

A.—No. 1.

FURTHER DESPATCHES

FROM

HIS EXCELLENCY THE

GOVERNOR OF NEW ZEALAND

TO THE

RIGHT HON. THE SECRETARY OF STATE FOR THE COLONIES.

(In continuation of Papers presented 30th September, 1868.)

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

WELLINGTON.

—
1869.

SCHEDULE OF DESPATCHES

A.—No. 1.

FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE.

No. in Series.	Date and Number.	Subject.	Page.
1	8 Aug., 1868 (No. 80.)	Transmitting a Resolution of the Legislative Council, and a Memorandum by Mr. Stafford, relative to the retention of Imperial Troops in the Colony ...	3
2	31 Aug., 1868 (No. 87.)	Transmitting Correspondence with Major-General Chute, and a Memorandum by Mr. Stafford, relative to the distribution of the Imperial Troops in the Colony ...	4
3	18 Sept., 1868 (No. 95.)	Reporting that, at the request of the Executive Council, on the departure of H.M.S. "Brisk" from the station, he had conveyed to Captain Hope and his officers and men the thanks of the Government for services rendered to New Zealand. ...	10
4	29 Sept., 1868 (No. 97.)	Transmitting a Memorandum on the subject of a Marine Survey of a portion of the Coast of New Zealand ...	10
5	8 Oct., 1868 (No. 100.)	Transmitting a Resolution of the House of Representatives, requesting the Governor to delay the Departure of the 18th Regiment until the subject be referred to the Imperial Government; also a Memorandum by Ministers thereon ...	12
6	25 Oct., 1868 (No. 107.)	Transmitting a copy of his Prorogation Speech, and of the Speech of the Speaker of the House of Representatives on that occasion. Also, in reference to the transmission of the Colonial Statutes to the Inns of Court ...	14
7	6 Nov., 1868 (No. 112.)	Transmitting, with the customary Synopsis, copies of the eighty-one Acts passed during the Session of 1868 ...	14
8	11 Nov., 1868 (No. 114.)	Transmitting a Protest, by the Hon. Mr. Mantell, against the passing of the Ngaitahu Reference Validation Bill, and a Memorandum by Mr. Stafford thereon ...	18
9	29 Nov., 1868 (No. 117.)	Transmitting Memoranda by the Colonial Marine Engineer.—1. Relative to an error in a recently issued Admiralty Chart. 2. Respecting proposed additional Lights on the Coast of New Zealand ...	19
10	2 Dec., 1868 (No. 121.)	Transmitting a Memorandum by Mr. Stafford on the subject of the Act of the Imperial Parliament (31° & 32° Vict., cap. 57.) relative to the appointment of Members of the Legislative Council ...	20
11	17 Dec., 1868 (No. 124.)	Transmitting a Memorial to Her Majesty, from the Wives, Mothers, and Daughters of the Settlers of Wanganui, praying that the efforts of the Settlers for the restoration of peace and security may be supplemented by the aid of Imperial Troops ...	21
12	8 Dec., 1868 (No. 127.)	Transmitting Memoranda and other documents relative to a proposal to extend the provisions of the Imperial Acts 6 & 7 Vict., cap. 34., and 16 & 17 Vict., cap. 118, to all cases of Misdemeanour ...	22
13	26 Jan., 1869 (No. 9.)	Transmitting Petitions to Her Majesty from certain of the Inhabitants of Auckland and Southland, praying for the suspension of the Constitution in the North Island; also copy of a Letter from the Superintendent of Otago, relative to obtaining the assistance of Imperial Troops ...	28
14	28 Jan., 1869 (No. 11.)	Transmitting an account of the proceedings, together with a copy of the Speech delivered by the Governor, on the occasion of the formal opening of the Wellington College and Grammar School ...	33
15	29 Jan., 1869 (No. 12.)	Reporting his visit to Canterbury, and enclosing copies of Addresses there presented to him ...	34
16	30 Jan., 1869 (No. 13.)	Relative to an article which appeared in the <i>Wellington Independent</i> , accusing the Master of the French whaling vessel "Winslow" of assisting in the Escape of the Prisoners from the Chatham Islands ...	40
17	8 Feb., 1869 (No. 18.)	Replying to the Secretary of State's Despatch of 1st December, 1868 (No. 127), declining to accede to the request contained in the Resolutions of the New Zealand Parliament relative to the retention of the 18th Regiment; and transmitting a Memorandum by Mr. Stafford commenting thereon ...	40
18	9 Feb., 1869 (No. 19.)	Transmitting Memoranda by Ministers relative to the Defence of the Colony, and the transfer of the sites for barracks, &c., from the Imperial to the Colonial Government ...	43
19	15 Feb., 1869 (No. 22.)	Transmitting a Memorandum by Mr. Stafford respecting the proposed sale, by the Deputy Superintendent of Stores, of Gunpowder and other Military Property of the Crown in New Zealand ...	46
20	20 Feb. 1869 (No. 23.)	Reporting his visit to the Valley of the Wairarapa, and on the state of the Maori population of the district ...	47
21	4 March, 1869 (No. 26.)	Transmitting copy of a Letter from Commodore Lambert, relative to corrections in the Charts of the Coast of New Zealand ...	48
22	8 March, 1869 (No. 28.)	Transmitting Correspondence, and reporting the action taken, relative to the retention of the 18th Regiment on the arrival of the troop ship "Himalaya" ...	49
23	9 March, 1869 (No. 29.)	Transmitting Correspondence testifying to the good conduct of the men of the 18th Regiment in the different quarters occupied by them in New Zealand ...	54
24	11 March, 1869 (No. 30.)	Transmitting a Memorandum by Mr. Stafford, requesting information as to the conditions on which one Regiment of Her Majesty's Regular Troops may remain in New Zealand ...	55
25	11 March, 1869 (No. 31.)	Transmitting a Memorandum by Mr. Stafford relating to the occupation of the Confiscated Lands. Also, as to a proposal to show liberality towards those Natives who have been dispossessed of them ...	55
26	12 March, 1869 (No. 32.)	Reporting generally on the progress of the Maori War, and the condition of Native Affairs; and transmitting a Memorandum by the Native Minister; also transmitting copy of a Letter addressed by the Governor to the Maori King Tawhaio ...	56
27	13 March, 1869 (No. 34.)	Transmitting copy of a Letter written by the Rev. John Whiteley, on the state of Native Affairs in New Zealand ...	61
28	20 March, 1869 (No. 37.)	Reporting further on the progress of the Maori War, and transmitting copies and extracts of the principal Despatches recently received from Colonel Whitmore, describing his operations against Titokowaru ...	63
29	24 March, 1869 (No. 38.)	Reporting the execution of a Maori named Whakamaui for the murder of a pedlar named Korncrop, near Otaki ...	65
30	25 March, 1869 (No. 39.)	Forwarding copies of the Annual Volume of Statistics of New Zealand, for the year 1867 ...	65
31	30 March, 1869 (No. 42.)	Relative to the anticipated visit of His Royal Highness the Duke of Edinburgh ...	66
32	26 May, 1869 (No. 61.)	Transmitting a Ministerial Memorandum, and other documents, relative to a protest by Mr. Selve against "The Public Debts Sinking Funds Act, 1868" ...	66
33	28 May, 1869 (No. 63.)	Replying to Earl Granville's Despatch No. 27, of the 25th February, relative to the supposed non-acceptance, by the Government and Legislature of New Zealand, of the conditions on which Lord Carnarvon proposed to leave one Regiment in the Colony, and transmitting a Ministerial Memorandum on the same subject ...	75
34	19 June, 1869 (No. 69.)	Transmitting Ministerial Memoranda and Reports on those points in the management of Native Affairs and of the Colonial Forces, commented on in Earl Granville's Despatch No. 30, of the 26th February, 1869 ...	77

DESPATCHES FROM THE GOVERNOR OF NEW ZEALAND TO THE SECRETARY OF STATE.

No. 1.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His
Grace the Duke of BUCKINGHAM.

(No. 80.) Government House, Wellington, New Zealand,
MY LORD DUKE,— 5th August, 1868.

I have the honor to forward herewith a letter addressed to me by the Speaker of the Legislative Council of this Colony, transmitting a copy of a Resolution agreed to by that House on the 5th instant, viz. :—“ That a respectful Address be presented to His Excellency the Governor, praying that, if within his discretion, the embarkation of the only Imperial regiment now serving in New Zealand may be delayed until His Excellency shall have placed the present state of the Colony before the Imperial Government, and have received instructions thereon.”

2. I am informed that notice of a motion to a somewhat similar effect has been given also in the House of Representatives, but that, owing to the pressure of other business, it can hardly come on for discussion before the departure of the mail this day.

3. The immediate cause of the action thus taken in both Houses was the presentation to Parliament of your Grace's Despatch of the 30th May ultimo, No. 58, referring to my predecessor Sir George Grey's Despatch No. 30, of 4th April, 1867, and to the Memorandum of his Responsible Advisers, therein enclosed; also to your Grace's Despatch No. 29, of 1st June, 1867, and informing me that it is proposed that the 18th Royal Irish, the only regiment of Her Majesty's troops still left in New Zealand, shall be withdrawn about the end of September.

4. I am aware of some of the reasons which have led to the decision that the Queen's troops shall be altogether removed from this Colony, notwithstanding the opinion to the contrary which His Royal Highness the Field-Marshal Commanding-in-Chief (the Duke of Cambridge) is reported to have expressed in the House of Lords, in the Debate on this question which took place on 15th July, 1867, and which appears to have been relied on here to a considerable extent. I dare not conceal my own personal opinion that it is unfortunate, on grounds of Imperial as well as of Colonial policy, if the execution of this decision cannot be delayed at the present crisis; in the face of the recent demonstration of the Fenians, whose quarrel is avowedly with the Imperial rather than with the Colonial Government; of the existing serious Native disturbances reported in my Despatches Nos. 78 and 79 by this mail, and of the open defiance of the Queen's authority by the so-called Maori King and his adherents; of the large contributions paid by New Zealand for the special benefit of the Maoris, amounting to nearly one pound sterling annually for each individual of that race; and of the still larger expenditure for Colonial Defence; together with the very heavy taxation necessary for these purposes, and for the payment of the interest of the War Loan of three millions sterling. From the official papers which I was requested to transmit with my Despatch No. 58, of the 7th July ultimo, it appears that the contributions of New Zealand alone for Native Purposes and Colonial Defence, including the interest of the War Debt, exceed the aggregate contributions for similar purposes of all the Australian Colonies. Moreover, it appears that these burdens have raised the taxation of New Zealand (according to the estimate in your Grace's Despatch No. 34, of 1st April ultimo) “ to more than six pounds five shillings per head of the entire population, Native and European;” in other words, to more than double the taxation of the United Kingdom. It has been

further argued here (as I am informed), that since the expenditure on special Native objects during the seven financial years from 1860-1 to 1866-7 amounted to two hundred and ninety-six thousand and thirty-five pounds eight shillings and tenpence, or exceeded on the average forty thousand pounds annually, this expenditure alone should be considered a fair equivalent for the presence of one regiment, being at the rate of forty pounds each for one thousand men, the capitation paid in the principal Australian Colonies, with the exception of Tasmania, which (it is asserted) pays nothing at all for the troops quartered there.

5. I abstain from glancing at the numerous grounds of Imperial policy and feeling on which the maintenance of a small contingent of Imperial troops in each of the chief provinces of the Empire, and especially in those which, like the Cape and New Zealand, are exposed to the attacks of formidable native races, has been defended by the late Lord Herbert of Lea (while Secretary of State for War), by Mr. Herman Merivale, Mr. T. F. Elliot, and other statesmen and official and political writers; for I am fully aware that forcible arguments have also been adduced on the other side.

See especially "Colonization and Colonies," pp. 513-520. See Mr. T. F. Elliot's Memorandum of 28th Jan., 1860, published in the Parliamentary Papers.

6. As I have been requested to forward a Resolution of the Legislative Council on this important subject, it seemed to be obviously my duty to submit at the same time my own opinion respecting it. But, having submitted that opinion as briefly as possible, I hope that I need scarcely add that it will be equally my duty to carry out loyally and energetically, so far as in me lies, the instructions of Her Majesty's Government respecting the Imperial troops, or any other matter pertaining to my office.

7. I believe that in my Despatches by the present mail, and in my previous Despatches, written since my arrival in New Zealand in last February, I have fully and fairly (in the terms of the enclosed Resolution) "placed the present "state of this Colony before the Imperial Government."

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

P.S.—I had of course asked my Responsible Advisers if they wished me to transmit any opinion or papers from them together with the Resolution of the Legislative Council.

Owing to the delay of a messenger, their Memorandum has reached me just as the mail is closing. I am therefore obliged to forward it without any further remarks.

Enclosure in No. 1.

MEMORANDUM by Mr. STAFFORD.

Wellington, 8th August, 1868.

Mr. STAFFORD presents his respectful compliments to His Excellency. He has received His Excellency's Memorandum of the 7th instant, on the subject of the Resolution passed by the Legislative Council, praying that, if within his discretion, His Excellency would delay the embarkation of the only Imperial regiment now in New Zealand, until His Excellency shall have placed the present state of the Colony before the Imperial Government, and have received instructions thereon.

Mr. Stafford would submit to His Excellency, that since October, 1865, Mr. Stafford has declined to advise that Imperial troops should be employed in the field, or to accede, on behalf of the Colony, to any formal conditions on which the single regiment now in New Zealand should be retained.

Mr. Stafford does not now propose to depart from the course which, as indicated above, has been consistently pursued for the last three years.

For His Excellency the Governor.

E. W. STAFFORD.

No. 2.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 87.) Government House, Wellington, New Zealand,
MY LORD DUKE,— 31st August, 1868.

I have the honor to forward herewith, for your Grace's information, copies of a letter addressed to me on the 30th July ultimo, by Major-General Sir Trevor Chute, K.C.B., respecting the distribution of the 2nd Battalion of the 18th Regiment, now in New Zealand; of my reply, dated on the 22nd instant;

and of a Memorandum on the subject submitted to me by my Responsible Advisers.

2. It will be seen that General Chute proposes a complete alteration in the present distribution of the troops, and especially the immediate withdrawal of the two companies now quartered at the town of Taranaki or New Plymouth, on the allegation that the existing distribution contravenes the directions given in Lord Carnarvon's Despatch No. 49, of 1st December, 1866.

3. It will be further perceived that I lost no time in replying to General Chute's letter, and in assuring him of my sincere desire to acquiesce in his views, so far as the instructions which I have received from your Grace, and my general duty to the Imperial Government and to this Colony, will permit. I reminded him, however, that the Secretaries of State for the Colonies and for War had expressed their approval of the distribution of the battalion in New Zealand, as made by the direction of my predecessor, Sir George Grey; and that it would be, therefore, scarcely consistent with my duty to acquiesce in any material alteration of that arrangement without fresh instructions from the Imperial authorities.

4. Transmitting copies of your Grace's Despatches to me on this subject, I continued: "From these Despatches you will perceive that by the 'distant and 'isolated posts' referred to by Lord Carnarvon in the Despatch quoted by you, Her Majesty's Government intended to be understood posts in the interior of this Colony, such as many of those in the Waikato and elsewhere, held by the Imperial troops during the recent war, and not the four principal seaports of the North Island, viz., Auckland, Taranaki, Napier, and Wellington, in which the 18th (Royal Irish) Regiment is now distributed, and where detachments of Imperial troops have been quartered, with the concurrence of the civil and military authorities, for many years past; indeed, in the case of some of them, almost from the first beginning of colonization in New Zealand.

"It appears that in your letter to Sir George Grey of 30th May, 1867, you suggested Taranaki as one of the posts at which a detachment of the two companies of the 18th ought to be placed; that on the 7th October following Sir G. Grey gave directions accordingly; that the distribution of the regiment at Taranaki, Auckland, and Napier was carried out so recently as in last November, without any objection on the part of yourself or of any other military officer; and that these proceedings received the express approval of the Imperial authorities. For you will perceive that the Duke of Buckingham wrote as follows in his Despatch No. 6, of the 18th January ultimo: 'I have to acknowledge the receipt of Sir G. Grey's Despatch No. 162, of 8th October, enclosing a Memorandum from his Responsible Advisers, in which they state their opinion that the most desirable spots for the 18th Regiment to occupy are Taranaki, Auckland, and Napier.

"Secretary Sir John Pakington, to whom I referred Sir George Grey's Despatch, has informed me that he approves this distribution of the regiment, which comes within the instructions of Her Majesty's Government, for the short time during which it will remain in the Colony.'"

5. After referring to the position of the detachment sent to Wellington in consequence of the recent Fenian demonstrations on the Southern Gold Fields, and to your Grace's approval of the prompt measures taken on that occasion (which were fully explained in my Despatches, Nos. 27 and 34), I proceeded as follows:—
 "Your letter concludes by advising the concentration at one place (evidently at Auckland) of the single Imperial battalion now in New Zealand, in order that it may be in a position to afford some assistance if, unhappily, the Colonial forces should be found unequal to the defence of the Colony. As you already know, the entire management of Native affairs, and the control of the Colonial forces has been transferred to the Responsible Ministers of the Colony, whom the Governor is instructed to consult on every occasion, and by whose advice he is to be guided. The Ministers inform me that the removal of the Imperial detachments from these present stations, and their concentration at a place remote from the disturbed districts, would have an effect the reverse of rendering aid to the Colonial forces. For the only disturbances at the present moment are those caused on the East Coast by a band of about 150 Hauhaus, who have escaped from the

Secretary of State
to Governor of
New Zealand,
No. 59, May 30,
1868.

“ Chatham Islands, and have made good their retreat from Poverty Bay into the wild mountainous country about a hundred miles north of Napier; and on the West Coast by a band of about equal number, under the chief Titokowaru, who is lurking in the forests near Patea, about eighty miles from Taranaki. The Colonial Militia and Volunteers, under Colonel Whitmore, will protect the settlers on the East Coast; while Colonel McDonnell (who has about 700 Europeans and 300 Natives under his orders) will perform a similar duty on the West Coast. I am advised that presence of the Imperial detachments at Napier and Taranaki is very useful; for they place those towns in perfect security, thus leaving the Colonial troops free to protect the inland settlers.”

6. I next replied to that portion of General Chute's letter which alludes to the purely Imperial and military duties performed by the four companies of the 18th now at Auckland; and informed him that, as there had been no fresh Fenian disturbances on the Southern Gold Fields, I would make no objection to his proposal that the company lately detached from Auckland, in consequence of the Fenian movements, and landed at Wellington, should be ordered to rejoin headquarters. It is added: “ I presume that you consider this measure so urgent as to justify the additional expenditure from Imperial funds which it will cause, on the eve of the final withdrawal of the Imperial troops from this Colony.”

7. I closed my letter with the following observations:—“ As the question of barrack accommodation is raised in your letter, it is observed by my Responsible Advisers that no objection to the present distribution of the troops was made at the time of that distribution on the ground of the want of proper barrack accommodation; and that no special provision for officers' quarters within barracks has ever hitherto been required by the Imperial Government at any post where Her Majesty's troops have been stationed in New Zealand. I am, however, fully aware of the force of your observations on this head, and I think you will agree with me that if any Imperial troops were to be retained permanently in New Zealand, it would be desirable that the Governor of this Colony and the General Commanding should unite in an application to the Imperial authorities for positive and precise instructions; first with regard to the stations at which alone those troops shall be quartered; and, secondly, with regard to the amount of the barrack accommodation to be provided for them.”*

“ But it appears unnecessary to go more fully into these questions at present, as it has been intimated to me by the Secretary of State that the 18th Regiment will shortly be altogether removed, and that the ‘Himalaya’ transport will be sent out to convey it from New Zealand to Australia. I need scarcely say that so soon as you receive orders fixing the exact time at which the final withdrawal of the troops will take place, I will readily acquiesce in any measures which you may deem necessary for carrying out those orders forthwith. But in the meantime, I flatter myself that you will agree that we are both bound, in the absence of any urgent necessity, not to interfere, without further directions from home, with that distribution of the 18th Regiment which has been expressly approved by Her Majesty's Government, and which, in the words of the Secretary of State for War, ‘comes within the instructions of Her Majesty's Government, for the short time during which it will remain in the Colony.’ ”

“ I am confident that you think with me, that the paramount duty of Governors and Generals alike, is to carry out, as far as possible, the views of the Imperial authorities under whom they serve.”

8. I have little doubt that General Chute will acquiesce in my views, so soon as he shall have read the opinion of Sir John Pakington, respecting the distribution of the troops in New Zealand, expressed so recently as in last January, and recorded in your Grace's Despatch, No. 6, of 1868. I am informed that when General Chute last addressed me, no intimation had reached him respecting the “Himalaya,” and that this transport cannot arrive in New Zealand so soon as it was at first expected. On forwarding with my Despatch No. 80, of the 8th August ultimo, a resolution of the Legislative Council of New Zealand, deprecating the immediate and entire removal, at the present crisis, of the single battalion of

* It is stated that if a detachment of Imperial troops were permanently quartered at Taranaki, the Government of that Province would be willing to repair the barracks there.

Imperial troops which now garrisons the four principal sea-ports of this island, I considered it to be my obvious duty to submit, at the same time, my own opinion on this subject. "But (I said) having submitted that opinion as briefly as possible, I hope that I need scarcely add that it will be equally my duty to carry out loyally and energetically, so far as in me lies, the instructions of Her Majesty's Government respecting the Imperial troops, or any other matter pertaining to my office."

9. Hoping that the principles laid down, and the language held by me in my correspondence with General Chute (a copy of which is now transmitted), will meet with your Grace's approval,

His Grace the Duke of Buckingham and Chandos.

I have, &c.,
G. F. BOWEN.

Enclosure 1 in No. 2.

Major-General CHUTE to His Excellency the GOVERNOR.

(No. B. 516.)

SIR,—

Melbourne, 30th July, 1868.

The recent occurrences and very unsettled state of the Natives in New Zealand render it imperative that there should be no delay in addressing your Excellency on the subject which I had the honor to bring to your notice at my recent visit to Auckland, viz., the distribution of the 2nd Battalion of the 18th Regiment.

In a Despatch No. 49, dated Downing Street, 1st December, 1866, a copy of which was forwarded for my guidance, referring to the conditions on which a single battalion might be retained in New Zealand, appears the following:—

"The troops must not be placed in distant or isolated parts, or employed virtually as a frontier or Native police. They must be concentrated in places of easy access, where adequate barrack accommodation exists, and subject to the conditions usually required for the maintenance of discipline, and other military necessities. The officer in command would not be at liberty to consent to their location where these conditions are wanting."

The 2nd Battalion of the 18th Regiment, as your Excellency is aware, is at present much divided, having detachments at the places named in the margin, at none of which, or at Auckland, are there quarters for officers within the barracks or cantonments, necessitating many of them residing at considerable distances from their men, a circumstance of itself detrimental to discipline, and which, in the event of a sudden and unlooked for attack, might lead to disastrous results.

It will be obvious to your Excellency that the more numerous the detachments the greater the probability of the Imperial forces being drawn into conflict with the Natives, and so rendering reinforcements necessary, which may not be forthcoming; moreover, weak detachments invite attack, and are useless beyond the immediate precincts of their post for the defence of a large straggling settlement.

The detachment which I consider most open to objection, in a military point of view, is that at Taranaki, where also the barracks and stockade require considerable repairs.

The company lately detached from Auckland, in the expectation of a Fenian rising at Hokitiki (and landed at Wellington), I beg to suggest to your Excellency may be ordered to rejoin headquarters, if its services are no longer needed on that account; and I may here mention, that although I coincide in your Excellency's view that there should always be Imperial troops at the seat of Government, their location at Wellington has already been attended with much expense to the Imperial Government, there being no adequate barrack accommodation, from the wooden huts, &c., having become unfit for habitation.

In conclusion, I beg to submit to your Excellency my opinion, that it is most desirable that the single battalion in New Zealand should be concentrated as much as possible, in accordance with the instructions contained in the before-mentioned Despatch, in order that it may be in a position to afford some assistance, if, unhappily, the Colonial forces should be found unequal to the defence of the Colony.

His Excellency Sir George F. Bowen, G.C.M.G.,
Governor of New Zealand, Wellington.

I have, &c.,

T. CHUTE,
Major-General.

P.S.—A copy of this letter will be forwarded to the Right Honorable the Secretary of State for War.

T. C.

Enclosure 2 in No. 2.

His Excellency the GOVERNOR to Major-General CHUTE.

Government House, Wellington,

SIR,—

New Zealand, 22nd August, 1868.

I have the honor to acknowledge the receipt of your letter of the 30th July ultimo, which did not reach me at Wellington until nearly three weeks after its date. I lose no time in replying to it, with a sincere desire to acquiesce in your views, so far as the instructions which I have received from the Secretary of State, and my general duty to the Imperial Government and to this Colony, will permit.

2. After referring to the recent disturbances in New Zealand, you quote the following extract from Lord Carnarvon's Despatch to my predecessor Sir George Grey, No. 49, of 1st December, 1866, referring to the conditions on which a single battalion might be retained in New Zealand:—

“The troops must not be placed in distant and isolated parts, or employed virtually as a frontier or Native police. They must be concentrated in places of easy access, where adequate barrack accommodation exists, and subject to the conditions usually required for the maintenance of discipline and other military necessities. The officer in command would not be at liberty to consent to their location at posts where these conditions are wanting.”

3. When you remarked to me at Auckland, in last May, that you thought it expedient that the two companies of the 18th (Royal Irish) Regiment stationed at Taranaki should be removed to Auckland, I observed that the Secretaries of State for the Colonies and for War had expressed their approval of the distribution of the battalion in New Zealand, as made by the direction of Sir G. Grey, and that it would be therefore scarcely consistent with my duty to acquiesce in any material alteration of that distribution without fresh instructions from the Imperial authorities.

4. As it appears from your letter that copies of the Despatches addressed to me on this subject have not been forwarded to you (as I supposed) from the War Office, I now transmit copies of them.

5. From these Despatches you will perceive that by the “distant and isolated posts” referred to by Lord Carnarvon in the Despatch quoted by you, Her Majesty’s Government intended to be understood posts in the interior of this Colony, such as many of those in the Waikato and elsewhere, held by the Imperial troops during the recent war, and not the four principal seaports of the North Island, viz., Auckland, Taranaki, Napier, and Wellington, in which the 18th (Royal Irish) Regiment is now distributed, and where detachments of Imperial troops have been quartered, with the concurrence of the civil and military authorities, for many years past; indeed, in the case of some of them, almost from the first beginning of colonization in New Zealand.

6. It appears that in your letter to Sir G. Grey, of 30th May, 1867, you suggested Taranaki as one of the posts at which a detachment of the two companies of the 18th ought to be placed; that on the 7th October following Sir G. Grey gave directions accordingly; that the distribution of the regiment at Taranaki, Auckland, and Napier was carried out so recently as in last November, without any objections on the part of yourself, or of any other military officer, and that these proceedings received the express approval of the Imperial authorities; for you will perceive that the Duke of Buckingham wrote as follows in his Despatch No. 6, of the 18th January ult. :—

“I have to acknowledge the receipt of Sir G. Grey’s Despatch No. 162, of 8th October, enclosing a Memorandum from his Responsible Advisers, in which they state their opinion that the most desirable spots for the 18th Regiment to occupy are Taranaki, Auckland, and Napier.

“Secretary Sir John Pakington, to whom I referred Sir George Grey’s Despatch, has informed me that he approves this distribution of the regiment, which comes within the instructions of Her Majesty’s Government, for the short time during which it will remain in the Colony.”

7. With regard to the two companies now at Wellington, I agree with you, and (as I believe) with all your predecessors in the Australian command, and with all the other Governors of the Australian Colonies and of New Zealand, in the opinion that so long as there are any of Her Majesty’s troops in a Colony, a portion of them should be quartered in the town which is the seat of Government and the principal residence of the Queen’s Representative. Moreover, as you are already aware, two companies were sent to Wellington with the concurrence of the Commandant in New Zealand; the first in March last, to furnish the usual guards of honor, &c., during the expected visit of His Royal Highness the Duke of Edinburgh; and the second in April last, in consequence of the Fenian demonstrations on the Southern Gold Fields. You will perceive that in his Despatch No. 59, of the 30th May ultimo, the Duke of Buckingham expresses his entire approval of the “prompt measures” taken on that occasion.

In reporting to the Secretary of State the course adopted, I submitted the following explanation :—
“It will be remembered that the head-quarters of the 18th Regiment at Auckland are distant more than eight hundred miles from the scene of the late Fenian movements, and that telegraphic communication between that city and the Seat of the Colonial Government at Wellington will not be completed for a considerable period. On the other hand, the Southern Gold Fields and the whole Middle Island are in direct communication, by means of the Electric Telegraph, with Wellington, whence the detachment of about one hundred and fifty men now quartered there can be easily and quickly despatched to Hokitika, or to any other point where the civil power may require support. The Fenians avow that their quarrel is with the Imperial authorities rather than with the Colonial Government; and it is considered here that the Imperial troops may properly be called upon, in case of necessity, to assist in repressing Fenian disturbances in New Zealand, as in all other parts of the British Empire. Of course in the event of future outbreaks in the Maori districts, care will be taken, in obedience to the instructions of Her Majesty’s Government, that the Queen’s troops shall not be employed in the interior, and that they shall continue, as now, to garrison the principal seaport towns, leaving the Colonial Militia and Volunteers to protect the inland settlers.”

8. Your letter concludes by advising the concentration at one place (evidently at Auckland) of the single Imperial battalion now in New Zealand, “in order that it may be in a position to afford some assistance if, unhappily, the Colonial forces should be found unequal to the defence of the Colony.”

9. As you already know, the entire management of Native affairs and the control of the Colonial forces have been transferred to the Responsible Ministers of the Colony, whom the Governor is instructed to consult on every occasion, and by whose advice he is to be guided. The Ministers inform me that the removal of the Imperial detachments from their present stations, and their concentration at a place remote from the disturbed districts, would have an effect the reverse of rendering aid to the Colonial forces; for the only disturbances at the present moment are those caused on the East Coast by a band of about 150 Hauhaus, who have escaped from the Chatham Islands, and have made good their retreat from Poverty Bay into the wild mountainous country about a hundred miles north of Napier; and on the West Coast by a band of about an equal number, under the chief Titokowaru, who is lurking in the forests near Patea, about eighty miles from Taranaki. The Colonial Militia and Volunteers, under Colonel Whitmore, will protect the settlers on the East Coast; while Colonel McDonnell, who has about 700 Europeans and 300 Natives under his orders, will perform a similar duty on the West Coast. I am advised that the presence of the Imperial detachments at Napier and

Taranaki is very useful, for they place those towns in perfect security; thus leaving the Colonial troops free to protect the inland settlers.

10. I perceive from the letter addressed to you by Colonel Beatson, R.E., on the 15th July ult., and of which you have forwarded me a copy, that he considers that the four companies of the 18th now at Auckland are insufficient for the garrison duties of that place. With regard to this point, I am assured that there are no guards or sentries whatsoever for civil purposes at Auckland; that the troops there are employed on Imperial and military duties alone, *i.e.*, for the protection of the Imperial stores and buildings; and that it appears from your letter to Sir George Grey, of the 4th June, 1867, that you then considered "about one hundred and fifty men" sufficient for those purposes, whereas there are now more than three hundred men at Auckland. However, as there have been no fresh Fenian disturbances on the Southern Gold Fields, I will make no objection to your proposal, that the company lately detached from Auckland, in consequence of the Fenian movements, and landed at Wellington, should be ordered to rejoin head-quarters. I presume that you consider this measure so urgent as to justify the additional expenditure from Imperial funds which it will cause on the eve of the final withdrawal of the Imperial troops from this Colony.

