

# CORRESPONDENCE

WITH THE

# NEW ZEALAND COMMISSIONERS

RELATIVE TO THE

EMPLOYMENT OF IMPERIAL TROOPS.

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PRESENTED TO BOTH HOUSES OF THE GENERAL ASSEMBLY, BY COMMAND OF  
HIS EXCELLENCY.

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WELLINGTON.

—  
1870.

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## CORRESPONDENCE WITH THE NEW ZEALAND COMMISSIONERS RELATIVE TO EMPLOYMENT OF IMPERIAL TROOPS.

### No. 1.

#### INSTRUCTIONS for the COMMISSIONERS to England.

THE Commissioners will understand that they are sent to communicate with the Imperial Government on two subjects indicated by Resolutions of the Legislature.

1. The first is to treat with the Imperial Government for the services of an Imperial force, not exceeding 1,000 men, for a period not exceeding five years. The Commissioners will explain to Her Majesty's Government that the object for which such a force is desired by the Colony is to impress the Native mind with the feeling that the Imperial Government still extends its protection to the Colony, and recognizes it as a part of the British Empire. Further, because, if stationed in localities which are the keys of the settled country, such force will not only be a symbol of British power in the eyes of the Natives, but an actual means of military protection, affording rallying points for the local forces, whose operations may be of a more mobile and active character. And further, because an Imperial force will present a type of discipline and military control which cannot fail to have a most important and beneficial effect on the organization of a local force, however different a system of organising such a force the circumstances of the Colony may render advisable.

The Commissioners will negotiate with the Imperial Government as to the terms on which such Imperial force will be stationed in the Colony. They will endeavour to secure the most favourable terms which the Imperial Government may be willing to grant. They will bring under the attention of the Imperial Government the fact that Legislative provision has been made by the Parliament of New Zealand enabling the Commissioners to bind the Colony for five years to such terms as may be agreed upon between Her Majesty's Government and themselves, as the Representatives of the Colony; and they will recall to the recollection of the Imperial Government the various Despatches of Her Majesty's Secretaries of State, in which it has been intimated that military assistance might be given on condition of the Colony contributing towards the cost—a rule which prevails at present with reference to a large number of British Colonies. They will fully represent the special circumstances of this Colony, and its peculiar claims on the sympathy of the Imperial Government, and also that the withdrawal, at this critical time, of all Imperial troops is not a mere negation of aid to the Colonists, but a positive encouragement to the rebels, and injurious to the Colonists and to those of the Natives who are loyal to the Crown.

The Commissioners will not consider themselves at liberty to pledge the Colony to pay for, or contribute towards, the cost of an Imperial force of more than 1,000 men; or to agree with the Imperial Government for stationing in the Colony more than that number. Any negotiations in that direction must be expressly subject, so far as the Colony is concerned, to the special sanction of the General Assembly.

2. The Commissioners will confer with the Imperial Government, and such military and other authorities as they may have access to, and, if necessary, will take evidence on the question of what description of local force may be most suitable for service in the Colony, under Colonial control; such force being in addition to and beyond any Imperial force.

The Commissioners will endeavour to obtain such assistance as they may be able to obtain from the Imperial Government towards the organization of such local force as may be determined on, either by drafts from the Imperial army, from any of the Constabulary forces of Great Britain and Ireland, from the Indian regular or irregular troops, or otherwise, as on a full inquiry by the Commissioners may be deemed most desirable. Also, to arrange with the Imperial Government for the creation and maintenance of a dépôt (if considered desirable by the Commissioners) for the collection, enrolment, and discipline of such local force. The Legislature has authorized the expenditure of not exceeding £70,000 a year for three years, in the organization and maintenance of such local force as here indicated. It must, however, be distinctly understood that no expenditure of, or liability on account of, this £70,000 is to be incurred within the current financial year, and that that amount, during any of the three subsequent financial years, is to be, so far as the present intention of the Legislature is known, not an addition to, but an actual part of the ordinary annual vote for Defence Purposes. Thus, any force enrolled in next financial year, in the United Kingdom, or elsewhere out of the Colony, under the £70,000 authority, would necessitate a *pro tanto* reduction of the force at that time employed in the Colony, which latter force would have to be diminished to such an extent as to admit of the other addition without occasioning during that financial year any excess of the then appropriation for a Colonial force. This mutual adjustment will require ample notice from the Commissioners to the New Zealand Government of all steps taken by them, or by those under their directions, for the enrolment of men, or incurring of expenditure, or liability, under the authority in question. It is also a matter for the consideration of the Commissioners, after careful inquiry, whether any part of this sum of £70,000 should be expended. The Government will not fetter that consideration, though, as at present advised, the Government think the enrolment from abroad of disciplined and well-conducted men desirable, inasmuch as it would add to the population of the Colony, and obviate the delay and expense of disciplining recruits here, and the subtraction of so much Colonial industrial power.

Copies of the Resolutions, as passed by both Houses, and of "The New Zealand Commissioners Act, 1869," are appended. The Commissioners will be careful to act strictly in the spirit, and as nearly as possible with the letter of these Resolutions. The expediency of employing a force of *Ghoorkas*, which is touched upon in the 5th Resolution as passed by the House of Representatives, but omitted from the same Resolution as passed by the Legislative Council, is a matter for the sole discretion of the Commissioners. They will receive any evidence or information that may be tendered before them on that head, and give it their impartial consideration; but the decision whether a *Ghoorka* "or any other disciplined body of men" should be employed in the terms of Resolution 5, is left to their unfettered discretion.

3. On other matters not bearing on the question of Colonial defence, the Commissioners will receive separate instructions.

The Commissioners are no doubt aware that the relations between the Imperial and Colonial Governments, particularly on the subject of military aid, have not for some time past been so harmonious as could have been wished. The Commissioners will, in their communications with the Imperial Government, use every endeavour to remove any unfavourable feeling from the mind of the Imperial Government, and to revive, if possible (and Government believes it is quite possible) feelings of Imperial sympathy towards the Colony, and of mutual harmony between the two Governments.

Wellington, 29th November, 1869.

W. Fox.

## No. 2.

MEMORANDUM by Mr. GISBORNE.

(Copies sent to the New Zealand Commissioners in London, on the 21st January, 1870.)

Wellington, 7th January, 1870.

MINISTERS have read Earl Granville's Despatch No. 115, dated the 7th of October last, communicating the decision of the Imperial Government to remove forthwith the 18th Regiment, the only regiment left in New Zealand, and have to express the great regret with which they have learned this decision and the grounds on which it is based.

Earl Granville takes some exception to having only received, when this decision was formed, the Address to Major-General Sir Trevor Chute, and the Act pledging the Colony to contribute towards the support of the regiment during its temporary detention pending the decision of Her Majesty's Government, and states that no pledge has been given that the Colony will accept that decision respecting the terms on which the troops are to be finally stationed in New Zealand. Ministers cannot conceive how any misunderstanding could have arisen on this point. The temporary detention of the regiment, pending the decision of Her Majesty's Government, was obviously intended to be followed by negotiations with that Government as to the terms on which it could be stationed here for the future. His Excellency's Despatches, the Memoranda of Ministers, the debates in the Legislature, all of which went by the same mail that took the Address to Sir Trevor Chute, would have, it was thought, fully shown this to be the case. The Resolutions of the two Houses formally pledging themselves to that course, and requiring Commissioners to be sent to England for the purpose of negotiation, were passed a few days afterwards, and went by the next mail. It is to be regretted that the Imperial Government did not, before they formed a decision, await those proposals, to the absence of which Lord Granville refers, and the arrival of the Commissioners in their support. Ministers earnestly trust that the Imperial Government, when they are in possession of those definite proposals, and of the representations of the Commissioners, will be willing to reconsider the subject, and to accede to the prayer of the Colony.

At the same time, Ministers desire respectfully to place on record some circumstances materially bearing on this important question, which do not appear to have been brought under the notice of Earl Granville when his Despatch was written.

The grounds on which the decision to remove the 18th Regiment is based are to some extent new. They may be broadly stated to be,—the possibility of British Troops being actively implicated in New Zealand warfare, and the encouragement, by the presence of British soldiers, of the Colony in a policy which the Imperial Government "have always regarded as pregnant with danger." The objectionable features in that policy, so far as can be gathered from the Despatch, seem to be the confiscation of Native land and the non-recognition of Maori authority.

