

give effect to Her Majesty's most gracious wishes; he therefore notifies and proclaims, that he will, in Her Majesty's name, and on Her behalf, grant a free and absolute pardon to all (persons) implicated in the rebellion who may come in on or before the 22nd day of October next, take the Oath of allegiance, and make the cession of such territory as may in each instance be fixed by the Governor and Lieutenant General.

The pardon promised in the Proclamation will not be extended to those persons engaged in the murder of _____ at _____ and _____ at _____

No. 5.

MEMORANDUM by MINISTERS.

Ministers, in deference to His Excellency's wishes, will not withhold their concurrence in His Excellency's proposition to issue a Proclamation to the effect of the draft which he has transmitted to them, with His Excellency's Memorandum of yesterday's date, subject to the following observations.

1. The condition in reference to arms should, in the opinion of Ministers, be embodied in the Proclamation in the following form:—"And give up their arms and ammunition, except in such special cases and localities as the Governor may deem it necessary that they should retain them for their defence against rebels still in arms.

2. It appears to Ministers indispensable that the proposed cession of territory shall be to the extent contemplated by the Secretary of State, and include lands to be disposed of by sale, to aid in defraying the expenses of the war, as well as lands devoted to the purposes of military settlement.

Ministers therefore trust that His Excellency will be pleased to give them an assurance that the cessions taken shall be to the required extent, and also that if the terms of the Proclamation are not complied with by the date fixed, that the alternative of forfeiture authorized by the Secretary of State shall be acted on without further delay.

Ministers, however, beg to be permitted to point out that the proposed Proclamation is not, in their opinion, in compliance with the instructions of Her Majesty's Government, as contained in the Secretary of State's Despatch of the 26th of April last. The position of the Maoris, as defeated rebels, excepting those of the Tauranga district, has not been unequivocally exhibited, and certainly is not admitted by themselves, and the general amnesty suggested by the Secretary of State was contemplated only as a final measure, when all the power had been taken, and the cessions received, as stated in the despatch referred to.

Ministers also feel it due to themselves to add, that in their opinion the proclamation will cause delay, when time is of extreme value, and will not be productive of any commensurate beneficial results.

F. WHITAKER.

Auckland,
September 8th, 1864.

No. 6.

MEMORANDUM by the GOVERNOR.

The Governor thanks his Responsible Advisers for stating that in deference to his wishes they will not withhold their concurrence to his proposition, that a proclamation, the draft of which he forwarded to them on the 7th instant, should be issued, and he will feel obliged to them to cause it to be promulgated as soon as possible.

The Governor thinks with his Responsible Advisers (for reasons he need not here state), that it is possible that this Proclamation may not immediately produce very beneficial results; he hopes, however, that it may do so, and thinks after the previous notifications made by the Colonial Secretary, as to the only terms on which persons implicated in the rebellion would be pardoned, that it is essential they should know as soon as possible, that the Governor is prepared to pardon them on the conditions set forth in the Proclamation. He has consulted the Lieutenant-General, active preparations for future operations are being made, and looking to the season of the year, little or no delay in taking the field will be incurred by the issue of the proposed Proclamation.

The Governor is sorry that he should differ from the view his Responsible Advisers take of the proposed Proclamation, but he believes it to be in compliance with the instructions of Her Majesty's Government. It is not in his view a general amnesty, but a declaration of the conditions on which a pardon will be granted to those who now return to their allegiance. It seems essential that they should know this. A general amnesty can be hereafter issued, if it is thought necessary, to embrace in its provisions those persons who may not come in under the Proclamation. The Governor thinks that many Natives, including the Waikato tribes, admit that they have been conquered, but if the Natives come in under the Proclamation, and make a cession of territory, the Governor would deem this as sufficient submission upon their part, and as complete a recognition of defeat as could be expected.

The views of the Governor and his Responsible Advisers differ also on the subject of cession of territory. They in their Memorandum look only to the acquisition of territory, as a means, of aiding by its sale, in defraying the expenses of the war, or for the purpose of being devoted to military settlements, and they ask the Governor to give an assurance that the cessions taken shall be to the extent required for these purposes. The Governor views the cession of territory as a punishment inflicted to deter other Natives from engaging in rebellion, and as a punishment which in as far as possible is to be in each instance apportioned to the degree of guilt in which the several tribes have been involved. The whole of the territory thus taken will of course be available for the objects mentioned by Ministers, but he cannot take a man's land, to a greater extent than the limits of justice warrant, because it may