11. As the question of barrack accommodation is raised in your letter, it is observed by my Responsible Advisers that no objection to the present distribution of the troops was made at the time of that distribution on the ground of the want of proper barrack accommodation, and that no special provision for officers' quarters within barracks has ever been required by the Imperial Government at any post where Her Majesty's troops have been stationed in New Zealand. I am, however, fully aware of the force of your observations on this head; and I think you will agree with me that, if any Imperial troops were to be retained permanently in New Zealand, it would be desirable that the Governor of this Colony and the General Commanding should unite in an application to the Imperial authorities for positive and precise instructions, first, with regard to the stations at which alone those troops shall be quartered; and, secondly, with regard to the amount of the barrack accommodation to be provided for them.

12. But it appears unnecessary to go more fully into these questions at present, as it has been intimated to me by the Secretary of State that the 18th Regiment will shortly be altogether removed; and that the "Himalaya" transport will be sent out to convey it from New Zealand to Australia. I need scarcely say that so soon as you receive orders fixing the exact time at which the final withdrawal of the troops will take place, I will readily acquiesce in any measures which you may deem necessary for carrying out those orders forthwith. But in the meantime, I flatter myself that you will agree with me, that we are both bound, in the absence of any urgent necessity, not to interfere, without further directions from home, with that distribution of the 18th Regiment which has been expressly approved by Her Majesty's Government, and which, in the words of the Secretary of State for War, "comes within the instructions of Her Majesty's Government, for the short time during which it will remain in the Colony." I am confident that you think with me, that the paramount duty of Governors and Generals alike, is to carry out, as far as possible, the views of the Imperial authorities under whom they serve.

Major-General Sir T. Chute, K.C.B.,
Melbourne.

I have, &c.,
G. F. BOWEN.

P.S.—You mention that a copy of your letter now under reply will be forwarded to the Secretary of State for War. You will, of course, forward also a copy of this letter. I will transmit copies of both to the Secretary of State for the Colonies.

G. F. B.

P.S.—August 24th, 1868.—Since the above Despatch was written, a letter has reached Wellington from Colonel McDonnell, who reports that on the morning of the 21st instant he assaulted, took, and destroyed the strongly fortified pa of Ngutu-o-te-manu, the head-quarters of Titokowaru, the cannibal chief. It was situated in the forest, about twelve miles from Waihi. Colonel McDonnell had with him 270 of the Armed Constabulary and Colonial Volunteers. He lost three killed and eight wounded, and inflicted considerable loss on the rebels, whom he will continue to follow up until the main actors in the recent murders of settlers have been brought to justice.

G. F. BOWEN.

Enclosure 3 in No. 2.

MEMORANDUM by Mr. STAFFORD.

Wellington, 21st August, 1868.

MR. STAFFORD has read Major-General Chute's letter of the 30th ultimo to the Governor, which His Excellency has referred to Ministers for their observations thereon.

Major-General Chute refers to recent occurrences, and to the unsettled state of the Natives in New Zealand, and concludes by advising the concentration at one place (evidently at Auckland) of the single Imperial battalion now in New Zealand, "in order that it may be in a position to afford some assistance if, unhappily, the Colonial forces should be found unequal to the defence of the Colony."

Mr. Stafford is unable to understand how such a course, which would remove Imperial garrisons from their present stations, and concentrate them in one remote from the disturbed districts, would promote the professed object and desire of rendering aid to the Colonial forces. On the contrary, if it were the object of the military authorities to aid the Colonial forces in the maintenance of Her Majesty's authority, and in the suppression of existing Native disturbances, an augmentation, rather than the sudden withdrawal, of the detachments at Napier and Taranaki would be the proper course to adopt.

Major-General Chute does not appear to be aware that since the date of the Despatch of the 1st December, 1866, to which he refers, the Secretary of State for War has specially approved of stationing detachments of the 18th Regiment at Taranaki and Napier, which approval was conveyed to the Governor in the Despatch from the Duke of Buckingham and Chandos, No. 6, of the 18th January last.

No objection to the present distribution of these troops was made at the time by the military authorities on the ground of want of proper barrack accommodation; and if General Chute, as would appear from his letter, considers proper barrack accommodation to mean provision for officers' quarters within barracks, it is sufficient to observe that no quarters for officers have ever been provided or required by the Imperial Government at any post where Imperial troops have been stationed in New Zealand.

For His Excellency the Governor.

E. W. STAFFORD.

No. 3.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 95.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 18th September, 1868.

My predecessor, Sir George Grey, in his Despatch No. 120, of the 23rd September, 1865, expressed the sense entertained by him and by the Government of New Zealand of the efficient assistance rendered by Captain Charles Hope, R.N., commanding Her Majesty's ship "Brisk," on the occasion of the expedition to Opotiki.

2. The "Brisk" is now about to leave this station finally for England, and I have been requested by the Executive Council to convey the thanks of the Government of New Zealand to Captain Hope, and to the officers and men under his command, for their important services during the recent war.

3. I entirely concur with my Ministers in the hope that your Grace will direct a copy of this Despatch to be forwarded to the Lords Commissioners of the Admiralty.

I have, &c.,

G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

No. 4.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 97.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 29th September, 1868.

At the request of my Responsible Advisers, I have the honor to forward herewith a Memorandum by Mr. Hall, the Postmaster-General, transmitting a paper by the Marine Engineer of this Colony, explanatory of the circumstances under which a survey of a portion of the coast line of New Zealand has been undertaken by the Colonial Government, as well as of the manner in which that survey is being conducted.

2. I beg leave to solicit your Grace to cause a copy of this Despatch, and of its enclosure, to be transmitted to the Lords Commissioners of the Admiralty, with the view of ascertaining whether the results of the surveys now being carried on can be placed on the Admiralty Charts, as new editions are issued. It will be seen that the Government of New Zealand will be ready to comply, to the best of its ability, with any conditions which the Admiralty may think it right to attach to the acceptance of these surveys.

3. I may mention that when Captain Charles Hope, commanding H.M.S. "Brisk," which has been for a long time in the waters of this Colony, was lately at Wellington, on his voyage home, he inspected the plans, field books, &c., of the Marine Surveyor, and expressed himself as well satisfied with them. He also told me that on his arrival in England he would make it a point to see the Hydrographer of the Admiralty on the subject.

I have, &c.,

G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

Enclosure in No. 4.

MEMORANDUM by Mr. HALL.

I HAVE the honor to transmit to your Excellency a Memorandum from the Marine Engineer for the Colony, explanatory of the circumstances under which a survey of a portion of the coast line of New Zealand has been undertaken by the Colonial Government, as well as of the manner in which that survey is being conducted.

The plans, field-books, &c., mentioned by Mr. Balfour, will be transmitted to your Excellency without delay.

In the meantime I shall feel obliged if your Excellency will be pleased to cause Mr. Balfour's Memorandum to be transmitted to the Admiralty, with a view to its being ascertained whether the results of the surveys now being carried on can be placed on the Admiralty charts as new editions are issued. The Colonial Government are ready to comply to the best of their ability with any conditions which the Admiralty may think it right to attach to the acceptance of these surveys.

JOHN HALL.

General Post Office, Wellington, 28th September, 1868.

Sub-Enclosure to Enclosure in No. 4.

MEMORANDUM by Mr. BALFOUR.

Marine Surveys.

THE Admiralty charts of New Zealand are most satisfactorily accurate on the whole, and are at this moment both minute and complete enough for general purposes. The extension of colonization has, however, so greatly increased the importance of many districts as to render it advisable to survey minutely a number of the minor anchorages and shelters, which, though of but little value at the time the Admiralty surveys were made, are now fast rising into importance, as the outlets of valuable tracts of country.

Several minor and comparatively non-important errors in the charts, new rocks (generally close in-shore), &c., are also from time to time reported, and it has been considered most desirable to ascertain their existence and determine their positions if found.

Some portions of the Coast have never been surveyed; and the whole of the West Coast of the Middle Island from Milford Sound to Cape Farewell has been only surveyed in a general manner, the latitudes and longitudes of the more important points ascertained, the coast line filled in from the sketches of Messrs. Heaphy and Brunner, and an offshore line or lines of soundings taken.

This was amply sufficient for all purposes at the time the surveys were made; but now that the gold discoveries have drawn a large population to that part of the Colony, and steamers and sailing vessels of all sizes are continually passing up and down the coast, more minute charts with the inshore dangers and soundings properly laid down, are much required. If there be any good anchorages or any places capable of being made permanent harbours at a reasonable outlay, they should be surveyed on a larger scale.

Many statements of (alleged) great inaccuracies in the charts of the West Coast have from time to time appeared in the public prints, and have engendered a feeling of want of confidence in the Admiralty charts, and this seems to make additional surveys all the more necessary. My own impression is that these reports are greatly exaggerated at all events; and that, when well founded, it will be proved on further examination that the error is more due to a misappropriation of *names* than to an actual error in position of any of the more important points. Whether this should prove the case or not, however, it is of consequence that the reported errors should either be contradicted or confirmed by some competent authority.

A.—Among the minor matters which it is desirable to inquire into, the following may be instanced:—

1. A rock has been reported off Waipapa Point, Foveaux Strait (No. 2,533). Two vessels have struck and given bearings, but they do not agree, and the general impression is that the vessels were much closer inshore than they were said to be. Captain Robertson, late Warden of the Marine Board, made some attempt to discover this rock, and failed; but I am not aware that he had any experience in marine surveying.
It is very desirable that some search be made for this danger. (Reported position about three nautical miles nearly due South—true—from Waipapa Point.)
2. A rock has recently been reported, by telegraph, off Cape Saunders, due East—true—from the centre of Wickliffe Bay, distant $2\frac{1}{2}$ miles approximately. The report is not yet confirmed, but it requires to be inquired into.
3. An error is reported on Sheet No. 4 of New Zealand (Admiralty No. 2,528). The captains of coasting steamers state that they make the distances between Cape Palliser and a point to the northward—the Kahau rocks I think, but am not at this moment certain—different from the distance measured on the chart. There seems some foundation for this report, as I have heard it from several men of great experience, who have made the passage very often.
4. The "Mau Rock" (Sheet No. 2 of New Zealand, Admiralty No. 2,543, in the "D'Haussez Group") is marked "doubtful" on the last edition. Captain Kennedy, one of our most experienced coasters, assures me that the rock is there, standing high above water, but much nearer one of the larger islets than laid down on the chart.

Such instances might easily be multiplied. A considerable number are, I think, given in an original memorandum by Mr. Woods, which is filed among the Post Office records, but these seem sufficient for the purpose of illustration. It is very desirable to ascertain definitely the truth of all such statements and reports.

B.—Admiralty Bay, to the eastward of French Pass (Sheet No. 5 of New Zealand, Admiralty No. 2,054), has never been surveyed.

The charts of the Chatham Islands are very erroneous.

The position of the Auckland Islands is believed to be doubtful.

C.—The whole of the West Coast from Milford Sound to Cape Farewell requires to be more minutely surveyed.

The surveys are being at present carried on by G. A. Woods, Esq., assisted by C. G. Knight, Esq., and, so far as is practicable, by the officers of the *St. Kilda*.

Mr. Woods has had some experience in marine surveys in Victoria, and the Government of that Colony reported favourably as to his zeal and ability. The other officers have had little or no previous experience in marine surveying, but they work under Mr. Woods' supervision at all times.

The Government screw steamer "*St. Kilda*," 90 tons, has been fitted up for the accommodation of the survey party, and she has been employed during a considerable portion of the time that they have been at work. When she was absent on other services, the party were left behind, with a boat's crew to assist them.

At present, however, the Chief Surveyor and his assistant are on the West Coast fixing the various headlands by astronomical observations. They are endeavouring to work along the coast line from point to point, so as to save the cost of maintenance of the steamer until this portion of their work be completed. My last reports are that they were in the vicinity of Okarita, and all well.

The survey party are fairly provided with instruments; they have three good chronometers, a good portable transit theodolite, &c.

It is proposed to transmit the rough draft and finished plans, with all the field books and calculations, to the Admiralty, with a view to the full examination and verification of the accuracy of the work done. Should the result be satisfactory it is hoped that the Admiralty may see fit to adopt the work more or less completely.

I am aware that the Hydrographical Department is justly jealous of the adoption of any work which has not been done by an officer trained in the service, and could not hope that our surveys should be fully adopted—especially when they differ from the original surveys—unless they can stand a very searching examination; but should they do so, I am in hopes that, under the circumstances, they will either be adopted and incorporated with existing charts, or that the Colonial Government may be authorized to issue lithographic copies of them in the Colonies with some kind of official *imprimatur*. I scarcely go the length of hoping for permission to impress them with the Admiralty seal; but some semi-official recognition, such as "Published under the sanction of the Admiralty," might perhaps be granted.

The surveys at present completed are—

Gore Bay,

Wai-au-ua River,

Kaikoura Peninsula (north and south anchorages),

Flaxbourne,

Cape Campbell (a check survey merely to check the accuracy of the danger line laid down on the Admiralty charts).

I have all the field books and the rough and finished plans of their works in the office ready to be sent home, and am only waiting to hear from Mr. Woods as to whether he has a set of office copies in his possession.

A considerable amount of work has also been done on the West Coast, but until Mr. Woods' return it cannot be protracted, as the positions of some of the points to which angles have been taken require verification.

Wellington, 24th September, 1868.

JAMES M. BALFOUR,
Colonial Marine Engineer.

No. 5.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 100.)

MY LORD DUKE,—

Government House, Wellington,

New Zealand, 8th October, 1868.

In my Despatch No. 80, of the 8th August ultimo, I had the honor to forward a letter addressed to me by the Speaker of the Legislative Council of this Colony, transmitting a copy of a Resolution agreed to by that House, viz. :—
"That a respectful Address be presented to His Excellency the Governor, praying that, if within his discretion, the embarkation of the only Imperial regiment now serving in New Zealand may be delayed till His Excellency shall have placed the present state of the Colony before the Imperial Government, and have received instructions thereon."

2. I have now the honor to forward a letter addressed to me by the Speaker of the House of Representatives, transmitting a copy of Resolutions agreed to by that body with a similar object. They are as follows :—

"That the removal of the 18th Regiment, in the present condition of the Northern Settlements, would tend to increase the excitement and confidence of

“ the rebellious Maoris, and to discourage those friendly to Her Majesty’s Government.

“ That the Colony has for many years past constantly fulfilled, and is “ virtually fulfilling, the conditions on which the retention of an Imperial “ regiment in New Zealand was sanctioned in the Despatch of Lord Carnarvon “ of the 1st December, 1866; that this House, therefore, respectfully prays His “ Excellency the Governor to take steps for delaying the departure of the 18th “ Regiment, until the subject shall be referred to the Imperial Government.

“ That Mr. Speaker do forward a copy of the above Resolutions to His “ Excellency the Governor, and pray that His Excellency do transmit the same “ to Her Majesty’s Principal Secretary of State for the Colonies.”

3. These Resolutions were moved by Mr. Stafford, the head of the present Ministry; seconded by Mr. Fox, the head of the Opposition; and strenuously supported by Mr. McLean, the Superintendent of Hawke’s Bay (who is generally recognised as the highest authority on Native affairs); by the chief Mete Kingi Paetahi, on behalf of the Maori members; and by most of the leading men of all parties. I annex a Memorandum submitted to me by Mr. Stafford, on behalf of my Responsible Advisers, and solicit your Grace’s attention to it, as well as to my Despatch No. 99, by this mail, with its enclosures, showing the present condition of affairs in the disturbed districts.

4. I have expressed myself fully on this question, so vitally important to the Colony at this crisis of its history, in my Despatch No. 80, and on other occasions; and I beg permission to recommend it earnestly once more to the favourable consideration of Her Majesty’s Government. Major-General Sir Trevor Chute has informed me that the “Himalaya” transport is expected here in February next, to remove the only battalion now left in New Zealand, so I trust that General Chute and I will receive further instructions by the first opportunity, certainly not later than by the mail which will leave England in December.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure in No. 5.

MEMORANDUM by Mr. STAFFORD.

Wellington, 7th October, 1868.

MR. STAFFORD presents his respectful compliments to His Excellency, and desires to make the following observations with reference to the subject of the Resolution adopted by the House of Representatives on the 2nd instant, praying His Excellency to take steps for delaying the departure of the 18th Regiment until the subject shall be referred to the Imperial Government.

This Resolution was moved by Mr. Stafford; was seconded by Mr. Fox, the leader of the Opposition, and formerly Prime Minister of New Zealand; and was supported by leading men of all parties in the House.

The Resolution embodies the main argument on which the detention of the 18th Regiment is recommended.

The idea that the Queen’s authority and countenance are, by the removal of the regular troops, withdrawn from the Colony, has beyond doubt operated to encourage the disaffected Natives to combine for aggression; and it is equally certain that the movement of a detachment of the Imperial troops nearer to the scene of war on the West Coast, although only for garrison duty, will tend to confirm doubtful allies, to give confidence to our sure Native friends, and to damp the hopes of the enemy. The statement that the Colony has long fulfilled, and is now virtually fulfilling, the condition on which a single regiment was to be retained in the Colony, in terms of Lord Carnarvon’s Despatch of the 1st December, 1866, requires explanation. During the six years last past, as already stated in the enclosure to His Excellency’s Despatch No. 58, of the 7th July last, a gross sum of £296,035 has been appropriated to purposes expressly within the meaning of the condition above referred to. The funds available on the Estimates for the current year are as follows:—

Ordinary Appropriations	...	...	...	...	£12,384
Civil List Act	...	...	...	...	7,000
Ditto, Accumulations	...	...	...	...	12,000
Native Schools Act	...	...	...	...	4,000
Ditto, Accumulations	...	...	...	...	4,000
Native Lands Act	...	...	...	...	10,000
					£49,384

Ministers are unwilling to press these statements, because they are very sensible that the condition required by Lord Carnarvon implied a doubt injurious to the Colonial Legislature, to the effect that it was likely to fail in its duty to the Maori race; and Ministers are not disposed to reiterate continually denials of the imputation. If the letter of the condition be required, they remark that not only has

an enormous expenditure, in addition to that quoted, arisen during the last five years out of our relations with the Maori race, but considerable sums have actually been disbursed for the support and protection of Native allies against their fanatical enemies. The expenditure on the East Coast campaign of 1865 comes within this description, it having originated in an aggression by Maoris upon Maoris, who, when attacked, appealed to the Government for assistance.

For His Excellency the Governor.

No. 6.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 107.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 25th October, 1868.

See Journals
H. of R., 1868,
pp. 270-272.

I have the honor to transmit herewith copies of the Speech delivered at the prorogation, on the 20th instant, of this year's Session of the New Zealand Parliament.

2. I forward also a copy of the Address presented to me, according to the usual custom on these annual occasions, by Sir David Monro, the Speaker of the House of Representatives.

3. I hope to forward in a short time the number of copies prescribed by the Colonial Regulations (article 261) of the Acts which have been passed during the recent Session. I have directed the attention of my Responsible Advisers to the observations on this head made by your Grace in your Despatch No. 72, of the 1st July ultimo, with respect to the Ordinances passed by the Provincial Councils. The Colonial Secretary has, at my instance written a circular (of which I enclose a copy) to the several Superintendents, requesting them to furnish complete sets of such Ordinances for the use of your Grace's department.

4. With respect to Your Grace's circular Despatch of the 23rd December ultimo, covering a letter from the Treasurer of Gray's Inn, requesting that an additional copy of the Colonial Statutes may be supplied to that Society as to other Inns of Court, I have the honor to state that instructions have been given in accordance with this request.

I have, &c.,
G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

P.S. (5th November, 1868)—Since the above Despatch was written, the Colonial Secretary has received a reply to his Circular from the Superintendent of Otago, stating that two copies of the Ordinances of that Province have been forwarded annually to the Secretary of State for the Colonies. He will be requested to forward them, for the future, through the Governor, in the spirit of the Colonial Regulations.

G. F. B.

Enclosure in No. 6.

The Hon. E. W. STAFFORD to their Honors the SUPERINTENDENTS of PROVINCES.
(Circular No. 72.) Colonial Secretary's Office,
Wellington, 17th October, 1868.

SIR,— His Grace the Secretary of State for the Colonies having requested that the Colonial Office might be supplied with copies of the Acts or Ordinances passed by the several Provincial Councils, I have to request that your Honor would cause the copies asked for to be supplied, in order that they may be transmitted to the Colonial Office, and after each future Session similarly to send copies of the Acts or Ordinances passed during such Session.

His Honor the Superintendent. I have, &c.,
E. W. STAFFORD.

No. 7.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 112.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 6th November, 1868.

In continuance of my Despatch No. 107, of the 25th October ultimo, I have the honor, at the request of my Responsible Advisers, to transmit herewith,

under separate cover, copies of the eighty-one Acts passed during the Session for 1868 of the New Zealand Legislature, together with the customary synopsis.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure in No. 7.

SYNOPSIS OF THE ACTS OF 1868.

- No. 1. *The Mete Kingi Paetahi Election Act*, 1868, was passed to enable Mete Kingi Paetahi, a Member elected by the Maori Western Electoral District (under the provisions of the Act of 1867, for representation of the Maori race), to take his seat in the House of Representatives, notwithstanding his disqualification under the electoral law of the Colony, as the holder of an office of emolument under the Government.
- No. 2. *The Imprest Supply Act*, 1868, authorized an advance by way of imprest of the sum of £100,000, in anticipation of the annual Appropriation Act.
- No. 3. *The Interest on Money Act*, 1868. This Act was passed to remove doubts respecting the application in New Zealand of the usury laws of the United Kingdom in force before 1840, and declares that those laws have not, nor ever had, application in the Colony, notwithstanding the adoption of the laws of England applicable to the Colony in force on the 14th January, 1840, and the non-adoption of the Imperial Act 17 and 18 Vict., c. 90, abolishing the usury laws.
- No. 4. *The Pawnbrokers Act*, 1868, provides for licensing pawnbrokers, regulates the business of pawnbroking, and limits the rate of interest to be charged (following to some extent the Imperial Act 39 and 40 Geo. III., c. 99).
- No. 5. *The Treason-Felony Act*, 1868, is an adaptation of the Imperial Act 11 and 12 Vict., c. 12.
- No. 6. *The Public Houses Act*, 1868, authorizes the compulsory closing of public houses, and regulates the sale of intoxicating liquors in proclaimed districts wherein Colonial troops are engaged in the suppression of Native rebellion; and indemnifies officers of the Government in respect of action in the matter authorized to be taken before the Act was in operation.
- No. 7. *The Bishop of New Zealand Trusts Act*, 1868, enables the Bishop of New Zealand to convey to trustees lands vested in him in trust for religious, educational, and charitable purposes.
- No. 8. *The Bridges and Ferries Act*, 1868, was passed to prevent evasion of tolls by persons crossing rivers within a specified distance of a public bridge or ferry.
- No. 9. *The Trigonometrical Stations and Survey Marks Act*, 1868, protects stations, marks, and objects used for purposes of official surveys, giving powers of entry on private lands for erection of such objects, and imposing penalties on persons injuring them or obstructing surveys.
- No. 10. *The Bills of Sale Act*, 1868, determines the places at which bills of sale of goods situate in places without the boundaries of any Province shall be filed, and extends the time limited for filing bills of sale.
- No. 11. *The Mortgages of Stock Act*, 1868, provides for registration of mortgages of stock, and the transfer of such mortgages, and protects purchasers for value against unregistered mortgages.
- No. 12. *The Provincial Audit Act*, 1868, amends the Act of 1866, controlling the issue of Provincial revenue, and regulating the audit of Provincial accounts.
- No. 13. *The Westland Registration Amendment Act*, 1868, re-adjusts the Electoral Divisions for representation of the County of Westland.
- No. 14. *The Nelson and Cobden Railway Act*, 1868, repeals the Acts of 1866 and 1867, relating to this railway; enables the Superintendent of Nelson, by his agent, to contract for the construction of the railway, giving to the contractor the necessary powers, authorizing the reservation of lands for the purposes of the railway, saving rights to take lands for roads and sites for public buildings.
- No. 15. *The Imprest Supply Act (No. 2)*, 1868, authorizes the advance by way of imprest of a further sum of £30,000, in anticipation of the annual Appropriation Act.
- No. 16. *The Lunatics Act*, 1868, consolidates and amends the law relating to Lunatics and Lunatic Asylums; provides for the licensing and supervision of houses for the reception of lunatics; the visitation, transfer, removal, and discharge of patients; regulates proceedings under commissions *de lunatico inquirendo*, and the administration of property of lunatics, embodying much of the English law on this subject, particularly the provisions of 1 and 2 Vict., c. 14; 8 and 9 Vict., c. 100; 16 and 17 Vict., cc. 70 and 97; 25 and 26 Vict., cc. 86 and 111; and provides for curative treatment of habitual drunkards and persons suffering from *delirium tremens*.
- No. 17. The purpose of *The Printers and Newspapers Act*, 1868, is to prevent the publication of books and papers by persons unknown. It provides for the registration of printing presses and of newspapers, and the recording of names and addresses of publishers.
- No. 18. *The John Jones Land Claims Settlement Act*, 1867, *Amendment Act*, 1868, extends the rights of the person named under an Act of the last Session to select land in settlement of a land claim, as regards the time of selection and the class of land in respect of which it may be exercised.
- No. 19. *The Petty Sessions Act*, 1868, repeals provisions of the Act of 1865 as to fees payable to Chairmen of Petty Sessions, and regulates the remuneration of clerks and bailiffs of Petty Sessions Courts.
- No. 20. *The Offences against the Person Act Amendment Act*, 1868, extends the term of imprisonment in cases of indecent assault, and authorizes the punishment of whipping to be inflicted in such cases.
- No. 21. *The Canterbury Rivers Act*, 1868, provides for making and maintaining protective works against the overflow of rivers in the Province of Canterbury, and for the taking of land and imposition of rates for purposes of the Act.

- No. 22. *The Marriage Act Amendment Act*, 1868, amends provisions of "The Marriage Act, 1854," relative to the conditions required for insertion of names of ministers of religion on the list of "Officiating Ministers" before whom marriages may be solemnized.
- No. 23. *The Registration of Electors Act Amendment Act*, 1868, provides for appointment by Judges of the Supreme Court of revising officers for electoral districts not wholly included in one and the same judicial district.
- No. 24. *The Escheat Act*, 1868, is a declaratory Act on the subject of the law and mode of procedure in cases of escheat and contains regulations as to constitution and summoning of juries to inquire into cases of escheat and forfeiture, the holding of the inquisition and finding thereon, the power to grant escheated lands, and the appropriation of casual revenue arising within the Colony paid to the Treasurer under the Act of 15 and 16 Vict.
- No. 25. *The Distress and Replevin Act*, 1868, regulates the mode of procedure in distress for rent and in actions of replevin.
- No. 26. *The Gold Fields Act*, 1868, authorizes reserves to be made of Crown Lands within the limits of Gold Fields.
- No. 27. *The Companies Act*, 1868, adopts provisions of the Imperial Act 30 and 31 Vict., c. 131; relative to reduction of capital and shares in joint stock companies.
- No. 28. *The Conveyancing Charges Act*, 1868, repeals a provision of the Conveyancing Ordinance of 1842, whereby certain conveyancing charges on purchases and mortgages were fixed at a percentage on the consideration money, enables Judges of the Supreme Court to regulate such charges, and provides for taxation of bills of costs in conveyancing business.
- No. 29. *The Provincial Appropriations Validation Act*, 1868, gives the sanction of law to certain appropriations made by Provincial Legislatures, in excess of their legal powers, for the payment of overdrafts incurred by the Provinces.
- No. 30. *The Weights and Measures Act*, 1868, consolidates and amends the law as to weights and measures, and embodies provisions of 5 Geo. IV., c. 74, and 5 and 6 Will. IV., c. 63.
- No. 31. *The Provincial Lawsuits Act*, 1868, repeals the Amendment Act of 1867 on this subject, and makes other provision for satisfaction of judgments against Superintendents of Provinces under "The Provincial Lawsuits Act, 1858."
- No. 32. *The Ngaitahu Reference Validation Act*, 1868, validates a certain order of reference and the proceedings thereunder, whereby an agreement for the cession of lands of the Ngaitahu tribe was referred to the Native Lands Court for its decision thereupon under an order signed by a Minister of the Crown by command of His Excellency the Governor, instead of being given under the hand of the Governor as then required by law.
- No. 33. *The New Zealand Post Office Act Amendment Act*, 1868, is an Act to allow the passage free of postage of newspapers between newspaper proprietors within the Colony under certain regulations.
- No. 34. *The Customs Regulation Act Amendment Act*, 1868, contains provisions relative to abatement of duty on damaged goods, disposal of goods not cleared, weighing measurement and gauging of goods, allowance of drawback on goods exported, and collection of Customs revenue.
- No. 35. *The Tauranga District Lands Act*, 1868, amends an erroneous description of land of the Ngaiterangi Tribe, as given in an Order in Council, and in "The Tauranga District Lands Act, 1867."
- No. 36. *The Colonial Forces Courts-Martial Act*, 1868, was passed to bring under the provisions of the Mutiny Act, and Articles of War, members of the Armed Constabulary of New Zealand, engaged in the suppression of rebellion, and to provide for the constitution of Courts-Martial to try offenders belonging to the Colonial Forces on service in the field.
- No. 37. *The Gold Mining Claims Drainage Act*, 1868, provides for establishment of districts, and constitution of boards to regulate drainage, and to levy rates for that purpose on Gold Fields.
- No. 38. *The Hawke's Bay Land Regulations Act Amendment Act*, 1868, restricts the operations of the land regulations of the Province, in order to enable effect to be given to certain contracts for the sale of lands, entered into under the authority of a Provincial Act, and affecting the lands specified in the Act under consideration.
- No. 39. *The Russell Military Grant Act*, 1868, was passed to settle a claim to a grant of land under certain regulations for grants to military and naval settlers.
- No. 40. *The Hawke's Bay and Marlborough Rivers Act*, 1868, provides for establishment of districts, and constitution of boards therefor, with powers to construct protective works against the overflow of rivers, and to regulate streams in the Provinces named, and for the purposes of the Act to take lands and levy rates.
- No. 41. *The Marlborough Reserve Leasing Act*, 1868, prohibits the leasing of a certain reserve before the end of the next Session of the Assembly.
- No. 42. *The Immigration Act*, 1868, enables Provincial Legislatures to appropriate a certain proportion of land revenue for a limited term for immigration purposes.
- No. 43. *The Otago Education Reserves Abandonment Act*, 1868, releases certain lands reserved for educational purposes in the Province of Otago on certain conditions.
- No. 44. *The Otago Road Boards Endowment Act*, 1868, provides for endowment from land revenue of Boards of Road Districts in the Province of Otago.
- No. 45. *The Williamson Compensation Act*, 1868, compensates a settler for injuries sustained by him in consequence of the exercise of certain rights of constructing weirs and dams reserved to aboriginal Natives.
- No. 46. *The Resident Magistrates Act*, 1868, amends the Resident Magistrates Act of 1867, as to imprisonment for debt on judgments under £10, and as to power of the Magistrate to arrest and hold to bail debtors about to leave the Colony.
- No. 47. *The Bankruptcy Act*, 1868, amends the Act of 1867, provides for transfer of business from District to Supreme Court, appointment of trustee and vesting of the bankrupt's estate, discharge of bankrupt, and duties and remuneration of trustee.