The novel character of these reasons will be admitted when it is remembered that, in 1866 and 1867, two successive Secretaries of State (Mr. Cardwell and Lord Carnarvon), who had before them all the circumstances out of which these reasons arise, and who had moreover before them the direct request of the Colonial Government that all the Imperial Troops might be removed, decided to leave one Imperial Regiment in New Zealand substantially on the sole condition that a certain sum was contributed by the Colony, not to the support of that regiment, but to Native purposes. The Imperial Government have now before them a united expression of opinion on the part of the Governor of the Colony, the local Representative of Imperial interests, and on the part of both Houses of the Legislature, that one regiment should be left in the Colony, and the pledge of the Colony to contribute towards the support of that regiment for five years. And yet the retention of the regiment on any terms is refused upon political considerations which, if they have any force, had exactly the same force three years ago, when the Imperial Government were willing, without payment and unsolicited, to leave one regiment in New Zealand. And during the course of these three years, in all the voluminous correspondence which has passed respecting the retention of this regiment, the Imperial Government never indicated their intention to reject all terms; but, on the contrary, they have repeatedly implied that the absence of any proposal on the part of the Colony to pay for the regiment, was the reason why it was to be removed, and have in effect invited the Colony to make such proposal.

The best reply to the argument that the presence of one regiment in New Zealand would implicate

it, and therefore the Imperial Government, in the war, is the practical experience of the last three years, during which, notwithstanding that active hostilities have almost incessantly prevailed,—some of our flourishing settlements have been devastated, the Town of Wanganui, while garrisoned by Imperial soldiers, threatened, and massacres of women and children frequently committed,—not one Imperial soldier has been called on to fire a shot or to leave his garrison. And yet the presence of the regiment has been a great moral support to the Colony struggling in that contest, and its removal would in all probability have extended the area of insurrection and aggravated its horrors.

Nor does there appear to present itself to Earl Granville's mind, with that force which those feel whose lives and fortunes are immediately involved, the wide distinction between the despatch of an Imperial Regiment to the aid of a Colony in which no Imperial Troops are stationed, and the removal of the only remaining one from this Colony, in which a formidable rebellion has so long existed, and atrocious outrages so recently have been perpetrated. In the latter case, while the Native mind is in a ferment, while the restoration of peace on the one hand, and a general rising on the other, are almost evenly balanced, the effect of an act like the withdrawal of the sole symbol of Imperial interest in the Colony is calculated to extend and intensify insurrection, and to enfeeble those who are strenuously engaged in its suppression. The temporary detention, by General Chute, of the 18th Regiment has hitherto had the most beneficial effect. It saved at the time, as there is good reason to believe, the Colony from great disaster, and it has materially strengthened the hands of the Government in the restoration of tranquillity.

Ministers are now engaged in the most delicate negotiations with the (so-called) King party, with a view to the isolation of Te Kooti and other rebels in arms, and to the re-union of that party to ourselves, and to securing their active co-operation in the re-establishment of peace. These negotiations were gradually assuming a favourable aspect, but it is necessary that the greatest care and caution should be exercised; and it is especially important that at this critical juncture Imperial sympathy should not be withheld, or the Natives be unmistakably shown that Her Majesty's Government view the Colonists with disfavour, and withdraw from them every symbol of support. It is therefore scarcely necessary to add that the receipt and previous publication of Earl Granville's Despatch seriously imperil the prospect of success, and justify an apprehension of calamitous results.

Before proceeding to the other reason advanced for the removal of the regiment, Ministers are reluctantly compelled to advert to what appears to them a prevailing spirit of estrangement from the Colony throughout the line of argument adopted against supplying it "even with the prestige of British Troops." It seems to be argued that British Troops should not remain in the Colony, lest the strange and inadmissible alternative should arise of their being used when disasters occur. It has been shown that during the last three years, when if at any time this alternative would have arisen, such has not been the case; but Ministers, with the utmost deference, would point out that New Zealand is not an alien country; that it is peopled by two races, both of which—one by natural allegiance and the other by treaty—are British subjects; that the present Prime Minister, when Chancellor of the Exchequer, in 1864, stated that "he did not see how England could with justice throw the whole responsibility of the war on the Colony;" that "the policy which had led to the war had not been exclusively that of the Colony;" that the Home Government had approved it, and were so far responsible "for it." That war to which Mr. Gladstone referred has not yet ceased. Ministers would further respectfully point out that the Imperial Government have some obligations towards the natural and adopted subjects of Her Majesty; that no Imperial Ministry can absolve itself from such obligations more than it can absolve Her Majesty's subjects from allegiance to Her Majesty; that the Queen assumed the sovereignty of the Northern Island of New Zealand under cession by treaty with the Native chiefs and tribes, in order, as stated therein, "to protect their just rights and property, and to secure to them the enjoyment of peace and good order," and that, in consideration of that cession, "Her Majesty the Queen of England extends to the Natives of New Zealand her Royal protection, and imparts to them all the rights and privileges of British subjects;" that that solemn undertaking precludes, both in spirit and in letter, an Imperial policy of absolute isolation and denial of moral support, while loyal Natives are being massacred because they do not secede from the Sovereign to whom they believe they owe allegiance. Ministers would also recall the fact that, in 1863, when the rebellion was at its height, the Colony accepted the control of Native affairs, "relying," as stated in the Resolutions of the Legislature, "on the cordial co-operation of the Imperial Government for the future;" that the Colony has not stinted its blood or treasure in its efforts to suppress that rebellion; that during the last three years, while almost reduced to extremity, it has struggled for the same object without the active intervention of a British soldier, or the expenditure of a shilling from the Imperial Treasury; that all it asks now, when it has worked its way into less troubled waters, is the temporary continuance, for which it is willing to pay, of the existing Imperial moral support in the Colony, and by that means a reasonable prospect of soon reaching the haven of permanent security.

Nowhere more than in New Zealand does there exist a stronger feeling of loyalty to the Crown, and of devotion to Her Majesty, or a higher value attached to its position as an integral part of the Empire; and Ministers feel assured that throughout the Colony there will arise a universal feeling of regret that the tone and purport of Earl Granville's Despatch (written at a time when he must have known the Colony to be in the greatest distress), are scarcely susceptible of any other explanation than a desire to abandon this country, and to sever its connection with the Empire.

The other argument advanced by Earl Granville is founded on His Lordship's disapprobation of the New Zealand Native policy, and is, in effect, that the prestige of British Troops in the Colony would encourage that policy, and that the absence of such prestige would compel the Colony to reverse it, or to adopt the alternative, (a course indefensible if the policy itself be unjust,) of placing on foot "a force sufficiently formidable to overawe" the discontented Natives.

It does not appear that any good result would accrue if Ministers were, on this occasion, to enter into any lengthened defence on the points at issue of Native policy since its conduct was transferred to the Colonial Government. Such a defence must not only be controversial, but even recriminatory, for it would necessarily involve a criticism of the Imperial Native policy before and after the commence-

ment of the war. But Ministers are by no means desirous of avoiding such an investigation. On the contrary, they ask for an impartial and searching inquiry, and request that Commissioners—one selected by the Imperial and one by the Colonial Governments—be appointed to ascertain on the spot the true state of affairs, and the due share of responsibility devolving on all concerned. They will at present only offer a few remarks on the objections made to that policy in Earl Granville's Despatch.

Confiscation of part of the land belonging to rebel Natives in arms against the Crown is the principal feature to which His Lordship takes objection. Whatever may be its defects, a reference to official documents will show that the Imperial Government is, equally with the Colonial Government, responsible for it.

