

therefore, must depend mainly on the qualifications of the Native members of it; the chief business of the English president being to secure the notoriety, fairness, and regularity of the proceedings.

2. That in order to prevent the land being forestalled by a few to the detriment of the many, and to render the system attractive by assuring the Natives of the fairness of the price, and to save both races from the mischiefs to be apprehended from the solicitations of land buyers, all sales of Native land be by public auction, and be conducted by the Government on behalf of the Native owners.

3. That the working of the Native Lands Act, after making the necessary amendments therein, and the business of introducing the law and language of England into Native districts, be committed to a separate and permanent body.

That civil institutions be not forced on Native districts, but rather be introduced in such districts only as are disposed to receive them; and even there be planted in the simplest form or germ, and left to grow with the growth in the Native mind of a sense of the benefits they confer.

5. That care be taken to provide in every district endowments in land for the maintenance of the administration of justice, and of instruction in the English language, in that district.

Auckland, 30th June, 1865.

W. MARTIN.

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No. 32.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the  
Right Hon. EDWARD CARDWELL, M.P.

(No. 23.)

Government House, Wellington,

SIR,—

13th February, 1866.

In my Despatch No. 153, of the 5th December last, I reported that the Natives had arrested the murderers of the late Mr. Fulloon.

2. You will probably be anxious to know how the persons they arrested were disposed of.

3. I have therefore the honor to enclose for your information the copy of a Mr. Stafford,  
Dec. 30, 1865: Memorandum I have received from my Responsible Advisers, containing their reasons for advising that the persons accused of Mr. Fulloon's murder should be tried by our ordinary Courts in the usual manner, a recommendation in the wisdom and enlightened policy of which I fully and heartily concurred.

I have, &c.,

The Right Hon. Edward Cardwell, M.P.

G. GREY.

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Enclosure in No. 32.

MEMORANDUM by Mr. STAFFORD.

His Excellency's Ministers have carefully considered the case of the Maori prisoners accused of the murder of Mr. Fulloon and three other persons, on the 22nd of last July.

His Excellency, with the advice of his then Ministry, desirous of inflicting an immediate and signal punishment on the Natives who, under the influence of the Hau Hau fanaticism, had been concerned in barbarous murders on the East Coast, had, on the 4th September last, authorized any such Natives who might be taken to be tried by Court Martial. At that time the district occupied by those Natives was in a state of armed rebellion to Her Majesty's authority; no action could be taken by the Civil Courts, and it was requisite to undertake military operations for the apprehension of those who had committed many revolting crimes, entirely unprovoked, under circumstances of great barbarity. It was manifest that it was only by means of such operations, to which trial by Courts Martial is not an unusual incident, that outrages which shocked humanity could be suppressed, Her Majesty's authority asserted, and peace secured.

The successes of the Colonial Forces, aided by the friendly Natives, in conducting these operations, have now resulted in restoring peace and the authority of the law over a considerable portion of the hitherto disturbed districts on the East Coast. The prisoners in question have been for some time, and are now in safe custody. The Courts of Law are accessible for their trial, while any action now taken in fulfilment of a Court Martial could not be considered as immediate with respect to crimes committed many months since. His Excellency's present Ministers are of opinion that only circumstances of great urgency, requiring prompt and summary punishment, warrant a recourse to any but the ordinary judicial tribunals. They do not consider existing circumstances with respect to the prisoners to be of that urgent or exceptional character, and they believe it to be both right and wise, as tending to encourage in the Native mind a respect for our administration of justice, that the ordinary course of law be observed with respect to them. They therefore recommend that the prisoners be examined in the usual manner before a magistrate, with a view to those against whom evidence of murder or other serious crime is adduced, being committed for trial before the Supreme Court of New Zealand.

It is also advised that a similar course be followed with respect to the natives concerned in the murder of Mr. Volkner.

Wellington, 30th December, 1865.

E. W. STAFFORD.

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[Minute by the Governor on the above.]

I entirely concur.

G. GREY.