- No. 48. *The Supreme Court Practice and Procedure Amendment Act*, 1868, provides for the issue of commissions to examine witnesses out of New Zealand, the return of depositions, and admission of the same in evidence.
- No. 49. *The Juries Act*, 1868, consolidates and amends the law relating to juries, provides for the formation of jury lists, the summoning of grand, special, and common jurors, juries of Maoris and mixed juries, and contains other provisions relative to this branch of the law.
- No. 50. *The Law Amendment Act*, 1868, adopts provisions of 30 and 31 Vict., c. 35, ss. 6 to 10, as to depositions of persons dangerously ill, as to affirmations by jurors having conscientious objections to taking an oath, as to the disposal of property found on prisoners, and the bringing up by a gaoler without *habeas corpus* of persons indicted.
- No. 51. *The Deeds Registration Act*, 1868, consolidates and amends the law relating to registration of deeds affecting real property contained in six previous Acts.
- No. 52. *The Municipal Corporations Act Amendment Act*, 1868, declares the application of the Act of 1867 within the County of Westland, provides for establishment of City Councils in the principal towns of the Colony, and the apportionment of rights and liabilities when a borough is constituted within the limits of a road district.
- No. 53. *The Gold Fields Act Amendment Act*, 1868, authorizes Native lands, with the consent of the owners, and land below high-water mark, to be included in proclaimed Gold Fields, provides for regulation of mining on such lands, and as to legal proceedings and jurisdiction of Courts with reference to Gold Fields.
- No. 54. *The Constabulary Force Ordinance Amendment Act*, 1868, authorizes the delegation of powers vested in the Governor by an Ordinance of the year 1847, for the establishment and regulation of a Constabulary Force.
- No. 55. *The Native Lands Act Amendment Act*, 1868, regulates the duty on leases of Native land where the rent is of small amount, and enables Judges of Native Lands Courts to amend errors in proceedings before such Courts.
- No. 56. *The East Coast Act*, 1868, repeals the East Coast Land Titles Investigation Act of 1866, and Amendment Act of 1867, and makes other provision in that behalf as regards Aboriginal Natives owners of land in the district specified, according as such owners have or have not been guilty of acts of rebellion.
- No. 57. *The Provincial Acts Validation Continuance Act*, 1868, continues the Act of 1867, validating certain Provincial enactments, and amends certain clerical errors therein.
- No. 58. *The Wellington and Hawke's Bay Public Debt Apportionment Act*, 1868, provides for reference to arbitration of the apportionment of the public debt of the Province of Wellington at the time of the separation from that Province of the Province of Hawke's Bay.
- No. 59. *The Canterbury and Westland Public Debt Apportionment Act*, 1868, provides for arbitration as to the proportions to be borne by the Province of Canterbury and the County of Westland respectively, of the public debt of Canterbury at the time of the separation of Westland therefrom.
- No. 60. *The County of Westland Act*, 1868, repeals the Act of 1867, and makes provision for the establishment and local government of the County, the constitution of Road Districts, and application of the local revenue.
- No. 61. *The Westland Public House Act*, 1868, provides for licensing and regulation of public houses in the County of Westland.
- No. 62. *The Green and Spencer Land Claims Act*, 1868, was passed to enable a claim to land of which one Green is alleged to have obtained a grant by means of fraudulent misrepresentation, to be re-heard and adjusted.
- No. 63. *The Otago Roads Ordinance Amendment Ordinance*, 1856, *Validation Act*, 1868, was passed to give validity for a limited period to an Ordinance of the Provincial Legislature of Otago purporting to reserve rights of road through Waste Lands of the Crown sold or to be sold, and to regulate compensation for the same.
- No. 64. *The Electric Telegraph Reserves Release Act*, 1868, enables the Governor to release certain lands reserved for the purposes of the Electric Telegraph.
- No. 65. *The University Endowment Act*, 1868, provides for endowment, with lands reserved, of a Colonial University hereafter to be established.
- No. 66. *The Government House Site Act*, 1868, authorizes the sale of a Crown estate specified therein, directs the application of the proceeds, and provides for the acquisition of a site for and the erection of a new Government House.
- No. 67. *The Public Domains Act Extension Act*, 1868, brings under the operation of the laws for management of public domains certain Government property in the Town of Wellington.
- No. 68. *The Otago Surveys Correction Act*, 1868, authorizes the amendment of certain errors in the records of the Waste Lands and Survey Offices in the Province of Otago.
- No. 69. *The Protection of Animals Act Amendment Act*, 1868, amends the Act of 1867 with regard to the seasons during which native game may be killed, authorizes occupiers to kill game on land in their own occupation, and the taking of game or eggs of game birds for acclimatization purposes under certain conditions.
- No. 70. *The Miners' Representation Act Amendment Act*, 1868, provides for the scrutiny of qualification of persons claiming to vote under the Miners' Right Franchise.
- No. 71. *The Indemnity Act*, 1868, follows the provisions of an Act of the last Session indemnifying officers of the Government and others in respect of acts unauthorized by law committed by such persons whilst engaged in the suppression of rebellion.
- No. 72. *The Distillation Act*, 1868, repeals former enactments on the subject of distillation of spirits, permits distillation under the license, supervision, and conditions specified, grants an excise duty on spirits distilled in the Colony, regulates the prevention of and punishment for illicit distillation, and contains general provisions for the regulation of the business of distillers, rectifiers, and compounders of spirits, and regulates the keeping of spirits by brewers and merchants.

- No. 73. *The Public Revenues Act, 1868*, amends "The Public Revenues Act, 1867," with regard to the keeping of the Public Accounts; the moneys payable to the Public Trust Fund; the division of the Treasury Department into separate branches for receipt and expenditure; payment of moneys to Provincial Accounts; and adjustment of accounts between the Colonial and the Provincial Governments.
- No. 74. *The Public Debts Sinking Fund Act, 1868*, provides for the management by Commissioners of the Sinking Funds created as security for payment of Colonial and Provincial Loans, and charged upon the Consolidated Revenue of the Colony by "The Public Debts Act, 1867," and the release of part of such Sinking Funds in proportion to the amount of the loans converted under "The Consolidated Loan Act, 1867."
- No. 75. *The Treasury Bills Regulation Act, 1868*, repeals the Act of 1866; regulates the issue and repayment of Treasury Bills and the mode of payment and rate of interest thereon.
- No. 76. *The Treasury Bills Act, 1868*, authorizes the issue, in manner prescribed by the preceding Act, of Treasury Bills (bearing interest) to the amount of £78,000, and of Treasury Bills, in substitution for Bills issued under the Treasury Bills Act of 1866, and presented for payment. The currency of Bills issued under the authority of this Act is not to extend beyond 30th September, 1870.
- No. 77. *The Courts of Law Trust Moneys Act, 1868*, provides for the custody and management of Trust Moneys from time to time placed in the charge of officers of Courts of Law, and for the audit of the accounts of such officers, and the security to be given by them.
- No. 78. *The Consolidated Loan Charges Act, 1868*, charges upon the revenues of the respective Provinces the interest and sinking fund of those portions of loans raised under "The Public Debts Act, 1867," and "The Consolidated Loan Act, 1867," which are applied to the conversion, redemption, or payment of the debts of such Provinces, and authorizes the capitalization of certain interest chargeable against the revenues of the Province of Southland.
- No. 79. *The Confiscated Land Revenue Appropriation Act, 1868*, appropriates for departmental purposes revenue arising from lands taken under the New Zealand Settlements Acts of 1863, 1865, and 1866, and indemnifies the Colonial Treasurer for expenditure for the past year in excess of appropriations.
- No. 80. *The Appropriation Act, 1868*, appropriates for the expenditure of the Government of New Zealand the supplies required in addition to those advanced by way of imprest, for the service of the current financial year, and indemnifies the Colonial Treasurer for expenditure during the past year in excess of appropriations.
- No. 81. *The Interpretation Act, 1868*, repeals former enactments, and provides for the arrangement, division, and date of commencement of Acts, the mode of citing them, the interpretation of words and expressions specified, wherever the same may be used in the statute law of the Colony, and, with regard to the expression "Governor in Council," declares the validity as Acts of the Governor in Council, of acts done by the Governor on the recommendation of the Executive Council at meetings whereat the Governor may not have been personally present. The Act also points out the mode of recovery of penalties under any law imposing penalties, but not specifying the mode of recovery.

No. 8.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 114.) Government House, Wellington,
 MY LORD DUKE,— New Zealand, 11th November, 1868.

I have the honor to transmit herewith, a copy of a letter addressed to me by the Speaker of the Legislative Council of New Zealand, requesting me to forward to your Grace, copy of a Protest entered by the Hon. W. B. D. Mantell, M.L.C., upon the passing of the Act intituled "The Ngaitahu Reference Validation Act, 1868" (32 Victoria, No. 32).

2. At the same time, I forward a copy of a Memorandum on this matter, submitted to me by Mr. Stafford, on behalf of my Responsible Advisers.

I have, &c.,
 His Grace the Duke of Buckingham and Chandos. G. F. BOWEN.

Enclosure 1 in No. 8.

Major RICHARDSON to His Excellency the GOVERNOR.

Wellington, New Zealand,
 Legislative Council Chamber, 7th October, 1868.

SIR,— In accordance with the Standing Order No. 25, of the Legislative Council, I have the honor to forward to your Excellency, for transmission to Her Majesty's Principal Secretary of State for the Colonies, the enclosed Protest entered by the Hon. Mr. Mantell upon the passing of the Bill intituled "The Ngaitahu Reference Validation Act, 1868."

I have, &c.,
 His Excellency the Governor. J. RICHARDSON,
 Speaker of the Legislative Council.

Sub-Enclosure to Enclosure 1 in No. 8.

Protest of the Hon. W. B. D. MANTELL, on the third reading of "The Ngaitahu Reference Validation Bill."

Dissentient—

Because I have this day received sufficient assurance that legal proceedings against the validity of the said Order of Reference, the invalidity of which is acknowledged in the above-named Bill, have been instituted and are now pending in the Supreme Court, and because I hold it to be inexpedient that the Legislature should arrest or impede the Courts of the Colony in the exercise of their proper functions.

W. B. D. MANTELL.

Enclosure 2 in No. 8.

MEMORANDUM by Mr. STAFFORD.

Wellington, 10th November, 1868.

"THE Ngaitahu Reference Validation Act, 1868," was passed to remove a technical objection to a reference whereby a certain agreement called the Ngaitahu Deed, made in the year 1848, purporting to be an extinguishment of the Native title in the lands called the Ngaitahu Block, signed by members of the Ngaitahu Tribe, was referred to the Native Lands Court, under the provisions of the Native Lands Acts of 1865 and 1867.

The Order of Reference in this instance having been signed by a Minister of the Crown, by command of His Excellency, instead of being under the hand of the Governor himself, as required by law, this Act validates the Order and all proceedings taken thereunder.

The deed had long been acted upon, and the Governor had, independently of the Native Lands Court, legal power to remove all doubt as to the completeness of the transaction, without relinquishing his authority under "The Waste Lands Act, 1858," to recognize and provide for equitable claims duly proved. It was therefore discretionary, and a matter of grace as well as of convenience, to refer the deed, under the 83rd section of "The Native Lands Act, 1865," as an incomplete agreement, to the Native Lands Court. The legal proceedings to which it is presumed Mr. Mantell refers, are taken in the names of persons to whom that grace was extended, but who were advised to object to the legality of the Order of Reference rather than bring their claims before the Court.

E. W. STAFFORD.

For His Excellency the Governor.

No. 9.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G. to His Grace the Duke of BUCKINGHAM.

(No. 117.)

Government House, Wellington,

MY LORD DUKE,—

New Zealand, 29th November, 1868.

At the request of my Responsible Advisers, I have the honor to forward herewith, for transmission to the Lords Commissioners of the Admiralty and to the Board of Trade, the enclosed Memorandum from the Postmaster-General of this Colony, covering two Memoranda from the Marine Engineer, the first respecting an error in a recent issue of one of the Admiralty charts, and the second respecting additional lights which it is proposed to erect on the Coast of New Zealand.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure in No. 9.

MEMORANDUM by Mr. HALL.

General Post Office, Wellington, 11th November, 1868.

I HAVE the honor to submit to your Excellency an extract of a report from the Colonial Marine Engineer on the subject of an error in a recent issue of one of the Admiralty charts of the New Zealand Coast. As it is desirable that this inaccuracy should be corrected without delay, I beg respectfully to request that your Excellency will cause Mr. Balfour's statement to be forwarded to the Hydrographic Department of the Admiralty, with an intimation that, for the purpose of assisting strangers in identifying Cape Saunders, the Colonial Government proposes to erect a beacon on that headland. Timely notice will however be given of the completion of this beacon, and of any other works of a like character on the coast of this Colony. I also attach a memorandum from the Marine Engineer respecting additional lights which it is proposed by the New Zealand Government to erect; the works are not, however, in such a state of forwardness as to render it desirable that any notice should be taken of them on the charts.

For His Excellency the Governor.

JOHN HALL.

Sub-Enclosure 1 to Enclosure in No. 9.

MEMORANDUM by Mr. BALFOUR.

Light on Cape Saunders.

Marine Department, Wellington, 6th November, 1868.

7349, 29th Sept.
1868.

WITH regard to the paragraph in the letter from His Honor the Superintendent of Otago, of number and date as per margin, which runs as follows:—"I am told that in the most recently published "Admiralty Chart, Sheet IX. of New Zealand, a light is represented as being actually fixed upon Cape "Saunders," I have the honor to report:—

1. I could scarcely credit the statement at first, as the London Agent for the Colony has, I understand, instructions to send copies of every new edition of every chart as soon as published, and such new editions have hitherto been very punctually received; but we have received no copy of the edition of Sheet IX. showing a light on Cape Saunders.

2. I made special inquiries into this matter when in Dunedin, and the Harbourmaster assured me that the "Salamander," auxiliary screw steamer, had a set of the latest charts on board, and that he had himself seen "Light building" marked on Cape Saunders on the copy of Sheet IX. of New Zealand on board that vessel.

3. I am at a loss to imagine on what authority this statement was made: true a light apparatus intended for Cape Saunders has been in the Colony for years, but I cannot discover that any official intimation of the intention to erect a lighthouse there was ever forwarded to England, whereas full information was sent as to the lights actually erected. I would suggest that when the attention of the Admiralty be called to this error, they be at the same time asked what was the ground of making it, and assured that timeous notice will always be officially forwarded as to any lights in progress.

4. I beg to recommend that the attention of the Home Agent be called to the circumstance that a more recent edition of one of the more important New Zealand charts has come to this country in a trading vessel, than any he has forwarded.

He need not now forward that particular issue, as a newer one, showing the Hydra Rock, &c., will probably be at once issued, but he will easily see that serious consequences might result if the Colonial Government are not at once supplied by post with one or two copies of every fresh issue, leaving the bulk of the number for which there is a standing order to come out by first sailing vessel.

5. There is certainly a light "proposed" to be erected on Cape Saunders; but as it has been decided first to erect a light on Nugget Point, it may be a long time before anything is done at Cape Saunders. This is not the place to give the reasons for the change; but it ought to be generally known that the lights of Dunedin can be seen a long way to seaward when the weather is reasonably clear, and ought greatly to assist strangers in ascertaining their true position.

JAMES M. BALFOUR,

Colonial Marine Engineer.

The Hon. the Postmaster-General, Wellington.

Sub-Enclosure 2 to Enclosure in No. 9.

MEMORANDUM of LIGHTS in progress in NEW ZEALAND.

1. *Nugget Point.*—The light will be erected on the mainland, on the outermost knob, which is about 230 feet high; the light will be 240 to 250 feet above the sea, and will thus be visible about twenty-two nautic miles.

The light will be a dioptric fixed white light of the first order, illuminating an arc of about 225°.

2. *Cape Campbell.*—The light will be erected on the last knoll, which is about 97 feet high; the light will be about 140 to 150 feet above the sea, and will thus have a range of eighteen to nineteen nautic miles.

The light is to be a dioptric revolving white light of the second order, attaining its greatest brilliance once a minute. It will be allowed to show as far round as the form of the land will allow.

3. *Farewell Spit.*—The lighthouse will be in the vicinity of "Bush End," and will be about 100 feet high. The light will be 110 to 120 feet above the sea, and will therefore be visible for about sixteen nautic miles.

The apparatus is to be the same as that for Cape Campbell, and the period also one minute; but it is proposed to make the light change from white to red over the end of the bank, to show vessels that they are approaching the danger.

4. *Manukau.*—A sixth order dioptric apparatus is intended to be erected on the South Head, at Manukau, as a harbour light. It is not intended to encourage vessels to enter at night, but merely to show the position of the entrance, so as to prevent vessels, and notably mail steamers, from over-running their distance in the night.

All the lanterns and optical apparatus for these lights have been ordered, and drawings of the towers, &c., are now complete and ready for tendering on.

When the works have made good progress so that it may be possible to tell more accurately the probable date when the light will be exhibited, more correct and minute information as to their positions and peculiarities will be furnished.

JAMES M. BALFOUR,

Colonial Marine Engineer.

Wellington, N.Z., 6th November, 1868.

No. 10.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 121.)

Government House, Wellington,

MY LORD DUKE,—

New Zealand, 2nd December, 1868.

With reference to your Grace's Despatch No. 101, of the 1st September

ultimo, forwarding a copy of the Act of the Imperial Parliament 31 and 32 Vict., cap. 57, I am requested by my Responsible Advisers to transmit the enclosed Memorandum.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 10.

MEMORANDUM by MR. STAFFORD.

Wellington, 30th November, 1868.

MR. STAFFORD presents his compliments to His Excellency the Governor, and has the honor to observe that the Act passed by the Imperial Parliament in its last Session "To make provision for the appointment of Members of the Legislative Council of New Zealand, and to remove doubts in respect of "past appointments," effects the object which led to its being passed, but it also—no doubt inadvertently—in altering that part of the Constitution Act which relates to the mode of appointment of Members of the Legislative Council, and containing no proviso to enable the New Zealand Legislature to alter the mode now prescribed, has the indirect effect of taking away from that Legislature the power which was expressly given it by the Imperial Act, cap. 53, 20 and 21 Victoria, of amending the constitution of the Legislative Council.

As it is not probable that this result was intended, it is advised that the Imperial Government be requested to introduce a Bill into the Imperial Parliament with the object of restoring to the New Zealand Legislature the power, which it previously had, of altering, if it thought fit, the mode of constituting the Legislative Council of New Zealand.

For His Excellency the Governor.

E. W. STAFFORD.

No. 11.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 124.)

Government House, Wellington,

MY LORD DUKE,—

New Zealand, 17th December, 1868.

With reference to my Despatch No. 116, of the 17th ultimo, I have the honor to transmit to your Grace, for presentation to Her Majesty, the accompanying Petition to the Queen from the "Wives, Mothers, and Daughters of the "Settlers and Inhabitants of the Town and District of Wanganui, in the Province of "Wellington, in the North Island of New Zealand," praying Her Majesty to direct that the efforts of the loyal and well-affected of both races in this District and Island may be speedily supplemented by the aid of Imperial troops.

2. My own opinions with respect to the employment of Imperial troops in New Zealand, and the views of the Colonial Ministry and Parliament on this subject, so vitally important at the present crisis in the history of this Colony, have been already expressed on several occasions, and especially in my Despatch No. 100, of the 8th October ultimo, with its enclosures.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 11.

TO HER MOST GRACIOUS MAJESTY VICTORIA, QUEEN OF GREAT BRITAIN AND IRELAND,

The Memorial of the undersigned Wives, Mothers, and Daughters of the Settlers and Inhabitants of the Town and District of Wanganui, in the Province of Wellington, in the North Island of New Zealand:

HUMBLY SHEWETH,

That your memorialists are impressed with a conviction of your Majesty's maternal care for the lives and happiness of even the humblest and most remote of your subjects.

That your memorialists reside in a district in which some of the most appalling atrocities of Maori vendetta have taken place, in a district inadequately protected, and threatened with entire destruction.

To avert the extinction of ourselves, and those dearest to us, under circumstances equal to if not exceeding the barbarities perpetrated in the Poverty Bay district, your memorialists now humbly supplicate your Majesty to direct that the efforts of the loyal and well-affected of both races in this district and island be speedily supplemented by the aid of Imperial troops.

And your memorialists will ever pray.

[605 signatures.]

No. 12.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to
His Grace the Duke of BUCKINGHAM.

(No. 127.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 8th December, 1868.

With reference to your Grace's Despatch No. 45, of the 19th July, 1867, I am requested by my Responsible Advisers to forward the enclosed Memorandum and other documents.

I have, &c.,
His Grace the Duke of Buckingham and Chandos. G. F. BOWEN.

Enclosure in No. 12.

MEMORANDUM by Mr. STAFFORD.

Wellington, 7th December, 1868.

WITH reference to the subject of the Despatch from His Grace the Duke of Buckingham and Chandos, No. 45, of the 19th July, 1867, Mr. Stafford has the honor to submit the accompanying correspondence, for transmission to Her Majesty's Principal Secretary of State for the Colonies.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosures to Enclosure in No. 12.

CIRCULAR TO JUDGES.

Colonial Secretary's Office (Judicial Branch),
Wellington, 1st July, 1868.

SIR,—

I have the honor to forward to you herewith a copy of a Despatch, No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanour; and, in accordance with the request of His Grace the Duke of Buckingham and Chandos, to invite your Honor to an expression of the views entertained by you on the subject, in order that the same may be communicated to the Imperial Government.

I have, &c.,
E. W. STAFFORD.

Judge GRESSON to the Hon. the E. W. STAFFORD.

Judge's Chambers, Christchurch, 11th July, 1868.

SIR,—

No. 776.
L. & J. 68-2017.
July 1, 1868.

I have the honor to acknowledge the receipt of your letter, of number and date in margin, forwarding to me a copy of Despatch No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanour; and inviting me to express my views on the subject, in order that they may be communicated to the Imperial Government.

In accordance with the request contained in your letter, I beg leave to state that I am of opinion that it would be expedient to extend the Imperial Acts above mentioned to the large class of misdemeanours referred to by His Grace the Duke of Buckingham and Chandos, viz., those closely bordering on felony, but that it is neither necessary or expedient to extend them to all misdemeanours.

With regard to the second suggestion contained in the Despatch, viz., whether the object of the Colonists might not be better attained by following the precedent of many English Acts, and making the offender liable to be tried either in the place in which the offence was committed, or in the place where he is apprehended or in custody, it appears to me that the object would not be generally attained by such a course, solely by reason of the difficulty, expense, and delay of procuring witnesses to sustain the case for the prosecution. But for this objection, I am disposed to think that the object might be best attained by adopting the latter suggestion.

The Hon. the Colonial Secretary (Judicial Branch),
Wellington.

I have, &c.,
H. R. GRESSON.

Judge JOHNSTON to the Hon. E. W. STAFFORD.

Judge's Chambers, Wellington, 17th July, 1868.

SIR,—

I have the honour to acknowledge the receipt of your letter of the 1st July (received on my return from Nelson), with which you forward a copy of a Despatch No. 45, dated 19th July, 1867, received from Her Majesty's Principal Secretary of State for the Colonies, relative to a proposal to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanours, and in which you invite me, in accordance with the request of His Grace the Duke of Buckingham and Chandos, to an expression of the views which I entertain on the subject, in order that the same may be communicated to the Imperial Government.

In answer to your invitation, I have the honour to state, in the first place, that I learn from the perusal of your letter and the accompanying Despatches, for the first time, that a conference had taken place at Melbourne on the subject in question, that the Colony of New Zealand had been represented thereat, and that a desire had been expressed by the representatives of New Zealand, as well as those

of other Colonies, to procure an extension of the Imperial Acts in question to all misdemeanours. I have no hesitation in expressing, not only my concurrence in the opinion of His Grace the Duke of Buckingham that there are many misdemeanours "which it would seem unnecessary, if not almost absurd, to include in a measure of the kind proposed," but my conviction that such an indiscriminate extension of the law would in some cases not only be ridiculous, but would have a very mischievous tendency, by furnishing a ready instrument of oppression to malice and vindictiveness.

The intention of the Imperial Legislature in passing the Act of 6 and 7 Vict. c. 34, was obviously to confine its operation to very serious offences, the only specified offences being treason, and such felonies as could not be tried by Courts of Quarter Sessions: that is to say, capital felonies, and felonies which, when committed by persons not previously convicted of felony, were punishable by transportation for life (or now by an equivalent sentence of penal servitude). The Act of 16 and 17 Vict. c. 118 extends the operation of the former Act to all cases of felony, not only those of a kind not triable at Quarter Sessions, but also those of a less grave character, which may be tried before that tribunal. But neither of the Acts applies to any misdemeanours; although many offences which are technically misdemeanours, are more serious and detrimental to the public welfare than other offences which are technically felonies. The technical distinction between felony and misdemeanour seems to be quite irrelevant to the probable object of the Legislature—namely, preventing the escape of grave offenders against the law; and I therefore think it is desirable that the same law should be applied in respect of some of the more serious classes of misdemeanours which is applicable to felonies. In determining what misdemeanours ought to be included in an extension of the law, it would seem very desirable that all the Colonies of the Australasian group should agree upon the same classes, and should take steps for arriving at a common understanding on it, within the meaning of the suggestions made by the Right Honorable the Secretary for the Colonies, subject to the approval of the Imperial Legislature; which, if disposed to legislate on the matter, would probably make the extension applicable to certain misdemeanours committed in the Mother Country, as well as to similar misdemeanours committed in the Colonies. It would appear that such misdemeanours, at all events, as those of obtaining money by false pretences, embezzlement by agents, trustees, and perjury, should be included; and I think it might be desirable to extend the provisions of the Acts to certain classes of conspiracies, and certain offences of a graver kind against the bankruptcy laws.

The adoption by the Colony of a common code of criminal law based on the Imperial law, as alluded to in the Duke of Buckingham's Despatch, would, in my opinion, be a proceeding likely to result in substantial and permanent advantage to the administration of justice throughout this portion of the Empire; and in anticipation of such a proceeding, I think the recent enactment by the Legislature of New Zealand of the provisions of the Imperial Criminal Law Consolidation Acts almost in their entirety, has been a very important step in the right direction.

I cannot refrain from profiting by this opportunity to express the conviction which I have entertained for years past, that not merely as regards criminal law, but also as regards mercantile law and civil procedure, as well as with respect to the general administration of public affairs, education, science, and statistical knowledge, it seems a matter of the highest importance that a system of inter-communication, by occasional conferences, and regular correspondence, should be instituted and kept up among these Colonies; which would, in my opinion, prove a great boon, both (to use the Duke of Buckingham's own language with respect to a common criminal code) "on account of its intrinsic convenience, and from its tendency to consolidate the great Colonies which comprise the Australian group."

In conclusion, I have the honor to state, in reference to the last paragraph of the Duke of Buckingham's Despatch to the Governor of Victoria, that I believe in the nine and a half years during which I have presided over the Supreme Court of New Zealand in the Middle (now the Wellington) Judicial District of the Colony, no application has been made to me under the Imperial Acts of 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118.

I have, &c.,

ALEXANDER J. JOHNSTON.

P.S.—I ought to have referred in my letter to the Duke of Buckingham's suggestion that the Colonial Legislature should follow the precedent of many English Acts, and make an offender liable to be tried either in the place where the offence was committed or in the place where he is apprehended or in custody. Such an Act could not, I presume, affect offenders who should commit offences in the Colony, and then escape to the Mother Country, or to another Colony, so as to make them punishable there; and I should have thought it doubtful whether the Colonial Legislature had power to pass an Act making an offender punishable in the Colony for an offence committed in the Mother Country or in another Colony.

It might, however, be convenient that the Imperial Legislature should give the Colonial tribunal power to try in the Colony persons found there accused of certain offences (both felonies and certain misdemeanours) committed in the Mother Country or in other Colonies, rather than to send the offenders back to the place where the crime was committed, when the interests of justice (regard being had especially to the accessibility of means of proof) would make such a course the more desirable one.

ALEXANDER J. JOHNSTON.

The Hon. the Colonial Secretary (Judicial Branch),
Wellington.

Judge RICHMOND to the Hon. E. W. STAFFORD.

SIR,—

Nelson, 30th July, 1868.

In reply to your letter, of the number and date cited in the margin, I have the honor to report that in my opinion the provisions of the 6 and 7 Vict. c. 34, may with advantage be

No. 775,
July 1, 1868.

extended to those misdemeanours which, differing only technically from felonies, come under the popular notion of crimes. Amongst such I include—

1. Obtaining goods or money by a false pretence.
2. Embezzlement by agents, bankers, &c. (24 and 25 Vict. c. 96, sec. 75).
3. Indecent assaults, &c., on women and children. (24 and 25 Vict. c. 100, secs. 51 and 52.)
4. Perjury.
5. Such offences against the law of bankruptcy as are constituted misdemeanours by the English Bankrupt Acts.

I do not see that the differences which may exist in the criminal laws of the several Australasian Colonies will create any practical difficulty; inasmuch as, under 6 and 7 Vict. c. 34, the criterion is, whether the Act with which the prisoner is charged be such as, if committed in the Colony in which he is arrested, would constitute a crime of the kind specified. The same provision should be made to apply to the extended definition of offences which it is proposed to make.

I think it would be desirable, as suggested by His Grace the Duke of Buckingham, that the Judges of the Supreme Courts of the several Colonies should be enabled to order the trial of the prisoner in the Colony in which he is arrested in any case in which the ends of justice would apparently be subserved, or not be endangered, by such a course. In general, it would be necessary to send the prisoner back to the Colony in which the witnesses against him resided.

The Hon. the Colonial Secretary (Judicial Branch),
Wellington.

I have, &c.,
C. W. RICHMOND.

Chief-Justice Sir G. A. ARNEY to the Hon. E. W. STAFFORD.

SIR,—

Wellington, 6th November, 1868.

I have to express my regret that I have not earlier stated my views, as invited to do, upon the questions raised by Her Majesty's Principal Secretary of State for the Colonies relative to a proposal made by some persons said to be representatives of New Zealand and other Colonies, to extend the provisions of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, to all cases of misdemeanour. At the same time I must acknowledge that I have little to add beyond certain of the suggestions already offered in the letter of His Grace the Duke of Buckingham and Chandos.

1. I think no practical advantage will be attained by extending the provisions of the above cited Act to trifling cases of misdemeanour. In such cases, the Government and police authorities would often be deterred by the delay and expense inevitable before a conviction could be obtained from initiating the prosecution at all; while such a proceeding, if undertaken by other persons, might be abused from motives of private pique and for purposes of oppression.

Doubtless there are misdemeanours of a heinous character which imply deeper guilt than some minor felonies,—misdemeanours which respectively constitute offences against person and property, and sometimes, as in the case of grave seditious libels, affect the Government, and may even endanger the peace of the community. There can be no two opinions respecting the propriety of extending the provisions of these quasi-extradition Acts to offences like these. I am aware, also, that if the fiat of the Attorney-General or of some other officer of the Crown responsible to the Local Legislature were made essential before any prosecution under these Acts could be lawfully carried forward, such a condition would operate as some protection against vexatious prosecutions; and inasmuch as the expense of the prosecutions would fall upon the Colony in whose behalf they originated, the necessary fiat would generally be issued with caution. But perhaps this condition might be felt at once to confer on such Government an invidious privilege and to impose an onerous responsibility. Moreover, if it were really intended that none but certain classes of misdemeanours should be brought within the scope of the Imperial Acts, that intention might better be expressed in the supplemental Act itself or in some Schedule thereto.

2. I think it would be well, if practicable, to provide by Imperial enactment that an offender should be triable either in the place where the offence was committed or in the place where he is apprehended or in custody, at the option of the Government of the Colony at whose expense he may be so prosecuted, and provided (which I assume to be the case) that the criminal law and procedure are in each of the Colonies interested substantially the same.