Governor Sir G. Grey (second to none in his experience of Natives in New Zealand, and in his advocacy of their rights), in his Despatch of 29th of August, 1863, when the Colony had not accepted from the Imperial Government responsibility for Native Affairs, recommended such confiscation, and the Duke of Newcastle, in his reply, dated 26th November, 1863, approved of the principle, and only suggested due caution in its application. Mr. Secretary Cardwell, in his Despatch of 26th April, 1864, allowed "The New Zealand Settlements Act, 1863," by which confiscation was authorized, to remain in operation, and addressed the following words to Sir G. Grey:—"It should be clearly understood that your own concurrence in any forfeiture is not to be considered as a Ministerial act, but that it will be withheld unless you are personally satisfied that the confiscation is just and moderate." And again,—“Subject to these cautions and conditions, and in full confidence that you will act on the general principles which I have before laid down, (and in which I anticipate your cordial concurrence,) Her Majesty's Government are prepared to leave in your hands the power with which you have been intrusted by the Legislature of the Colony.” Further, in his Despatch of the 26th December, 1864, Mr. Cardwell stated,—“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, that of the application of those conditions to the actual circumstances of the case, you were to be the judge. That confidence was reposed in you in the full belief that you would discharge your trusts with a just regard for the interests of both the Colonists and of the Maoris.” In his Despatch of the 26th January, 1865, Mr. Cardwell also wrote,—“The objects which Her Majesty's Government have been desirous of effecting for the Colonists are substantially these. \* \* \* \* \* They have wished to inflict upon the rebel tribes, or some of them, an exemplary punishment in the way of forfeiture of lands, which shall deter them from wanton aggression in the future.”

The confiscation in the Waikato District, to which Earl Granville specially refers, was made by Governor Sir G. Grey, (see Despatch, 7th January, 1865,) with the advice of his Ministers, and specially after consultation with, and with the concurrence of, Lieut.-General Cameron. That confiscation was approved by Mr. Cardwell in his Despatch of the 27th of March, 1865, in which he stated, “If these promises” (as to restoration of lands to loyal Natives and returned rebels, and amply fulfilled) “are, as I doubt not they will be, faithfully observed in the spirit of the instructions you have received from me, I see no reason to object to the Proclamation on the score of justice.”

In his Despatch of 26th October, 1865, Mr. Cardwell wrote in special reference to the New Zealand Settlements Acts, “that so long as any considerable number of British Troops remain in New Zealand, Her Majesty's Government must continue to retain a reasonable control over that Native policy on which the employment of those troops will depend;” and in his Despatch of 26th April, 1866, on the same subject, stated,—“under these circumstances Her Majesty's Government have not thought it right at present to advise that these Acts should be disallowed, and trust that no circumstances will arise in the course of their execution which will render it necessary for them hereafter to tender such advice.”

In reference to these quotations, Ministers would observe that every act of confiscation has been done with the personal concurrence of Governor Sir George Grey, who was constituted Imperial Agent in the matter; that no confiscation has been made since the early part of 1867, when there was still in New Zealand “a considerable number of troops,” and that the power to confiscate ceased on the 3rd of December of that year; that no circumstances arose in the course of the execution of the New Zealand Settlements Acts which rendered it necessary for Her Majesty's Government to disallow those Acts; that the utmost liberality has been shown in reserving land for returned rebels, and in compensating the claims of loyal Natives; and that hitherto, in a pecuniary point of view, the confiscated lands have been a great loss to the Colony, and that there is every probability of their continuing to be so.

In order to prove his assertion that it is manifest “that the discontent of the Natives does mainly arise from the confiscation of their lands,” Lord Granville quotes the case of Te Kooti. In opposition to this argument, Ministers will not place their own knowledge of the facts. They will content themselves with quoting from the summing-up of Mr. Justice Johnston, in the trial, in September last, of some of Te Kooti's followers, for high treason, (afterwards convicted,)—a trial which, it may be observed, occupied four days, and during which the prisoners were defended by an able English barrister, (Mr. James Gordon Allan,) and every circumstance was most carefully investigated.

Mr. Justice Johnston says:—

“There is no indication, nor is there any pretence for saying, that what was done by Te Kooti, was either in consequence of tribal quarrels or for the purpose of repossessing himself of land of which he or his party had been dispossessed by the Government. They belonged to different tribes; few of them had dwelt there, and there is no evidence to show that any land was taken from them by the Government; neither is there any evidence to show that the intention was to avenge themselves for a wrong they had suffered. Furthermore, there is no evidence to show that it was upon any plea of illegal detention or bad treatment at the Chatham Islands that they sought to take revenge. Endeavours were very properly made by the learned Counsel for the defence to show that all their subsequent attempts were in consequence of the treatment they had received at the Chatham

"Islands, but you will see that those endeavours failed. No doubt the mere act of escaping from there is such as no one will blame them for, for they only obeyed the first law of nature. But they brought guns from there which were not their property, and they used those guns afterwards and took other guns. The case does not, however, stop there, for we have positive evidence as to the intention of Te Kooti, from what he repeatedly said in the hearing of persons at times antecedent to that at which these men voluntarily took a part in his acts. Gentlemen, if there were no other purpose that this trial could serve than this, it is well that the Colony, the Mother Country, the world, should know that the deliberately avowed and repeated intention of Te Kooti was, as it has been expressed,—and I shall use no language of rhetoric to characterize the expression,—to annihilate the *momokino*, the 'bad breed.' On pressing the matter, and questioning the witnesses as to what Te Kooti meant by the 'bad breed,' and what was understood by it by his followers, it became a clear matter of fact that the 'bad breed' did not mean this man or that; it did not mean the Pakeha, the foreigner, merely, but the Government people of both races. Throughout the whole disastrous events, both the language and the actions of this party showed that their attacks were levelled against those who supported the Government. What Government that was, there can be no doubt. It was the Government of Her Majesty in the Colony. Therefore, I say, this is so pregnant and important a fact, that if nothing else resulted from this trial, your long detention from your homes, the inconvenience you have been put to, and which you have borne so patiently and intelligently, would be but little in your estimation compared with establishing the fact before the world that such are the intention and meaning of those persons who, I am sorry to say, are still, as far as we know, in more or less active insurrection against the Government. The importance of the trial in this respect, of course, so far from tending to prejudice the prisoners at the bar, would have rather a contrary effect, for I say, notwithstanding the perhaps justifiable observation of the Attorney-General, that, to my mind, what becomes of these three men is comparatively insignificant to the great fact which this trial will probably establish, that, as far as regards the circumstances of that portion of the Colony with which this case is connected, the Government has not been acting otherwise towards the hostile Natives than for the maintenance of the peace of the country, and that Te Kooti and his followers have not set up the pretence of a grievance done to them."

"No possible suggestion can hereafter be made with regard to this portion of the Native race, at all events, that their object was to get back land of which they complained that they had been wrongfully dispossessed. No suggestion can hereafter be made that their conduct was even retaliation for some oppression or injury which they even pretended to have received at the hands of the British Government. No suggestion can be made that the insurrection in this part of the Colony was the result of misconduct, ill-feeling, or mismanagement on the part of the European settlers or of the Government. With matters which are called political we have nothing to do here. It may be that some persons may think that if these prisoners had been better guarded these events would not have occurred; but what justification can that be to them for anything further than their escape, which undoubtedly the law of nature suggested to them? If it were necessary to show distinct motive more clearly, does it not appear that the mode by which they sought to shake off the yoke of British rule was by annihilating the British people in this Island? Ay, and that so little was there of anything like a national spirit in it, that they were ready to sacrifice persons of their own race; and not only those who, in assisting the Government, might be said in some kind of sense to be traitors to the Native cause, but harmless women and children of their own blood, merely because they were under the protection of the Government."

With regard to the non-recognition of Maori authority, on which Earl Granville lays some stress, Ministers fail to perceive, if they understand the expression aright, in what respect the Native policy is open to objection on that account. In 1858, an elaborate series of Acts was passed by the Colonial Legislature, in order to give legitimate effect to that authority in Native districts, and one of the most important of them, "The Native Territorial Rights Act, 1858," was disallowed because (see Despatch, 18th May, 1859, signed by Lord Carnarvon in absence of Sir E. B. Lytton,) Her Majesty's Government could not "either for the sake of the Colonists or for that of the Natives, or for Imperial interests, surrender the control over Native affairs."

In 1862, Governor Sir George Grey strenuously tried to introduce local institutions into Native districts, and the General Assembly appropriated for three years the annual sum of fifty thousand pounds (exclusive of appropriations for Native schools), such sum to be expended for purposes of Native government in such manner as the Governor may direct; and this appropriation was made at the time that the Legislature refused to assume responsibility for Native affairs, and was therefore subject to the Governor's personal control.

