

(4.) Some drunken threats of the old chief Titokowaru.
 (5.) The unsuccessful termination of an interview between Mr. Rolleston and Te Whiti, at which Te Whiti declined to assist or take any part in the division of the land.

19. I do not include in this list the trespass mentioned by Mr. Rolleston as having been committed on the 19th October on land sold to Mr. Fleming by the Crown, for it is clear that, when it took place, the Proclamation of that same day's date must have been already prepared, if not in type.

20. There appears to me to be nothing very novel in these occurrences, all of which might be more or less closely paralleled by events which had taken place within the previous twelve months. I fail therefore to see any adequate explanation in Mr. Rolleston's memorandum of the sudden decision of the Government, or proof of the urgency which rendered it necessary to act in the absence of the Governor, whose impending return it would have been at least courteous to await if immediate action were not imperatively required.

21. But if I assume, with Mr. Rolleston, that the Natives "were trespassing in an illegal manner" on the land, and that it had become necessary to show "that the statute law of the colony must be observed," I should not the less have deprecated a resort to force. If the law has been broken, it is to the law that recourse should be had in the first instance to redress the wrong, and it is only when that has proved itself inefficient to do so that the employment of military aid is permissible. There is strong reason to believe that in directing the ploughing operations of 1879, and possibly the fencing of 1880, Te Whiti, though he probably went beyond the instructions he received, acted under legal advice, and with a view to compel the institution of a prosecution on the part of the Crown against himself and other Native occupants of the land. If he was, indeed, a trespasser on the land, liable at any moment to expulsion, it certainly appears to me that it would have been desirable that legal proceedings should have been taken against him, and the question at issue decided by the highest and most impartial tribunal before which it could be brought. Against such a proceeding nothing could be said: but the employment of military force, the arbitrary arrest of hundreds of persons, the confiscation of private personal property, the destruction of dwellings and cultivations, and other measures for which an Act of Indemnity may not impossibly be required, appear to me unhappy methods of teaching that "the statute law of the colony must take its course."

22. Moreover, on grounds of policy, I should have regarded the object to be gained not such as to justify the risk run. It is obvious that it was in the highest degree probable that the attempt to "disperse" the Parihaka Natives would involve serious loss of life. Had this been the case, it is my decided conviction that it must in no long time have led to a general Native war throughout the colony. That this result has been avoided is true; but that it has been so avoided, and that it has been found possible to arrest some 1,500 persons without resistance, is due to the forbearance shown by Te Whiti himself, and to his influence over the minds of his followers. On this we had no right to count, nor does it diminish the responsibility of those who advised a step which was so far more likely to have had a very different ending.

23. Had I therefore been in the colony, I should have experienced a great difficulty in complying with a recommendation to sign a Proclamation which appears to me to embody an injudicious policy; to contain disputable statements; and to announce an inequitable intention: and I should undoubtedly have endeavoured to ascertain whether the responsibility of advising me to refuse to do so would be assumed by any leading member of the Legislature.

24. But I found the recommendation already made, and already acted on, before my landing. The Proclamation had been issued, and its contents circulated beyond recall.

25. Whatever might have been the case before the issue of this Proclamation, I am of opinion that no Government which advised its cancellation and recall, after publication, could have looked for support from the country. Of this I am so confident that I conceive I should gravely misuse my powers were I to call other Advisers to my counsels, merely to test the correctness of a fact which does not appear to me to admit of question.

26. The Governor is undoubtedly free to refuse assent to the advice of his Ministers, if other Ministers will consent to accept the responsibility of his doing so, and if he has reasonable ground for belief that, in so doing, they will receive the support of Parliament. But if (as is the case in this instance) he sees no such prospect, and consequently abstains from seeking new Advisers, he is constitutionally bound to give effect to the recommendations of those already in office, whatever his own opinion as to the morality or justice of the measures suggested by them.

27. I have, therefore, felt it my duty to acquiesce in the course initiated by Ministers during my absence, and to assent without demur to the recommendations made by them in order to carry out the policy they have adopted. But, at the same time, it is only right that I should inform your Lordship that my personal views do not concur with those of my Advisers, and that I perform what I deem to be a constitutional duty in opposition to my own wishes, and contrary to my own judgment.

28. In another despatch I have informed your Lordship of the proceedings subsequent to the occupation of Parihaka.

I have, &c.,

ARTHUR GORDON.

No. 20.

His Excellency Sir A. H. GORDON to the SECRETARY of STATE for the COLONIES.

(No. 81.)

MY LORD,—

Christchurch, New Zealand, 28th December, 1881.

When I addressed to your Lordship my Despatch No. 43, of the 16th July, I was desirous, as far as possible, to avoid further controversy with my Advisers on the subject to which it refers. I still am so: but, as I learn that it is the intention of Ministers, on the reassembling of the local Legislature, to publish my despatch and Mr. Hall's memorandum, it is only right, if not indeed almost necessary, that I should place on record my reasons for considering, as stated in my Despatch No. 43, that, except as regarded a few comparatively unimportant points, the memorandum of Mr. Hall afforded no cause for the withdrawal, modification, or alteration of any part of my despatch of the 26th February.

See A.—8, 1882,
No. 9.

See A.—8, 1882,
No. 3.