The serious obstacle to this reciprocity at present is, that the punishments are not always of the same degree, some crimes being punished in New Zealand by penal servitude at worst, which in Victoria and New South Wales are, I believe, still visited with death. And this difficulty is one not merely in procedure but of justice; because the convict would thus be punished under a law which he had not broken, and having offended against one law, which stamped his conduct only with the character of robbery, he might be punishable under another law as for the guilt of murder.

3. All danger on this score, as well as other incompatibilities between the law of the different Colonies, might of course be removed by the enactment of a criminal code common to them all, a work of co-operation which at present could not be expected, or the severer punishment due to an offender by the law of the Colony where he happened to be tried might be mitigated to the penalty due by the law of the Colony which he had broken; but probably the public opinion of the latter Colony would not sanction the carrying out within its jurisdiction of a much severer sentence upon a foreign criminal than its own law might vindicate.

4. In regard to the working of the Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, in this Colony, and whether those Acts have been frequently put into operation, probably the Government records will supply fuller information than can be afforded by a Judge of the Supreme Court administering the criminal law within a special district of the Colony. Speaking, however, from my individual experience on the Bench, I can certify that since 1858 those Acts have not often been acted upon in the Northern District. But one trial is fresh in my recollection, on which two or three men and one woman were convicted before me of an extensive robbery of jewellery, committed at Auckland. The criminals were traced and part of the property found, I believe, in Brisbane, Sydney,

Mr. G. G. FITZGERALD to the Hon. E. W. STAFFORD.

SIR,—

Resident Magistrate's Office, Hokitika, 17th July, 1868.

Circular No. 32.
June 30, 1868.

In answer to your Circular, of number and date in the margin, I have the honor to inform you that my experience of the working of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, has been confined to a very few cases. It would be convenient if the power conferred on the Chief Justice or any Judge of the Supreme Court by 6 and 7 Vict. c. 34, s. 2, with reference to indorsing the warrant, was given to the Resident Magistrate, in places where a Judge does not permanently reside.

There is no power of remand, under the above-recited Acts, for the production of further evidence. Should the Justice not have sufficient evidence before him at the first hearing to justify a committal, it seems he must at once discharge the accused. I think there should be a discretionary power of remand for at least two months.

The Hon. the Colonial Secretary,
(Judicial Branch,) Wellington.

I have, &c.,

G. G. FITZGERALD,
Resident Magistrate.

Mr. STRODE to the Hon. E. W. STAFFORD.

SIR,—

Dunedin, 18th July, 1868.

Referring to Mr. Fountain's Circular Letter No. 32, of 30th June ultimo, requesting me to state my experience of the working of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, and whether the powers given by them have been frequently or otherwise put into operation, I have the honor to intimate that my experience has been that they are most useful and necessary measures, and, as far as their provisions extend, have worked very well. The powers given by them were during the years 1862, 1863, and 1864, frequently put into operation before me, and proved highly beneficial. I think, however, that improvement is possible in a new measure on the subject, particularly in regard to the extension of the powers to indictable misdemeanours similar to the "Foreign Offenders' Apprehension Act, 1863," of New Zealand—the present Imperial Acts only extending to treason or felony.

The Hon. the Colonial Secretary,
(Judicial Branch,) Wellington.

I have, &c.,

A. CHATHAM STRODE, R.M.

CIRCULAR to SUPERINTENDENTS.

(No. 189.)

Colonial Secretary's Office.

SIR,—

Wellington, 4th July, 1868.

An Act for the
better Apprehen-
sion of Certain
Offenders.An Act to amend
an Act of the
seventh year of
Her Majesty for
the better Appre-
hension of Certain
Offenders.

The Government are making inquiries, with a view to the question of further legislation on the subject, into the working in this Colony of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, the respective titles of which are noted in the margin, and I shall feel obliged if your Honor will cause me to be furnished with any information which the experience of the Chief Officer of the Police in the Province of _____ may enable him to afford as to the working of these Acts.

I have, &c.,

E. W. STAFFORD.

Mr. WELDON to the SUPERINTENDENT of SOUTHLAND.

(No. 826.)

SIR,—

Police Station, Invercargill, 15th July, 1868.

Referring to the Honorable the Colonial Secretary's Circular No. 337, of the 4th instant, relating to the working of the Imperial Acts, viz. 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, I have the honor to report—First, With respect to the working of the law in sending to places beyond the Colony for offenders who have been guilty of crimes within the Colony, that I cannot complain of any difficulty (calling for special remark) as to the working of the Imperial Acts. Secondly, When enforcing warrants from places beyond the Colony, it is certainly at times difficult to obtain a Judge's indorsement thereon—particularly in places where there is no Judge residing. Under such circumstances I have had recourse to "The Foreign Offenders' Apprehension Act, 1863," which answered the emergency.

The difficulty which has hitherto existed in the apprehension and removal of certain offenders from the neighbouring Colonies to this was owing to the police not having complied with the Imperial Acts; but the Chief Commissioner of Police for Victoria, by his Circular No. 938, of the 28th of September last, made plain the proceeding to be taken in future to avoid such blunders.

While on the subject, I would avail myself of the opportunity of drawing attention to the absence of any law to compel persons in the adjacent Colonies to attend and give evidence in criminal cases in this Colony, or *vice versa*. And unless some law can be made to compel the attendance of such witnesses, the ends of justice may after all be defeated, as has been the case, owing to the migratory character of miners, labourers, and business people generally.

I have, &c.,

T. K. WELDON,

His Honor the Superintendent, Invercargill.

Commissioner of Police.

Mr. ATCHISON to the Hon. E. W. STAFFORD.

SIR,—

Police Office, Wellington, 17th July, 1868.

An Act for the
better Apprehen-
sion of Certain
Offenders.

With reference to Circular No. 189, 4th July, 1868, requesting that I would furnish the Hon. the Colonial Secretary with any information which my experience as Chief of Police may enable me to afford as to the working of the Imperial Acts noted in the margin, I have the honor to state that, in my opinion, if similar authority was granted to Resident Magistrates in other Colonies as that given to Judges of the Supreme Courts by the Imperial Act 6 and 7 Vict. c. 34, in the backing of

warrants, the apprehension of offenders escaping to other Colonies would be very much facilitated. The extension of this authority to magistrates in New Zealand to back warrants that may come from any other Colony, would get rid of many difficulties, when it is borne in mind that the Judges of the Supreme Court are not at all times accessible, they being frequently on Circuit in other portions of the Colony.

An Act to amend an Act of the Seventh Year of Her Majesty for the better Apprehension of Certain Offenders.

The course at present pursued before a warrant can be issued for the apprehension of an offender who may have effected his escape into another Colony, requiring evidence to be taken before the magistrate in precisely the same manner as if the accused were present, is one likely to prove inconvenient, and might possibly lead to a failure of justice. It may occur that when an information is laid against an accused person, sufficient evidence may not be at hand to completely support the charge, and to warrant the magistrate to commit for trial, if the accused person were present. The delay which probably would then arise in procuring sufficient evidence may retard the despatch of the constable with the warrant to another Colony to such an extent as to peril the successful execution of the warrant.

The course followed in Victoria until recently, in the remanding of offenders from that Colony to any other, was simple proof on oath of the handwriting of the magistrate issuing the warrant, and a duly attested copy of the information being only required, and the offender was remanded back to the place where the offence was committed without further trouble. I may remark that this is precisely the course pursued by the Bench in the various Provinces of New Zealand, when it is found necessary to remand an accused person, on warrant, from one Province to any other.

I enclose herewith a copy of letter received from the Chief Commissioner of Police, Melbourne, setting forth in detail the course now pursued in Victoria, when it is found necessary to remand an offender thence to another Colony.

I have, &c.,

The Hon. the Colonial Secretary,
(Judicial Branch,) Wellington.

FREDERICK ATCHISON,
Inspector of Police.

His Honor J. FRASER to the Hon. E. W. STAFFORD.

(9,195-3.)

SIR,—

Superintendent's Office, Dunedin, 12th August, 1868.

In accordance with the request contained in your Circular No. 337, of the 4th ultimo, I have the honor to forward the enclosed letter which I have received from the Commissioner of Police in this Province, on the subject of the working in this Colony of the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118.

I have, &c.,

J. FRASER,

The Hon. the Colonial Secretary, Wellington.

Deputy Superintendent.

Enclosure.

Mr. BRANIGAN to His Honor the SUPERINTENDENT.

Police Department,

(Memo. No. 1689.)

Commissioner's Office, Dunedin, 10th August, 1868.

IN answer to the attached letter, I beg leave to state that since the passing of "The Foreign Offenders Act, 1863," in this Colony, it has not been necessary to act under the Imperial Acts 6 and 7 Vict. c. 34, and 16 and 17 Vict. c. 118, as the Colonial Act embraces not only the powers of the Imperial Acts, *i.e.* "Treason and Felony," but "Indictable Misdemeanours."

I am, however, still of opinion, that the law as it at present stands, touching the extradition of offenders, requires modification. I say this because great facilities now exist, owing to the rapid steam communication between this and the neighbouring Colonies, for the escape of offenders, and I venture to suggest the desirability of some reciprocal and at the same time uniform measure between the Colonies on this subject.

In Victoria, for instance, the Act 14 Vict., No. 7, enacted for the special purpose of facilitating the extradition of offenders from that Colony, has been repealed by the "Justices Statute," 28 Vict., No. 267, so that the law now in force on this subject is the 6 and 7 Vict. c. 34, and 16 and 17 Vict., c. 118—which of course excludes the numerous class of offences which come under the name of "Indictable Misdemeanours," so that the same forms have to be observed in arresting offenders in Victoria who escape from this to that Colony as would have to be observed in England, while no arrest can be made for an "Indictable Misdemeanour."

Under the former Act (14 Vict., No. 7) all that was required to effect an arrest was for the constable to make a deposition before one of the Judges that the name at the foot of the warrant was the name of a person having jurisdiction &c., in Zealand, and on bringing the offender before a magistrate to obtain a remand to the latter Colony, producing a certified copy of the "Information" as well as his "backed" warrant. This is still the practice in New South Wales and South Australia.

His Honor the Superintendent of Otago.

ST. JOHN BRANIGAN,
Commissioner of Police.

Mr. BROHAM to the CHAIRMAN of the COUNTY COUNCIL, Westland.

County of Westland Constabulary Department,
Inspector's Office, Hokitika, N.Z., 21st August, 1868.

SIR,—

With reference to the attached letter, requesting to be informed as to the working of the Imperial Acts quoted in the margin, within this County,—I have the honor to inform you that several Australian offenders have been arrested here from time to time, but the

Imperial Acts 6 and 7 Vic. c. 34, and 16 and 17 Vic. c. 118.

Acts in question being so defective, no proceedings have in any instance been taken under them. In the first place, we have no resident Judge to indorse a warrant, as required under the Acts. No arrests for indictable misdemeanours can be made under them, and no authority to remand the accused is given the magistrate, to enable the police to procure additional evidence. In consequence of these defects, the Colonial Foreign Offenders Act of 1863 has been always brought into operation. Under this Act, offenders charged with indictable misdemeanours can be removed to the adjoining Colonies, and a remand not exceeding a month may be given for the production of further evidence. The great difficulty experienced under this Act is to procure the additional evidence within the month. In one instance a prisoner charged with embezzlement in Melbourne was discharged, as the evidence was not forthcoming within the month. Two days after he was discharged the documentary evidence had arrived, and after a long search he was again arrested, and sent back to Victoria. When a steamer leaves immediately after a remand is granted, the additional documentary evidence may reasonably be expected within a month, but at other times two months may elapse before it is forthcoming.

In larceny cases, especially, it is difficult to complete the case even within two months. In those cases generally the offender is only suspected of having committed the offence; he has not been seen to commit it, but he is strongly suspected; a warrant is issued, and a constable despatched; the offender is apprehended, and property answering the description of that stolen found upon him, but the officer cannot swear that that is the property stolen from the prosecutor; the prosecutor alone could prove that. In such a case the constable would have to return to the Colony where the offence was committed, and take the property so found with him, have it identified by the prosecutor, and return with the additional evidence. Three months must at least elapse before the case can be completed. It may be said that if the prosecutor accompanied the officer, this course would be unnecessary; but it usually happens that more evidence is required than the prosecutor alone can give, and when such is the case a long remand is necessary.

A case similar to the above occurred in Melbourne lately. A Mrs. O'Neil, an actress, committed a larceny in this town, and left immediately for Melbourne. A constable was despatched with a warrant for her arrest; she was arrested, and some of the stolen property found upon her, but as the prosecutor alone could prove to the identity of the property, she was discharged, as the magistrate, acting under the Imperial Act of 6 and 7 Victoria, could not grant a remand. The additional evidence necessary in this case was afterwards procured, but when the constable returned to Victoria the offender could not be found.

I have, &c.,

J. BROHAM,

Inspector in charge.

The Chairman of the County Council, Hokitika.

No. 13.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of Buckingham.

(No. 9.) Government House, Wellington, New Zealand,
MY LORD DUKE,— 26th January, 1869.

I have the honor, in the terms of the Colonial Regulations, to forward the enclosed documents, which have been placed in my hands for transmission to England. They are:—

- (1.) A Memorandum from the Hon. Dr. Pollen, the Resident Minister at Auckland, dated December 30th, 1868, covering a Petition to the Queen, and a paper annexed to it, adopted at a recent public meeting held in the City of Auckland.
- (2.) A Petition to the Queen from certain Inhabitants of the Province of Southland.
- (3.) A Letter addressed to the Governor of New Zealand by the Superintendent of the Province of Otago.

2. It will be seen that the virtual object of these Memorials is to express the desire entertained by a portion of the population of this Colony (and to which I have already referred on previous occasions), viz., that the existing Constitution should be suspended in the North Island, so that the management of Native Affairs and of the Colonial Forces may be again, as before 1862, placed under the personal control of the Governor, directed by the Secretary of State.

3. I inquired in the usual manner if my Responsible Advisers wished to furnish me with any observations on the above-mentioned documents, for transmission to England with them. It will be seen from the enclosed Memorandum from Mr. Stafford, that "beyond expressing the dissent of Ministers from the opinions expressed by the writers, he has no observations to make on the subject in addition to those already submitted by the Resident Minister at

“ Auckland, with respect to the Memorial signed by the inhabitants of that town.”

4. My own opinions on the questions mooted have been expressed by anticipation in a previous Despatch (see Confidential Despatch of 7th January, 1869), when I remarked that whatever may be the inconveniences of the existing system (which inconveniences appear to have been exaggerated in some quarters), it is presumed “ that Her Majesty’s Government would not be inclined to entertain any proposal for the temporary or permanent suspension of the Constitution granted to a Colony circumstanced as is New Zealand, unless a measure of this nature should have been recommended in the first instance (as recently in Jamaica) by the Colonial Legislature itself. Moreover, as I have already stated elsewhere, previous experience appears to have proved that (in the words of and for the reasons assigned by Mr. Merivale) the suggestion of establishing in the same Colony Responsible Government for the settlers, and a separate administration of Native affairs under the Imperial authorities, is unpractical. There cannot be two Governments in the same community; certainly not unless some mode can be devised of having two public purses.”

Colonization and Colonies, p. 521.

5. With respect to the letter from Mr. Macandrew, the present Superintendent of Otago, urging me to apply for a reinforcement of Imperial troops from Australia contrary to the advice and opinion of the existing Colonial Ministry, it will be sufficient to repeat the observations submitted on a previous occasion with regard to other applications of a similar nature:—“ I have considered it to be my plain duty to decline compliance with the prayer of all Memorials and personal representations of this kind. For it seems obvious that this Colony could not be held responsible for any portion of the expense of the maintenance of any additional troops, for which the Colonial Ministers had not made formal application. Moreover, the whole tenor of the communications received during some time past from the Colonial Office appears to show that the Imperial authorities desire to encourage, as far as possible, a true and permanent spirit of self-reliance among the people of New Zealand, and that they have no wish or intention to keep any portion of the Queen’s forces in this country, except on certain fixed conditions, and with the advice and consent of the Local Ministry and Legislature. I trust that I shall be informed if I have rightly interpreted the views, on this most important point, of Her Majesty’s Government, and if the manner in which I am endeavouring to carry out those views is approved.”

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure 1 in No. 13.

MEMORANDUM by DR. POLLEN.

Auckland, 30th December, 1868.

THIS Memorial was placed in my hands for transmission to the Governor by Messrs. George, Chapman, Freer, Bright, Hill, Lewis, Wilkes, and Wrigley, acting, as I was informed, as a deputation from a public meeting.

It was originally intended that the Memorial should be circulated for signature by the people, but that intention appears to have been abandoned. It is right that I should add, for His Excellency’s information, that the gentlemen whose names are attached to the memorial do not, in my opinion, represent the views of any large section of this community, and that there is not amongst their number any one of those who heretofore have been recognised as leading men in Auckland.

For His Excellency the Governor.

DANIEL POLLEN.

Sub-Enclosure to Enclosure 1 in No. 13.

Copy of PETITION to HER MAJESTY agreed to by the INHABITANTS of AUCKLAND, New Zealand, 8th December, 1868.

TO HER MOST GRACIOUS MAJESTY THE QUEEN.

MAY IT PLEASE YOUR MAJESTY,—

We your Majesty’s loyal and dutiful subjects residing in the Northern Island of New Zealand, humbly beg to lay before your Majesty the following Memorial.

That this part of the Colony was originally colonized under and by virtue of your Majesty’s Royal Instructions, and was governed for several years thereafter by an officer directly responsible to the Crown for the good government of the whole Colony of New Zealand.

That in consequence of the representations of certain interested persons in the Colony, a Constitution was afterwards granted to New Zealand. The system of Responsible Government was engrafted on the Parliamentary Institutions, thereby at once subverting the authority of your Majesty's Representative, and substituting for direct responsibility to your Majesty and the Imperial Government a responsibility to the majority of an elected Assembly.

That the change of Government has been most injurious to the Colony, but more especially so to this portion in which your memorialists reside.

As one of its evil consequences, your memorialists may mention that the Colony has for several years past been engaged in war with the aboriginal natives. Until lately it received every assistance from your Majesty's land and sea forces, but owing to the action of the Weld Administration the Imperial troops have been withdrawn, except one regiment, which is doing garrison duty in the chief towns, and the settlers are now without any aid from your Majesty's troops, although the Native war has assumed larger dimensions and is characterised by greater ferocity than at any former period.

The successive defeats sustained by the Colonial forces on the West Coast, and the repeated defeats and recent slaughter of men, women, and children (Europeans and friendly Natives) at Poverty Bay and the East Coast, and the evident incapacity of New Zealand Governments as at present constituted, impress your memorialists with the conviction that safety to life and property, the preservation of the out-settlements, and the supremacy of the law, can only be attained by a suspension of the Constitution, so far as the North Island of New Zealand is concerned, and a return to that system of government under which the Colony advanced in prosperity during the first twelve years after its foundation.

Your memorialists further declare and believe that should your Majesty graciously be pleased to accede to the prayer of their Memorial, the fact will be hailed with satisfaction by a large portion of the aboriginal population who have not yet joined the rebellious tribes, and with whom your memorialists desire to live on terms of amity.

Your memorialists therefore earnestly implore your Majesty to cause such measures to be adopted as your Majesty may deem necessary, to stay the effusion of blood and prevent the ruin of the North Island of New Zealand.

And your Petitioners will ever pray.

Signed, on behalf of the Inhabitants of Auckland and its Suburbs, in meeting assembled by public advertisement, in the Hall of the Mechanics' Institute, on the 5th day of December, 1868, by the Committee who were elected thereat.

James George, Chairman.
Samuel Bright,
Geo. Thomson Chapman,
John Geo. Freer, Capt. N.Z.M., M.P.C.
John M. French,
Geo. Graham, M.G.A.
T. B. Hill, M.P.C.
Osmund Lewis,
James Wrigley,
J. C. Wilkes.

At an adjourned Meeting of the Inhabitants of the City and Suburbs of Auckland, New Zealand, held in the Hall of the Mechanics' Institute on the 8th day of December, 1868, and which was very numerously attended, George Graham, Esq., M.G.A., prepared the following Statement, which was adopted, and ordered to be attached to the Petition to Her Most Gracious Majesty the Queen:—

(1.) That the Northern Island of New Zealand, comprising an area of 31,000,000 acres of land, possessing a delightful climate, numerous and extensive fresh-water rivers, almost inexhaustible forests of timber, valuable deposits of coal, gold, and other minerals, and a coast line studded with safe and capacious harbours, has within itself all that is required to make it a prosperous Colony, and the home of a large and contented population.

(2.) That the white population of the Northern Island amounts to about 85,000, and that of the native aboriginal inhabitants to about 35,000.

(3.) That until within the last nine years the European and Native populations lived in peace with each other, trading and cultivating the land.

(4.) That for the last nine years a war has been carried on in various parts of the country between our forces and the different tribes of Natives.

(5.) That at the present time these Native disturbances, aggravated by one cause and another, have increased so as actually to threaten the very stability of the Colony, and to cause many of us seriously to discuss the advisability of leaving the Colony for ever.

(6.) That there is no protection whatever for life or property in many of the outlying districts, while even the inhabitants of the older and more firmly established centres of population live in constant fear of attack from the rebel Natives.

(7.) That the following are some of the many reasonable results of the chronic state of disturbance in which the Colony has been during the period above mentioned:—

a. Taranaki, one of the original six Provinces of the Colony, and formerly a flourishing settlement, may, without exaggeration, be said to have almost ceased to exist as a European settlement; the few Europeans who remain being confined to the township and the country in its vicinity. This Province has been the scene of war, almost uninterrupted, for a period of above nine years.

b. The whole country lying between Taranaki and Wanganui, a considerable part of which had been taken by us from the Natives during the war, and upon which we had established townships and placed a large number of industrious settlers, has been again wrested from us by the rebel Natives, the settlers murdered or driven away, their houses burned, and property of all kinds wantonly destroyed.

- c. The peace of other large portions of the Wellington Province, between Wanganui and Wellington, is also in serious danger.
- d. On the East Coast, Napier, a large and once a flourishing settlement, has been reduced to the verge of ruin by reason of Native disturbances. The opening up of the interior, the stocking of runs, and cultivation of farm-land cannot be carried on without danger to life. The great majority of the country settlers have been driven to take refuge in the town.
- e. Further north from Napier, Poverty Bay, in the Province of Auckland, once a thriving and industrious settlement, has just been destroyed by the rebels. Upwards of thirty Europeans, men, women, and children, and more than twenty friendly Natives, were barbarously murdered, the houses of the settlers burned, their crops destroyed, and their flocks and herds carried off to the interior.
- f. The rankest disaffection prevails along the whole extent of coast from Turanganui to Mercury Bay; and the inhabitants of the intermediate settlements of Opotiki, Whakatane, Matata, and Tauranga are not able, without great risk to life itself, to go upon their lands, if situate only a few miles from the respective townships.
- g. In the extensive and important district of Waikato, acquired by us from the Natives during the late war by a lavish expenditure of blood and treasure, a universal feeling of insecurity prevails. The settlers in the more exposed districts are driving in their cattle, and sending their wives and families to places of safety. Their fears are only too well founded: at any moment the rebel Natives in the interior may break out into open war and come down upon the different settlements, which are almost without means of defence.

(8). That these evils are not confined to the European population alone, and that a large number of Natives who have always been friendly to us are exposed to even greater danger, having, by reason of their adherence with us, incurred the special hatred of their disaffected countrymen.

(9). That as the direct and immediate consequence of this state of things, the whole island is reduced to a most deplorable condition: agriculture is carried on under the greatest difficulties; the country remains locked up to European enterprise and capital; trade is in a state of stagnation; and business failures matters of everyday occurrence. The public debt of the Colony, created chiefly through the expense of putting down rebellion, is nearly seven millions of pounds sterling; while the whole European inhabitants of the Colony, numbering only about 220,000, are taxed at the rate of £4 12s. per head per annum. Further, the general revenue of the Colony, and nearly all the Provincial revenues, are steadily decreasing.

(10). That the principal causes of all these evils are—

- a. The corrupt and extravagant system of Government which has prevailed in the Colony since the establishment of what is called “Responsible Government:” a system which has only succeeded in loading the Colony with an enormous debt, and creating a deep-rooted mutual distrust and dislike between the European and Native Races.
- b. The fatal mistake wrought in our Constitution, by which questions solely affecting the European and Native inhabitants in the North Island in their social, political, and commercial relations, were handed over to be dealt with by the House of Assembly; one half the Members of which, representing the South Island, are almost or entirely ignorant of the condition of the European and Native inhabitants of the Northern Island, and the circumstances under which they are living, and occupying the same country.

We therefore pray your Most Gracious Majesty to appoint a Royal Commission to inquire into existing evils in New Zealand.

Signed, on behalf of the Meeting,
 JAMES GEORGE,
 Chairman.

Enclosure 2 in No. 13.

MEMORIAL of RESIDENTS in SOUTHLAND.

THE Memorial of the undersigned Residents in Southland, New Zealand, humbly sheweth:—That some of your Majesty's subjects have been cruelly murdered in places where it was supposed that they were peaceably living under your Majesty's rule, and that it is no longer safe for any settlers to remain in the outlying districts of the Northern Island.

That though for many years there has been a Governor in the North Island, as Representative of the Imperial Power, yet your subjects have been only living there through sufferance of the Maoris, who have been really the sovereigns, except in a few sea-coast towns.

That the result of eight years' hostilities with the Maoris has been, that they are more skilled and quite as atrocious as they were as original savages.

That New Zealand has been colonized by a peaceful class of agricultural and pastoral settlers, who cannot, by simply arming themselves, cope with such an enemy, in a country which is peculiarly suited to savage warfare.

That the local self-government of the country, which is a balance of parties for the promotion of general interests and the management of civil affairs, appears not to be fitted for such an emergency.

That the hitherto adopted plan of conducting the war with a slight show of defence, in the hope that the Maoris may naturally die out or voluntarily cease hostilities, is causing such a heavy and useless expenditure and loss of confidence as will be the ruin of the country, and destroy our hopes for our children.

That the peculiar interest felt in the Native race, by which too little distinction has been made between friendly and hostile Maoris, caused such unsatisfactory measures to be taken at the beginning of the war that up to the present time the Native difficulty has been only increasing.

That many complications have arisen from the settlement of the North Island having been carried on amidst an unsubjugated Native race, and from the Imperial and Colonial authorities having both undertaken responsibilities in the war.

Under these circumstances, your petitioners humbly pray that the present war may be considered an Imperial one; that the Constitution may be for a while suspended in the North Island; and that some military ruler may be appointed who shall have full power to use all necessary measures for the complete subjugation of hostile Maoris, that the disgrace may be taken away that we are at present under from our countrymen having suffered such horrible cruelties.

Enclosure 3 in No. 13.

Mr. MACANDREW to His Excellency the GOVERNOR.

(No. 9,556-3.)
SIR,—

Superintendent's Office,
Dunedin, Otago, 22nd December, 1868.

I have delayed taking upon myself a painful duty until I feel that, in justice to the Province which has done me the honor to elect me as its Superintendent, I can no longer defer doing so. I beg your Excellency to observe that the Superintendents of Provinces owe their position to the direct legislation of the Imperial Parliament, whilst the system of Executive General Government has grown up out of regulations and Colonial legislation. The Constitution Act devolves on the Superintendents of Provinces important functions; and it is evident from the general tenor of the Act, that it is contemplated the Superintendent may place himself in direct communication with the Governor.

I think it my duty to avail myself of what I conceive to be my official right to represent to your Excellency the imperative necessity for adopting other measures for extirpating the existing rebellion than those which are being employed.

Without entering into the merits of the Native difficulty, or the best mode of dealing with it, it will not be denied that during the past few months the Colony has been subjected to enormous losses, both of life and property, while the policy which is now being pursued is every day sinking the Colony deeper and deeper into financial embarrassment, involving an expenditure utterly ruinous and beyond its means; and when those means shall have been absolutely exhausted, the chances are that the result will be fruitless in as far as quelling the rebellion is concerned. I hold that, as British subjects in a British Colony, we have a prescribed right to the assistance of the British troops. It is well known that your Excellency has only to express a wish in order to bring to the immediate aid of the Colony several hundreds of trained soldiers; and I venture respectfully to submit that no political consideration should interfere with what seems to me to be the highest duty at the present moment, namely, that of procuring the utmost possible assistance to protect the lives and properties of Her Majesty's subjects from the atrocities of savages avowedly in rebellion against Her Majesty's sovereignty. The fact of the rebels declaring that they resist the Queen's supremacy makes the rebellion one of Imperial moment: the *prestige* of the Empire is concerned in giving the death-blow to all revolts against the Imperial power. The fact that the services of British sailors are being used is an argument in favour of making use of the British troops: the failure to do so is an insult to the army, and will doubtless be felt to mean such. I can conceive of no greater slight towards the soldiers of the nation than to decline their aid when British subjects are being slaughtered, and the fairest districts in a British Colony laid waste.

The allegation that the self-reliance policy adopted by the Colony shuts it out from the aid of Imperial troops, may be at once set aside by the fact that the self-reliance policy has failed. It was never anticipated that the occurrences of the past few months could occur, and the House of Representatives virtually abandoned the self-reliance policy when it approved of the retention of one regiment, seeing that the leading principle upon which self-reliance was based, that there should not be a single British soldier left in the Colony to entitle the Imperial Government to interfere in the internal affairs of the Colony. A condition precedent to such an arrangement was, that the Colonial Government should afford adequate protection to the lives and properties of Her Majesty's subjects; this it has failed to do, and therefore Imperial responsibility remains behind. It is impossible for any nation on the one hand to divest itself of the right of protecting its own subjects, or on the other hand to deprive those subjects of the right to demand protection at its hands. Any expedient by which a nation delegates the duty of protecting its subjects to a Colonial authority becomes null and void the moment that authority proves itself inadequate to fulfil the duty devolved upon it.

It may also be remarked that the self-reliance policy has never really taken root in the minds of the Colonists. It depends upon the assumption that there exists in New Zealand a Colonial nationality to some extent distinct from the nationality from the Empire. Such a feeling exists only in the minds of the few sentimentalists. The Colonists for the most part regard themselves as British Colonists, just as much entitled in case of need to the aid of the military power as do the inhabitants of any town in Great Britain deem themselves entitled to military aid when the civil power is inadequate. The Colonists, moreover, regard the wars with the Maoris as matters of Imperial concern; they did not come to New Zealand to fight the Maoris: they look upon it that they were invited to regard New Zealand as a British Colony within which the Queen had determined to uphold her sovereignty: they had no notion but that the rebellious Maoris must be subdued by paid soldiers, supplemented by the local Militia. The truth of the correctness of what I state is to be found in the fact, that there is no volunteering on national grounds. Not a single recruit who has left this island, or the chief centres of population in the Northern Island has done so, in as far as I am aware, for any other reason than because the terms of the employment suited him. If the alleged national feeling was really aught but a myth, men of independent means, instead of comparatively poor men would flock as volunteers to the front.

It remains for me to show your Excellency the manner in which the Province is affected, in order to justify my addressing you. Already recruiting has been going on within the Province—that is to

say, inducements are being offered to a portion of our population to leave, and it is quite possible that this may be enforced on a much larger scale through the Militia Act. I may observe that this Province has contributed very largely to the general revenue of the Colony. Apart from the revenue which has reverted to the Province for disposal by the Provincial Council, I find that during the nine years ending in June, 1867, Otago has been charged with no less a sum than £649,865 for the defrayal of the general expenditure of the Colony, besides £355,182 for local charges voted by the General Assembly. Last year the half of its revenue reverting to the General Government, for purely Colonial purposes, amounted to £131,750.