Every successive Administration since the conduct of Native affairs was transferred to the Colony, has been anxious to avail itself of every opportunity to induce the Natives in the disturbed districts to resume their friendly relations towards the European race, and thus open the way to their participation in local institutions. Nor has the Legislature neglected to provide for the special interests of the Natives generally. The Native Lands Acts have enabled them to dispose of their lands. "The Native Rights Act, 1865," has given them all the rights of natural-born subjects of Her Majesty. "The Maori Real Estate Management Act, 1867," provided for the management of real estate belonging to infants and others of the Maori race under disability. "The Native Schools Act, 1867," made provision for the education of Natives. "The Maori Representation Act, 1867," made special provision for Native representation in the Colonial and Provincial Legislatures.

Unfortunately, in the case of the (so-called) King Natives, to whom no doubt Lord Granville principally refers, their consent to any negotiations with us has not, until very lately, been obtained.

If, however, the recognition of Maori authority is intended to mean a recognition independent of, or inconsistent with, the authority of Her Majesty, Ministers at once state that such a recognition was never entertained, and could not, even if it were desirable, have been granted by the Colonial Government.

It must also be borne in mind that any recognition of the Maori King, as having authority over the many influential tribes who are quite independent of him, would at once be resented by them, and could not be effected except by force.

Lord Granville further states that large concessions (the abandonment of land and the recognition of Maori authority) "are unavoidable, to appease a pervading discontent with which the Colony is otherwise unable to cope."

Ministers cannot imagine on what grounds His Lordship thinks it right to advise such concessions to rebels in arms. Concessions of that kind to armed rebels in civilized countries do not generally tend to conciliation, and would certainly not have that effect where the rebels are semi-barbarous, have an overweening idea of their superior prowess, and see the Colony abandoned by the Imperial Government. Conciliation of Te Kooti simply is submission to massacre. It is the duty and the earnest wish of the Colonial Government to remove every real grievance of the Native race; but any attempt to buy off those who are fighting against us, by concession of land and recognition of authority, would always be dangerous, and would now be doubly dangerous, when those persons learn, on the authority of this Despatch, which was published only five days after it was written, that the weakness of the Colony renders those concessions unavoidable, and that the British Troops are withdrawn for the express purpose of reducing the Colony to that requisite weakness.

It does not appear that the present Prime Minister, in his recent reply to the memorials for the release of the Fenian prisoners, takes the same view of concession, even where it would be impossible to misinterpret it as a sign of weakness, or as an encouragement to rebellion. He says that "The first duty is to consider, not the overwhelming power with which future crime could be repressed, and still less the satisfaction always attendant on concession to demands that have sprung from a generous compassion, but the paramount obligation of securing in their peaceful occupation the loyal mass of the community." And he adds, "To raise or to incite insurrection against the Government of this country, and against its public order, is ever to be regarded as a great crime; to permit it, would be one not less great. The Administration can have no interest except the interest of duty in its punishment."

The late Duke of Newcastle, when Secretary of State for the Colonies, also reprobated this abject policy of weakness, now sought to be imposed on the Colony. His Grace, in a Despatch dated 5th June, 1861, written since the commencement of this war to Governor Sir George Grey, stated as follows, in reference to conditions of peace: "But I wish to impress upon you my conviction, that in deciding upon those conditions it will be your duty, while avoiding all unnecessary severity towards men who can scarcely be looked upon as subjects in rebellion, to take care that neither your own mission nor the cessation of hostilities when it arrives, shall carry with it, in the eyes of the Natives, any appearance of weakness or alarm. It would be better even to prolong the war, with all its evils, than to end it without producing in the Native mind such a conviction of our strength, as may render peace not temporary and precarious, but well-grounded and lasting."

The last point to which Ministers will allude is the premature publication of the Despatch under consideration. It was written on the 7th of October last; it was presented, not to Parliament, but to the London newspapers, and it appeared in the *Times* of the 12th of that month; and, although the mail to Australia had left, its substance was telegraphed *via* Galle, and was known throughout New Zealand ten days before the Despatch itself reached the Governor. This course, in the case of Despatches to the Governor of a Colony, is, it is believed, most unusual, and, in this case, calculated to have a very mischievous effect on the Native mind, and on the negotiations which were at the time in progress with the King Natives, with apparently every reasonable prospect of a favourable issue.

Ministers trust that in this Memorandum which it has been their painful duty to write in answer to Earl Granville's Despatch, they have not been betrayed by the strength of their natural feelings on a subject of vital importance to the Colony, into any expression offensive to the Imperial Government, or unbecoming their own position. Their sole endeavour has been to controvert, fairly and frankly, the erroneous (as they think) statements and imputations unreservedly conveyed in that Despatch, and to represent truly the case of New Zealand in relation to the Empire. They claim that the Colony should be practically recognized as an integral portion of that Empire, and not be thrust out beyond its pale as of infinitely less consideration than a British subject in foreign lands. They ask England for no pecuniary sacrifice; they do not appeal to her compassion; but they do appeal to those eternal principles of justice, which are as much the duty of the strong as they are the heritage of the weak, and which even the most powerful nation should never withhold from the feeblest suppliant.

W. GISBORNE,  
Colonial Secretary.

For His Excellency the Governor.

NOTE.—The absence from Wellington of Mr. Fox has precluded him from signing this Memorandum.

### No. 3.

#### MEMORANDUM by Mr. Fox.

(Copies sent to the New Zealand Commissioners in London on the 2nd April, 1870.)

THE departure of the last regiment of British troops, marking as it does an epoch in the history of New Zealand, should not in any case be passed over without remark; but more especially is it necessary that Ministers should state their views concerning it, inasmuch as it is exciting considerable discussion in England, and statements are being made with which the Colony may be identified, in the absence of any distinct official utterance. It would be impossible within reasonable limits, even if it were desirable, to discuss the many phases of the Colonial question which have appeared in connection with the policy which the Imperial Government is pursuing towards New Zealand. Ministers acknowledge with thanks on behalf of the Colony the efforts which have been made by a number of



independent persons to represent to the Imperial Authorities the unpatriotic harshness which they have shown in their special treatment of New Zealand. Though not prepared to indorse in every particular all the steps taken by those persons, Ministers fully appreciate the friendly spirit towards New Zealand which has characterized their proceedings. Those proceedings have been the more valuable because, as they have not been prompted by any official action on the part of the Colony, they stand prominent as an unmistakable reflex of independent public opinion. Had they owed their source to official suggestion, they would have been less serviceable. It may be here observed, that Ministers have already declined to authorize the representation of the Colony at the proposed Colonial Conference. They considered that it was especially important, at this critical juncture, that the opinion of the Colonists should be known through the recognized constitutional channel. Much misconception might arise from communications which, purporting to be official, might fail to thoroughly represent the views of the Colony. But as a moral support to public opinion in New Zealand, and to the course which it may be decided the Colony shall take, the independent expression in Great Britain of sympathy and good feeling is invaluable. They feel it would be unfair to the large views expressed by Mr. Edward Wilson, in his letter to "The Times," which has obtained a world-wide publicity, did they fail to take this opportunity of stating that they concur with him in regarding the policy lately pursued by the Colonial Office as one tending towards the disintegration of the Empire, and also that they agree with Sir George Grey, in considering that the action of the Imperial Government has not only been unfriendly, but that it is scarcely reconcilable with any other motive than a desire to drive New Zealand from the Empire.

In some quarters a disposition has been shown to test the propriety of the departure of the troops by the immediate result. Thus it has been said that the removal would be justified if no actual disaster at once followed it. Such a test is in itself an admission of an inclination to run a great risk by way of a political experiment; and the opinion of persons who can deal with the interests of an important Colony so callously is of little moment. But it is of importance that it should be fully understood the Colony does not admit that immediate events are to decide the liability of Great Britain for the consequences arising from the course she has taken. It is well, therefore, to define what Ministers consider the position to be, as far as they can do so with public safety. It is necessary to make this reservation, because it should be understood that the recent action of Lord Granville in publishing Despatches, makes Ministers feel that they must refrain from any statements the publication of which would be injurious.

