

SESS. II.—1884.
NEW ZEALAND.

WEST COAST NATIVE AFFAIRS

(FURTHER PAPERS RESPECTING).

[In continuation of A.—4, 1883.]

Presented to both Houses of the General Assembly by command of His Excellency.

No. 1.

The COLONIAL OFFICE to the Hon. Sir A. H. GORDON, G.C.M.G.

SIR,—

Downing Street, March 24, 1883.

I am directed by the Earl of Derby to transmit to you a copy of a despatch from the Governor of New Zealand, enclosing Memoranda from Mr Whitaker and Sir J. Prendergast respecting the papers laid before Parliament last session on “Native Affairs in New Zealand and the Imprisonment of certain Maoris.” See A.—4, 1883,
Nos. 41, 38, and
40.

Lord Derby proposes to include this despatch and its enclosures in the further paper which is now ready for presentation to Parliament, and which will be given in continuation of that presented in August last, but he will defer doing so until he has received your observations upon the present despatch.

Any observations with which you may favour his Lordship would also be included in the paper.

I have, &c.

Sir A. H. Gordon.

JOHN BRAMSTON.

No. 2.

The Hon. Sir A. H. GORDON, G.C.M.G., to the COLONIAL OFFICE.

SIR,—

The Red House, Ascot, March 31, 1883.

I have the honour to acknowledge the receipt of your letter of the 24th instant, enclosing for my observations the copy of a despatch from Sir William Jervois giving cover to two memoranda, the one written by Mr. F. Whitaker, and the other by Sir James Prendergast, on the subject of the papers relative to the affairs of New Zealand, presented to Parliament in the month of November last.

2. I have read with attention these enclosures to Sir William Jervois's despatch. Their substance may, I think, be thus summed up:—

- (i.) The New Zealand Ministers complain of my having forwarded to the Secretary of State for the Colonies, in two despatches, dated respectively the 22nd October and the 4th November, 1881, various extracts from the *Lyttelton Times*, without previously communicating the contents of those despatches to my Responsible Advisers.
- (ii.) Both Sir James Prendergast and Mr. Whitaker take exception to my expression of a “disposition” to share the views advocated in the four articles enclosed in my despatch of the 22nd October.
- (iii.) The Ministers and Sir James Prendergast also take exception to my mention in the same despatch of the fact (which, however, they do not deny) that it was only from my Private Secretary, Mr Murray, that I received information as to the progress of affairs in New Zealand during my absence in Fiji; and
- (iv.) Sir James Prendergast enters upon a somewhat lengthy explanation of the circumstances attending the issue of his Proclamation of the 19th October, 1881.

(I.)

3. The non-communication to my Responsible Advisers of my two despatches to Lord Kimberley, of the 22nd October and 4th November, admits of a very simple and very conclusive explanation. Both of them were “confidential” despatches, and the Governor of a colony possessing what is called responsible government is expressly prohibited from communicating despatches of this description to the local Ministers.

See A.—4, 1883,
Nos. 5 and 9.

NOTE.—Nos. 1, 2, 3, and 4 of this Paper are printed in the Imperial Blue Book, C.—3689, which was presented to Parliament during the session of 1883.

4. Such despatches, however, are liable to be published, if the Secretary of State thinks fit so to direct, and I by no means regret that, in this instance, the despatches in question have been laid before Parliament, though I could have wished that an intimation that they had been originally marked "confidential" had been prefixed to them, as has, I believe, been sometimes done in similar cases.

5. I regret that the papers laid before Parliament do not show that—as is the case—copies of the newspapers supporting the policy of the Government were regularly forwarded by me to the Secretary of State. The implied suggestion that the Governor of a colony is not also to send Home, for the information of Her Majesty's Government, newspapers which happen to oppose the policy of his Responsible Advisers of the day, requires no comment.

6. In connection with the transmission of these despatches, Mr. Whitaker refers to another memorandum, of which he appends a copy, and which, in fact, though not ostensibly, relates to the far larger question of the claim of Ministers to have despatches to the Secretary of State submitted to them previously to their transmission. Into that question it is altogether unnecessary that I should at present enter at any length. It is sufficient to say that the claim, whatever may be urged in its favour, is one which has been repeatedly rejected by successive Secretaries of State; that it is not the practice in other colonies possessing responsible government so to submit despatches previously to their being sent; and that the suggestion is open to the very obvious objection that, while the local Government is not responsible for these despatches, and consequently can claim no share in their composition, yet, were the drafts submitted to them, it is quite certain that the Governor's refusal to accept the advice of his Ministers as to what he should insert or what he should omit would be followed by the same results which attend his refusal to accept their advice in other matters, and that, consequently, the despatches signed by the Governor would cease to be, in any respect, the expression of his own views. Few men of honour would care to put their names to sentiments they did not share, and the Governor's duty would consequently be soon limited to the formal transmission to the Secretary of State of memoranda from his Ministers, a function which might be as efficiently and more cheaply discharged by the public post office.