I see, through the possible drain upon its population, that much injury may be done to this Province and to the Colony, which the figures which I have quoted show the Province has vastly aided with revenue. A handful of settlers originally colonized Otago. On them, and those who subsequently followed them, the whole work of colonization has fallen. The Provincial system has given to the Colony a powerful and wealthy member; and if the Colony has not done much to make Otago what it is, it should do nothing to destroy it. The Province is also directly threatened in another manner than by the withdrawal of its population: liabilities are being undertaken on behalf of the Colony, which, for generations to come, must seriously cripple the industrial resources of every portion of it; and should the rebellion continue, the Colony will be saddled with such an enormous debt as must drive both population and capital from its shores. Even as it is, I am in a position to assure your Excellency, that the efforts we have been making to promote the settlement of this Province, by means of suitable immigration on a large scale, are being checked, and that both capital and enterprise are seeking to transfer themselves to other fields, anxious to escape the heavy burdens which the Native policy has already involved.

With the utmost respect, I venture on behalf of this Province most earnestly to urge on your Excellency, that you will be pleased at once to summon to your aid the Imperial troops, under the powers which the ninth section of the Royal Instructions confer upon you. I cannot conceive an emergency more alarming than that which now calls for the exercise of your Excellency's plenary powers. Either the Royal Instructions were meant to be inoperative, or the occasion has arisen for acting upon them in the direction I have indicated.

Failing your Excellency adopting this course, I earnestly implore that you will cause an immediate dissolution of the Assembly, and a fresh election, to convince your Excellency that the great majority of the Colonists disclaim being a party to the insult which is shown to the Empire in refusing to use Imperial troops to assert Her Majesty's sovereignty, and to protect the lives and properties of British subjects from the atrocities of fanatic cannibals.

I am convinced that the question will be raised at home, as it has been in the Australian Colonies, why the Colony slighted the assistance of the troops, and at bottom of the refusal to employ them lurks a spirit of rampant disloyalty to the Empire.

In the desire of asserting the loyal attachment which the people of this Province entertain towards the Sovereign, I venture respectfully to ask your Excellency to cause a copy of this despatch to be forwarded home to Her Majesty's Principal Secretary of State for the Colonies, for submission to Her Majesty.

His Excellency Sir George F. Bowen,
Wellington.

I have, &c.,
J. MACANDREW,
Superintendent.

Enclosure 4 in No. 13.

MEMORANDUM by MR. STAFFORD.

Wellington, 9th January, 1869.

MR. STAFFORD has the honor to return the documents referred to Ministers in His Excellency's Memorandum of the 8th instant, and, beyond expressing the dissent of Ministers from the opinions expressed by the writers, has no observations to make on the subject in addition to those already submitted by the Resident Minister at Auckland, with respect to the Memorial signed by ten inhabitants of that town.

For His Excellency the Governor.

E. W. STAFFORD.

No. 14.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 11.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 28th January, 1869.

The "Wellington College and Grammar School," partly endowed by the Government, and the principal educational establishment in this City and Province, was formally opened with much ceremony on the 25th instant. I had been requested to preside at this inauguration; and I have now the honor to forward the account of the proceedings as published in the local journals, together with a copy of the Address which I delivered on this interesting occasion.

Wellington Independent, Jan. 26, 1869.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

No. 15.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 12.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 29th January, 1869.

In continuation of the 5th paragraph of my Despatch No. 7, of the 21st instant, I have the honor to transmit herewith copies of the numerous Addresses of respect and welcome presented to me during my recent visit to the Province of Canterbury. I annex also the accounts given by the two local daily journals of my landing and first reception on the 11th instant. As one of these journals observes, "A heartier or more universal demonstration could not have been made;" and I may add, that the good taste was equally conspicuous with the warmth of the welcome accorded to me by the Superintendent (Mr. Rolleston), by the Provincial Government, and by all classes of the community.

2. It will be seen that, in replying to the first Address presented to me, that from the Mayor and Corporation of Lyttelton, I spoke as follows:—"I thank you heartily for the welcome which your loyalty to our Sovereign has induced you to accord to me as Her Majesty's Representative, on my first landing at the chief port of this great Province.

"I am fully conscious that your cordial greetings are paid to me in my official character, and that I can have as yet but little claim to the personal regard of the people of Canterbury, unless, indeed, it be as an early friend of one whose memory will for ever be held in high honor and affection among you; I mean John Robert Godley. Nearly twenty years have now elapsed since I first discussed with him his schemes for the foundation of this settlement, which he even then called the work of his life. You all know how well he performed that work. I will only add, that it would have cheered his gallant spirit, in his sufferings from failing health, if he could have foreseen the rapid but solid progress, almost without precedent elsewhere, which you have achieved.

"It appears from the official statistics that even in the brief period of six years which has passed away since his death, the population of Canterbury (including Westland) increased from 16,000 to nearly 54,000 souls—in other words, more than threefold; while your advance has been equally remarkable in most of the other elements of material welfare. That accomplished nobleman, Lord Lyttelton, whose name, prominent amongst those of the founders of Canterbury, has been given to your port, was so much gratified with all that he saw here on his recent visit, that he has lately written to inform me of his hope of being able ere long to pay a second visit to New Zealand."

Colonization and Colonies, p. 128.

3. It will be recollected that several of the New Zealand Settlements, and especially Canterbury, were, in the words of Mr. Merivale, "founded under good auspices, and in a spirit of enthusiasm unequalled in modern Colonial enterprise, which carries the mind back to the days of Raleigh and his adventurous colonists." In much of the society, in many of the fine public buildings of Canterbury, and in all that truly English tone and aspect of the community, which strike every visitor, the character of its first founders may still be traced; while the remarkable progress of the settlement is a proof of the energy and perseverance with which they and their successors have turned to account the natural advantages of a region comparatively free from forest, and where the expense of clearing and of first communications, was comparatively small;—containing also wide and fertile plains, singularly adapted to pastoral enterprise, and adjacent to districts eminently suitable for agricultural occupation.

4. The three loyal Maori chiefs of the North who accompanied me on my recent tour were everywhere heartily welcomed. One of them, Tamihana te Rauperaha, is the only surviving son of the famous chief of that name who, about thirty-five years ago, conquered the Aborigines of the South Island, and who was the principal actor in the massacre, in 1843, of Captain Wakefield and many of the early settlers in the Province of Nelson. His son has visited England, and has always been a loyal subject of the Queen. I annex a translation of the

interesting letter in which Rauperaha, Wi Tako, and Mete Kingi have recorded their impressions of their visit to Canterbury.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,

G. F. BOWEN.

Enclosures in No. 15.

ADDRESS from the MUNICIPALITY of LYTTELTON.

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c., &c., &c

MAX IT PLEASE YOUR EXCELLENCY,—

We, the members of the Lyttelton Borough Council, respectfully offer our congratulations on your Excellency's arrival in this port, and on behalf of ourselves and fellow-townsmen tender our warmest welcome on the occasion of this your first visit to the Province of Canterbury.

As loyal and faithful subjects of Her Majesty, we desire to express our continued attachment to her person and government, and also our joy that His Royal Highness the Duke of Edinburgh has been providentially spared to carry out his intention of visiting these islands.

As the Representative of Her Majesty in these islands, we believe that it will be your object to promote the best interests of the Colony, to aid the development of its resources, and to advance its social and political welfare.

We deplore the strife at present existing between the aboriginal inhabitants of the North Island and the Colonists, and fervently hope that your Excellency, by favour of Divine Providence, guided by prudent counsel, will be enabled to bring about permanent peace between the different races.

While we congratulate your Excellency on your landing at the principal port of this Province, we cannot avoid expressing our regret at the depression that at present exists, as compared with its former prosperous and flourishing condition; and, although we are hopeful for the future, we cannot help expressing an opinion that that depression is owing to the removal of institutions and interests that were first attached to this port of the Province.

In conclusion, we desire to express our profound respect to Lady Bowen, and fervently pray that by the favour of Divine Providence you may enjoy the blessing of good health, and be spared for a long career of usefulness in the service of Her Majesty.

HIS EXCELLENCY'S REPLY.

MR. MAYOR AND GENTLEMEN,—

I thank you heartily for the welcome which your loyalty to our Sovereign has induced you to accord to me as Her Majesty's Representative on my first landing at the chief port of this great Province. I am fully conscious that your cordial greetings are paid to me in my official character, and that I can have as yet but little claim to the personal regard of the people of Canterbury, unless, indeed, it be as an early friend of one whose memory will for ever be held in high honor and affection among you—I mean John Robert Godley. Nearly twenty years have now elapsed since I first discussed with him his schemes for the foundation of this settlement, which he even then called the work of his life. You all know how well he performed that work. I will only add, it would have cheered his gallant spirit, in his sufferings from failing health, if he could have foreseen the rapid but solid progress, almost without precedent elsewhere, which you have achieved.

It appears from the official statistics that even in the brief period of six years which has passed away since his death, the population of Canterbury (including Westland) increased from 16,000 to nearly 54,000 souls—in other words, more than threefold; while your advance has been equally remarkable in most of the other elements of material welfare. That accomplished nobleman, Lord Lyttelton, whose name, prominent among those of the founders of Canterbury, has been given to your port, was so much gratified with all that he saw here on his recent visit, that he has lately written to inform me of his hope of being able ere long to pay a second visit to New Zealand.

Your address refers to the commercial and financial depression, from the effects of which New Zealand, in common with the Mother Country herself, and most other parts of the British Empire, has been suffering for some time past. I earnestly trust that through the blessing of Providence on the prudence and firmness of the General and Provincial Legislatures, on the energy and industry of all classes of the community, the trade and finances of this Colony will be placed on a sounder basis than before. Meanwhile, I would remind you that temporary depressions are incidental to all countries, and especially to all young countries. In commenting on the national propensity of Englishmen to animadvert somewhat too gloomily on the inconveniences of the present day, one of the most observant and thoughtful of English poets and philosophers (whose name is connected with one of the districts of this Province)—I mean Samuel Taylor Coleridge—has remarked, "It is a curious fact that the fancy of our calamitous situation is a sort of necessary sauce, without which our real prosperity would become insipid to us."

In conclusion, gentlemen, I cordially reciprocate your good wishes for my family and myself, and earnestly pray that Heaven may pour health and happiness on your homes.

ADDRESS from the MUNICIPALITY of CHRISTCHURCH.

To His Excellency Sir GEORGE FERGUSON BOWEN, K.G.C.M.G., Governor and Commander-in-Chief, and Vice-Admiral of the Islands of New Zealand.

WE, the Mayor and Councillors of the City of Christchurch, desire to congratulate your Excellency on

this your first visit to our city, and bid you welcome amongst us as the Representative of Her Most Gracious Majesty the Queen.

Aware of the many difficulties which at the present time surround your Excellency, from the disloyalty of a portion of the Native race, we are especially gratified at the opportunity of expressing our devotion to the Throne, and our confidence in your Excellency's administration, trusting, by the blessing of Almighty God that a lasting peace may crown your Excellency's endeavours.

We hope that, under the rule of your Excellency, the natural resources of this Colony may be largely and speedily developed, and that education in its various branches may be widely diffused. We hail with great satisfaction your Excellency's presence amongst us, earnestly desiring that it may promote an attachment to your Excellency's person; and we trust that we may often have the pleasure of a renewal of your Excellency's visit, together with the additional gratification of affording a welcome to Lady Bowen.

Wishing you long life, prosperity, and happiness.

Signed by His Worship the Mayor and the City Councillors, together with the Town Clerk.

HIS EXCELLENCY'S REPLY.

MR. MAYOR AND GENTLEMEN,—

I thank you with my whole heart for this address. In the first place, for the assurance of your continued loyalty to the Crown—the symbol and guardian of the unity of the British Empire; and, in the second place, for your gratifying expressions of respect and regard for myself, as the Representative of that Crown.

I rejoice to see around me here so many signs of that well-ordered prosperity and progress which provincial and municipal self-government, when prudently and vigorously administered, cannot fail to confer. Permit me to take advantage of this opportunity to express my satisfaction in finding that so many of the principal towns of the South Island have applied for incorporation, an example which I hope will be extensively followed throughout New Zealand. I am desirous to draw general attention to the conclusions on this subject, arrived at, after deliberate consideration, by the practical and experienced statesmen who form the Privy Council of Great Britain. In their report on the political institutions of the British Colonies, which was presented to the Queen some years ago, it is stated as follows:—"We are of opinion that the existence in Australia of municipal bodies in a state of efficiency is scarcely less necessary to the public welfare than the existence there of Representative Legislatures. A large part of the benefit to be derived from such Legislatures seems to us to depend on the simultaneous establishment and co-existence of incorporated municipalities. It is the only practicable security against the danger of undue centralization. It is the only security for the vigilant and habitual attention by the local Legislature to the interests of the more remote localities. It is by such bodies alone that in those secluded societies public spirit is kept alive, and skill in the conduct of public affairs acquired and exercised. It is in such corporations that the Colonists are trained to act as legislators in a larger sphere. By them, and by them alone, can any effectual resistance be made to the partial and undue dedications of the public resources to the advantage of districts peculiarly fortunate in the zeal and authority of their representatives in the Legislature."

These, gentlemen, are wise and weighty words. Still this, like all other social and political questions in a free country, must be ultimately decided by the people themselves. It need scarcely be said that I have spoken without any reference whatsoever to any political parties or controversies, and simply as an impartial but not indifferent observer of the course of public affairs here, and as a sincere well-wisher to the great community over which I have the honor to preside. Far be it from me to press on the inhabitants of any portion of New Zealand unwelcome duties under the name of municipal privileges. In the State paper from which I have already quoted it is further remarked, that "if such duties are not undertaken with alacrity and performed with zeal, and controlled by public vigilance and rewarded by public applause, they would be undertaken to no good purpose."

But, Mr. Mayor and gentlemen, you may probably consider that I have said too much, while I myself am painfully conscious that I have said too little on a question of such vital importance. Let me conclude by again thanking you for your hearty welcome, and for your kind wishes for my wife. It has been a deep disappointment to Lady Bowen that she has been unavoidably prevented from accompanying me on the present occasion. She will certainly be with me on that future visit to which you so kindly invite us. Meanwhile, we shall both make it our earnest endeavour to deserve a continuance of your esteem and confidence.

ADDRESS from the NATIVES.

TO HIS EXCELLENCY SIR GEORGE F. BOWEN,—

Welcome, guest, welcome from mist and storm, welcome to calm and sunshine! Come see these tribes that belong to our Sovereign the Queen. Approach. Draw near. Step boldly. Step confidently (not with the cautious step of one approaching an enemy). Welcome, representative of your great ancestors, fathers, and brothers. Welcome to this land, to the great spouse of Heaven, to the land where the mist never hangs. Welcome to the people who live mindful of their ancestor Tuahuriri's last words, "After me be kind to men."

HIS EXCELLENCY'S REPLY.

O my friends, salutations to you all! I am very glad to have heard your words—words full of loyalty to the Queen, and of friendship to myself the Representative of the Queen. Behold, I have brought with me three of the principal chiefs of the other island, Wi Tako, Tamehana te Rauparaha, and Mete Kingi, men who have always been loyal and friendly to Europeans, and who are like yourselves living in peace and quietness with their European friends. This is the word of the Queen—her desire is now as it always has been, that there should be one law for her Maori and Pakeha children, so that they may become as it were one people, The Queen has sent her son, the Duke of Edinburgh, as a token of

her royal love and protection for you; it will not be long before he arrives. O, my friends, I pray that peace may grow in this land like the everlasting green of your native forests, and I pray that God will ever pour His choicest blessings on you all.

ADDRESS from the MUNICIPALITY of KAIAPOI.

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same.

WE, the Mayor and Councillors of the Borough of Kaiapoi, beg to take this opportunity of your Excellency's first visit to the Province of Canterbury to express on behalf of ourselves and burgesses our hearty congratulations and welcome. We beg to assure your Excellency that our loyalty and attachment to the throne of our beloved Queen, of whom you are the chosen Representative, are most hearty and sincere. We trust that your Excellency's visit to this portion of the Colony may be accompanied with much pleasure and satisfaction as to its progress and welfare, and hope that your great abilities and wise administration may be long continued for the benefit of ourselves and the rest of Her Majesty's subjects.

HIS EXCELLENCY'S REPLY.

TO THE MAYOR AND CORPORATION of KAIAPOI,—

I have already received so many addresses of welcome since my arrival in this Province that it is somewhat difficult for me to vary the expression of my thanks for the loyal spirit in which they are all conceived towards our gracious and beloved Queen, and for the kindly feeling which they all evince towards my family and myself. Permit me to say that I am much gratified by the particularly English aspect of your district, and of Canterbury generally. It reminds me of a midland county in old England. And yet only twenty years ago, solitude reigned over the spot where your prosperous homesteads stand, while the land around them, now the scene of your busy industry, and rich with the promise of an abundant harvest, lay waste and silent. I rejoice to observe growing up here, by the side of and in cordial harmony with the pastoral settlers (who have done so much for the exploration and improvement of the country), a "territorial democracy" (to quote the apt phrase of one of the most brilliant of English statesmen), bound over to the cause of order and good government by that heavy recognizance, the ownership of land. The valuable properties of prudence and moderation are usually fostered by the possession of fixed property, however small, and by that independence which is the legitimate reward of honorable industry.

ADDRESS from the INHABITANTS of RANGIORA.

HER MAJESTY'S loyal and faithful subjects of Rangiora and its neighbourhood, desire to express their sense of the honour conferred upon them by your Excellency's brief visit. They are grateful to your Excellency for affording them an opportunity, the first which has yet occurred, enabling them to give expression to their attachment to Her Most Gracious Majesty the Queen, and their respect and esteem for your Excellency. They trust that under your wise and impartial Government the troubles which exist in portions of the North Island may soon be terminated, and that not only a profound peace be established but a cordial unity of the races be brought about. They feel confident that your Excellency's visit to the outlying districts of the Province may be accepted as evidence of the great concern on the part of your Excellency for their requirements. They sincerely trust, that on the occasion of your Excellency's next visit to the Province, they may have the gratification of offering a hearty welcome to Lady Bowen.

HIS EXCELLENCY'S REPLY.

MR. BROWN, AND GENTLEMEN of RANGIORA,—

I thank the inhabitants of Rangiora and its neighbourhood for this expression of their loyal attachment to the Queen, and their goodwill to myself as Her Majesty's Representative. I assure you that you only do me justice in attributing to me the most sincere and abiding interest in every portion of this Colony. As the Crown has been described as the golden symbol of the unity of the Empire, so the Governor may be described as a bond of union between the different races, classes, and districts of the country over which he presides. The friendly relations which you maintain with your Maori neighbours are very honorable to you. I earnestly hope with you, that, by the blessing of Providence peace may be restored in the North Island, and that there, as here, a cordial understanding between both races may ultimately be established. In conclusion, gentlemen, I again thank you for your loyal address, and for your hearty welcome.

ADDRESS from the BISHOP and CLERGY of the DIOCESE of CHRISTCHURCH.

To His Excellency Sir GEORGE FERGUSON BOWEN, Knight of the Most Distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief in and over the Islands of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

On behalf of the Bishop and Clergy of the Diocese of Christchurch, and of the branch of the United Church of England and Ireland in New Zealand, we desire to give your Excellency a hearty welcome on the occasion of your first visit to the Province of Canterbury. We welcome you amongst us as the Representative of our Sovereign Lady the Queen, whom, in common with our fellow-subjects in all her wide-spread dominions, we venerate with an enthusiastic loyalty, and on whom we fervently pray that our Heavenly Father may be pleased to bestow health and long life, and the continuance of those many blessings which have hitherto made her people happy, and her reign

glorious. We rejoice in the marked proof which Her Majesty has given of her confidence in the loyalty of the Colonists of New Zealand, in permitting His Royal Highness the Duke of Edinburgh to fulfil the intention he has long entertained of visiting these shores. We trust that by the blessing of God, and by the pursuit of a wise and just policy, your Excellency's Government may be enabled to restore peace and good order to this country, and to remove all hindrances which obstruct the growth of civilization in this land. We also welcome your Excellency personally, as one who is capable of appreciating, and prompt to sympathize with, all the efforts that are being made to promote the advancement of true religion, and the spread of a sound education among the people of both races in this country. The interest your Excellency is known to take in all such good works, is calculated to give great encouragement to those whose office specially calls them to labour for the wider extension of those inestimable blessings. We pray that such wisdom and firmness may be bestowed from above on your Excellency and your Advisers, and such success granted to your endeavours, that your period of government in this country may be marked by the complete restoration of concord between the two races, and by a signal advancement in Christian civilization, in moral and material prosperity, and in all the arts of peace.

HIS EXCELLENCY'S REPLY.

MY LORD BISHOP AND GENTLEMEN,—

I beg to tender my sincere and respectful thanks for this address, and for the welcome which you have accorded to me on my first visit to the Province of Canterbury. A faithful son, as I humbly trust, of the English Church and of the University of Oxford, that main stronghold of our Church, I rejoice to find myself in New Zealand among so many men nurtured under the same influences, and formed by similar institutions. I gladly remember, moreover, that several of the clergy now foremost in the ranks of the Colonial churches were my own contemporaries at school or college. I particularly rejoice to meet again the Dean of Christchurch, my old friend and schoolfellow, and respected for the longest and best part of the lives of us both. I ask permission to congratulate the clergy and laity of this diocese on the election of their Bishop to be Primate of New Zealand, a worthy successor in that high office to that great Prelate whom the Mother Church has regained after his noble efforts of above a quarter of a century in this country. In conclusion, my Lord Bishop and gentlemen, I assure you that your prayer will strengthen and support me in my earnest endeavours to perform my duty to both races of the people of this Colony.

ADDRESS FROM THE HEADS OF CHRIST'S COLLEGE.

To His Excellency Sir GEORGE FERGUSON BOWEN, G.C.M.G., Governor and Commander-in-Chief in and over the Islands of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the Warden, Sub-Warden, and Fellows of Christ's College, gladly embrace the opportunity now afforded to us of joining in the cordial welcome with which the inhabitants of Canterbury have desired to meet your Excellency, on the occasion of your first visit to this part of the Colony of New Zealand. Knowing that the public institutions of every kind which conduce to the well-being of the Colony are subjects of deep interest and solicitude to your Excellency, we are well assured that among them all, none are regarded by you as of greater importance than those which maintain and promote the cause of education. We can therefore confidently rely on the sympathy with which you will be disposed to regard the efforts of the governing body of Christ's College to promote the best kind of education according to the highest attainable standard of learning, morals, and religion; and to afford to a Colonial population, in however small a measure, some compensation for their distance and almost complete separation from the venerable academic institutions of the Mother Country. We desire to offer to Your Excellency the assurance of our earnest wish to co-operate in all useful measures which may be devised for raising the standard of education, and diffusing the benefits of it throughout the whole Colony of New Zealand. We would further give utterance to the fervent hope and prayer that it may please God to crown with success your efforts to remove all causes of civil and political disturbance in the Colony over which you preside, and to secure for it the blessing of settled peace, without which the most serious impediments must be offered to all religious, intellectual, and material progress among the inhabitants of this country.

HIS EXCELLENCY'S REPLY.

MR. WARDEN AND GENTLEMEN,—

You will find in me one who, if not so well fitted as your indulgent kindness hopes, is at least cordially disposed to appreciate and encourage the efforts made by the governing bodies of this and of similar institutions to fulfil the ends of their formation, by elevating the moral and intellectual character of the people, and by diffusing through as wide a sphere as possible the blessings of a sound and liberal education. I have read with much interest and satisfaction the regulations connected with the scholarships, exhibitions, and examinations, under the control of Christ's College. These regulations and examinations appear to me to be admirably adapted to the important object which they have in view: that is, so soon as the circumstances of this Province will permit, to extend the present course of training in the Grammar School into a more prolonged and higher course of College education. I earnestly pray that the blessing of Heaven may prosper your endeavours to promote that moral and intellectual culture, without which no advantage of wealth or of social position can confer personal happiness, and no political privileges can insure immunity from national decay.

On laying the Foundation Stone of the Supreme Court at Christchurch.

ADDRESS from the SUPERINTENDENT.

YOUR EXCELLENCY,—

It is with great satisfaction that I have, on behalf of the Province of Canterbury, to request your Excellency to lay the first stone of the Supreme Court House in Christchurch. It is a matter of reproach to us that ample provision should have been made for the requirements of the Provincial Legislature and Government, but that hitherto the administration of the law should have been carried out in buildings used for other purposes, and with appliances far from consistent with the dignity of a Court of Justice. We have, however, every reason to be thankful, although the circumstances under which the law has been administered have been disadvantageous, that what may have been lost in external dignity, has been more than supplied by the innate reverence for the law which exists in the minds of all loyal subjects of the Queen, and by the respect which has been engendered by the high character, the impartiality, and the ability of the Judge who has for a long period of years been resident among us. You, Sir, are requested this day to take the first step towards the removal of the reproach which has attached to us, and we congratulate ourselves that your Excellency's visit should have occurred at a time which permits of your taking part in the ceremony upon which we are this day engaged. It appears to me that there is a peculiar appropriateness in the position which your Excellency, as Representative of the Crown, is asked to occupy. To you belongs the highest prerogative of mercy that falls to the lot of man to exercise when the law has passed its wisest and most just decrees; to you it belongs to enforce its righteous decisions. I appear here this day as the representative of a people loving justice, and desiring to clothe its administration with becoming dignity; the Judge, as one whose high office it is to "execute justice and maintain truth;" and your Excellency, as the ultimate minister of the law on behalf of the Crown. As loyal and affectionate subjects of the Queen, and as reverent upholders of the law, we ask you to lay this first stone of a building which we trust may not be unworthy of the great purpose to which it is dedicated.

HIS EXCELLENCY'S REPLY.

GENTLEMEN,—

His Honor the Superintendent having, on behalf of the Province of Canterbury, requested me to lay the first stone of the new Supreme Court House of Christchurch, I feel great satisfaction in complying with this request. I understand that it is the object of the Provincial Government to erect a fabric worthy of the dignity of the law which is to be administered therein, and of the exalted office and high personal character of the revered Judge resident in this district. One of the foremost of the statesmen and philosophers of our race—I mean Edmund Burke—has described the chief magistrates of the British Empire, and that great profession of the law which they guide and adorn, as "another priesthood administering the rites of sacred justice." I doubt not that the new Court House will be fit to stand in the close vicinity of the beautiful building appropriated to the use of the Legislature of this Province. It is certain that fine public edifices are of practical importance and advantage, by elevating and refining the public taste; and it will be generally agreed that Canterbury is in a position thus to adorn the Provincial capital, when it is recollected that the annual revenue of this single Province is already equal to double the revenue of Tasmania, and far exceeds the entire revenues of others of the principal dependencies of the British Crown, such as Malta, Jamaica, and Guiana. In conclusion, I desire to address a few words of friendly sympathy to the artisans and working men, who, by their skilful labour, will raise on the foundation this day laid, a structure scarcely more honorable to the heads that have planned than to the hands which will execute it. Let them recollect that it is from their ranks that many of the chieftains of art and industry have sprung—the Boultons and Watts, the Telfords and Stephenson—and that under the expansive freedom of our Colonial institutions, even more surely than in the parent isles, Britain opens to all her sons a cheering prospect of success and honor, if genius be combined with virtue, energy, and perseverance.

ADDRESS from Mr. Justice GRESSON.

It is my duty, as Judge of the Supreme Court for the Canterbury district, to express to your Excellency the cordial thanks of myself, the members of the bar, and the public generally, for the skilful manner in which your Excellency has laid the foundation stone of the Supreme Court House, and also for the warm interest which you have expressed in the object for which it is to be erected. We have heard from His Honor the Superintendent the reasons why it was most fitting that the Representative of Her Majesty should take the prominent position in these proceedings which your Excellency has done to-day. We all know it is most fitting and appropriate that one holding the position of Representative of the Queen—the conservator of the public peace, the fountain of justice, the vindicator of the law, and the redressor of wrongs—should take a prominent part in proceedings of this nature; but it seems to me that it is not merely the work which is one peculiarly befitting your Excellency's office, but that the place on which we are assembled is also the most suitable that could be found in New Zealand for the occasion. When we recal to mind that we are standing in Christchurch, the capital of the Canterbury Settlement, which owes its existence to John Robert Godley, and that heroic band who founded it with the intention of its becoming a model of England and English institutions, I think no more appropriate site for the building could be found. We all know that the most prominent feature in the English character is the uniform recognition of the supremacy of the law, and respect for its administrators. We know also that this principle, like the oak and other of our valuable timber trees, was of slow growth; that so long as the Judges held their office at the pleasure of arbitrary sovereigns, as fallible men they were liable to be unduly influenced in the discharge of their duties, and that it was not until after the Act of Settlement, by which the tenure of office was changed, and they became immovable save by the Crown upon the address of both Houses of Parliament, that they acquired that independence which has since maintained for the law the honesty and integrity which it now holds, and which has resulted in the perfect confidence with which its administrators are now regarded by the public. It is creditable to the Colonial Legislature that it has upheld the law in a similar manner, and

I think there is record of this in the manner in which it has endeavoured to place the Judges of New Zealand in as nearly as possible the same position as those in England. Your Excellency is probably aware that the first Ordinance under which the Supreme Court Judges were first appointed enabled the Governor to appoint them provisionally in the name of Her Majesty, to hold office during pleasure. By an Act subsequently passed, their office was also made tenable during good behaviour, but they were made removable by the Governor in the name of Her Majesty on the recommendation of both Houses of Legislature. This was very creditable, and it might have been supposed that it would have afforded sufficient guarantee for their independence, but the Legislature were still not satisfied, and by a later Act the Judges were made removable only by Her Majesty in person and upon the address of both Houses of Legislature. I think, then, it is indisputably on record that it is the desire of the Executives and Governments to have justice placed on as nearly as possible the same basis as in England. I am not vain enough to imagine that the eulogies expressed to-day are due to me, but cordially thank your Excellency and His Honor the Superintendent for the desire evinced on this occasion to maintain the Supreme Court in its proper position. Knowing that there are other calls on your Excellency, and, knowing also the short period which you have now to remain amongst us, I cannot detain you longer, and it only remains for me to thank His Honor the Superintendent and his Executive for the promptitude with which they proposed a vote for the building which has this day been commenced by your Excellency. The public know that personally I have not been silent in respect to the absence of proper buildings for a Supreme Court House, but have frequently complained of it, whilst large sums were being lavished on other buildings and expensive undertakings. I must, however, in justice to them, say that the blame does not rest with the present Superintendent and Executive, who, on the contrary, have done all in their power to forward my wishes. I must now conclude by again thanking your Excellency for your presence this day, and for the great interest which you have taken in this matter.

No. 16.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 13.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 30th January, 1869.

I lost no time in referring to my Responsible Advisers your Grace's Despatch No. 120, of the 16th November ult., transmitting "a copy of a letter from the Foreign Office, with its enclosures, respecting the accusation of assisting the escape of convicts from the Chatham Islands, which is stated to have been brought against the captain of the French whaler 'Winslow,' by the *Wellington Independent* newspaper."

2. Mr. Stafford, in a minute which he has submitted to me, observes that the false report in question was inserted in the *Wellington Independent* and other New Zealand journals, without the knowledge or sanction of the Colonial Government, which never, directly or indirectly, accused Captain La Baste of complicity in the escape of the Maori prisoners from the Chatham Islands, and which has no control over, nor responsibility for, statements made in the public press of this Colony.

3. As your Grace remarks, I have already contradicted the report alluded to in my Despatch No. 79, of the 8th August ult.; and I now send an extract from the *Wellington Independent* of this day's date, in which the editor expresses his "regret for having been the unwitting cause of giving pain to Captain La Baste, whose innocence of the charge is placed beyond all doubt."

I have, &c.,
G. F. BOWEN.

His Grace the Duke of Buckingham and Chandos.

No. 17.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 18.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 8th February, 1869.