It would not be advisable to particularise the consequences which there is good reason to believe would have followed had the troops not been detained last year by General Chute in obedience to the earnestly expressed wish of both Houses of the Legislature; but Ministers desire to place on record their conviction that the then detention of the troops saved the Colony from disaster, and has proved of signal public service. That the removal now is not fraught with immediate disaster, is through no care of the Imperial Government. The orders sent out were in the last degree peremptory. Ministers do not believe that immediate calamity will now follow the departure of the troops. The intervening months since the detention last year have placed the Colony in a somewhat better position. Ministers earnestly hope that no future disaster will be attributable to that departure; but supposing this hope to prove well founded, it is still not to be assumed that it is right that the Troops should have left, or that, without any absolute disaster to instance, great injury may not be caused. If this document were confidential, Ministers could point to obvious immediate injury resulting from the departure, and to difficulties which it is occasioning; but as it is, they can only in general terms state that the departure of the troops means the loss of a valuable garrison force,—that it lessens the prestige of the Government in dealing with the neutral and hostile Natives; that it impairs the confidence of the friendly Natives, who hold that the Treaty of Waitangi gave them the right to look directly to the Crown for the fulfilment of its obligations; and that in the event of complications and disturbances, which Ministers trust and hope will be avoided, the consequence of the departure of the troops will probably be a feeling that the Colony owes no heed whatever to the obligations undertaken by Great Britain.

Substantially the position is this: the Imperial Government retire from the great colonizing work which Great Britain undertook; they give no notice to those Natives who have always aided her; they say to the Colonists and to the Natives, Do what you like, we cease to care for what may happen. It is impossible to define any time during which the effects of this course may be apparent; it is sufficient to know that it is one which affects the future of the Colony. It is alleged by Lord Granville that the step has been taken in the interests of the Colony. This is a view which Ministers cannot allow to pass unchallenged. If it really be the opinion of Ministers at Home that they can better judge what the Colony requires than the Colonists themselves, surely they should withdraw, and not increase, the local powers. The Colonial Legislature deliberately asked that the troops should remain, and offered to pay for them whatever was required. It is a singular excuse for fastening on the Colony greater responsibility, that its judgment in so important a matter is considered to be at fault. But it is idle to pursue this branch of the subject, for, clearly, the protestations about the troops being removed for the benefit of the Colony are merely official euphemisms—a civil disguise of the fact that it is considered necessary to sacrifice the Colony to Imperial policy. The Imperial Government have acted, not only in disregard of the wish of the Colony, but of the advice of all those of their own officers who are able to give them recommendations founded on experience. His Royal Highness the Commander-in-Chief has given the Government a positive expression of his opinion that the removal of the Troops would be prejudicial to Imperial interests. The late Governor, Sir George Grey, and His Excellency Sir George Bowen, have often most powerfully urged the same views, as have also, repeatedly, officers of high position in the Imperial services. Until quite lately, the Imperial Government have held, it is to be inferred, similar opinions. The persistence with which they invited the Colony to defray the cost, and the fact that twice, in 1866 and 1867, they determined, irrespectively of the previously expressed wish of the Colonial Government, that one regiment should remain, showed that they considered some Troops should be detained. The evidence is conclusive, that the Imperial Government have now decided that possible pecuniary liabilities are superior to national considerations, as far as New Zealand is concerned. Even although the Colony offers to pay

for the Troops, Her Majesty's Ministers, as shown by Earl Granville in his Despatch No. 115, 17th October, 1869, are apprehensive of the responsibilities which might result from a continued connection with the Colony, altogether forgetting those which they have incurred, and which they cannot shake off.

Some idea of the enormous gravity of the step taken by Her Majesty's Ministers may be conceived when it is remembered, that though the removal of the Troops was opposed to the advice of the Imperial officers who had a personal knowledge of the Colony, the orders were so unconditional that the removal must have taken place, no matter what condition existed when the orders arrived, and what sacrifice of life might have ensued.

It is true, that in the Despatch already referred to, theoretical objection was taken to responsibility; but seeing that such theories apply to all Colonies, as long as there is an Imperial Representative or ship of war in any Colony, we may accept them as a plausible introduction to the new policy decided on towards New Zealand. Ministers freely admit that the Colony has from time to time asked for authority to manage its own affairs, but it has always done so subject to the condition of its still remaining a part of the Empire. If it had failed to endeavour to do justice to the responsibilities it sought, no doubt it might be taunted with such failure; but even then Ministers urge that the Imperial country could not have released itself from the supreme responsibility which, as the head of the Empire, attaches to it.

It is not pretended that the Colony showed itself indifferent to its self-sought responsibility. It has contracted an expenditure which, as compared with its revenue, would, if contracted by the United Kingdom in proportion to its revenue, amount to nearly three hundred million sterling, or, on the basis of population, it would amount to about five hundred million sterling. It has lost a very large number of colonists as compared with its population. When it asked for a regiment to remain, it did not abandon its aspirations; it was still willing to persevere in the arduous duty it undertook; it requested only what quite recently back it was advised to consent to—to pay for a regiment to remain in the country. The request was nothing more than that one Power might address to another,—paid assistance to repress or guard against the outrages of fanatic savages. If a Colony in time of peril may not seek such a boon, no matter what it has previously undertaken,—and for the sake of argument let it be said no matter what errors or mistakes it may have committed,—then Ministers are at a loss to understand the position which the Colonies occupy. Indeed it might be laid down as a principle, that whilst a colony remains a part of the Empire, and is governed by a nominee of the Crown, it has the right to look for assistance to the Imperial country in any emergency with which it is beyond its own power to cope.

To satisfy the theories of Lord Granville as to responsibility, New Zealand must cease to be a part of the Empire, and that is one reason why the Despatch in question may be regarded, as urged by Sir George Grey as a hint to that effect. The circumstances all corroborate this view. As has been already said, the removal of the Troops is notoriously opposed to the opinions of those who in ordinary cases would advise the Colonial Office. Long ago as it was since the removal of the Troops was spoken of, it was always understood that the removal would be conducted in such a manner as to be least injurious to public safety,—certainly that it would not be completely effected in the midst of active hostilities. This was the case when the Colony decided not to ask for the retention of the Troops, but to try to do without them; but with an inconsistency specially affronting to the Colony, when the Colonial Legislature resolved that it was desirable one regiment should be retained, and made provision to pay for it, unconditional orders were sent for its immediate removal, no matter what disasters might follow; this too at a time known to be particularly critical, and when delegates were on their way to confer with the Home Government on the subject. Only extreme necessity could explain such a denial of ordinary courtesy as that imperative orders to remove the Troops should cross the Commissioners on their road to execute the mission with which, within Lord Granville's knowledge, they were to be intrusted. No military necessity explains the course pursued. The regiment has proceeded to the neighbouring Colonies, to remain there in comparative idleness. Those Colonies would be glad, even though they paid the usual contribution, that New Zealand in its need should have the use of the Troops. Again, heedless of all the mischief it might produce, Lord Granville published his Despatch, although he must have been aware that the terms in which he spoke of the Native Rebels, and the encouragements he held out to them, were calculated to seriously embarrass the Colony. As a fact, it may be stated that the Despatch has been translated into Maori, and has given great satisfaction to those Natives who are in arms against and otherwise opposed to us.

Whilst Ministers deem it their duty to place on record their opinions of the present position, they desire it to be understood that they do not commit themselves to an indication of what course the Colony will take. It may be that the Assembly will consider that so important a matter as the severance of a Colony from the Empire is one about which the Imperial Legislature should express an opinion. It may be that the force of public opinion, already in measure expressed, will induce Her Majesty's Government to regret the invitation to New Zealand to leave the Empire, which Lord Granville's Despatch implied; and it may be that the Assembly will consider that there is another question first to be decided, namely, the liability of the Imperial Government to the Colony, if there is indeed to be a complete release of Imperial responsibility.