7. My predecessor in the Government of New Brunswick, the late Lord Canterbury, was in like manner asked by his Responsible Advisers to submit his despatches to the Secretary of State to their inspection previously to transmission. The Duke of Newcastle, on receiving intimation of this request, wrote thus to Lord Canterbury: "You did no more than right in decidedly resisting this claim. Your despatches to the Secretary of State are to be considered as the reports made by you in your capacity as the Queen's representative to Her Majesty's Government in this country. To agree to a demand that they should be previously submitted to your provincial Ministers would be wholly to alter the character and meaning of the despatches. They would cease to be that which they profess to be, viz., your personal communications to the Queen's Government, and the position of a Governor called upon to transmit, as his own, reports over which he did not preserve the undivided control would be such as few would be willing to accept. I am persuaded that, when the question is viewed in its true light, none in New Brunswick would wish to see their Governor subjected to a condition scarcely reconcileable with his self-respect, and with that high sense of honour which ought to animate every man worthy to occupy the foremost place in the province."

The reasoning of the Duke of Newcastle seems to me now as just as it did when this despatch was first communicated to me as a rule for my own conduct.

(II.)

8. I should have thought it quite unnecessary to observe that any expression of agreement on my part with the articles enclosed in my despatch of the 22nd October was, of course, confined to those particular articles, did I not see that it is sought to extend this agreement far beyond those limits; nor can I refrain from the expression of extreme surprise that two members of the legal profession, of the eminence and experience of Sir James Prendergast and Mr. F. Whitaker, should gravely assume that, on the 22nd October, 1881, I expressed agreement with articles not then written, and which were not published until at least a fortnight later.

9. I have again read the four articles enclosed in the despatch of the 22nd October. I think, with the writer of them, that a lamentable error was committed when the West Coast Commissioners were prohibited from communicating with Te Whiti, and in many other points, though not in all details (for example, I see my own conduct in going to Fiji is censured), I agree generally with the views therein expressed. But, of course, in admitting a disposition to share the opinions they contain, I did so, not as regards particular sentences, but with reference to the broad view they take of the course adopted by the Government of Sir John Hall, as being one unsanctioned by law and inconsistent with equity. That it was illegal (a fact pointed out by one of the Judges of the Supreme Court), has been practically admitted by the Ministers themselves in seeking for an Act of Indemnity, and in abandoning the attempt to try Te Whiti for any offence known to the law. Whether it was or was not inequitable is, and must be, a matter of opinion. Mine was well known to my Advisers. I certainly never concealed from them my agreement with views, as to the enforcement of rights acquired by confiscation, which, when expressed twenty years ago by a Secretary of State such as Lord Cardwell, a Governor such as Sir George Grey, a prelate such as Bishop Selwyn, or a Judge such as Sir William Martin, appeared to the local Government of that day (of which Mr. F. Whitaker was, as now, Attorney-General) to manifest a "morbid and unaccountable sympathy" with the Native owners of land. That they were the views of a minority I was well aware. On that point, I have never deceived myself, and the fact is emphatically dwelt on in my despatch of October 22nd.

10. But "insignificant" as that minority may be in point of numbers, it is one to which no one need be ashamed to belong. It includes Mr. FitzGerald, the first Premier of New Zealand under

responsible government, a man who has not been surpassed in eloquence and knowledge by any of his successors. It includes Bishop Hadfield, whose labours in New Zealand for more than forty years, and perfect acquaintance with all the facts bearing on the case, give to his opinion a weight to which that of few others is entitled. It includes Mr. Mantell, whose acute intellect is at least equal to that of any other public man in New Zealand, and whose long experience has made him perfectly familiar with much of which many, even in the highest employments, are lamentably ignorant. It includes Mr. Swainson, the first and ablest Attorney-General of the colony, and others with whose names I will not now trouble Lord Derby, but which are held in honour in New Zealand. It would indisputably have included the late Bishop Selwyn and Sir William Martin, were they still living, and I know that it also includes men whose practical experience entitles their judgment to respect, but whose position as public servants precludes its open expression. I know also that the majority is mainly composed of settlers absolutely unacquainted with the history of the colony which they have made their home, and that a large proportion of those who, whether in the Press or the Legislature, guide the opinion of others are not much better cognizant of past transactions than those whom they profess to instruct. But as to the honest conviction of that majority that the Government has acted rightly, and that the Native subjects of Her Majesty in New Zealand have, in their opinion, no reason to complain, I entertain not the smallest doubt.

(III.)

11. As regards my statement that it was from the letters of Mr. Murray and articles in the public Press alone that I obtained information as to the proceedings on the west coast of the North Island, after my departure from New Zealand, I may observe that the fact remains unquestioned, and I might, therefore, well rest content with taking note of that admission.