I have the honor to acknowledge the receipt, on the 27th ult., of your Grace's Despatch No. 127 of the 1st December ult., declining to accede to the request contained in the Resolutions of the New Zealand Parliament transmitted with my despatch No. 100 of the 8th October ult., viz., that the departure of the single Imperial regiment (the second battalion of the 18th Royal Irish) still left in the Colony might be delayed, because its removal,

“ in the present condition of the Northern settlements, would tend to increase the excitement and confidence of the rebellious Maoris, and to discourage those friendly to Her Majesty’s Government,” and because “ this Colony has for many years past constantly fulfilled, and is virtually fulfilling, the condition on which the retention of an Imperial regiment in New Zealand was sanctioned in the Despatch of Lord Carnarvon of the 1st December, 1866.”

2. I am requested by the Colonial Ministers to forward the enclosed Memorandum containing their observations on some parts of your Grace’s Despatch now under acknowledgement.

3. For myself, without in any way identifying myself with the views or language of others, I have never, in my communications with the Colonial Office, concealed my opinion that it is unfortunate that the removal of the single battalion of Her Majesty’s troops now holding some of the towns in the disturbed districts, and thus setting the Colonial Forces free to cope with the rebels in the field, could not be delayed at the existing crisis in the history of New Zealand, and under the circumstances stated in my Despatches No. 80 and 100 of 1868, and on several other occasions. It appears that the Major-General commanding the troops in Australia and New Zealand (Sir Trevor Chute), and the Commodore commanding the naval forces on this station (Commodore Lambert), have arrived, without previous communication with me, at a similar general conclusion; for they inform me that they have represented to the Secretary of State for War and the Lords of the Admiralty respectively, some of the consequences which may follow from the withdrawal, at the present moment, of the last British soldier.

See especially the following Despatches:—
No. 49, of 1868, (par. 16.)
No. 54, 1868.
No. 65, 1868.
No. 116, (par. 10.)
No. 125, 1868.
No. 129, 1868.
Confidential, Dec. 7, 1868.

4. It is, of course, the paramount duty of a Colonial Governor, as the local representative of the Queen, after honestly and fully reporting the facts of the case under consideration, and submitting his own opinion upon it, to carry out loyally and to the best of his ability the instructions of Her Majesty’s Government. Consequently, immediately after receiving your Grace’s Despatch No. 127 of the 1st December ult., I wrote (on the 28th ult.) to General Chute, informing him of the decision therein announced, and repeating the language previously addressed to him in my letter of 22nd August ult. (of which your Grace has already signified your approval), viz., that “ so soon as you (*i.e.* General Chute) receive orders fixing the exact time at which the final withdrawal of the troops will take place, I will readily acquiesce in any measures which you may deem necessary for carrying out those orders forthwith.” I added, in a subsequent letter of the 3rd instant, that every facility in my power would be afforded.

5. As your Grace is already aware, I had taken the precaution of inviting General Chute and Commodore Lambert to pay one of their periodical visits to New Zealand at the present time, for I foresaw that, whatever might be the decision of the Imperial Government with regard to Her Majesty’s military and naval forces here, the presence of the two Commanding Officers would greatly facilitate the execution of that decision. The necessary arrangements were made without loss of time, and when they had been communicated to me, I addressed General Chute (on the 3rd inst.), in the following terms:—“ I understood from you yesterday that, in conformity with instructions received from home, the ‘ Himalaya ’ transport, after embarking at Auckland the head-quarters of the 18th Regiment (including the detachment now at Taranaki), will come round to Wellington, embarking on the voyage the detachment now at Napier. My Responsible Advisers have agreed that the detachment now at Wanganui shall be brought for embarkation to Wellington, on the arrival of the ‘ Himalaya ’ here, in one of the steamers belonging to the Colonial Government, and without expense to the Imperial Treasury. These are the final arrangements which I understand you to propose, and I entirely concur with them, for they appear to be calculated to save expense to the Imperial Treasury, and are in harmony with the decision of Her Majesty’s Government.”

6. Accordingly, after completing his inspection of the 18th Regiment, and issuing the necessary orders for its embarkation for Australia immediately on the arrival of the “ Himalaya,” General Chute yesterday took his final departure from New Zealand. He will shortly be followed by Commodore Lambert, who will proceed to Australia to meet H.R.H. the Duke of Edinburgh at Sydney.

7. In announcing to General Chute the decision of your Grace respecting the removal of the last battalion of the British troops from the Colony, I concluded my letter with the following words:—"I wish to take this opportunity of expressing my sense of the important service rendered by the 2-18th Regiment in holding the towns in which it has been stationed during the present rebellion, and also of the admirable conduct of the officers and men, who have invariably maintained the most cordial relations with their fellow-subjects in this Colony. Their approaching departure is viewed with deep and general regret, both on public and on personal grounds."

8. Hoping that your Grace will approve the manner in which I am carrying out the instructions which I have received,

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

Enclosure in No. 17.

MEMORANDUM by Mr. STAFFORD.

Wellington, 12th February, 1869.

His Excellency's Advisers have read Despatch No. 127, of the 1st December, 1868, from His Grace the Duke of Buckingham, in which he expresses his regret at a severe reverse sustained by the Colonial Forces, but declines to accede to resolutions of the House of Representatives which solicited the retention of one regiment of Imperial Troops in the Colony for a time, upon conditions proposed by the Earl of Carnarvon in his Despatch No. 49, of the 1st December, 1866.

The Imperial Government, it appears, have receded from these conditions, and, although it is uncertain whether it is not still left open to the Colony to retain the single regiment on the new condition of payment of a subsidy of £40 per man, the decision to withdraw the troops is, nevertheless, virtually absolute; for the grounds upon which the Colony has repeatedly declined to pay any large direct subsidy for the services of Imperial Troops remain unaltered. They are briefly these—that those services are expressly not available for carrying out a Colonial policy, whilst the Imperial Government have declined to have any policy of their own in New Zealand. The presence of the troops would not, therefore, relieve the Colony from the necessity of maintaining any part of the force they now employ for active service; and the payment of £40 per head for trained soldiers, although it might have a specious look of economy, would really be an addition to the burdens of the country, without a proportionate addition to its strength. The Legislature, in their resolutions of last Session, did not recede from the principle which they had embraced on many previous occasions. They adhered to the determination to provide out of Colonial resources for the active defence of the Colony. They sought to retain only the moral support of the Imperial flag, which was about to be withdrawn at a critical moment. The Colony necessarily incurs expenditure on Native services, as stipulated by Lord Carnarvon, but cannot find means to pay a direct subsidy for the moral support of an Imperial regiment, and at the same time to provide for the essential active defence of the country. The people of New Zealand are therefore compelled, with regret, and not without anxiety, to witness the removal from their shores of the most conspicuous emblem of British countenance and sovereignty.

Under the circumstances, Ministers would not wish to discuss the decision further, were it not that the Despatch of the 1st December contains statements and arguments meant (in conformity with a not uncommon practice) to administer a reproof to the Colonial Government and Legislature, the justice of which cannot be tacitly admitted.

The fallacious inference contained in the statement that 220,000 Europeans, aided by loyal Natives, are "able to defend themselves, if they make proper arrangements, against a few thousand disaffected Natives of whom a few hundred only appear to be at present in arms," has often been pointed out to the Secretary of State for the Colonies. The statement is true enough literally, and the European population have for three years past been so defending themselves. But the reproach implied, that the colonists are cowardly, and remiss in their exertions, is unjust. It is as if, supposing a force of half a million armed rebels to occupy the centre of Scotland or Ireland, making murderous raids in all directions, the industrious and peaceful inhabitants were, upon asking for a few regiments in Edinburgh or Dublin, to be taunted with the statement that the British Islands contain thirty millions of souls, who with good arrangements ought to protect themselves. Such a taunt, thoughtless in itself, ought not to be cast against a Colony which, under Imperial leaders, has incurred a war debt larger per head of its population than the national debt of Great Britain. Nor is the Colonial Office excusable if it is ignorant that of the 220,000 Europeans in New Zealand, two-thirds occupy the southern Island, safe from menace by savage neighbours; that, of the remaining third, one half occupy the large towns of Auckland and Wellington in almost equal security; and the rest, whose lives and property are at stake, are a bare sixth, living scattered along a coast line of 1,000 miles in length; whilst the disaffected tribes are inland, unencumbered by property or by civilized habits and wants, and their movements covered by dense forests and mountain ranges. Other facts which should be well known at the Colonial Office, as to the proportion of adult males in the two races, magnify the injustice. Those who sneer at the defensive arrangements of the Colony should recollect that when one of England's best generals, at the head of 10,000 British soldiers and 5,000 Colonial auxiliaries, besides friendly Natives, encountered the same foe whom the Colony has now to face (but at a time when that foe was less experienced), the result was neither brilliant nor conclusive. If so, a Colony, exhausted in purse, yet straining every nerve, may be spared sneers for having preferred so modest a request for aid.

“The abandonment by the Home Government of all control over Native policy” was not, as stated by His Grace, “conditional on being totally relieved from any responsibility in respect of the “military defence of the settlers;” indeed, the very contrary is the fact. Nor was that abandonment, as is suggested, a favour conferred on the Colony at its own request, but a burden imposed upon it in spite of earnest remonstrances. When, in 1862, the Imperial Government proposed to abdicate responsibility, the New Zealand Legislature, on the earliest opportunity, deliberately declared their unwillingness to relieve the Empire, and the Ministry who had agreed to the transfer resigned upon the vote then taken. Elaborately prepared Addresses to Her Majesty from both Houses were then passed, setting forth the objections to such a transfer. In the face, however, of these careful protests, the responsibility was thrust upon the Colony, which had no choice but to take it up. But in doing so both Houses of the Legislature used the following emphatic words: “The House * * * * * recognises the thoroughly efficient aid which Her Majesty’s Imperial Government is now affording “for the * * * * * establishment of law and order * * * * * and relying on the “cordial co-operation of the Imperial Government for the future, cheerfully accepts the responsibility, “&c.” Afterwards, in 1864, the experience of the ill effects of divided authority during a war not then ended, led the New Zealand Legislature to propose, as a means of restoring unity to the counsels of the Colony, the withdrawal of the troops, which had already been indicated by the Imperial Government. But even then, at a time when one overpowering evil cried loudly for a remedy, the Legislature held to the opinion that the Empire had yet duties and interests in New Zealand. They looked on time as an element in the question of removal, and, not hastily, but by deliberate amendments on more sweeping proposals of the Government of Mr. Weld, qualified the request for the removal of the troops by the expression “at the earliest possible period consistent with the maintenance of Imperial interests and the safety of the Colony.” Thus His Grace’s statement teems with inaccuracies and anachronisms. The advent of the great army, and the Waikato campaign, were long subsequent to the first, and contemporaneous with the second professed abdication of control over Native affairs. The confiscation policy of 1863 was allowed before the commencement of the withdrawal of the army. The law under which the confiscations took place was left to its operation, not on condition of total relief from responsibility, but upon the amendment of some of its clauses; and the Despatch of Lord Carnarvon, of the 1st December, 1866, offering a regiment without subsidy, was written between two and three years after the allowance of the confiscation policy, and when every act of confiscation had been effected.

The Imperial Government themselves appear, for a long time after declining authority in the matter, to have had an indistinct impression that it was not possible—or not honourable—thus to divest themselves of their duty to the Maori race. Stipulations have been from time to time made that sums should be expended by the Colony for “Native purposes,” in consideration of Imperial military aid. Such a stipulation is the basis of Lord Carnarvon’s Despatch and offer of the 1st December, 1866. This stipulation, though not formally accepted by the Colony, had been constantly complied with in practice, and the services of one Imperial regiment had been enjoyed up to the date of the defeats of the Colonial forces under Colonel McDonnell. The announcement that this last regiment was to leave came about the same time. Then the Legislature, in the distress of the Colony, which was suffering from commercial depression and overburdened finances, as well as from military disaster, resolved to accept formally the terms offered in December, 1866. They did not revoke their decision on the general question, or contemplate the active use of Imperial troops. They exerted every effort to meet their difficulties themselves; but they viewed with anxiety the removal of the Imperial standard at the particular juncture, in the midst of savage warfare, as tending “to increase the excitement and confidence of the rebel Natives, and to discourage those friendly to Her Majesty’s Government,” and stimulating, in fact, an internecine war of races. In the meantime, the Imperial Government seems to have ceased to recognise that it has any duty or responsibility with respect to either one race or the other. The Despatch under review revokes Lord Carnarvon’s offer, strangely asserting at the same time that the Colonial Government and Legislature, in their express acceptance of the conditions dictated by the Secretary of State for the Colonies, “merely requested that a British regiment may be allowed “to remain in the Colony, without any condition whatever.”

His Grace’s statements and reasoning are perhaps good enough to furnish out a foregone conclusion, and their defectiveness is only referred to in defence of the character of the Colony for energy and intelligence, consistency and sincerity.

Along with the total refusal of help, in a time of great trial, the Colony would have learned with lively interest the views entertained by the Imperial Government as to the relations which should for the future exist between the Empire and its distant offshoot. The total silence of His Grace on this subject (for it can surely not be intended that the interchange of condolences and reproaches is to be the only future *novus*), and the absence of any indication of a positive policy, deepen the peculiar impression made by the Despatch of the 13th December last.

For His Excellency the Governor.

E. W. STAFFORD.

No. 18.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 19.) Government House, Wellington,
MY LORD DUKE,— New Zealand, 9th February, 1869.

At the request of my Responsible Advisers, I have the honor to forward herewith a Ministerial Memorandum, covering a copy of a document submitted to your Grace, on the 25th November ultimo, by Mr. Fitzherbert, the Colonial Treasurer, and Agent for this Colony in England.

2. At the same time, I have the honor to transmit a further Memorandum from the Colonial Government respecting the few guns now mounted on the Fort at Auckland.

3. The case to which the attention of Her Majesty's Government is solicited is fully and clearly stated in the enclosed Papers. It is simply asked that, on the entire removal of the Imperial troops from New Zealand, the sites of the barracks, which, it will be seen, were a part of the Colonial estate purchased from the Natives and handed over to the Ordnance Department for the use of those troops, should, with the buildings upon them, be re-transferred to this Colony, which has now to undertake the entire cost of its own defence. It is also asked that the few old obsolete guns mounted on the Fort at Auckland, together with the ammunition and stores belonging to them, should now be handed over to the Colonial Government. Major-General Sir Trevor Chute has informed me that the dilapidated wooden huts of which most of the barracks consist, and the obsolete guns and stores referred to, are of no intrinsic value, and are certainly not worth the cost of removal. Still they would be of some use to the Colony, for their sale or removal would render it difficult even to fire the customary salute on the Queen's Birthday, and would naturally make a very painful impression on Her Majesty's loyal subjects here, especially when they observe the costly material aid in ships and cannon which the Imperial Government has recently granted to Victoria and to other Colonies, the exertions and sacrifices of which are very trifling when compared with those made by New Zealand.

See Return to an
Address of the
Honorable House
of Commons,
April 25, 1860.

4. It will be remembered that the request now submitted by the New Zealand Government is entirely in harmony with the earnest recommendation of Messrs. Hamilton and Godley, in their Report on the Military Defence of the Colonies, dated 24th January, 1860, and published in the Parliamentary Papers of that year. It is believed that this Report has always been considered of high authority, and that it is in many respects the basis of the existing arrangements with the principal dependencies of the Crown. After suggesting that the cost of the defence of each Colony should be divided in equal moieties between the Imperial and the Colonial Governments, Messrs. Hamilton and Godley proceed: "It is almost needless to say that, while persuaded of the feasibility as well as of the advantages of the plan which we recommend, we are not insensible of the difficulties which Her Majesty's Government will meet with in applying it. Nor do we for a moment suppose that it can be brought into full operation at once by a Circular Despatch, followed by the withdrawal of Her Majesty's troops. If it be adopted at all, it should be carried out with undeviating impartiality and firmness; and the Colonies should be made to understand from the first that the decision of the Government on the subject is final and irreversible. But it should also be carried out considerately and with caution. The Colonies will require time to organize systems of local self-defence; and in the meanwhile they should not be deprived of the protection to which we have accustomed them, if it be clear that they have *bonâ fide* accepted the arrangement proposed, and are preparing to act upon it. We venture further to suggest that it would be wise and just to show the utmost liberality to them in making the preliminary arrangements. For example, the Imperial Government possesses, in every Colony, considerable, and often very valuable, property, which has been acquired and retained for the purposes of defence. When the responsibility of that defence is transferred to the Colonies, it is clearly right that the property should be transferred to them also. The same course might be pursued (though on different grounds) with respect to the armament of forts and batteries, and even to the stores which might happen to be on the spot, and appropriated to local purposes. In short, every possible pains should be taken to let the Colonies see that the course decided upon is adopted with a view to the permanent advantage of themselves as well as of the Mother Country, and that there is no wish on the part of the latter to drive what is called a hard bargain with them."

5. In conclusion, I beg most respectfully, but most earnestly, to recommend the enclosed Papers to the favourable consideration of Her Majesty's Government.

I have, &c.,

His Grace the Duke of Buckingham and Chandos.

G. F. BOWEN.

NOTE.—At the present time New Zealand is spending, for defence alone, at the rate of above £200,000 per annum; or of above £400,000, if the interest of the war debt of £3,000,000 sterling is included. It follows that, on the principle suggested in the official Report referred to, and afterwards adopted, to a considerable extent, by the Imperial Government and Parliament, New Zealand might claim the services of at least two regiments of the line, or of an equivalent annual subsidy. I would here venture to remark that it would be a great boon if the Imperial authorities would grant, on the final withdrawal of the Queen's troops, 2,000 Snider rifles, with a supply of ammunition for them (as they are not procurable here), for the use of the Colonial forces.

G. F. B.

Enclosure 1 in No. 18.

MEMORANDUM by Mr. STAFFORD.

Wellington, 3rd February, 1869.

MR. STAFFORD presents his compliments to His Excellency, and encloses a copy of a Memorandum which Mr. Fitzherbert addressed, on the 25th November last, to the Right Hon. the Secretary of State for the Colonies, relative to the defence of this Colony.

This Memorandum fully expresses the views of the Colonial Government on this subject; and as it has been stated that the Major-General Commanding in Australia proposes to dispose of certain barracks in New Zealand, His Excellency is respectfully advised to submit to the Right Hon. the Secretary of State, that the Colony is entitled to have these barracks handed over to it without charge.

The lands on which they are situated either still are, or originally were, part of the Colonial estate, given by the Colony gratuitously to the Ordnance Department, with a view both to the external and internal defence of the Colony; and in some cases (as at Taranaki and Napier) the original cost of the buildings, and in others a contribution towards the expense of repairs and additions, has been defrayed by the Colony.

The Imperial Government having imposed on the Colony the entire expenditure on account of internal defence, for which, as well as for external defence, these barracks and the military reserves are partly available, it can scarcely be supposed that, while withdrawing the regular troops at a time when an active and formidable insurrection against Her Majesty's authority is raging, the Imperial Government intended to weaken the means of defence, by disposing of that which had been specially constructed to promote it.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure to Enclosure 1 in No. 18.

MEMORANDUM by Mr. FITZHERBERT.

Defence.

21, Cockspur Street, 25th November, 1868.

THERE are certain lands, held by the Ordnance Department as sites for barracks and other defensive purposes, as enumerated in the annexed schedule. These were granted gratuitously, and it is submitted that, if the troops are to be withdrawn, and the Colony left to its own resources, these sites should revert to the Colony, and that, as the Imperial Government has had the free use of them for so long a period, they should be reconveyed to the Colony without any demand being made for the buildings which have been erected thereon, the Colony undertaking to provide accommodation for any Imperial troops or stores which might at any future time be required.

The Colony is naturally anxious to know what assistance it may expect to receive towards the protection of the principal seaport towns from external enemies.

Victoria, which has spent within the last ten years scarcely £900,000 for her own protection, and maintains only 3,000 Volunteers, is to receive an armour-plated ship costing £125,000, of which £25,000 only, with cost of armament, is to be contributed by the Colony. A wooden line-of-battle-ship, complete with necessary stores (but not including guns) is further to be given her as a block-ship, and as a training-ship for a local naval force.

In their correspondence the Imperial authorities admit that the efforts of the Colony of Victoria for their own protection entitle them to the liberal consideration of the Mother Country; it is submitted that, on similar grounds, New Zealand has still greater claims than Victoria, or indeed than any other Colony.

Within the last eight years she has spent nearly £3,000,000 on internal defence, and she is now maintaining a regular force of 400 men at about £54,000 a year, and incurs a further expense of £24,000 a year for her Militia and Volunteers, the latter numbering over 4,000 men. It is presumed, therefore, that she might reasonably ask that an armour-clad gunboat, mounting from two to four heavy guns, which could be obtained for about £60,000, should be given her, on condition that the maintenance, manning, and command of the ship should be undertaken by the Colonial Government.

Putting aside, however, for the present, any such application, as possibly involving a greater annual expense than the burdened revenues of the Colony could support, she ventures to ask that a certain number of guns may be granted her for the defence of her principal seaport towns.

Whilst it is not perhaps to be hoped that the Imperial Government would supply the Colony gratuitously with modern rifled guns, which, with stores and ammunition, are, it is believed, worth

from £2,000 to £4,000 a piece, according to size, yet it does ask to be supplied gratuitously with a limited number of large smooth-bore old-pattern guns, of which it is understood that there are a great number lying in store in England, which will never be used by the Mother Country, and which would be serviceable against ordinary wooden ships, and which might be handed over to the Colony, with a limited supply of ammunition.

The Colony should thus, in the event of a sudden declaration of war with any naval power, be somewhat prepared to put itself in a state of defence, whereas, in the absence of any preparation in the time of peace, the Colony would be at the mercy of its enemies for months after the war had commenced.

As bearing on this subject, reference is invited to a schedule of field artillery, which was purchased by the Colony and paid for to the Imperial Government, and then lent to the Imperial troops during the war, as showing the spirit in which the Colony acted with regard to the use of such ordnance as its limited means enabled it to place at disposal.

There is a further question which, although not directly bearing on defence of the harbours, yet relates to it in some measure, and is therefore now brought under notice.

The survey of the coast of New Zealand is incomplete, and although much has been done by the Colony, by the erection of lighthouses, yet the incomplete state of the survey of the coasts is a constant source of danger to shipping frequenting the New Zealand seas.

The petition of the Colony is, that the survey of the coasts of New Zealand may be completed under the direction of the Admiralty, on the same or similar terms on which it is understood that a survey is now being conducted on the coasts of Victoria and New South Wales.

WILLIAM FITZHERBERT.

Enclosure 2 in No. 18.

MEMORANDUM by Mr. STAFFORD.

Wellington, 3rd February, 1869.

ADVERTING to Major-General Chute's letter of the 25th instant, in reference to the battery at Fort Britomart, Mr. Stafford proposes, on the part of the Colonial Government, to take in charge the guns in question, with all the ammunition pertaining to them, for saluting and for service, now in store at Auckland.

It is not anticipated that it is the intention of the Imperial Government to disarm a battery of external defence, or that guns, now obsolete in the Imperial service, should be charged for. It is accordingly advised that an application be submitted to the Imperial Government for the transfer to the Colony of these guns and ammunition, free of charge.

For His Excellency the Governor.

E. W. STAFFORD.

No. 19.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 22.)

Government House, Wellington,

MY LORD DUKE,—

New Zealand, 15th February, 1869.

With reference to my Despatch No. 19, of the 9th instant, I have the honor to forward a copy of a Memorandum submitted to me by the Colonial Ministers, respecting the proposed sale, by the Deputy Superintendent of Stores, of the gunpowder and other military property of the Crown now in New Zealand.

2. It appears that, in the opinion of the Attorney-General of this Colony, such public sale, under the circumstances stated, would be contrary to law. Moreover, the most competent judges are inclined to believe, from previous experience, that there is great danger of a large portion of the gunpowder at least, if disposed of without due precaution, ultimately falling into the hands of the Maoris now in arms against the Queen's authority.

3. I enclose a copy of a letter which I have addressed to Major-General Sir T. Chute, in which I have pointed out that this is a matter of great practical importance during the existing rebellion. I have also informed him that I have submitted, by this month's mail, to Her Majesty's Government, that the barracks, the guns, and the other military stores now in New Zealand should be handed over to the Colonial Government on the final removal of the Queen's troops, in the terms of the strong and express recommendation to that effect made in the Report of the Commission appointed by the Imperial Government to consider the question of the military defence of the Colonies. I have further expressed to General Chute the hope that he will consider it to be consistent with his duty to suspend the disposal of all military stores in New Zealand (otherwise than to the Colonial Government) until he shall learn the final decision of Her Majesty's Government on the entire question.

4. I venture again, in continuation of the remarks submitted in my previous Despatch No. 19, of the 9th instant, to recommend this subject to favourable consideration.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 19.

MEMORANDUM by Mr. STAFFORD.

Wellington, 13th February, 1869.

MR. STAFFORD presents his compliments to His Excellency, and has the honor to draw His Excellency's attention to the enclosed copy of a Notice, dated 25th January, 1869, published in the *New Zealand Herald* of 3rd February, 1869, and signed "J. O. Hamley, Deputy Superintendent of Stores," offering for sale by tender, among other Imperial stores, "any quantity not less than 500 lbs. of fine or large "grain powder." This gunpowder has been offered for sale without the previous knowledge, so far as Mr. Stafford is aware, of His Excellency or any Member of the Colonial Government, and without any precaution against its falling, directly or indirectly, into the hands of Natives now in arms against Her Majesty, or any security being taken that Customs duty, not previously paid on it, should be paid by the purchaser.

The Government are advised that any persons buying this gunpowder would render themselves liable to the penalties inflicted by "The Arms Act, 1860," and a cautionary notice to that effect will be published in the Auckland newspapers.

His Excellency is respectfully advised to communicate with the military authorities in this Colony, and to request that Imperial warlike stores may not, for the future, be sold in the Colony without any previous communication on the subject to the Colonial Government, and security being taken for compliance with the law specially relating to the disposal of warlike stores.

For His Excellency the Governor

I have, &c.,
E. W. STAFFORD.

Sub-Enclosure to Enclosure in No. 19.

POWDER AND OTHER STORES.

Military Store Office, Auckland, 25th January, 1869.

TENDERS will be received by the Undersigned from this date from persons willing to PURCHASE any quantity not less than 500 lbs. of FINE OR LARGE GRAIN POWDER.

Persons tendering are requested to state the quantity required, and their willingness to pay the regulated charge for the packages.

There are also the following Stores, which may be tendered for at the same time:

Wheelbarrows, with wrought iron wheels.

Spare Wheels for ditto.

Spades, Shovels, Scythes, Reaping Hooks, Pick-axes, &c., &c., and other Stores, which may be seen at Fort Britomart.

Tenders for the above or any portion thereof will be received until noon THIS DAY (Wednesday), the 3rd February.

Samples of the whole may be seen at this office.

J. O. HAMLEY,
Deputy Superintendent of Stores.

No. 20.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to His Grace the Duke of BUCKINGHAM.

(No. 23.)
MY LORD DUKE,—
Government House, Wellington,
New Zealand, 20th February, 1869.

For some time past there have been rumours of probable disturbances in the district of the Wairarapa, which begins at a distance of about thirty-five miles east from Wellington. I thought it advisable to choose the present time to pay to this district a short official visit, from which I returned yesterday. I was accompanied throughout my tour by Commodore Lambert and Captain Montgomerie, of H.M.S. "Blanche," and by Dr. Featherston, the Superintendent of the Province of Wellington.

2. The fertile and picturesque valley of the Wairarapa stretches inland from Palliser Bay, and is about sixty-five miles in length, with a breadth ranging from fifteen to nearly forty miles. The European settlers amount to nearly three thousand (3,000) souls. Of this number about eight hundred (800) are adult males, and of these I found about 700, in fact almost every man capable of bearing arms, enrolled in the local corps of Militia and Volunteers. I saw, moreover,

fully five hundred horsemen assembled in one day at Greytown, the principal centre of population in the Wairarapa, and I was escorted through the district by a strong detachment of Volunteer Cavalry. The usual addresses of respect and welcome were presented to me by both the Europeans and Maoris, and a public concert and ball were given in my honor at Greytown. These festivities, as also the horse-races held on one of the days of my visit, were attended not only by the English settlers, but also by the leading Maoris of the neighbourhood.

3. There is a considerable Maori population, including many Hauhaus, in some parts of the valley, and of the slopes of the surrounding mountains. At the usual *korero*, or Native meeting, I was addressed in loyal and pacific speeches by the principal chiefs, who, however, did not conceal their apprehension of the possible invasion of the Wairarapa by the hostile Natives, and of the disastrous consequences which would ensue should Tawhiao take the field, and call the entire Maori race to arms against the English. There can be no doubt but that the Natives generally are watching the progress of events, and in particular the removal of the Queen's troops, with gloomy irresolution, and that very much depends on the success of the negotiations recently entered upon with the view of securing at least the neutrality of the so-called Maori King.

4. Meanwhile, the settlers in the Wairarapa, as in most other parts of this Island, seem to be now prepared to defend, in case of need, their lives and homes. Nearly every able-bodied man in the valley is armed and drilled; while a redoubt and blockhouse have been erected in a central position, as a place of refuge for the women and children, in the event of an outbreak.

5. I may be permitted to take this opportunity of mentioning that, on my journey back from the Wairarapa, I took the opportunity of visiting, at his *kainga* or village, about twenty miles from Wellington, the famous Ngatiawa chief Taringa Kuri (*i.e.* dog's ear), the last survivor of those who had seen Captain Cook on one of his later voyages to New Zealand. The first English settlers in this country state that Taringa Kuri was a very old man on their first arrival here, thirty years ago, and his age is now generally believed to exceed considerably one hundred years. He is extremely feeble, but, in common with his people, he expressed much gratification at my visit.

His Grace the Duke of Buckingham and Chandos.

I have, &c.,

G. F. BOWEN.

No. 21.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.

(No. 26.)
MY LORD,—

Government House, Wellington,
New Zealand, 4th March, 1869.

I have the honor to acknowledge the receipt of your Lordship's Despatch No. 4, of the 18th December ultimo, informing me, in reply to my Despatch No. 97, of the 29th September ultimo, that the Lords Commissioners of the Admiralty have stated that any nautical information or corrections for the Admiralty Charts which the Colonial authorities of New Zealand may furnish, will be gladly received and made available by their Board.

2. I had requested Commodore Lambert to examine the surveys and plans of the New Zealand coasts, as executed by the Marine Surveyor of this Colony, and I now transmit a copy of the letter addressed to me by that officer on this subject. It will be seen that Commodore Lambert highly commends the work that has been already done, and states that he will have much pleasure in forwarding it to the Hydrographer, with a recommendation that the corrections and alterations be adopted in the next chart published of New Zealand.

3. On behalf of the Colonial Government I request your Lordship to convey to the Lords Commissioners of the Admiralty the expression of its gratification at the assistance thus readily granted, and the assurance of its earnest desire to continue to co-operate zealously in a work so useful to British commerce.

The Right Hon. Earl Granville, K.G.

I have, &c.,

G. F. BOWEN.

Enclosure in No. 21.

Commodore LAMBERT, C.B., to His Excellency the GOVERNOR.

H.M.S. "Challenger," at Wellington,
22nd February, 1869.

SIR,—

With reference to your Excellency's letter of the 11th instant, and my reply thereto, I have the honor to acquaint you that I have seen Mr. Woods, examined his surveys and plans of the New Zealand coast, and compared the same with the Admiralty Charts.

The survey is projected on reliable data, and appears to have been executed with great care and accuracy, and the sketches of the different headlands in water-colors render them more distinguishable than in the pen-and-ink etchings usually marked on the charts.

