

“ and £5 for the persons of Maori rebels brought in. I do not pronounce any opinion at present as to the propriety of these steps ; but I must observe that they are so much at variance with the usual laws of war, and appear, at first sight, so much calculated to exasperate and extend hostilities, that they ought to have been reported to me by you officially, with the requisite explanation, which I should now be glad to receive.”

The Secretary of State uses language from which it may be implied that those who have and are still perpetrating such atrocities as have been perpetrated here, ought, in his opinion, to be treated as enemies carrying on “hostilities” according to the usages of war, and that such hostilities may be exasperated and extended by the offering of rewards for the apprehension of such enemies.

This measure does not seem open to any objection in the case of a Government engaged in the suppression of a revolt, accompanied, as such revolt has been, with all the unrelenting cruelty of savage nature. The object of the Government is self-preservation. The peaceful citizens must be protected at all costs. Even in the case of a foreign enemy who violates the laws of nature and the usages of war, the utmost severities are permitted as a punishment for his crimes. According to *Vattel* (book iii. ch. viii.), “There is one case in which we may refuse to spare the life of an enemy who surrenders, or to allow any capitulation to a town reduced to the last extremity. It is when that enemy has been guilty of some enormous breach of the law of nations, and particularly when he has violated the laws of war. This refusal of quarter is no natural consequence of the war, but a punishment for his crime,—a punishment which the injured party has a right to inflict. But, in order that it may be justly inflicted, it must fall on the guilty. When we are at war with a savage nation, who observe no rules, and never give quarter, we may punish them in the persons of any of their people whom we take (these belonging to the number of the guilty), and endeavour, by this rigorous proceeding, to force them to respect the laws of humanity.”

30th June, 1869.

JAMES PRENDERGAST.

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