12. But I cannot refrain from pointing out the divergence between the view of this matter taken by the Ministers and Sir James Prendergast. The Ministers now say that it would have been "wrong" for them to communicate with me while out of the colony. They must, I think, have arrived at this view on subsequent reflection; for when I left Wellington for Fiji, in 1881, the promise was made that during my absence I should be supplied with the fullest information of all that went on in New Zealand. Practically, in the whole course of my long and varied experience, I have never known any other instance in which the closest communication has not been kept up between an absent Governor and the Ministers of the colony which he had temporarily left, but to which he was about to return. It is, I think, only consistent with common sense and with courtesy that this should be so. Still, I have no doubt that, as the Acting Governor has indisputably all the powers of a permanent one, the Ministers are strictly and technically right in considering that they are under no positive obligations to make such communications. I never said they were so. I have stated what is a fact, and from that fact different people will probably draw different inferences.

13. Sir James Prendergast, on the contrary, admits that he thinks that communications should take place with an absent Governor, and (notwithstanding their own assertion that they would have considered it "wrong" to communicate with me) he labours to prove that Mr. Murray's letters must be virtually regarded as those of Ministers, and adds that, moreover, he wrote to me himself.

14. I entertain an almost insuperable unwillingness to associate the name of any member of the judicial bench with discussions from which he should be wholly free. As, however, Sir James Prendergast himself invites attention to the circumstance, I must say that I did no doubt receive, when in Fiji, a very short private letter from Sir James Prendergast, but that it certainly conveyed to me no information of importance, and that if he anticipated that my movements would be influenced by it, I am not surprised that he should have failed to expect my early return to New Zealand, for in the few lines which that letter contained I was told that Sir James had been assured by Ministers that there was no danger of any disturbance of the peace in the North Island. Had I received that letter alone, and unaccompanied by Mr. Murray's warning that, in his opinion, the Ministers were about to take advantage of my absence to precipitate a crisis in Native affairs on the west coast of the North Island, I might not improbably have continued my voyage to the Solomon Islands, as originally intended.

(IV.)

15. I approach, with great regret, the last topic dwelt on in the memoranda: the circumstances attending my return to New Zealand from Fiji in October, 1881.

When I had satisfied myself that what had been done in my absence could not be undone, that in issuing the Proclamation on the 19th October my Advisers had acted within their technical rights, and that they were supported by a large majority in Parliament and in the country, it appeared to me that any discussion as to the greater or less degree of courtesy or candour shown by them would be as undignified as it would be objectless. Whatever my personal wishes, I could not at once retire from the Government of the colony. To have done so would have created false hopes on the part of the Maoris, and encouraged them in resistance, which could only be injurious to them; while my retirement under such circumstances could not but have caused some embarrassment both to Her Majesty's Government and to my successor.

16. For such period as I might feel compelled to retain office it was desirable that I should maintain friendly relations with Ministers who possessed the confidence of Parliament, and with whose advice it was my obvious duty to comply; and it appeared to me that silence with regard to past transactions was almost essential to this result. In my confidential communications with the Secretary of State it was my duty to report the facts. I did so in the most temperate language, without any expression of reproach or complaint, nor did I desire subsequently to depart from the reticence which I had prescribed to myself.

17. But it is now impossible for me, without apparent acquiescence in statements in which I do not concur, to escape from putting on record my own convictions.

18. That neither Sir James Prendergast nor the Ministers had any official knowledge of my impending return is perfectly correct, and when Sir James Prendergast says he did not *know* that my return was imminent I, of course, at once accept the statement, so far as absolute and positive knowledge are concerned.

19. But if Sir James Prendergast and Sir John Hall did not know that my return was to be expected, I must be pardoned for believing that it was to some extent due to the fact that they had no desire to seek for information which would have made it certain. I enclose the copy of a memorandum given to me by Mr. Murray on the day of my return, which, I have no doubt, relates with accuracy the communications he had made to Sir James Prendergast and Sir John Hall on the previous day. It can hardly be said that Mr. Murray's statements were not such as to raise a strong presumption, to say the least, that my return might be expected. In these circumstances it would only have been natural to take one of three steps to ascertain the truth: either (i.) to have asked of Mr. Murray the direct question whether he knew I was about to return, or (ii.) to have inquired of the members of my family actually resident in Government House, and with whom both Sir John Hall and Sir James Prendergast were on terms of friendly intercourse, whether they had received any intelligence of my return, or (iii.) to have acted on Mr. Murray's suggestion and awaited the arrival of the Fiji mail steamer, already overdue. The adoption of any one of these courses would have removed all doubt on the subject.

20. It was, I think, in the circumstances, an error of judgment on the part of Mr. Murray not voluntarily to have told Sir James Prendergast all he knew; but I thoroughly appreciate and respect his reticence: he had only become acquainted with the contents of my telegram in consequence of the confidential position he held in my family, and had no right to disclose them without express permission, though the extraordinary nature of the situation might have excused his doing so.