The position of several prominent headlands, hitherto incorrect, have been determined, and the delineation of the coast corrected by Mr. Woods, who has also collected much valuable hydrographical information respecting the same.

I would recommend the completion of the West Coast surveys, and also that the South Coast of the Middle Island, from Cape Saunders to Cascade Bay, and parts of East Coast of the North Island, hereafter mentioned, be resurveyed:—D'Houssez Group, just northward of Mercury Bay, the islands and rocks in and adjacent to the Hauraki Gulf, and additional soundings procured in the Bay of Plenty.

Mr. Woods has brought to my notice the advisability of determining the true meridian of Wellington, to effect which a series of observations should be intrusted to three competent and duly-qualified officers, say the officer in charge of Observatory, the officer in charge of Marine Survey, and the Chief Resident Surveyor, at Wellington; and the result of such work should be forwarded periodically to the Hydrographer of the Navy, together with the longitudes of other positions of the coast surveyed, deduced from the Wellington Observatory meridian, which would be most useful for the safe navigation of these seas.

It is necessary that the work of such observations should also be forwarded for the inspection of the Hydrographer.

I have, &c.,

ROWLEY LAMBERT,

Commodore and Senior Officer.

P.S.—I shall have much pleasure in forwarding Mr. Woods' work to the Hydrographer, with a recommendation that the corrections and alterations be adopted in the next charts published of New Zealand.—R.L.

No. 22.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.

(No. 28.)

Government House, Wellington,

MY LORD,—

New Zealand, 8th March, 1869.

On the 27th January ultimo, I received the Duke of Buckingham's Despatch No. 127, of 1st December ultimo, declining to accede to the request of the New Zealand Parliament that the single battalion (the 2-18th Regiment) of Imperial troops still left in this Colony, should remain here for the present on the conditions offered by the Earl of Carnarvon, and directing the immediate embarkation of that battalion on the arrival here of Her Majesty's ship "Himalaya."

2. Accordingly, as I reported fully in my Despatch No. 18, of the 8th February ultimo, I took forthwith, in concert with Major-General Sir T. Chute, the necessary steps to insure the embarkation of the 2-18th Regiment immediately on the arrival of the "Himalaya," which was then daily expected.

3. On the 24th February ultimo, I received your Lordship's Despatch No. 3, of the 18th December ultimo, informing me of your "entire concurrence in so much of your predecessor's instructions as required the immediate departure of the troops now remaining in New Zealand on the arrival of the 'Himalaya.'" As will have been seen, all the necessary measures to carry out the instructions of Her Majesty's Government, so far as I had any control or authority in the matter, had already been taken before the receipt of this second Despatch.

4. On the 26th February ultimo (two days after the receipt of your Lordship's Despatch referred to in the last paragraph), I received an official letter from Commodore Lambert (of which I enclose a copy), stating as follows:—"Understanding that steps have already been taken by concentrating the 2nd Battalion 18th Regiment at Auckland, for the purpose of embarkation in the 'Himalaya,' I have the honor to inform your Excellency that I have this day received a letter from Captain Piers, commanding that ship, dated 13th instant, at Melbourne, to the effect that Her Majesty's troop ship under his command was ordered by telegraph, received at Point de Galle, not to go to New Zealand, but

“only to embark the 50th Regiment, now stationed in Queensland, New South Wales, and South Australia, and proceed with them direct to England.”

5. On the 28th February ultimo, two days later, another complication arose. I then received the enclosed letter from Major-General Sir T. Chute, sending me a copy of a telegram addressed to him by the War Department, to a similar effect with that addressed to the Naval authorities by the Admiralty, and directing the redistribution of the 14th Regiment in Australia on the removal thence of the 50th Regiment. General Chute further intimated that he had induced (in apparent contravention of both the letter and spirit of the instructions of Her Majesty's Government) the Captain of the “Himalaya” to proceed to New Zealand and remove one wing (five companies) of the 2-18th for distribution in Australia, leaving the other wing (also composed of five companies) at Auckland and Wanganui, in this Colony.

6. A few days later, on the 3rd March instant, a new phase appeared. I then received a second letter (of which also a copy is annexed) from Commodore Lambert, stating as follows:—

“Referring to my letter of the 20th ult., in which I had informed your Excellency that I had received a letter from Captain Piers, of H.M.S. ‘Himalaya,’ acquainting me that at Galle he had received a telegram from the Admiralty, directing him not to come to New Zealand, but proceed to Brisbane, Sydney, and Adelaide, and convey K.O. Regiment to Queenstown, I have now to inform you that, in consequence of the suggestion of the Major-General Commanding in the Australian Colonies, Captain Piers left Melbourne in Her Majesty's ship under his command on the 20th February, and arrived at this place on the 27th.

“As the instructions contained in the telegrams received at Galle by Captain Piers cancelled all former orders to him, he therefore ought not to have come here. I yesterday sent H.M.S. ‘Himalaya’ direct to Brisbane, with orders to proceed from thence, in pursuance of instructions received in the telegram above referred to.”

7. It is presumed here that the arrival in England of the tidings of the massacre in Poverty Bay in last November, and of the very dangerous position of affairs generally in this Colony, caused Her Majesty's Government to cancel the orders previously issued for the removal, in the “Himalaya,” of the single battalion which still garrisons (besides Auckland) the three chief towns in the disturbed districts (*i.e.*, Taranaki, Napier, and Wanganui), and thus, while providing a safe retreat for the wives and children of the settlers, sets free the Colonial forces to cope with the rebels in the field, in the terms of Lord Carnarvon's Despatch No. 10, of February 1st, 1867, “which, in effect, confines the Imperial troops to the duty of garrisoning the main centres of population, and leaves to the Colonial forces the conduct of active operations in unsettled or partially settled districts.”

8. I make no doubt that it is owing to some accident or miscarriage in the mail steamer or in the electric telegraph that no notice whatever of the orders cancelling the former instructions issued respecting the movements of the “Himalaya,” and the intended withdrawal of the 2-18th Regiment, has, up to this date, reached me. For it is naturally felt here (as it will also be felt elsewhere), that to leave the Governor and Commander-in-Chief of New Zealand (as I am styled in my Commission), wholly ignorant of the fresh orders issued to the Officers Commanding Her Majesty's Military and Naval Forces on this station respecting the removal or non-removal, at the present crisis, of the Queen's troops in this Colony, is to place him in a false position, and to lessen the proper authority and influence of his office as the Queen's Representative; and may, while relieving the Governor from all personal responsibility, still prove, in many ways, extremely prejudicial to the public service.

9. It will be seen that, on the 20th ult., I addressed Major-General Sir T. Chute in the following terms:—“I have the honor to acquaint you that Commodore Lambert has this day officially informed me that Her Majesty's Government has ordered the Captain of the ‘Himalaya’ not to proceed to New Zealand,

“ but to embark the 50th (Queen’s Own) Regiment in Australia, and then to return to England.

“ You are aware that my instructions (issued before the massacre at Poverty Bay, and the full danger of the present crisis in the history of New Zealand, had become known at home) were to the effect that the 2-18th Regiment should be removed on the arrival of the ‘Himalaya,’ and that I had taken immediate steps, in concert with yourself, to carry out those instructions forthwith. It now appears that the Imperial authorities, in consequence, it is presumed, of the arrival of later intelligence, have determined to delay for the present the entire withdrawal of the troops. Accordingly, it obviously became my duty (in your absence from New Zealand) to communicate immediately with the Commandant at Auckland, and to request that the detachment at Taranaki should not be removed to Auckland until further orders. Such removal would have entailed considerable expense on the Imperial Treasury, and would now have been contrary to the express instructions of the Secretaries of State for the Colonies and of War, who have signified their approval of Taranaki as one of the places which is to be garrisoned by the Imperial troops so long as any portion of them shall remain in this country.

See Despatches from the Secretary of State for the Colonies to the Governor of New Zealand, No. 6, of Jan. 18, 1868, No. 117, of Nov. 6, 1868, of which copies have been transmitted to Major General Sir T. Chute, K.C.B.

“ You will agree with me that the change in the decision of the Imperial Government with respect to the immediate removal of the 2-18th Regiment is most opportune, if it were only on account of the fresh massacre, on the 13th instant, of the settlers in the north of the Province of Taranaki. The lamentable details have been correctly given in the public journals. It is stated that this massacre was perpetrated by a strong war party from one of the Waikato tribes that adhere to the so-called Maori King; and it is feared that this disaster portends another general rising of the Maoris in that quarter, seeing that the Waikato war of 1863 was also begun by the commission of a number of murders in the Province of Taranaki.”

10. On the 3rd instant, I further wrote to General Chute (after the receipt of his letter of the 19th February) as follows :—

“ Since the above (*i.e.* my letter of 26th February) was written, I have received your letter of the 19th February, enclosing a copy of a telegram from the military authorities at home, which appears to be of a similar purport with that sent by the Lords Commissioners of the Admiralty. Commodore Lambert has informed me that he has decided, without reference to myself or to the Colonial Government, that it is his plain duty to cause the positive orders of Her Majesty’s Government with respect to the ‘Himalaya’ to be carried into execution, and that he will write to you himself on that subject. As the mail for Melbourne is on the point of closing, I have time only to refer you, with respect to the contents of your letter of the 19th February, to my letters of 22nd August and 22nd January ult., and to acquaint you that the Colonial authorities have informed me that they are ready to defray the expense of repairing the barracks at Taranaki. I need scarcely repeat, in conclusion, what I have already written to you on previous occasions, viz., that I shall always be desirous to acquiesce in your wishes so far as my paramount duty of carrying out the instructions of Her Majesty’s Government may permit. The removal of the 2-18th Regiment, if the Imperial authorities shall finally resolve on that course, and its distribution in this Colony, if they decide on temporarily retaining it here, should be carried out strictly in conformity with those instructions.

“ P.S.—I regret to say that the Superintendent of Hawke’s Bay (Mr. McLean) has just sent a telegram, stating that there is great reason to fear that his Province, as well as Taranaki, is threatened with an attack from the Waikato.”

11. I have recently learned that when General Chute first requested Captain Piers, of the “Himalaya,” to proceed to New Zealand, the latter officer declined to disobey his express orders from home. Captain Piers was however afterwards persuaded, at Melbourne, to yield to General Chute’s representations of his desire to remove one wing of the 2-18th Regiment from New Zealand for the purpose of replacing the 50th Regiment at Sydney and Brisbane. As will have been already

seen, Commodore Lambert felt it to be his paramount duty, under the circumstances, and without reference to myself or to any other civil authority, to enforce obedience on the part of a naval officer in his command, to the positive orders of the Admiralty.

12. It will also be perceived that General Chute did not deem it necessary to consult me beforehand respecting his plan of removing one wing of the 18th from New Zealand for distribution in Australia, instead of redistributing there, in pursuance of his instructions, the 14th Regiment; otherwise it would have been my duty to have pointed out to him that his scheme appeared to be a half measure, scarcely in accordance with the views of Her Majesty's Government, which had decided, since the control of Native affairs had been transferred to the Colonial Ministers, to relieve itself of even the semblance of Imperial responsibility that might be connected with the presence of any portion, however small, of the Imperial troops. It is obvious that any Imperial responsibility which can possibly be connected with the ten companies distributed in four of the towns of this Colony, must remain connected with the five companies which General Chute intended to leave at Auckland and Wanganui; whereas the removal of the detachments holding Napier and Taranaki, while those places are threatened by the rebels, and so soon after the massacres recently perpetrated in their neighbourhood, could hardly fail to be followed by deplorable results. In other words, General Chute's policy, without benefitting Imperial interests, would seriously endanger Colonial interests.

Secretary of State
to Governor of
New Zealand,
No. 6, Jan. 18,
1868, No. 117,
Nov. 6, 1868.

13. It appears to me that if Sir Trevor Chute considers himself at liberty, without fresh instructions from home, to alter that distribution of the troops in New Zealand which has been expressly sanctioned by the Secretaries of State for War and for the Colonies, he should temporarily return here, where he can inform himself on the spot of the progress of events, and not issue his orders from so great a distance as Melbourne, with which communication is neither frequent nor regular, and from which it is seldom possible to obtain a reply to a letter in less than a month. At the present crisis, every week may bring a new Maori outbreak in some unexpected quarter, and a fresh massacre of British subjects, with their wives and families. I need scarcely add, that General Chute will always continue to receive every official and personal courtesy and hospitality from me.

14. Again, it appears that the orders issued by the War Department for the redistribution of the 14th Regiment in Australia, on the departure of the 50th Regiment, cannot produce any material inconvenience; for the Governments of all the principal Australian Colonies have signified their desire to dispense altogether with the troops stationed there, if those troops should be required for the safety of their fellow-subjects in New Zealand, while some of those Governments wish to discontinue the payment of the military contribution.

15. In conclusion, I beg permission to repeat what I said in my previous Despatch on the subject of the removal of the troops (No. 18, of the 8th February ult.), viz., that "it is of course the paramount duty of a Colonial Governor, as the local Representative of the Queen, after honestly and fully reporting the facts of the case under consideration, and submitting his own opinion upon it, to carry out loyally, and to the best of his ability, the instructions of Her Majesty's Government." But it is clearly impossible for any Governor, placed (as I am) at the distance of half the circumference of the globe, and in a position of unprecedented difficulty, to carry out the views of the Imperial Government, unless they are fully and regularly communicated to him. I venture, therefore, to express my earnest hope that care will be taken for the future to furnish me, at the earliest convenient period, with full instructions respecting the course to be pursued in all matters involving Imperial interests, and with copies of all orders affecting this Colony which may be issued, either by telegraph or otherwise, to the Naval and Military authorities on this station.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

P.S. I trust that a copy of this Despatch will be sent to the Secretary of State for War.

Enclosure 1 in No. 22.

Commodore LAMBERT to His Excellency the GOVERNOR.

SIR,—

H.M.S. "Challenger," at Wellington, 26th February, 1869.

Understanding that steps have already been taken, by concentrating the 2nd Battalion 18th Regiment at Auckland, for the purpose of embarkation in the "Himalaya," I have the honor to inform your Excellency that I have this day received a letter from Captain Piers, commanding that ship, dated 13th inst., at Melbourne, to the effect that Her Majesty's troop-ship under his command was ordered by telegraph, received at Point de Galle, not to go to New Zealand, but only to embark the 50th Regiment, now stationed in Queensland, New South Wales, and South Australia, and proceed with them direct to England.

I have, &c.,

His Excellency Sir G. F. Bowen, G.C.M.G.,
Governor, &c., Wellington.

ROWLEY LAMBERT,
Commodore and Senior Officer.

Enclosure 2 in No. 22.

Major-General CHUTE to His Excellency the GOVERNOR.

SIR,—

Head-Quarters, Melbourne, 19th February, 1869.

With reference to previous correspondence on the subject of the withdrawal of the 2-18th Regiment from New Zealand, I have the honor to acquaint your Excellency that, in consequence of a telegraphic communication from the Horse Guards, dated 8th January—of which I enclose a copy—I propose, with I trust your Excellency's concurrence, to remove at present only one wing of the 2-18th Regiment from New Zealand, and to carry out this arrangement, H.M.S. "Himalaya" leaves Melbourne for Wellington to-morrow; from thence she will proceed to Napier, embark the two companies 2-18th Regiment, and calling at Auckland for three more companies, will return to Australia, where she will embark the 50th Regiment for England.

Of the wing 2-18th Regiment remaining in New Zealand, I would propose that head-quarters and three companies remain at Auckland, and two companies at Whanganui; and I take this opportunity of observing, that the barracks at Taranaki would not be fit for the occupation of troops during the winter months, without considerable repairs.

I have, &c.,

His Excellency Sir G. F. Bowen, G.C.M.G.,
New Zealand.

T. CHUTE,
Major-General.

Extract.

From London to Ceylon—from Quartermaster-General, London, to General Commanding.

"Send following by 'Himalaya' to General at Australia. Governor of Government has decided that under any circumstances Fiftieth is to come home in 'Himalaya,' even if Eighteenth Foot is temporarily retained Zealand in New—which case Fourteenth must be redistributed in Australian Colonies.

"8-6-35 p.m. 9-17-27."

True Extract.

F. J. HUTCHISON, Captain,
D.A.Q.M.G.

Copied verbatim from telegram.

G. HYDE PAGE,
D.Q.M.-General.

Enclosure 3 in No. 22.

Commodore LAMBERT to His Excellency the GOVERNOR.

SIR,—

H.M.S. "Challenger," at Wellington, 3rd March, 1869.

Referring to my letter of the 26th ultimo, in which I informed your Excellency that I had received a letter from Captain Piers, of H.M.S. "Himalaya," acquainting me that at Galle he had received a telegram from the Admiralty directing him not to come to New Zealand, but proceed to Brisbane, Sydney, and Adelaide, and convey K.O. Regiment to Queenstown, I have now to inform you that, in consequence of the suggestion of the Major-General Commanding in the Australian Colonies, Captain Piers left Melbourne in H.M.S. under his command on the 20th February, and arrived at this place on the 27th.

As the instructions contained in the telegram received at Galle by Captain Piers cancelled all former orders to him, he therefore ought not to have come here. I yesterday sent H.M.S. "Himalaya" direct to Brisbane, with orders to proceed from thence, in pursuance of instructions received in the telegram above referred to.

I have, &c.,

His Excellency Sir G. F. Bowen, G.C.M.G.

ROWLEY LAMBERT,
Commodore and Senior Officer.

Copy of Telegram.

"Admiralty to Captain Piers,—

"You do not go to New Zealand, but proceed to Brisbane, Sydney, and Adelaide, and bring K.O. Regiment to Queenstown."

No. 23.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 29.)
MY LORD,—
Government House, Wellington,
New Zealand, 9th March, 1869.

In my Despatch No. 18, of the 8th February ultimo, I mentioned that I had felt it to be my duty to bear my testimony to the excellent conduct of the officers and men of the 2nd Battalion of the 18th Royal Irish Regiment. I sent a copy of my communication on this subject, addressed to Major-General Sir T. Chute, to the Commandant at Auckland (Lieut.-Colonel Elliot), and I now enclose a copy of his reply.

2. It will be gratifying to observe the cordial terms existing between the officers and men of the last British regiment left in New Zealand and their Colonial fellow-subjects of all classes.

The Right Hon. Earl Granville, K.G.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 23.

Lieut.-Colonel ELLIOT to His Excellency the GOVERNOR.

SIR,—

Auckland, N.Z., 22nd February, 1869.

In acknowledging your Excellency's letter of the 13th inst., I trust you will permit me, on behalf of the battalion under my command, to offer you our best thanks for the very flattering manner in which you have referred to the services and conduct of this battalion in your Excellency's communication under reply.

Having, personally, merely watched the ripening of the fruit sown by my predecessor in this command, Lieut.-Colonel Roche, I considered myself at liberty the more warmly to congratulate this battalion on the goodwill with which their conduct has inspired those with whom they have been associated; and for the same reason I am now emboldened very respectfully to submit to your Excellency, copy of the orders in which I have drawn attention to the letter conveying the expression of your Excellency's approval.

I have &c.,

GEORGE A. ELLIOT, Lieut.-Colonel,
Commanding 2nd Bat., 18th Royal Irish Regiment,
and Commandant in N.Z.

His Excellency Sir George F. Bowen, G.C.M.G.

District Orders, 22nd February, 1869.

1. The Commandant has much pleasure in publishing in orders the following letter which his Excellency the Governor has done him the honor to address to him.

Regimental Orders, 22nd February, 1869.

1. In inviting attention to His Excellency's letter of the 13th inst., Lieut.-Colonel Elliot deems it but just to the men who now compose the 2nd Battalion 18th Royal Irish Regiment to avail himself of this mode of placing on record the high character which they have earned for their regiment in the towns in which they are at present or have recently been quartered.

During the past year he has had the pleasure of receiving from His Lordship the Bishop of New Zealand and Lichfield, and from His Honor the Superintendent of Hawke's Bay, their personal assurances of the esteem in which the detachments at New Plymouth and Napier were then held.

The very general demonstrations of regret which attended the departure of the two companies from Wellington evinced that the people of that City indorsed the encomiums with which His Excellency the Governor was at that time pleased to honor Captain Dawson's detachment; and newspaper notices have since shown that at Wanganui the same companies continue to merit the regard of their fellow-townsmen.

In Auckland, the excellent conduct of the head-quarters of the battalion is constantly praised by the citizens, and has, on all suitable occasions, been testified to by the Resident Magistrate and Commissioner of Police.

But it is not alone because of the elevated positions of the witnesses who have thus, unsolicited, come forward to do honor to the corps, nor because, being themselves men famed for manliness and social worth, it is the more to be prized, that the Commanding Officer congratulates the battalion on possessing their approbation. He is sure that all under his command will derive even a higher gratification from the feeling that, as the last British troops which it is probable will ever be quartered in New Zealand, they have, by their conduct, erected here a monument worthy the traditions of the noble army to which they belong, and an enduring record to which the Irish colonist may refer with pride, should the ignorant wrongly attribute to his nation any sympathy with the disloyal acts perpetrated in the name of his race by the wretched dupes of designing aliens.

G. A. ELLIOT,
Lieut.-Colonel.

No. 24.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No 30.)

Government House, Wellington,
New Zealand, 11th March, 1869.

MY LORD,—

At the request of my Responsible Advisers, I have the honor to transmit herewith, and to recommend to early and favourable consideration, the enclosed Ministerial Memorandum, inquiring on what conditions a portion of Her Majesty's regular troops may be retained in New Zealand.

I have, &c.,
G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

Enclosure in No. 24.

MEMORANDUM by MR. STAFFORD.

Wellington, 11th March, 1869.

MR. STAFFORD presents his respectful compliments to His Excellency, and has the honor to observe that the correspondence relative to the conditions on which a portion of Her Majesty's regular troops might be stationed in New Zealand has assumed so many different aspects during successive changes in the office of Secretary of State for the Colonies, as well as of Colonial Ministries, since the question was first discussed, as to render it difficult to understand clearly at the present moment on what conditions those troops might remain in New Zealand, should the Colony desire to retain them.

As, doubtless, in the present very critical state of the Colony, the attention of the Legislature during the ensuing Session will be directed to the question, it is essential that there should be no misapprehension as to the terms on which troops could remain in New Zealand.

Mr. Stafford has accordingly the honor to request that His Excellency will obtain information on the following points:—

1. Will one regiment be allowed to remain if the Legislature bind itself to accept the conditions specified in Lord Carnarvon's Despatch No. 49, of the 1st December, 1866—namely, that a grant of £50,000 per annum for Native purposes be continued?

2. If not, then what payment per head for each officer and man would be required; and would more than one regiment be left if paid for by the Colony?

3. If troops are retained, could they, when directed by the Governor, be employed in active operations in the field to suppress insurrection?

4. If not allowed to be employed in the field, would they be allowed to occupy, in sufficient numbers, positions to act as supports to Colonial outposts, though not required to take part in active operations; and would the Governor be empowered to determine at what posts they should be stationed?

5. If full discretion is not allowed to the Governor, might troops be stationed at such of the following posts as he might indicate—namely, Auckland, New Plymouth, Wanganui, Wellington, Napier, Tauranga, Ngaruawahia, Taupo, Patea; and what would be the minimum strength of a detachment stationed at any of the four last-named places?

For His Excellency the Governor.

E. W. STAFFORD.

No. 25.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 31.)

Government House, Wellington,
New Zealand, 11th March, 1869.

MY LORD,—

With reference to my Despatch No. 30, of even date herewith, transmitting a Ministerial Memorandum inquiring on what conditions a portion of Her Majesty's regular troops may be retained in New Zealand, I am further requested by my Responsible Advisers to transmit the enclosed Memorandum relating to the occupation of the confiscated lands.

2. My own opinion on this question was submitted in my Confidential Despatch of 7th December, 1868, paragraph 15, as follows:—"It was remarked above (paragraph 7) that, in the same sense in which the annexation of the entire territories of the King of Oude was one of the causes which led to the Indian Rebellion of 1857, so the confiscation of a *small portion* of the land of the rebel Maoris may have been one of the causes of the continuance of the Maori war, which has now raged in New Zealand, with little intermission, since 1860. The map which I transmitted with my Despatch No. 22, of 17th March ult., will show that the confiscated land embraces but a small part of the surface of the North Island. Much of it, moreover, has been already restored. It appears to be

“ admitted on all sides that forfeiture of land was a just punishment for rebellion, “ accompanied with cruel murders and other horrible outrages; and that it was “ also a punishment in accordance with Maori usage, as well as with the laws of “ civilized nations. But it also seems to be now generally admitted that it was “ imprudent at the present time to occupy with settlers distant and isolated “ positions, such as, for example, Patea on the West, and Opotiki on the East “ Coast, both these districts being in the immediate neighbourhood of the “ most hostile tribes, and of the most impenetrable mountains and forests. In “ fact, what the Secretary of State for the Colonies (Mr. Cardwell) foretold “ in his Despatch No. 54, of 20th April, 1866, to my predecessor, Sir G. “ Grey, has now come to pass. Mr. Cardwell then pointed out that ‘ if the “ ‘ proposed new settlements were too far advanced beyond the country already “ ‘ occupied, it might prove impossible to abandon them without discredit, or “ ‘ to protect them without disproportionate expense.’ On the whole, I am “ disposed to concur with those who argue that the Military Settlements ought “ to have been placed mainly, if not solely, on the open and easily defensible “ Waikato Plain, and to have been protected by a line of posts drawn across the “ North Island (advantage being taken of the nature of the ground) from the sea “ at Aotea or Whangaroa on the West Coast, to the sea at Tauranga on the East “ Coast. A frontier might thus have been secured analogous to the old Roman “ frontier between the Firths of Forth and Clyde.”

3. This subject is now engaging the earnest consideration of the Colonial Government.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

Enclosure in No. 25.

MEMORANDUM by Mr. STAFFORD.

Wellington, 11th March, 1869.

WITH reference to his Memorandum of this day's date, Mr. Stafford would observe, as connected with the subject, that the present Colonial Government is of opinion that it would be impolitic to attempt to extend settlements in isolated parts of the confiscated lands; and further, that it has for some time had under consideration the policy of extending the liberality which has already been shown to Natives who have been dispossessed of portions of their lands as a consequence of previous aggression on their parts.

For His Excellency the Governor.

E. W. STAFFORD.

No. 26.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.

(No. 32.)

Government House, Wellington,

MY LORD,—

New Zealand, 12th March, 1869.

In continuation of my Despatch No. 24, of the 22nd February ult., I have now the honor to forward herewith a Memorandum submitted to me by Mr. Richmond, the Minister for the Native Department, showing the progress of the Maori War, and the general condition of Native Affairs at the present time.

2. It will be seen that Mr. Richmond observes that “ amidst these continued “ outrages and alarms which are paralyzing the industry of large districts, the “ consideration which has led the Imperial Government to delay the removal of “ the 18th Regiment and of the national flag from these shores is appreciated by “ the Colony, and will increase the loyalty and cordiality of the reception which “ awaits His Royal Highness the Duke of Edinburgh.”

3. It is universally felt that it would have been very unfortunate, for many obvious reasons, if the last British soldier had been withdrawn on the eve of the Duke of Edinburgh's arrival. Moreover, the general feeling of the principal Maori chiefs naturally resembles that of the great Indian princes. One of the most able and observant of the writers on British India has remarked that “ Hyder Ali and Runjeet Singh, the Hannibal and the Mithridates of India, had

“ often in their mouths the same phrase concerning the power of the English. They feared, they would say, not what they saw, but what they did not see. Jung Bahadoor, the far-famed Mayor of the Palace of Nepaul, when the first dull rumour of the coming crisis began to be bruited, paid a visit to England on purpose to learn for himself what the state of the case really was; and returned, firmly resolved not to take part against a power which could raise, at a pinch, hundreds of millions of money, and hundreds of thousands of men.” So the single battalion of Imperial troops still left in New Zealand, though it is restricted to garrisoning the towns, and takes no part in the fighting, still is, in the eyes of the Maori chiefs, a symbol of the power and protection of the Queen.

4. With reference to Mr. Richmond’s observations respecting the so-called Maori King, it will be recollected that in my Despatch No. 49, of 30th June, 1868, I wrote as follows:—“ It appears to be very generally agreed, that since the authority of the Crown and of the law was not established throughout the interior of this country while there was an English army of above 10,000 men in New Zealand, the attitude of the Colonial authorities towards Tawhiao and his adherents must, and ought to be in the main defensive; that it is at once more politic and more humane to outlive the ‘ King movement,’ than to endeavour to suppress it with the strong hand; that the turbulent Natives should receive every encouragement to live peaceably; but that murderous onslaughts, whether on the Europeans or on the friendly Maoris, should be punished with the rigour necessary to prevent a recurrence of unprovoked aggressions. Many of the leading politicians of New Zealand are convinced that the King movement, in its early stages, might have been made an instrument for elevating the Native race, by the introduction of institutions subordinate to and in harmony with the European Government of the Colony. It has been suggested that a Native Province might have been created, to be ruled, like the territories of the semi-independent Rajahs in India, nominally by a great Maori Chief, but really by the advice and influence of a British Resident or Commissioner.”

5. In my “ Confidential ” Despatch of the 7th January ultimo, I added: “ In common with all the leading public men of the country, I am convinced that it is of vital importance to endeavour to come to a peaceful understanding, not inconsistent with the sovereignty of the Queen, with the so-called Maori King; by which title his adherents appear to mean nothing more than a great chieftain and magistrate, analogous to the semi-independent Rajahs of British India. All feel that it would have been more satisfactory if Tawhiao could have been brought to submission while there was in New Zealand, in addition to the Colonial forces, an army of 10,000 British soldiers; but all agree that since his conquest was found impracticable then, it would be worse than folly to attempt it now by the unaided efforts of the Colonial forces alone. Accordingly, in common with my Responsible Advisers, I have readily taken advantage of an opportunity which recently presented itself for opening what may perhaps prove a friendly communication with Tawhiao. I enclose a minute of my conference, on the 29th ultimo, with a Waikato chief who is one of his principal emissaries; and it is possible that he may be willing to visit me himself at an early period, and to meet His Royal Highness the Duke of Edinburgh on his arrival in New Zealand. At all events, the importance of securing King Tawhiao’s neutrality during the existing crisis can scarcely be over-estimated.”

6. I now annex a copy of the letter which I have addressed to Tawhiao by the hands of his emissary, referred to in the last paragraph; also of the letter addressed to him, at my instance, through the same channel, by Wi Tako and Tamihana te Rauperaha, two of the loyal chiefs who recently accompanied me to Canterbury. Their object is to induce Tawhiao to meet the Duke of Edinburgh. The result is not yet known. There can be little doubt but that the Maori king himself is disposed to peaceful counsels. Still he, like several of the Indian princes in 1857, when placed in a somewhat similar position, may ultimately have to yield to the violence of the barbarous warriors and fanatical Hauhau warriors by whom he is surrounded.

