

(No. 139.)

Downing Street, December 26, 1864.

SIR,—

I have observed with great regret the differences between yourself and your Responsible Advisers, of which I have received intelligence by each succeeding mail, and am much concerned to find that these protracted differences have ended at length in the necessity for a change of your Administration. I had hoped that the explicit instructions given you by Her Majesty's Government as to the principles on which they desired that your dealing with the Confiscation Act, and with the conduct of the military operations, should be founded, and the plain statement of their determination to look to you as the proper interpreter of those principles in their application to the actual circumstances of the case, would have been accepted by your Advisers as a sufficient reason for waiving their own opinions when those opinions differed from yours on these subjects. I trusted they would have been able to act cordially with you in giving effect to your instructions. They have shown in their own Minutes how impossible it is to expect that such a war can be satisfactorily or honorably brought to a close under divided counsels, and must, I think, acknowledge that the Representative of the Sovereign was the person in whom alone Her Majesty's Government could be expected to repose that full confidence which was necessary to ensure unity of action. Since, however, it has proved impossible for you and them to act together, I can only hope that you will have been able to supply their place with other Ministers, whose sentiments will be more in unison with your own, and by whose cordial co-operation you may be enabled to carry into effect the instructions you have received. I observe with pleasure that you anticipate that you will be supported by a large majority in New Zealand in doing that which is right.

With reference to the remarks of your Ministers upon my Despatch of 27th June, I think it due to them as well as to yourself to say that I wish that Despatch to be understood in the plain and obvious meaning of the words, without limitation and without reserve. I intended to give you full authority to deal with the prisoners taken in war, in every case in which your opinion differed from that of your Ministers, and not merely in a supposed case of their being desirous to act illegally and harshly, though of course the instructions would be especially applicable to such a case if you considered it to have occurred. I had no intention of imputing to them any such disposition. I meant you to understand, in the widest terms, that it was for you personally as the Representative of the Imperial Government, to decide upon the release or detention of persons taken prisoners in the course of the military operations; that I wished you to obtain the advice, and, if possible, the concurrence of your Ministers, but did not consider that concurrence indispensable. I stated that I should be fully prepared to support you in case you should have thought it necessary, with or without the consent of your Ministers, so to deal with these prisoners as in your opinion the public interest might have required. It seems that your Ministers protest against these instructions. I, on the contrary, consider that I should have been wanting in the discharge of my obvious duty if I had failed to give them.

I shall look with anxiety for the report which you promised to send me respecting the escape of the prisoners from the island of Kawau. I can only observe, in the meantime, that the history of these prisoners affords a striking proof of the evils which result in the conduct of a war from disputed authority,—and of the absolute necessity for placing, in one responsible hand, the power of dealing with questions arising out of the conduct of military operations. I trusted that this had been placed, by my Despatch of June 27, beyond all possibility of doubt.

I must express an earnest hope that in future the daily business of the Colony may be transacted between the Governor and his Advisers under relations of mutual confidence, and in a friendly and cordial spirit,—rather than by means of adverse Minutes, treasuring up records against a future time, and involving great and deplorable delay in the conduct of present and pressing affairs.

You are quite right in thinking that Her Majesty's Government wished you, if you thought it prudent, at once to proclaim to the rebel Natives, terms on which their submission would be accepted. I greatly regret that so much delay had occurred in issuing such a Proclamation; and that five months after you had reported in your Despatch of 7th May that you thought it essentially necessary to let the natives know some terms upon which they might return to their allegiance, no sufficient steps had been taken for that purpose.

It is difficult for me to form a positive opinion as to the effect which the demand for a surrender of arms would have produced upon the Natives. But you urge reasons, which seem to me very weighty, for the course which you have proposed to pursue; and you are quite right in believing that Her Majesty's Government have expected you to act upon your own judgment. It is probably a question upon which the opinions of well-informed persons might legitimately differ; but you state that you had consulted the Lieutenant-General upon the terms of the proposed Proclamation, and your decision, taken after that consultation, I am perfectly ready to support.

With reference to the extent of the proposed confiscation, I have only again to refer you to my Despatch of 26th April. The conditions on which alone Her Majesty's Government were content to leave the Confiscation Act in operation were there clearly stated. It was stated also