21. Of Sir James Prendergast's "warm indignation" I now hear for the first time. The respect I entertain for the important judicial office he holds would have effectually precluded me from imagining it possible that he could have found grounds for "warm indignation" in the fact that I had relieved the natural anxiety of my wife as to my proposed expedition among savages, a visit to whom had already proved fatal to a Bishop and a Commodore, by giving her the earliest possible intimation of my movements, without, at the same time, making a similar communication to himself; nor had so odd an idea even crossed my mind until I read his memorandum. On the contrary, so different are the impressions which men may receive from the same facts, that I had thought that Sir James Prendergast was somewhat embarrassed at the interview to which he refers, and seemed rather to regret and apologise for his own precipitate action.

I have, &c.

ARTHUR GORDON.

The Under-Secretary of State, Colonial Office.

P.S.—I return, as requested, the printed papers enclosed in your letter. The documents forwarded by Mr. Whitaker are incomplete, and do not contain my replies to the memoranda of the Ministers. I have now the honour to rectify, as far as possible, that omission by enclosing a copy of my reply to Sir John Hall's memorandum of the 21st October, 1881.

See A.—4, 1883,
No. 8.

See A.—4, 1883,
No. 27.

See A.—4, 1883,
No. 31.

Of my reply to Mr Whitaker's memorandum of the 10th June, 1882, I cannot at present find a copy, and am not sure that I possess one, as I left New Zealand only a few days subsequently. Should I discover it, I will at once transmit a copy, to be added to these papers. Meanwhile, it may be sufficient to say that my view of the facts is essentially different from that of Mr. Whitaker, and that Sir John Hall, on being appealed to, stated in writing that his recollection of what passed "was in substantial agreement" with my own.—A.H.G.

Enclosure.

On Saturday last, the 16th instant, a telegram from Sydney was received at Government House, announcing the immediate return of His Excellency from Fiji. This telegram was a private one, and I was not justified, without authority, in communicating it to others.

Yesterday morning Mr. Hall (who had some time previously remarked to Mr. Romilly and myself that the return of His Excellency would probably be accelerated by the receipt of the Native news telegraphed by me for the Fiji mail from Auckland on the 26th September) asked me, as he went away from Government House, whether I had any news of the Governor.

I replied that the "Southern Cross" had not yet arrived in Auckland; that she might be looked for at any moment; that she would bring definite news as to His Excellency's movements; but that I had reason to believe that the "Emerald" would be in before her.

Mr. Hall said that he saw from the papers that Sir Arthur Gordon was intending to visit New Guinea.

To this I replied that I knew His Excellency had no such idea. That he had intended to go to Samoa and Tonga, but that I knew he had certainly given up this idea also.

Mr. Hall, having asked how far Samoa was from Fiji, said that the Governor might still have time for that voyage.

To this I answered that His Excellency had undoubtedly given up everything except his work in Fiji, and would, on receipt of the Native news by the last mail, come back direct, as soon as possible; so that, as I had begun by saying, he might be looked for at any moment.

My intention in these remarks, which seemed to me sufficiently plain, and, as coming from His Excellency's Private Secretary, sufficiently worthy of consideration, was to convey to Mr. Hall, without quoting a private telegram, the strong probability there was of the immediate return of the Governor.

At 5.30 yesterday afternoon I received a note from the Administrator, desiring me to summon a meeting of the Executive Council for 8 o'clock the same evening. I sent out the summons as directed, and then went to see Sir James Prendergast to ask what was the business for which the

Council was to meet. He told me, as a secret, that Mr. Bryce was to be appointed a member of the Executive Council.

I told him that I had heard rumours of a "proclamation of war." The Administrator replied that that was all nonsense. That there was to be a Proclamation setting the state of the case before the Natives, but that anything like a "declaration of war" was out of the question.

I said that I supposed before any active hostilities could be undertaken the consent of the Governor or Administrator must be in some form obtained. Sir James Prendergast said, "Not at all; it was a matter the whole responsibility for which rested with Ministers."

I said that I thought it at any rate right to say that the Governor might return at any moment. That I knew, from what he had told me, when he would close his work in Fiji. That I was sure he would come direct thence to Wellington, and that, allowing eight or nine days for the passage, I was surprised he had not arrived the day before.

The Administrator asked whether the Governor would not first go to Auckland? I said, "Certainly not;" that I knew he would come direct to Wellington; that I had practically expected the "Emerald" during the last two or three days, and that I felt convinced she would be in within twenty-four hours.

Sir James Prendergast said that he supposed that, as Fiji lies due north, the "Emerald" would be sighted in the north, and that, if she were coming up the coast now, she would be sure to be sighted from some place or another.

I said that it did not follow she would be sighted or signalled, even if she were within a few hours of Wellington, as it was my strong belief that she was.

I thought I had spoken sufficiently clearly to show the Administrator that I had good reason to expect the immediate return, and no reason to expect any more delay than might be caused by wind and weather in the return, of his Excellency, nor was I justified in saying more.