New Zealand is sparingly peopled, but it is possessed of resources adequate to a large population. It is strictly, in every sense, now being colonized for the people of Great Britain. To every citizen of that country all its advantages are open. He may, a few months after his landing, attain to political power, or in his private and industrial capacity he enjoys equal privileges with the veteran colonists who found the country a wilderness. Thousands of persons in Great Britain, without even having visited the Colony, are interested in it, in business or in property. It has been the pride of the Colonists to consider themselves subjects of Great Britain, and to believe that they are rearing up a home for those of their fellow-subjects who are crowded out of the Mother Country. It is a glory to them to know that in this new Britain there is no pauperism, and that the benefits of education are

extended to the whole population. It is hard to realize that the pounds, shillings, and pence question is so exigent that, for the sake of some possible pecuniary liability, it is thought necessary to alienate such a people. There was a time when Great Britain, although less wealthy than at present, thought little of the cost of her Colonies, and when she was proud to undertake future responsibility in connection with them. Then they were far from her; now steam and telegraphy have practically brought them near to her. It is strange that the necessity of desertion should have grown up concurrently with all the conditions which make that desertion most opposed to the progress of science as it is to the traditions and the history of an Empire which has attained to greatness in large measure through the national enterprise and spirit the Colonies have developed. But it may be considered presumptuous in Colonial Ministries generally to criticise Imperial Policy; so, in conclusion, they confine themselves to stating their conviction that the removal of the troops, in the face of the offer of the Colony to pay for a regiment, and all the surrounding circumstances which have been referred to, must leave in the minds of the Colonists, and by them, if this new policy be persisted in, be handed down to the future inhabitants of New Zealand, a rankling feeling of alienation from the Mother Country, which, in the plenitude of power, has shown so little care for their feelings or their just claims.

Wellington, 28th March, 1870.

W. Fox.

#### No. 4.

The Hon. W. GISBORNE to the NEW ZEALAND COMMISSIONERS.

(Telegram.)

Government Buildings, 19th March, 1870.

To avoid any misconception, Ministers desire to definitely instruct you not to act on the authority for raising Colonial troops at home. This refers to the £70,000 authority, but does not interfere with your negotiations for one Imperial regiment.

The Hon. F. D. Bell and the Hon. Dr. Featherston,  
Care of J. Morrison, No. 3 Adelaide Place,  
King William Street, London.

W. GISBORNE.

#### No. 5.

The NEW ZEALAND COMMISSIONERS to the Hon. W. GISBORNE.

SIR,—

London, 28th January, 1870.

We have the honor to inform you that, at Lord Granville's desire, we waited upon him yesterday, and had a long interview with his Lordship.

Lord Granville expressed his great satisfaction at the course taken by the Assembly in sending Commissioners home, and his desire that we should feel ourselves to be on terms of the most frank and unreserved intercourse with him. Indeed we had gone but a little way in the conversation, which his Lordship at once led to the main points of our mission, before it became clear we must decide whether what passed between us should not be entirely confidential, so far as any report by the present mail was concerned.

It was evident that in this interview we could only glance, on both sides, at the many points to be discussed; while, if our first conversations were not to be made matter of official record, the one great advantage would be gained of an immediate and open expression of views, without argument or controversy. It was accordingly agreed that, on our parts, we should maintain silence on what passed, Lord Granville, on the other hand, merely informing the Government that he had received us, and meant to give us his confidence. And, his Lordship having asked us whether we would leave it to him to repeat at the Cabinet to-day the substance of what had taken place, instead of sending him a formal Minute last night, we were glad to adopt the former course.

It is therefore not in our power to give you any account of this interview. As our discussions proceed, they will of course take a formal shape,—but the time and mode of doing this will be mutually agreed; and you will probably consider that we have best helped the restoration of friendly intercourse with the Imperial Government, by avoiding, at the outset, any written or even recorded communications.

The Hon. the Colonial Secretary,  
Wellington, New Zealand.

We have, &c.,  
I. E. FEATHERSTON,  
F. D. BELL.

#### No. 6.

The NEW ZEALAND COMMISSIONERS to the Hon. W. GISBORNE.

SIR,—

London, 25th February, 1870.

When the last mail left we had only been a few days in England, and had had no opportunity of forming an opinion as to the prospect of success or otherwise in the main object of our mission. The first interview we had with Earl Granville did not certainly justify us in entertaining sanguine hopes, notwithstanding the courteous and friendly reception he gave us, that the decision of the Imperial Government about the troops would be changed.

It is with no slight regret that we feel it our duty now to announce to you our conviction that Her Majesty's Government have absolutely made up their minds on the question, and that nothing we can say has any chance of inducing them to reconsider their resolution.

We need hardly assure you that we have endeavoured to carry out to the utmost the desire of the New Zealand Government that we should approach the Home authorities in a friendly and moderate spirit. In order to ensure this, we expressed at the outset to Lord Granville our disinclination to

make any written statements, for we thought the first condition of success would be the avoidance of controversy about the past, or any reference to the recriminations that had been going on between the two Governments. Lord Granville more than once offered to lay before the Cabinet any paper we might wish to draw up; but we believed that so long as he would not himself, as Colonial Minister, advise his colleagues to reconsider their course, the mere submission by him of a memorandum of ours would have no effect upon them, while it would probably terminate our personal communications with him, and be the opening of a paper warfare which would do us no good.

Thus it is that we have no public documents to send you, and that the report of a whole month's efforts may be summed up in the words that we have as yet failed to produce any impression sufficient to induce the Government to change their minds.

But however fixed may be the determination of the Cabinet on the subject of the troops, it is not so certain that our whole future relations will be summarily disposed of without more inquiry.

Many members of both Houses of Parliament have communicated with us, and it is impossible for us to convey to you all the kindness and sympathy which have been expressed for the Colony. In some way, and probably very soon, the friends of New Zealand will raise in Parliament the question of the abandonment of the Colony to its fate while the struggle for which the Imperial Government is at least as responsible as the Colony is yet unfinished; and whatever may be the result of the debates that will inevitably take place, one thing is certain, that the most serious attention will be called to the unfairness of requiring New Zealand to finish that struggle alone.

The time is at hand when we shall be obliged, in all probability, to place on record the remonstrances which we have laid before Lord Granville, and the grounds on which, at this time beyond all others, we have appealed to him to reconsider the question of removing the troops; meanwhile, there does not seem to be much use in stating here (for it will be obvious to you) the substance of what we have said to him. But we think it right to mention one point at once.

Up to the time of our leaving New Zealand, the question at issue between the two Governments seemed narrowed to the retention or removal of the 18th Regiment. But Lord Granville's Despatch of last October introduced a new subject of far larger importance—the recognition of the authority of the Maori King. In the Despatch itself, perhaps, this question was but vaguely shadowed forth, but in the correspondence that afterwards took place between the Colonial Office and Sir George Grey, the intention of the Government was distinctly avowed. Now we have considered it necessary that this proposal to recognize the King's authority should be examined with reference to the legal points involved.

When Lord Granville asks the Colonial Government to make that recognition, there does not seem to be any provision enabling them to make it; and this is a legal question not to be lightly settled, for its determination will carry with it the gravest consequence to New Zealand. Lawyers of eminence, we are assured, will laugh at the supposition that the Colonial Government has any authority to do what it is asked to do; and we are now preparing a case to be laid before Sir Roundell Palmer, whose opinion may be expected to be accepted on all sides, as to whether there exists any such authority; and if so, in what way and to what extent.

If the result of this inquiry should be, as we have no reason to doubt, to make it clear that no "recognition of Maori authority" can take place by any act or legislation in New Zealand, the Government in England would have to decide whether they would make that recognition themselves. But we have good reason to believe that Her Majesty's Government are by no means prepared to propose any surrender of the Queen's sovereign rights, though perhaps they might not have been displeased if we had propounded any scheme of "recognition" ourselves, and would have been willing to assist us in giving it effect.

Of course we pointed out that no recognition such as the King has hitherto required, and would be satisfied with, would ever be made by the General Assembly, or submitted to by the chiefs, and we stated very plainly what disasters would result from attempting it. We declared in short, very explicitly, that the Colony would be no party to such a surrender of the Queen's sovereignty as Lord Granville had suggested.

This case may perhaps be the turning point in our favour. It cannot be supposed that the Imperial Government would continue to require us to do what it was shown we had no power to do; while their own unwillingness to devise and define a scheme of their own for the recognition of the King might induce them to lay aside their advice of last October, and consent to meet us on some new ground.

The Hon. the Colonial Secretary,  
Wellington, New Zealand.

