrendering their own opinions; and therefore, although differences had arisen, no practical result was then in existence.

2. His Excellency next states that he is of opinion that the publication in the Colony of Mr. Cardwell's Despatch, No. 43, of the 26th of April, has produced a very happy effect on the Native population, and that to it His Excellency attributes, in no small degree, and in spite of adverse causes, the surrender of the rebels at Tauranga. Ministers feel bound to express their dissent from this opinion; and it is quite clear that the Tauranga natives had made up their minds to surrender before they ever heard of Mr. Cardwell's Despatch or its contents. The Despatch was published in the *New Zealand Gazette* on the 30th of June, and was re-published in the Auckland newspapers on the following day, which reached Tauranga on the 4th or 5th of July. The Natives who surrendered were at that time dispersed in the forests at the back of Tauranga, 150 miles distant from Auckland. On the 5th of July Mr. Rice received a communication from them that they desired to surrender, and it was several days after that before they became aware that Mr. Cardwell's Despatch was in existence. The true cause of their submission may be found in their defeat on the 21st of June at Te Ranga, by the forces under Colonel Greer, and the straits they were reduced to by the want of food. These, indeed, are the reasons they themselves assigned for their submission.

3. Paragraph No. 4 of His Excellency's Despatch is calculated to convey a very erroneous impression as regards the assumption of responsibility in Native affairs by the Colonial Government. The facts are these. In 1856, when ministerial responsibility in the management of public affairs was granted to the Colony of New Zealand, an exception was made of Native affairs—the entire control of which, by arrangement then made, was reserved to the representative of the Imperial Government. Soon after the arrival of Sir George Grey, in September, 1861, the then Ministers accepted the transfer from the Governor of that responsibility, subject to the confirmation of the General Assembly; but both Houses, in the following session, held in August 1862, passed resolutions declining the functions which had been relinquished to them; and in a despatch from His Excellency to the Secretary of State, dated the 26th of August, 1862, he stated that he had consented to act in the spirit of these Resolutions until, further instructions should reach him. His Grace the Duke of Newcastle, in a despatch dated the 26th of February, 1863, informed the Governor that the Imperial Government would not recall its decision with respect to the administration of Native affairs; but no alteration was made till November, 1863, when the General Assembly, having had under their consideration the despatch of the 26th of February 1863, "conveying the fixed determination of Her Majesty's Government to revoke the arrangement of 1856, and for the future require the Colonists to undertake the responsibility of the management of Native affairs," by resolutions passed in both Houses, accepted the responsibility thus placed on the Colonists. It is true that a great change has taken place, as stated by His Excellency, since the direction of Native affairs was originally, that is in 1861, assumed temporarily by the Colonial Minister; but it is equally true that that direction was accepted by them subject to the confirmation of the General Assembly, which was refused, and that no change has taken place in this country since November 1863, several months after the present war had broken out, when responsibility in the management of Native affairs was definitively transferred to the Colonial Ministry.

The same paragraph of His Excellency's despatch is at least inaccurate when it states that the parties engaged in the present conflict are the whole of the European population and a part of the Natives on one side, and the remaining portion of the Native population on the other; the fact being that in addition to the two hostile Native parties there is a third, exceeding in number the other two conjointly, namely, a party which has taken no active part on either side, but has remained neutral, watching the course of events.

4. In their Memorandum of the 2nd of August, Ministers stated that His Excellency is bound to judge for himself as to the justice and propriety of employing Her Majesty's troops; and that Ministers do not claim the right to enforce their policy with Her Majesty's Imperial forces. Minis-