I gave my opinion strongly, as was natural with my knowledge of Lady Gordon's telegram in the background, and I considered that the certainty of the Fiji mail, which was already overdue, arriving very speedily, together with the strong expression of my belief that the Governor would be in the colony within a few hours, should be sufficient, if anything could be sufficient, to delay any measures of great importance at any rate until the arrival at Auckland of the "Southern Cross."

Wellington, 20th October, 1881.

F. P. MURRAY.

No. 3.

The Hon. Sir A. H. GORDON, G.C.M.G. to the COLONIAL OFFICE.

SIR,—

5, Bryanston Square, May 6, 1883.

I have now discovered the draft of my reply to Mr. Whitaker's memorandum of the 10th June, 1882, and enclose a copy of it to be added to the enclosures to my letter of the 31st March last.

See A.—4, 1883,
No. 27.

2. I have also the honour to enclose the previous correspondence so far as it is in my possession. I have no copy of the memorandum in which my Ministers advised me *not* to lay before the local Parliament any despatches or papers on the subject of the transactions on the west coast of the North Island.

See A.—4, 1883,
No. 24.

I have, &c.

The Under-Secretary of State, Colonial Office.

A. GORDON.

No. 4.

The Right Hon. the Earl of DERBY to Governor Sir W. F. D. JERVOIS, G.C.M.G. C.B.

SIR,—

Downing Street, July 5, 1883.

I duly received your despatch of the 27th January last, enclosing a memorandum from your Ministers, with other documents, relating to the papers laid before Parliament last year on Native affairs in New Zealand and the imprisonment of certain Maoris.

I caused a copy of your despatch with its enclosures to be referred to Sir Arthur Gordon, and I annex copies of two letters which have been received from him in reply.

These papers will be laid before Parliament, with others, in continuation of those presented last session.

I may observe that, in giving to Parliament some despatches marked "confidential" from the Governor of New Zealand, together with newspaper articles relating to Native affairs, my predecessor was actuated by a desire to give impartially as full information upon the subject as was contained in the despatches which had reached him from the Governor.

I have, &c.

Sir W. F. D. Jervois.

DERBY.

No. 5.

Governor Sir W. F. D. JERVOIS to the Right Hon. the Earl of DERBY.

MY LORD,—

Government House, Wellington, September 22nd, 1883.

With reference to your Lordship's Despatch, No. 38, of the 5th July last, forwarding copies of two letters addressed by Sir Arthur Gordon to the Colonial Office, I have the honour to state that I duly communicated the despatch and its enclosures to Sir James Prendergast and my Ministers; and I transmit herewith copies of memoranda which I have received from them on the subject.

I have, &c.

The Right Hon. the Earl of Derby.

W. F. D. JERVOIS.

Enclosure No. 1.

MEMORANDUM for His Excellency Sir W. F. D. JERVOIS, G.C.M.G. C.B.

SIR JAMES PRENDERGAST begs to thank His Excellency for forwarding to him for his information the despatch of the Secretary of State, enclosing a copy of a letter from Sir Arthur Gordon, dated March 31st, 1883, written in reply to a letter of the Secretary of State, asking for Sir Arthur Gordon's observations on a memorandum written by himself, dated January 27th, 1883; and, while returning those papers, Sir James Prendergast begs respectfully to request that His Excellency will forward, for the information of the Secretary of State, the following memorandum.

Wellington, September 14th, 1883.

Sub-Enclosure.

MEMORANDUM for His Excellency Sir W. F. D. JERVOIS, G.C.M.G. C.B.

1. In Sir Arthur Gordon's letter and enclosures there are statements with regard to certain matters within my knowledge, some of which statements are not according to the facts, and others so made as to mislead; such being the case, I believe that the Secretary of State would desire that such errors should be corrected.

2. In the memorandum written by me of January 27th, 1883, I endeavoured to confine myself to a statement of facts. I did not think it necessary to state what my convictions and opinions were with regard to the matters mentioned.

Nor do I now offer any comments upon Sir Arthur Gordon's letter, studiously insulting though it is.

3. I do not reiterate the statement of facts in my previous memorandum, although contradicted expressly or impliedly by Sir Arthur Gordon.

4. Sir Arthur Gordon encloses a statement said to be made by Mr. Murray, of which Sir Arthur Gordon in his letter says, "which I have no doubt relates with accuracy the communication he had made to Sir James Prendergast and Sir John Hall on the previous day." Even as to this statement I perhaps might leave it unnoticed, for I have already, in my previous memorandum, stated what took place between Mr. Murray, then acting as my Private Secretary, and myself. I have, however, now to say that the statement is an utter misrepresentation of what took place between himself and me. It is now for the first time that I have learnt that any such statement, either verbally or in writing, had been made, or that any such account of the conversation had been given.