We have, &c.,  
F. D. BELL,  
I. E. FEATHERSTON,  
Commissioners.

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### No. 7.

TELEGRAM signed by Hon. Messrs. Vogel and McLean, and dated Auckland, 2nd April, was sent to Commissioners by San Francisco. The copy of this telegram is mislaid, but a copy will be sent for and published in the Appendix.

The telegram was to the effect of authorizing the Commissioners to propose a modified arrangement, under which the Governor could, when an emergency arose, send for Imperial Troops, and requesting that Lord Granville should let such arrangement, if agreed to, be officially known to the Natives.

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## No. 8.

The Hon. W. GISBORNE to the NEW ZEALAND COMMISSIONERS.

Colonial Secretary's Office,  
Wellington, 28th April, 1870.

GENTLEMEN,—

I have the honor to acknowledge the receipt of your letter of the 25th February last, reporting the result of your interview with the Right Honorable the Secretary of State on subjects connected with this Colony.

I have, &amp;c.,

The Hon. F. D. Bell and Hon. I. E. Featherston, M.D.,  
Care of John Morrison, Esq., 3 Adelaide Place,  
King William Street, London, E.C.

W. GISBORNE.

## No. 9.

The Hon J. VOGEL and Hon. D. McLEAN to Hon. Dr. FEATHERSTON and Hon. Mr. BELL.

(Telegram from San Francisco to London.)

Auckland, 4th May, 1870.

KEMP and Ropata's brilliant successes confirmed; Hakaraia killed. Thirty prisoners, Kooti's associates, sent to Wellington for trial. Kooti, with few followers, said to be hiding, but nothing certain known. Ropata and Kemp's successes have had very salutary effect. But for England's desertion, believe we could establish permanent peace. Natives argue from Granville's Despatch that Great Britain considers them in the right. Cabinet adopts what we telegraphed last month, namely, we do not want troops at once, but we want assurance that we can have them whenever we require them, upon pecuniary terms to be agreed on with you, and that Lord Granville lets it be officially known to Maoris that such is the case. Reply quickly,

The Hon. Messrs. Bell and Featherston,  
3, Adelaide Place, King William Street, London.

J. VOGEL,  
D. McLEAN.

## No. 10.

The NEW ZEALAND COMMISSIONERS to the Hon. W. GISBORNE.

(No. 9.)

SIR,—

London, 23rd March, 1870.

We need hardly inform you that we have been in communication with a variety of persons on the subject of the best kind of force to be raised for service in New Zealand.

We were especially glad to have the opportunity of consulting Lord Napier of Magdala. Lord Napier, who has just sailed for India as Commander-in-Chief of Her Majesty's army there, was good enough, notwithstanding the great claims upon his time, to give us a long interview; and he listened with great patience to our inquiries, particularly with reference to the employment of an Indian force, respecting which his great reputation and experience must of course entitle his views to respectful consideration.

After Lord Napier had given us his opinions very fully, we asked him to authorize us to make them public; and he desired us to reduce to writing and submit to him a *précis* of what we understood him to have said. Accordingly we sent him the accompanying letter, and you will find at foot a minute from his Lordship confirming the accuracy of our communication.

We have thought it right, as so much interest was expressed in the Assembly respecting an Indian force, to make the Government acquainted by the earliest opportunity of Lord Napier's views.

We have, &amp;c.,

The Hon. the Colonial Secretary,  
Wellington, New Zealand.

F. D. BELL,  
I. E. FEATHERSTON.

## Enclosure in No. 10.

The NEW ZEALAND COMMISSIONERS to Lord NAPIER of MAGDALA.

MY LORD,—

Charing Cross, London, 10th March, 1870.

We are so desirous not to run the risk of misrepresenting the opinions expressed by your Lordship at our interview with you, that we beg your permission to ask whether we should interpret them rightly in the following way:—

In the first place, as regards our being able to raise a force of Ghoorkas for service in New Zealand, we understood you to say that the Government of India had only four regiments of Ghoorkas, and finds great difficulty in keeping up the strength of those regiments from the real Ghoorka tribes; and that, therefore, we could neither hope to induce the Indian authorities to allow of volunteering from those regiments, nor succeed ourselves in raising a true Ghoorka force of trained men, in the face of the obstacles against their leaving India.

2nd. As regards a Sikh regiment, as there probably would not be a like objection on the part of the Indian Government to its enlistment, we might raise, without difficulty, a corps of 2,000 trained men, or even more: but the Indian Government would have to be satisfied that the terms of engagement secured the men being well treated during their service, and guaranteed sufficient pensions for their families in case of death or disabling wounds, as well as the return, at our expense, of all survivors to their homes at the expiration of their service; and as the Indian Government would, perhaps, think it necessary to consult the Secretary of State before sanctioning the enlistment, it would be expedient first to obtain the concurrence of the Home Government to the proposal.

3rd. We also understood your Lordship to say, that while an Indian corps, whether Ghoorka or Sikh, was in general easily managed by its officers, yet, if the men believed there was any breach of engagements with them, they would refuse to do duty: that while they would consent to be employed on works of a military character, their pride as soldiers would certainly prevent their being used as labourers; and you instanced the case of an Indian force, sent under the designation of "Pioneers" to Ceylon, in which, on the men being sent to work on the public roads, and becoming otherwise dissatisfied with their treatment by the Ceylon Government, they broke up into small parties and crossed the Straits, the survivors of them being ultimately helped to their homes by the Indian Government.

4th. As regards the probable cost of a Sikh force, the change from the Indian climate to that of New Zealand would make it necessary to feed and clothe, if not also house them, in like manner as European troops. Perhaps they might not require so much tentage and camp equipage as a European force, but it would not be right to depend on any difference in food and clothing, especially considering the risk of rheumatic affections incident to the change of climate, which might soon, without due care, make the Indian soldier useless.

5th. It would be indispensable that all the officers employed should know the language well, in order to secure the confidence of the men in their leaders.

6th. But while you do not think obstacles would be interposed by the Indian Government (under fair conditions of service) against the enrolment of Sikhs, we understood you to express great repugnance to the suggestion of employing the Indian race against the Maori, and to advise us strongly not to resort to enlistment in India at all, but to engage European soldiers, and these only in this country, on the ground that an Indian force would be found in every respect inferior to a European, and cost very nearly, if not quite as much in the field, besides the ultimate expense of its return to India.

Permit us, my Lord, to take this opportunity of offering you our best thanks for the patience and courtesy with which, in the midst of the many claims on your time when departing to assume your high command, you listened to our varied inquiries.

We have, &c.,

F. D. BELL,

I. E. FEATHERSTON.

General Lord Napier of Magdala, G.C.B., G.C.S.I.

THE above remarks contain, as nearly as possible, my opinion as it was given to the Commissioners of New Zealand.

London, 12th March, 1870.

NAPIER OF MAGDALA.

#### No. 11.

The Hon. W. GISBORNE to the NEW ZEALAND COMMISSIONERS.

(No. 70-1410.)

Colonial Secretary's Office,

Wellington, 30th May, 1870.

GENTLEMEN,—

I have the honor to acknowledge the receipt of your letter No. 9, of the 23rd March last, conveying the views of Lord Napier of Magdala relative to the employment of an Indian force in New Zealand, and to express my satisfaction that you have been able to obtain so influential an opinion on the subject.

I have, &c.,

W. GISBORNE.

The Hon. I. E. Featherston and the Hon. F. D. Bell,  
Care of J. Morrison, Esq., 3 Adelaide Place,  
King William Street, London.

#### No. 12.

The Hon. W. FOX to the NEW ZEALAND COMMISSIONERS.

Government Buildings, New Zealand,

Wellington, 2nd June, 1870.

GENTLEMEN,—

You have been already advised by telegraph that, now that the troops have left New Zealand, the Colonial Government are willing to allow you, in place of entering into any arrangement for the return of a regiment, to be content with an undertaking from Her Majesty's Ministers, that, on any emergency arising within the Colony requiring their assistance, troops shall be obtainable on such pecuniary terms as Her Majesty's Ministers and yourselves may agree on. The Governor for the time being should be able to send for troops, as did Sir George Grey in 1863. Moreover, it is essential that Earl Granville, in as public a manner as he made known the determination of Her Majesty's Government to desert the Colony, should allow it to be known that in case of emergency troops will be forthcoming. I will not, in explanation, repeat the arguments already used. You are aware, from Memoranda which have already been furnished you, that the Colonial Government regard Earl Granville's Despatch of 7th October, 1869, as an attempt to force New Zealand to secede from the Empire, and that they consider the statements made in that document, and the fiat of desertion conveyed therein, have already greatly increased the difficulty of dealing with the Natives. If Earl Granville denies the interpretation placed on his Despatch, and does not desire to lay down the doctrine that civil war in this part of Her Majesty's dominions will be a matter of no political concern to the Imperial Government, he will have no difficulty in acceding to the request that troops shall be sent to New Zealand if required. The pecuniary arrangements will afford a guarantee that the Colony will not unnecessarily act, I will not say upon the privilege, but upon the right, of seeking from the Mother Country aid in case of need.

On the other hand, the refusal of the request will add another to the many links in the chain of

evidence which leads to the conclusion that an ulterior object prompts the policy pursued towards the Colony.

I understand that your own observations in England have led you to the conclusion that the policy of Her Majesty's Government is to dismember the Empire. I regret to say that every mail adds to the evidence which forces this conclusion on the mind of the Colonial Government. Besides the deductions which must logically be drawn from Lord Granville's Despatch already referred to, we have not failed to remark the significant suggestions made by two Colonial Governors—Sir John Young and Sir Philip Wodehouse—as well as the curious history of the decoration of Sir Alexander Galt immediately after his own candid expression of sentiments favourable to severance. Indeed, Lord Granville has not concealed his opinion that the Colonies are free to secede if they desire it. The mere enunciation of such a sentiment on the part of Her Majesty's Government, which Lord Granville represents, is in itself most important, and, as we think, most unconstitutional.

If the doctrine be accepted, it alters at once, and most materially, the relations between Great Britain and her Colonies. It asserts that the connection between the two may be broken by either at pleasure, even by the weaker and the younger. A connection such as this is one of mere temporary convenience, divested of the elements of patriotism or nationality; a mere mercenary alliance, the continuance of which depends on considerations of pecuniary profit and loss to either party. In the event of disputes arising, the idea of separation would be the first to present itself, and the necessity for amicable adjustment—which is always felt between two who are bound to live under one roof to be a bar to extreme hostilities—would cease to exist. It is an evil portent to a country that Revolution should seem to be the natural remedy for its ills.

I am reluctant to be betrayed into any comments which may be misinterpreted into a desire on my part to generalize upon an Imperial question; but it is impossible to fail to see that the jealous preservation of the integrity of an Empire as at the root of all nationality, and of the effectual attainment of those results which extended nationality can alone achieve. A shattered Empire, however brilliant may be its fragments, is practically powerless. Great as the difficulty may be, is it impossible to consolidate the Empire into a vast Federation, with a federal force on sea and land, with common interests and concentrated power? Such a policy is worthier of a statesman than a policy of disintegration. It is strange that the Colonies by which Great Britain has set such store in the past, and which have operated so much as a stimulus to her national glory, should be goaded, or carelessly allowed to drift into separation, just at the time when science has practically conquered the obstacles which distance has interposed to their close union, and when the necessities on either side naturally point to the importance of that union.

I have stated that we consider the doctrine enunciated by Lord Granville to be opposed to the principles of the Constitution under which the Colonies, no less than the Empire, exist. It certainly cannot be contended that one portion of a great nation can separate from the rest without the consent of the whole, unless as the result of open rupture, and by the ultimate ordeal of a conflict such as that which severed the American Colonies from Great Britain. No permission of a Colonial Secretary can confer the right of severance. It may be questioned whether even Parliament can destroy nationality. The Colonial possessions of the Empire are the possessions of the Crown in a peculiar sense. It is reported that on a recent occasion, when it was proposed, in order to provide for the starving thousands who now seek for employment and food in England, that a small portion of the Royal forests should be sold, the refusal of Her Majesty's Government was based on the argument that the Crown was bound to maintain for its successors the appanages it had inherited. Can it be said that this doctrine applies to a few acres of Royal forest and not to the splendid inheritance of the British Colonies? Can it be argued that the beautiful Islands of New Zealand, fertile in so many sources of wealth, already the home of a quarter of million of British subjects, have no special interest for Her Majesty and Her successors, and that, in obedience to Her Responsible Advisers, Her Majesty would be justified in leaving behind Her an Empire less than she inherited? In the case of this Colony, moreover, there are to be considered the claims of the two races which inhabit it, both subjects of Her Majesty, one by allegiance and the other by treaty.

Whatever weight this argument may be entitled to, and whether Lord Granville is prepared to adhere to the position assumed by him or not, I believe that the idea prevails in New Zealand that Her Majesty's Advisers do contemplate with satisfaction the prospect of getting rid of the Colonies. Possibly they would not venture, or even propose, to force them into secession, but they would indirectly continue to endeavour to bring about that result. So long as this is felt to be only the policy of a mere party in the State, the loyalty of the Colonists towards the parent State would not be materially shaken; but if it go beyond this,—if the desire for the dismemberment of the British Empire is shared in by Her Majesty and the people of Great Britain,—then, no doubt, the effect on the mind of the Colonists would be much more serious, and could hardly fail to lead to important consequences. The Colonists are too high-spirited to wish to force themselves on a Sovereign and a nation which desired to get rid of them. If they believed the sentiment to be but that of a party, or of a few among the people, they would patiently bear the painful interval, hoping that the time would arrive when the heart of the nation would assert its old sympathies, and its action become quickened by those old aspirations which animated it in the days when its pride was to be the centre of Colonies in every portion of the world. It is highly important that the Colonies should know the truth in these respects. It is not probable that Her Majesty does participate in the views referred to; nor do we believe that the British nation as a whole desires to throw over that portion of the Empire which so greatly conduces to its weight in the family of nations, its grandeur, and its prosperity. But against a policy leading towards the consolidation of the Empire, the risk of immediate expenditure will be urged. A political school has sprung up which postpones all future considerations of national profit, power, and even existence, to that consideration, and which gauges patriotism by the standard of present gain. According to this ignoble creed, because the Colonies of Great Britain are not taxed by her, they are useless, and ignored as outlets for her unemployed population, her capital and enterprise.

If I have not laid the above considerations before you with the clearness and precision that I

might have done, it is owing to the imperfect light which we have here on the question. Should Her Majesty's Ministers refuse to accede to the modified proposal referred to in the commencement of this letter, we wish you to endeavour, as far as practicable, to clear away all doubt as to the real aim of the new policy; and to ascertain whether it is really the wish of Her Most Gracious Majesty and of the people of Great Britain to sever the connection of New Zealand with the Empire. Are both races in the Colony to understand that the bonds of allegiance and the obligations of treaties are matters of Imperial indifference, so long as the two populations confine themselves to internecine warfare, and that the clash of arms is only worthy of Imperial notice when a foreign nation is the aggressor?

Understand that the people of New Zealand are not seeking for a change of their relations with the Crown or with the Empire. Be particularly careful to let this be known. We have no school of diplomacy in the Colony, and you are not asked to exercise diplomatic craft; but prevent, if possible, any attempt that may be made by those who do exercise it to instil into the minds of the Sovereign and the people the idea that the desire for independence has arisen in New Zealand. Publish this letter widely, that all may understand at least the feelings of the Colonial Government. If you can find the opportunity by a personal audience of laying our sentiments directly before Her Majesty, or of reaching the ear of Parliament personally or by counsel at the bar of either House, you will not fail to avail yourselves of it, and so be enabled to authoritatively inform us how far the policy of the Cabinet is shared by the nation.

I do not desire that you should extend your mission or delay your return for the purposes I have mentioned. You will have no difficulty in determining whether access to Her Majesty will be granted to you; and for the rest, when the session of Parliament terminates, nothing will remain to be achieved in that direction. You will therefore, at an early date, make arrangements for your return to the Colony. In contemplation of that event, I cannot conclude without expressing the satisfaction of the Government with the course you have pursued, and their deep sense of the energetic manner in which you have devoted yourselves to the fulfilment of the duty imposed on you.

I have, &c.,

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W. Fox.