5. Sir Arthur Gordon (see paragraph 14) refers to the letter by me to him, from Wellington to Fiji; he does not inform the Secretary of State that that letter was dated the 16th September, only three days after he left Auckland for Fiji; while the "Southern Cross" did not depart until the 26th September, carrying that letter, but also the New Zealand newspapers to that date, and (as it appears from Mr. Murray's statement, paragraph 2) a telegram from Mr. Murray, with the latest news from Wellington to that date.

The Secretary of State is no doubt aware that, between the 16th September and the 26th September, affairs on the West Coast assumed a very different and a very alarming aspect. For, though Sir Arthur Gordon states, in his despatch to the Secretary of State (see Blue Book for 1882, page 166, paragraph 3), written on the 22nd October, three days after his return from Fiji, "although I was unable to learn that any new or unexpected action on the part of the Natives had given rise to these feelings of uneasiness," &c. yet on the 19th September took place the meeting at Parihaka the speeches at which certainly very much alarmed the Government and the public at large. (See account of the meeting, Blue Book, 1882, page 132.)

6. Sir Arthur Gordon (see paragraph 12 of his letter) says a promise was made that during his absence he should be supplied with the fullest information of all that went on in New Zealand. I understand him to mean that Ministers made the promise. Lest there should be any misunderstanding, I desire to state that Sir Arthur Gordon never asked me to make any such communication.

I have been given to understand that the gentlemen who were Ministers at the time deny that any promise was made by them, officially or otherwise; but, on the contrary, on Sir John Hall, the Prime Minister, expressing readiness to make such communications, Sir Arthur Gordon stated that he did not wish it.

JAMES PRENDERGAST.

Wellington, September 14th, 1883.

Enclosure No. 2.

MEMORANDUM for HIS EXCELLENCY.

THE questions to which Sir Arthur Gordon refers in his letter to the Colonial Office of 31st March, 1883, might have been allowed to drop, were it not that Ministers feel that their conduct of affairs in the government of New Zealand should not be prejudiced in the minds of the British Parliament and people by the publication of papers which are calculated to lead to erroneous conclusions. Ministers, therefore, feel compelled to reply to the letter of Sir Arthur Gordon, and to show that that letter is not an answer to the representations made by them in their memorandum of the 25th January last.

I. Sir Arthur Gordon says that Ministers complain of the non-communication to them of two despatches, dated the 22nd October and the 4th November, 1881, respectively, containing extracts from the *Lyttelton Times* :—

Sir A. Gordon answers :—

(1.) They were both confidential, and therefore he was prohibited from doing so by the Regulations.

(2.) Newspapers on *both* sides were regularly sent Home. The objection of Ministers is tantamount to a suggestion that a Governor should never send Home Opposition papers.

(3.) In their Memorandum of 10th June, 1882, Ministers claim that the Governor's despatches should always be shown to them before transmission; but to this they have no right.

II. Sir Arthur Gordon says that Sir James Prendergast and Mr. Whitaker take exception to his expression of a "disposition" to share the views advocated in the four articles enclosed in his Despatch of the 22nd October, 1881.

He answers:—

(1.) His agreement referred only to the articles then enclosed. To suppose (as Sir J. Prendergast and Mr. Whitaker do) that in that despatch he expressed agreement with articles which did not appear until a fortnight later, is absurd.

(2.) He admits, and never denied, that the views with which he expressed agreement were those of the minority; but maintains that they were right, and that the minority comprised many of the ablest and best men of the colony.

III. Sir Arthur Gordon says that Ministers and Sir James Prendergast take exception to his having mentioned in his Confidential Despatch that it was only from his Private Secretary, Mr. Murray, that he received information as to the progress of affairs in New Zealand during his absence in Fiji.

Concerning this Sir Arthur Gordon says:—

(1.) That before he left the colony the promise was made that during his absence he should have the fullest information as to what was going on in New Zealand.

(1.) The complaint made was not that he had not shown the confidential despatches of the 22nd October and the 4th December, 1881, but that he had not shown the open despatch of the 28th December, 1881. This complaint (as stated in the memorandum of the 25th January, 1883) was a mere reiteration of those made by Ministers in the memorandum dated the 10th June, 1882. It is extremely surprising that a gentleman of the eminence and experience of Sir Arthur Gordon should gravely assume that on the 10th June, 1882, Ministers could have referred to despatches of the existence of which they were ignorant until the Imperial Blue Book, published in August, 1882, reached the colony.

(2.) Ministers are aware that all the leading newspapers in the colony—the *Lyttelton Times* amongst the number—are sent Home in a bag by themselves. No complaint of this was ever made; but what was complained of was that, in addition to this, certain portions of the *Lyttelton Times* were cut out and forwarded as enclosures in despatches, in such a manner that they, and they only, would be laid before the Imperial Parliament with the despatch.

Again, in Sir Arthur Gordon's despatch of the 4th November, 1881, he promises to forward a collection of articles from newspapers supporting the policy of the Government. Was this done? None of them are printed in the Blue Book.

(3.) No such claim was ever made. The claim made was that Sir A. Gordon, having seriously impugned his Ministers, they should have had an opportunity of answering his charges, so that both statements could be laid before the Imperial Parliament at one time, instead of some months elapsing between the publication of the Governor's charges and the answers of the Ministers.

(1.) *a.* Mr. Whitaker never said anything about articles published after the 22nd October, 1881; the articles sent with the despatch of that date are quite sufficient to support his words.

b. It is plain that Sir Arthur Gordon did concur with the views expressed in the later articles, as he forwarded them specially as enclosures to his confidential despatches of the 4th November and 2nd December, 1881, "in continuation of the extracts previously forwarded."

(2.) This matter is not now under discussion; and if it were, it would be easy to show, by the result, that the policy adopted by the Ministers on the West Coast of the North Island was unquestionably right.

(1.) Whatever promise may have been made to Sir Arthur Gordon Ministers consider must have been of a private character, and they hold that it was not their duty to communicate directly with him. There was in their opinion therefore no neglect on their part in abstaining from doing so. It does appear that, as a matter of courtesy, Sir John Hall did offer to communicate with Sir Arthur Gordon, but the offer was declined.

(2.) That Ministers always keep up communication with a Governor temporarily absent.

(3.) That he never stated that they were under positive obligations to do so, but merely that they had not done so; and he left people to draw their own inferences.

(4.) That Sir James Prendergast says that he wrote himself, but his one short letter contained nothing of importance.

(2.) That a mere temporary absence on leave, or on a friendly visit to a neighbouring Governor, is totally different from the case of a Governor leaving the colony to take up, for a period of several months, the duties of a distinct office held by him. In the former case he leaves a Deputy appointed by himself; in the latter an Acting-Governor takes his place by virtue of a separate commission from Her Majesty.

(3.) The statement was made in a manner to invite inferences of one kind only.

(4.) Sir James Prendergast has stated, and Sir Arthur Gordon has not denied, that in his (Sir James Prendergast's) letter he stated that he did not write more fully because Mr. Murray was writing, and sending all the newspapers.

IV. As to the issue of the Proclamation of the 19th October, 1881, on the eve of the return of Sir Arthur Gordon.

Sir Arthur Gordon says, concerning this,—

The Ministers and Sir James Prendergast say that they did not know he was just returning; but they must have suspected it from what Mr. Murray said to Sir John Hall, and, unless they desired to remain without official knowledge, they would have made more inquiries.

a. That, whatever impression Mr. Murray intended to convey to Sir John Hall, Ministers never had an idea that Sir John Hall had gathered from Mr. Murray's remarks that there was any reason to believe that Sir Arthur Gordon was likely to return when he did.

b. That, if Sir Arthur Gordon wished Ministers to know of his intended return, his proper course was to tell them. He cannot now reasonably blame them for having acted without the knowledge of that which, apparently, was designedly withheld from them.

c. Ministers repudiate the unjustifiable and offensive suggestion adopted by Sir Arthur Gordon, that "Ministers were about to take advantage" of Sir Arthur Gordon's "absence to precipitate a crisis in Native affairs on the west coast of the North Island;" for even had they been aware that Sir Arthur Gordon was expected, it would in no wise have altered their conviction that it was their duty at once to deal with an emergency which, in their opinion, the public interest required should be dealt with without delay; and they would have acted accordingly.

FRED. WHITAKER.

Wellington, September 21, 1883.

No. 6.

The Right Hon. the Earl of DERBY to Governor Sir W. F. D. JERVOIS.

(New Zealand, No. 68.)

SIR,—

Downing Street, December 10th, 1883.

I have the honour to acknowledge the receipt of your Despatch, No. 71, of the 22nd of September last, enclosing copies of memoranda by Sir James Prendergast and your Ministers, in reply to certain statements made by Sir Arthur Gordon in a letter to this department of the 31st March last, having reference to papers laid before the Imperial Parliament relating to Native affairs in New Zealand.

I request that you will inform Sir James Prendergast and your Ministers that I have forwarded copies of these papers to Sir Arthur Gordon; and that, in doing so, I have intimated to him that Her Majesty's Government do not think that the points referred to in the correspondence to which these memoranda especially relate are of sufficient public interest in this country to justify the communication of further papers to Parliament on the matter. I have also informed Sir Arthur Gordon that, in my opinion, the controversy may now with advantage be allowed to drop.

If your Ministers, or Sir Arthur Gordon, should, however, consider it necessary that there should be any publication of this further correspondence, it would seem more convenient that the papers should be produced in the New Zealand Parliament; and I need hardly add that anything which it is thought important to place on record in this department will, of course, be carefully recorded.

Governor Sir W. F. D. Jervois, G.C.M.G.

I have, &c.

DERBY.

No. 7.

MEMORANDUM for His EXCELLENCY.

MINISTERS present their respectful compliments to the Governor.

2. Ministers have been informed that a Despatch, dated December 10, 1883, from the Secretary of State for the Colonies, was received by His Excellency in February, and at once sent on to his then Responsible Advisers, for consideration.

3. Since then, there have been several changes of Ministry. It appears that a memorandum in reply to the Despatch was prepared by the Ministers who were conversant with all the matters stated in the Despatch and the correspondence to which it refers. That memorandum, without comment by the present Government, is now forwarded to His Excellency, with a view to its transmission to the Secretary of State for the Colonies.

ROBERT STOUT.

Wellington, November 7, 1884.

Enclosure.

MINISTERS have considered Lord Derby's Despatch as to the correspondence respecting Native Affairs on the West Coast, and the Despatches of Sir Arthur Gordon relative thereto.

2. Ministers will not now protest against Lord Derby's decision, as conveyed to Sir Arthur Gordon, that Her Majesty's Government do not consider the points involved in that correspondence "of sufficient public interest" in England, "to justify the communication of further papers to Parliament on the matter:" but Ministers must place upon record a decided protest against the time when that decision was arrived at, and the circumstances connected with it.

3. Sir Arthur Gordon was part of the Government of New Zealand; and, as Ministers believe, he was not, while in that position, at liberty to attack that Government, or to endeavour to defeat its action. If he disapproved of the advice of his Ministers, he should have replaced them by others, or should have retired from the Governorship. By transmitting to the Secretary of State, Despatches hostile to his Government, and in sympathy with their opponents; he acted against them and endeavoured to bring about their defeat.

4. The Imperial Government, as Ministers regret to be compelled to believe, by publishing those antagonistic Despatches, and especially by the publication of some which Sir Arthur Gordon marked "Confidential," joined with, and went beyond, him in his unconstitutional proceedings. Having, by such publication, given force and authority to Sir Arthur Gordon's hostile criticisms—having shown that they considered voluminous extracts from a newspaper bitterly opposed to the New Zealand Government to be worthy of publication, though contained in Despatches marked "Confidential"—the Imperial Government now give evidence of hostility to the Colonial Government, by declaring their comments and replies not to be of such interest as to warrant their presentation to the Imperial Parliament.

5. It was urged upon Lord Derby by the late Premier, Sir Frederick Whitaker, that the publication of such criticisms as those of Sir Arthur Gordon and the *Lyttelton Times*, must tend to "affect prejudicially the relations that ought to exist between the Secretary of State for the Colonies, a Colonial Governor, and his Responsible Advisers." His Lordship was also pressed to give consideration to the case, because, as Sir Frederick Whitaker wrote, the publication of the *Lyttelton Times* articles, without opportunity being afforded to the Government of giving explanations, was "calculated to place the Colonial Ministry at a great disadvantage before the British Parliament and public." Sir Arthur Gordon's reply to the memorandum (amongst others) in which those appeals were made, has been printed and presented to the Imperial Parliament. It contains various misrepresentations, which were pointed out by Sir Frederick Whitaker: but Sir Arthur Gordon has been told that he need not attempt to defend or explain what he has written, and such justice as might have been done to the Colony, by the official publication in England of the whole correspondence, has been refused.

6. Summarizing the whole case, the position in which the Government of New Zealand have been placed, is this:—Sir Arthur Gordon was pleased to consider his Responsible Advisers, during a very critical period, to be entirely wrong as to the action they deemed it necessary to take. In Despatches which he marked "Confidential," he condemned their action and showed that he had no respect for their motives. Presumably, he intended that those Despatches should not be published: but, if he had that intention, it was frustrated in the office of the Secretary of State for the Colonies. The confidential writings of an antagonist, who is a skilled controversialist, were given to the Parliament and people of England, without evidence or indication of the writer's desire that they should not be so given, but with all such aid, in the way of enforcement, as could be supplied by articles from a newspaper which was an uncompromising opponent of the Government. This publication took place while Sir Arthur Gordon continued to hold office as Governor, and to carry on the business of the country with men whom he condemned. Sir Arthur Gordon having left New Zealand, the complaint of the late Premier was sent to him by the Colonial Office for comment; and his reply, which is inaccurate in statement and offensive in tone, was at once presented to the Imperial Parliament. But, to the remonstrances by the late Administrator of the Government, and by the Ministers of the Crown, like publicity has been denied, on the ground that the points involved are not of sufficient interest in England.

7. While acquiescing, then, in Lord Derby's decision that further papers on the subject shall not be presented to the Imperial Parliament, Ministers deeply regret that which has been permitted as well as that which has been avoided by his Lordship. They earnestly hope that what has occurred may not be regarded as creating a precedent: because they feel that similar treatment in a future case, whatever Colony may be concerned, will involve a risk of serious disturbance of the good feeling that has hitherto, as a rule, characterized the relations between Constitutional Colonies and the authorities at the Colonial Office.

H. A. ATKINSON.