7. It will be seen that the question of the proper method of dealing at the present crisis with the King movement, as well as with the confiscated lands, is now engaging the earnest consideration of the Colonial Government.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

P.S.—15th March.—I regret to state that since the above Despatch was written, a report has reached Wellington of fresh murders having been perpetrated by the rebel Maoris—this time near Opotoki, on the East Coast of the North Island. The details will not be known here until after the departure on this day of the monthly Suez mail. In my “Confidential” Despatch of the 7th December ultimo (paragraph 14), I wrote as follows:—“It may appear strange to superficial or ill-informed observers that the English settlers in the North Island are unable of themselves to subdue the Maoris, seeing that their numbers are as two to one,—about 80,000 Colonists to 40,000 Maoris. But it will be remembered that the Maoris were not subjugated during the years when an English army of nearly ten thousand (10,000) regular soldiers, in addition to the Colonial forces, was employed in this island. Moreover the great majority of the settlers in New Zealand are emigrants from the labouring classes in England, and had probably never carried arms of any kind until they found themselves enrolled in the Colonial Militia. On the other hand every Maori is a born soldier, strong, fleet, and intrepid, accustomed from his infancy to the use of weapons and to the sight of blood, and trained to great skill in bush-fighting by the guerilla warfare of the last eight years. Again, the Colonists occupy settlements placed along and near the sea shore—they occupy as it were the circumference of a circle, whereas the Maoris are entrenched in the most impenetrable mountains and forests in the centre, whence they can send forth forays in every direction. It will be further recollected that in 1745, 4,000 Highlanders easily conquered all Scotland, except the few fortified posts garrisoned by English troops, although the Lowlanders were infinitely more numerous in comparison to the Celts than the British Colonists in New Zealand are in comparison to the Maoris, and though the Lowlanders also were excited against their assailants by the animosities which sprang from differences of race, language, and religion.

* * * * *

“So British authority would have been practically annihilated if the British troops had been removed from Scotland during the rebellions of 1715 and 1745, and if the Hanoverians had joined the Jacobite clans. So, too, the English would have been driven out of all India (except, perhaps, the Presidency cities) in 1857, if the European army had been withdrawn, and if the Sikhs, together with the Nizam and the other loyal Native princes, had joined the Sepoy mutineers. The Bishop of Lichfield (Dr. Selwyn) has remarked on more than one occasion, that there is, in the present condition of this Colony, nothing which is new to the student of the history of other countries where formidable aborigines had recently been brought into contact with alien invaders or settlers.”

2. To the above remarks it may be added that very much depends during the present crisis on the personal action of the so-called Maori King. There is a comparatively small number of women and children among the Maoris; but it is estimated that if Tawhiao were to put himself at the head of the general rising of his race, he could bring from 10,000 to 15,000 practised guerilla soldiers from the central highlands against the European settlements. Now of the 80,000 Europeans of both sexes and all ages in the North Island, about 30,000 live in the five principal towns of Wellington, Auckland, Napier, Taranaki, and Wanganui, of which the four last are still garrisoned by detachments of the 18th Regiment. The remaining 50,000 Europeans are dispersed in solitary farms or small hamlets, chiefly near a coast line as long as that of Ireland. The enrolled Militia and Volunteers (embracing the bulk of the adult European population capable of bearing arms, but practically available only for the defence of their respective districts), number about 9,000 officers and men. After diligent recruiting throughout New Zealand and in Australia, the Colonial Government has been unable to raise its permanent

force of Armed Constabulary to above 2,000 men. It will be recollected that the army of 10,000 regular troops, recently maintained in New Zealand, in addition to the Colonial forces, failed to reduce the hostile Maoris to submission. It cannot, of course, be expected that the raw and ill-provided Colonial levies should succeed in accomplishing the work which was not achieved by a much larger number of regular troops, amply furnished with all the means and appliances of modern warfare.

3. Personally, I am inclined to agree with those who argue that an army of 10,000 Imperial troops should not have been sent to New Zealand; but that, having been sent, it should not have been removed before the Queen's authority had been established throughout the country. It is believed that the invasion of the Waikato in 1863 by General Cameron's army aroused the national hatred of the Maoris, while the withdrawal of that army, before a single leading chief or tribe that had been in arms against the Crown had formally tendered submission, went far to excite the national contempt of the Maoris. To refer to a somewhat analogous example: it has been asked what would have been the result in India, if Lord Clyde's army had been finally withdrawn from Oude before any one of the Talookdars or Native chiefs, who besieged our garrison at Lucknow, had been reduced to submission?

G. F. BOWEN.

Enclosure 1 in No. 26.

MEMORANDUM by MR. RICHMOND.

Wellington, 12th March, 1869.

THE following notes on the condition of Native Affairs, are submitted in continuation of similar Memoranda already furnished at His Excellency's desire.

During the past two months, three great strongholds of the Hauhau chiefs have fallen into the hands of the Colonial forces. On the East Coast, Ngatapa, the hill fortress of Te Kooti, was reduced by Colonel Whitmore on the 5th of January; and on the 3rd of February, the stronghold of Titokowaru on the West Coast, near Nukumaru, called Taurangaika, was abandoned by its garrison before the advance of the same officer. Proceeding onwards, Colonel Whitmore destroyed the pa at Moturoa, which had also been deserted.

Notwithstanding these reverses, the animosity of the violent Hauhaus has been little checked. Within a month of the fall of Ngatapa, and the destruction of a very large proportion of its garrison, Te Kooti reappeared with the remnant of his band at Waimana, or Waiioeka, near Opotiki; where he has been joined by a few more allies, and now threatens the settlements on the Bay of Plenty.

On the West, Titokowaru, though unable to hold his pas, and pursued by Colonel Whitmore in the forest, has continued his resistance, laying ambuscades and cutting off stragglers. Another tribe has moreover commenced active hostilities at Taranaki. A party of the Ngatimaniapoto, a tribe bordering on that settlement, whose lands have not been invaded or confiscated, have come down to the frontier and murdered eight persons. Among them were Mr. Whitely, a venerable Wesleyan missionary, one woman, and three children. The majority of the Ngatimaniapoto, whose territory stretches from the coast to the Waipa River, have always belonged to the violent section of the King party, and have resolutely opposed the pacific policy of the King, whose authority and influence have barely sufficed to restrain them hitherto. There is reason to believe that the recent outrage was perpetrated with the deliberate purpose of forcing on a general struggle between the King Natives and the Colonists, and of preventing overtures of peace which it was believed Tawhiao intended shortly to have made.

The news of the Taranaki massacre was immediately followed by menaces to the Waikato settlements, and active preparations have been made to meet the impending attack.

A gathering of tribes is probably at this moment taking place at Taupo; the avowed object of which is to determine the question of peace or general war. The tribes now friendly to the Colony have had notice to declare their sides on this occasion. It is reported, but not on absolutely good authority, that the Taranaki massacre has induced the King to discourage this gathering, which may therefore break up without resolving on anything.

Amidst these continued outrages and alarms, which are paralyzing the industry of large districts, the consideration which has led the Imperial Government to delay the removal of the 18th Regiment and the national flag from these shores is appreciated by the Colony, and will increase the loyalty and cordiality of the reception which awaits His Royal Highness the Duke of Edinburgh.

Other circumstances of special Imperial interest, which for the moment connect themselves with Native troubles, make the temporary retention of the 18th Regiment desirable. Within the last month it has been discovered that there exists amongst the diggers in the Auckland Gold Fields a branch of the Fenian organization. Persons in that connection have made treasonable overtures to the Hauhau proprietors of some lands reported to be auriferous, with a view of obtaining a monopoly of gold mining thereon. These persons have informed the hostile natives that they are neither English nor Scotch, but inhabitants of another island; that they belong to the party who in Sydney shot the Duke of Edinburgh; that like the Maori they hate the British rule, and are prepared to make common cause with King and Hauhau to overthrow that rule in New Zealand. It is said, on reliable authority, that a person wearing a uniform with I.R. on the buttons, and a green sash, had sent a present of money and a flag to Tawhiao.

Since the above notes were written, a copy of a letter purporting to have been signed and circulated by the Maori King has been sent to the Government. It is of the usual enigmatical character of such manifestos. Some of those who have read it interpret it to be pacific; but others take the opposite view; and some Native reports connect it with an alleged order for a general rising.

The Government, whilst preparing for a general struggle, are making renewed attempts to remove the suspicions of the moderate party, and will meet any pacific overtures that may be made in a liberal spirit. It would not be prudent to place on record at present the precise steps taken or under consideration for this purpose.

For His Excellency the Governor.

J. C. RICHMOND.

Enclosure 2 in No. 26.

THE GOVERNOR OF NEW ZEALAND TO TAWHIAO.*

Government House,

Wellington, January 8th, 1869.

O FRIEND,—

Salutations to you, the representative of your father, who is dead. I now write to you for the first time, for I have seen one of your people, who came from Tokangamutu, and we have conversed together.

Rapihana Te Otaota came here; he came to my house, and he told me the words contained in the Proclamation issued by you to the Chiefs who are living at peace on the West Coast of this Island.

These are the words of that Proclamation which Te Rapihana told me:—

- “ 1. The sword has been sheathed.
- “ 2. The leasing of land is to be at an end.
- “ 3. The selling of land is to cease.
- “ 4. The digging for gold is to cease.”

There is only one important word in that Proclamation, and that is the word about the sword; the other words are unimportant and easy. I have a word to say about the sword.

O, friend, I am very much pleased to hear that your sword is sheathed. Mine also is sheathed, but it has not been lifted against you, or any other persons who are living at peace with the Queen, and in friendship with their neighbours.

I did not come here to fight; I was sent hither by the Queen to bring words of peace to all men. Enough of this. Te Kooti and Titokowaru turned upon me, and what could I do? Such men must be punished: men who murder unarmed men, women, and young children; cannibals must be punished, and men who burn houses, and destroy everything that comes in their way. If they are not punished according to law, New Zealand will become uninhabitable; for murders have been committed in the night, and if the murderers are not punished, to put an end to such deeds, neither Pakehas nor Maoris can sleep safely in their houses under the shadow of Heaven.

But as for you, Ó Tawhiao, I have no quarrel with you. I know that your word has gone forth to your people to live quietly, and keep the peace. I have no wish to draw the sword with you. My desire is to see you, that we may talk together face to face. Here the word about the sword ends.

In May next the Queen's son (the Duke of Edinburgh) will arrive in Auckland. If you are willing to welcome him, it is well; I will present you to him. And you may depend upon this: that you will be treated with every respect and courtesy, for you are the son of that great Chief, Potatau Te Wherowhero, who never fought against the Queen, and who was the friend of all the Governors sent here by the Queen, up to the day of his death.

Respecting your words about the land; the selling, leasing, and digging for gold; I believe that these words refer to the lands belonging to yourself, and those who think with you. All persons, whether European or Maoris, will be allowed to do as they please with their own lands or other property. And, O, friend, Rapihana agreed that it would not be just, nor would it be possible to tell (for example) Taipari, of the Ngatimaru Tribe, to shut up his land, to drive off the gold diggers, and to return to them the four thousand pounds which he receives from their hands and the hands of other Europeans, for permission to work his land. Taipari would not consent to that. It would not be just moreover, to ask the Chiefs of the Ngatikahungunu Tribe, Tareha, Te Hapuku, Karaitiana, and Renata, to take back their lands, and drive off the sheep-farmers, and return to those Europeans the rent of twenty-six thousand pounds a year; to abandon their good wooden houses, their carriages, their fine clothes, their good food, and all their good things. They would never consent to do this.

If you, or any other person, do not wish that Europeans should go upon your land to feed cattle and sheep, or to dig for gold, they will not be allowed to do so; but Maoris who wish for money, for clothes, for good food, cannot be prevented from taking money from the Europeans in payment for their lands.

If Europeans wish for land, who can keep them back, when the Maori owners of the land themselves request them to settle on it?

But these things will be subjects for discussion between us when we meet.

One word which Rapihana spoke was very good. This word was, that you are anxious that there should be a clear space between the Governor and you, so that the evil men who are now disturbing the peace may be left outside on the right and on the left, in order that we may be able to see each other plainly along that road. This is also my word. Let us work together, in order that it may be carried out, so that the clouds which have so long hung over this fair land may be dispelled, and that the sun may again shine forth brightly on New Zealand, bringing to us all, to the European and the Maori alike, peace, union, and happiness.

* This letter is a literal translation from the Maori copy sent to Tawhiao, and which was drawn up with the aid of persons deeply skilled in the Native customs and feelings.—G.F.B.

Salutations to you, O my son. May you be well in this new year. May God protect us all, and make this a good year. Let war, and all other evils, be cast behind us with the year which has just ended. Sufficient for the present from your friend,

To Tawhiao, Tokangamutu.

G. F. BOWEN,
Governor.

Enclosure 3 in No. 26.

TAMIHANA TE RAUPERAHA and others to TAWHIAO.

To Tawhiao Matutaera Potatau,
To Rewi Maniapoto,
To Tamati Manuwhiri Ngapora,
To Te Wetini Pakukawhatu,
To Reihana Te Ngohituarau.

O FRIENDS,—

Horo Parihi, Otaki, 28th January, 1869.

Salutations to all of you, and to the tribe. The remembrance and the love towards you have been very great during the many years which have passed away, even to this year 1869, when the promptings of the heart of love towards you are very strong; therefore we, your relatives, living at the southern end of our Island, pray to you to let the thought of the whole Island be one, that a firm peace may be established between the son of Queen Victoria the great Chief of England, Governor George Ferguson Bowen, and Tawhiao, the son of the great Chief of Waikato—Te Wherowhero Potatau.

This is a prayer from us to you, that you invite us to go to the place where you are residing, Tokangamutu; we will go inland by the road to Otairi in Rangitikei. If the thought of our prayer to you to allow us to go to see you, and talk to you face to face, thereby increasing the love for us and the whole Island, is clear, do you send back Te Rapihana. If the words of our letter are clear to you be quick, in order that we may be able to visit you in March. Sufficient are our words to you, and to the whole tribe.

From me,

TAMIHANA TE RAUPERAHA,
and others.

No. 27.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 34.)

Government House, Wellington,

MY LORD,—

New Zealand, 13th March, 1869.

The letter of which I enclose a copy herewith was written in September last by the Reverend John Whitely, a venerable and respected missionary, who was one of the victims of the recent massacre in the Province of Taranaki, where he was cruelly murdered on the 13th ultimo, by the Natives among whom he had been labouring for thirty-five years.

2. I am informed that much reliance was placed on Mr. Whitely's opinions respecting the feelings of the Maoris, on account of his sober judgment, and of his long familiarity with them.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

Enclosure in No. 27.

LETTER from the REV. JOHN WHITELY.

30th September, 1868.

DURING the thirty-five years I have been in New Zealand, I never felt so desponding as at the present time. The war with the Natives, which began more than eight years ago, is still going on! To-day a steamer has arrived from the southern part of this Province, bringing the men that were wounded in the last engagement, and the intelligence that the rebel Natives are threatening the adjoining Province. Wanganui settlement is in danger, the Militia is called out, and the people are in a sad state of alarm. On the East Coast, too, things are in a very unsatisfactory state, and it is feared that the few Colonial troops that were taken from thence to assist in quelling the rebellion here, will have to hasten back to fight for their own hearths and homes—those of them, at least, who have not fallen in the strife here. And in the meantime farming operations are suspended; stagnation, poverty, and despondency prevail. The object of the rebel Natives in the south is to clear that part of European settlers, doubtless intending when that is accomplished to try their hand here or elsewhere. The consequence is that hundreds of persons who would otherwise have been diligently employed in cultivating the lands of this neighbourhood have left the place, and more are going. "What is the use of expending funds and time on farms which may soon be again overrun by the rebels?" is the natural language of many, and they have gone elsewhere to seek a safer and more profitable home. Of course our numbers in this Province are vastly reduced, and if the rebels come here or rise in this neighbourhood, we are utterly powerless to stand against them. Our friendly Natives are puzzled, and know not what to make of it. They saw a large army of soldiers sent here from Sydney, from Melbourne, from India, from England,

from "all the world" to suppress the rebellion, and that army was recalled, either because they could not do the work, or because England found out that the work to be done was not "tiki" (not right)—that is, the Colonists had involved Britain in an unrighteous war; and their conclusions now are that we are left to ourselves, that the rebels will now take advantage of our deserted and unprotected state, that they will seek "utu" (payment, revenge) for all the past; and as we failed to conquer them when we had ten thousand soldiers, and all their big guns in the land, we have now no chance whatever, and of course they consider what will become of them, and ask themselves the question, what is the wisest course? If they by fidelity to us assist a failing cause, how will they stand when we fall? And they are confirmed in these views and apprehensions by the fact that the few soldiers that remain here do not help the settlers at all, but are just spending their time amongst us like gentlemen. And if our own Pakeha soldiers do not help us, why should they be expected to do so? Can we gainsay this reasoning of the Maori mind among our friendly Natives? I confess I do not see how, and I fear if they were required by necessity to be put to the test, they would say, "Your own soldiers do not fight for you, why should we?" And then, regarding our cause as having been deserted by the Mother Country because it was an unrighteous one, their next step would be to go over at once to the rebels, regarding might as right, and right as safety.

The Abyssinian expedition furnishes them with a remarkable contrast in confirmation of the views stated above. In that country there were less than a hundred Europeans in captivity—here there are many thousands of men, women, and children, as they think, at the mercy of the rebels, who can any day at their pleasure do as they have done before—shoot down, tomahawk, and carry off those who, in their daily avocations, dreamt not of a foe being near. To Abyssinia a mighty army of men and horses and elephants, with all its appliances, was sent to rescue the few—from this country the army was taken away, leaving the many to their fate, which in many instances already has been a terrible one, as widows, fatherless children, and bereaved friends painfully testify. In Abyssinia the work was completed, the captives were released, the enemy was subdued, and the author of all the evil was slain: in New Zealand the case was the reverse—the army was withdrawn, the rebellion was not suppressed, the thousands were left to their fate, and the instigators of the mischief were left at large. In that country the few Pakehas were sojourners in captivity, but not expending money in making a home for themselves and their children after them; while here the thousands who have left their English homes to come to New Zealand have spent their all in expensive, continuous, and laborious efforts to fulfil God's original command to subdue the earth and possess, and have been again and again driven from homes which they had made for themselves, and which they hoped would be their children's homes, and the homes of their children's children. For the Abyssinian expedition the British nation laudably and cheerfully contributed some £6,000,000 without grumbling or requiring one sixpence in return from those for whose sake this expensive expedition was undertaken; whereas the army was withdrawn from New Zealand before it had done its work; a debt of £3,000,000 is thrown upon the Colony as the expenses of that army; the country is burdened with that debt, as with a heavy millstone about its neck; and every inhabitant of the land is taxed with the additional liability, over and above all other demands upon his strength and energy, of having to provide for the interest of this debt of £3,000,000.

And now let me ask—Is the Maori view of the case the correct one? Correct or not, it is the view by which the Natives are influenced, and by which their conduct is likely to be regulated. When I think of the deliverance of the Abyssinian captives, and of the emancipation of the West Indian slaves at a cost of twenty millions, and when I talk of these things with our friendly Natives, I glory in my nation and thank God that I belong to such a people; but when I think of New Zealand, I am humbled indeed. Much, I know, has been said on the other side in opposition to the view given above as being that of the friendly Maoris. It may be said that our New Zealand Parliament requested that the troops might be withdrawn. But why was such a request made? Several reasons may be mentioned. It was insinuated that the war was begun or was being continued for the gratifying of the ambition and avarice of the Colonists, and this insinuation being extensively entertained by the army, the effect was manifest, in comparative inactivity. The Colonists were given to understand that the expenses of the war would fall upon them, and our Government rightly considered that the expensiveness of such comparative inactivity should not be continued. The hope was entertained that the rebellious Natives had been led to see their mistake, and that when the way was opened for their return to friendship by the removal of the soldiers from the country, they would avail themselves of the opportunity. It was like the laying down of arms on our part, and an invitation for them to follow our example. As a Colony we felt that we could not afford to pay for an expensive and comparatively inactive army, and we hoped to be able to do without it. And it may be said that the thousands of brave men in New Zealand who bear the British name ought to be able to cope with the few Natives who are in rebellion against us. True; but then how are they to cultivate their farms and keep the field against the foe at the same time? How are they to pay off the debt of £3,000,000, or even the interest thereof, if their time and energies are to be exhausted in an expensive and protracted warfare? The friendly Natives never approved of the withdrawal of the troops until matters should be thoroughly settled, and it is now with them a very serious question what will be done, and how will they be affected? Some three or four months ago the friendly Natives of this district visited the rebel tribes in the south with the hope of promoting and establishing peace. This gave those tribes an opportunity of returning the visit, and they came by hundreds. But they came, not as those who are vanquished and humbled, but as those whose right it is to dictate terms and lay down the law. Of course they came without arms, and were received with every manifestation of friendly feeling and hospitality, both by Natives and Europeans. But to the appeal made to them by the authorities in the way of assertion and example, "War is at an end, is it not?" and which was responded to in Native fashion by a loud and unanimous "Ae" from the Pakehas, they made a very equivocal and unsatisfactory response, and since their return war has recommenced in a most savage and murderous way by them or their friends. The impression is therefore irresistible that they came here for the purpose of spying out our weakness, and also of getting the friendly Natives over to their side. Out of deference to those by whom they were entertained they allowed us to hold our religious services in their presence, and to preach to them

the everlasting gospel, but they took care to lose no opportunity of exhibiting the fascinating ceremonies of their new religion of Hauhauism before the Christian Natives, and of doing all they could to persuade them it was all the same religion as their own, and vastly superior in their way of observing its ceremonies and worship. That they succeeded to a very large extent is unquestionable, and the declining interest manifested in our schools and worship is painful proof that the friendly Natives are sympathizing in a very serious degree with those who are in rebellion against us. The successes which the rebels have achieved will of course further confirm these wavering "friendlies" in their faith in the cause of those who have taken up arms against us, so that it may before long become with them a settled conviction that we are all wrong, and that they are bound by duty and by interest to abandon us.

And what have we in the whole length and breadth of our Province to rely upon, in the event of a general or even a local manifestation of disaffection? Truly, the "nakedness of the land" might tempt our friends to despise and forsake us, and our foes to "swallow us up." When I visit the out-settlements of our enterprising English families, it is painful to think how very easily might all the effects of their industry be destroyed, and themselves murdered, wives and children tomahawked and devoured, without any one even being the wiser till all was over. And these are the men who have to pay the war debt of three millions! O Britain! how canst thou be so forgetful of thy far-off children? But the Lord reigneth. Let this thought check my complaints, and rebuke my despondency.

"Better than my boding fears
To me Thou oft has proved."

Thank God we have a few "righteous persons" even in New Zealand, and the Lord will hear their prayers. Our Government, our Colonists, I know, are wishful, earnestly ardently wishful, to save and elevate our Native race. May God have mercy on these infatuated rebellious tribes, "open their eyes, and turn them from darkness to light, and from the power of Satan to God!" It has been said "The Natives are fighting for their lands." "But the earth is the Lord's" and for six hundred years He has been waiting for them to "occupy." Six hundred years more may find them with millions upon millions of still unoccupied acres; and Providence indicates that now shall this portion of His earth be occupied by those who are able and willing to bring forth the fruits thereof.

Let our brave Colonists, then, have the sympathies of the nation that has sent them here, and which is well able to help them here.

No. 28.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 37.) Government House, Wellington,
MY LORD,— New Zealand, 20th March, 1869.

In continuation of the report of the progress of the Maori War transmitted with my Despatch No. 32, of the 12th instant, I have now the honor to forward the accompanying copies and extracts of the principal Despatches recently received from Colonel Whitmore, describing his operations against Titokowaru.

vide Parl. Papers,
A. No. 3, 1869.

2. It will be seen that Colonel Whitmore is cautiously but perseveringly forcing his way through the forests on the West Coast; and that on the 13th instant, after a night-march and under cover of a mist, he surprised Titokowaru's camp, and drove him from it with some loss. The small force under Colonel Whitmore's immediate command is gradually acquiring discipline, confidence, and skill in bushfighting; but it will be recollected that, while the enemy is stronger and more experienced than ever, the Colonial troops do not exceed one-fifth of the number of the regular soldiers lately employed on the same service. For it will be remembered that after the utmost exertions that could be used, and after recruiting throughout this Colony and in Australia, the Colonial Government has been unable to raise its permanent force to above 2,000 men; whereas for several years there was in New Zealand a British army of 10,000 regular troops, in addition to a strong naval brigade from Her Majesty's ships on this station, and to about 7,000 Colonial Militia and Volunteers.

3. The latest intelligence from the Waikato is still of an uncertain character. The movements of the Maori King, on whom so much depends, seem as yet undecided. It is stated that a large meeting of the King Natives is to be held at the end of this month of March, and that it will then be finally settled whether they still declare for peace or for war. It is generally believed that the withdrawal of the last British soldier, at the present crisis, would greatly encourage the war party.

4. Meanwhile intelligence has reached Wellington in confirmation of the report of the fresh outbreak on the East Coast, to which I referred in the postscript to my Despatch No. 32, of the 12th instant. It appears that Te Kooti,

after his escape at the capture by Colonel Whitmore, in last January, of his main stronghold at Ngatapa (about thirty miles inland from Poverty Bay), retreated to the mountains of the interior, where he was joined by a portion of the wild and savage Uriwera clan—the McGregors of the Maori Highlands. He has now made a bloody foray against the settlements in the Bay of Plenty. In that quarter about 500 Europeans, of all ages and sexes, are dispersed along a coast line of above 100 miles, living intermingled with the Natives, and (in their own phrase) “under the Maori tomahawk,” just as the settlers near the highland border, 150 years ago, lived “under the Celtic claymore.” Of these 500 souls, there are about 200 men able to bear arms, who are enrolled in the Militia, and are now holding the redoubts at Tauranga* and Opotiki, to which their families have mostly fled for refuge. I annex a summary of the recent events in the Bay of Plenty, which has been published in the Auckland Journals, and which is in the main confirmed by the official reports. It will be seen that Te Kooti has already captured (though after severe loss) a pa belonging to the friendly Natives, and that he has destroyed the settlement at Whakatane, and murdered, among others, Mr. Pitcairn, an English surveyor, and Monsieur Guerin, a Frenchman, long resident in this country, who manfully defended his house, and killed several of his assailants before he succumbed to overpowering odds. The latest report from the Bay of Plenty (dated on the 12th instant) states that there were then about 100 Europeans in arms at Tauranga, under Colonel Harrington, and about 100 at Opotiki, under Major Mair, both officers of the Militia. In each case the English are supported by an equal number of the Arawas—a clan which has continued as loyal to the Crown throughout the Maori rebellion as the Campbells remained during the Scotch rebellions of 1715 and 1745.

5. The Colonial Government has sent to the assistance of the settlers in the Bay of Plenty all the men that can be spared from the other threatened points. But it has been remarked here that it should be easily understood elsewhere, that the Colonists can do little more than act on the defensive, when it is remembered that this scanty force of 200 raw militia, without a single gun, now holds the ground lately held by nearly 2,000 British soldiers; and that the Gate Pa, near Tauranga, garrisoned by less than 300 Maoris, was attacked in March, 1864 (in the first instance unsuccessfully), by 1,400 men of all arms from Her Majesty’s regular forces, supported by a battery of heavy guns. It has often been observed by competent judges that the conquest of King Tawhiao and the Maoris would have been a much greater military feat than the conquest of King Theodore and the Abyssinians. In both cases the difficulties of the country are very arduous; but the Maoris are, beyond all comparison, more formidable enemies than the Abyssinians. Even at the storming of the royal fortress of Magdala the British army did not lose a single man, whereas our loss in officers and men has been severe at almost every attack on Maori villages and earthworks; while it is stated that at the Gate Pa, in 1864, the 43rd Regiment lost more officers than any single regiment lost even at Waterloo.

6. I have been urged to recal attention to these facts in a public Despatch, in consequence of the peculiar impression produced here by the arguments reiterated in several organs of the English press, and which would seem to imply virtually that the Colonial troops may be reasonably expected by their fellow-countrymen at home to achieve a greater practical success than that achieved by a very much larger force of the best soldiers of the Empire, under the command of a General of distinguished ability and long experience.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

P.S.—This Despatch and its enclosures contain the latest news from New Zealand known at Wellington up to this date (March 20). It is hoped that the steamer which will convey this Despatch to Melbourne may there overtake the Suez mail of this month.

G. F. B.

* Any good map of New Zealand will show all the places referred to in this Despatch.

No. 29.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 38.)

Government House, Wellington,

MY LORD,—

New Zealand, 24th March, 1869.

In pursuance of the directions contained in Article 407 of the Colonial Regulations, I have the honor to report that, on yesterday, the 23rd instant, Whakamau, a Maori of the Ngatiraukawa Tribe, was executed in Wellington, for the murder, in last November, of a travelling pedlar named Korncrop, a Dane by birth, at Ohau, near Otaki, about fifty miles from this city.

2. The murderer was surrendered to justice, without resistance, by his own tribe, which does not therefore appear to have attached any political significance to his crime. He was tried on the 5th instant before the Supreme Court at Wellington, when a verdict of guilty was returned, and sentence of death was passed. The learned and able Judge (Mr. Justice Johnston) who tried the case, reported to the Government in Council, in the usual manner, that there was no reason why the law should not take its course. The Judge also furnished me with the corrected report of the proceedings at the trial, which I now enclose.

3. According to the usual practice under similar circumstances, and with a view of impressing the mind of the Native Race with a sense that even-handed justice is dispensed alike to Maori and European, the Colonial Government incurred a large expense in providing the prisoner with able Counsel, with an additional interpreter, and with every other assistance. Mr. Justice Johnston and others present have informed me that nothing could be more calm and dispassionate than the conduct of the jury and the demeanour of the crowded Court. It is very creditable to this community that not a trace should have been exhibited of those feelings exhibited in other parts of the British Empire, when a dark-skinned race has been in open rebellion against the authority of the Crown, and has perpetrated cruel massacres of Englishmen, together with their wives and families. Several Maori chiefs attended the trial and execution of Whakamau, and expressed themselves as thoroughly satisfied that impartial justice had been dealt out to their countryman.

4. The prisoner, both before and after his trial, was assiduously attended by Archdeacon Hadfield, and by the Reverend Arthur Stock, another clergyman of the English Church. They inform me that he died, to all appearance, sincerely penitent, expressing contrition for his crime, and acknowledging the justice of his sentence.

I have, &c.,

The Right Hon. Earl Granville, K.G.

G. F. BOWEN.

No. 30.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 39.)

Government House, Wellington,

MY LORD,—

New Zealand, 25th March, 1869.

I have the honor to forward herewith six copies of the annual volume of the "Statistics of New Zealand for 1867, including the Results of a Census of the Colony taken in December of that year."

The annual Report of the Registrar-General of this Colony is prefixed.

2. The completed volume of statistics was placed in my hands only three days ago. The causes of the delay in its final publication are stated in the accompanying Report of the Registrar-General. But it will be seen that the more important returns now republished had already been issued several months ago in the Abstracts of certain principal Results of the Census of New Zealand, taken in December, 1867, of which copies were forwarded with my Despatch No. 56, of the 5th July ultimo; and in the "Statistical Tables in anticipation of the annual volume of Statistics of New Zealand for the year 1867," of which copies were forwarded with my Despatch No. 88, of the 1st September ultimo.

3. The Report of the Registrar-General, and the documents to which it is prefixed, will amply repay a careful perusal. The very remarkable progress of this Colony during the past few years (as shown by these statistics), notwithstanding the Native war, which has raged with little intermission since 1860, is a strong proof of the great value and variety of its natural resources, and of the industry and energy of its people, and, it may be added, an earnest of the future greatness and prosperity of this country, when it shall have surmounted its present troubles and difficulties.

The Right Hon. Earl Granville, K.G.

I have, &c.,
G. F. BOWEN.

No. 31.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 42.) Government House, Wellington,
MY LORD,— New Zealand, 30th March, 1869.

On the 28th instant, two days ago, I received an announcement from the Duke of Edinburgh to the effect that His Royal Highness intends to leave Sydney in Her Majesty's ship "Galatea" on the first, and expects to reach Wellington on the 6th or 7th of next month (April).

It appears that his visit to New Zealand has been shortened from eight to five weeks, in consequence of orders recently received from the Admiralty, directing him to include Tahiti and the Sandwich Islands in the programme of his voyage.

2. It is probable that the Duke of Edinburgh will have time to visit only the main centres of population in this Colony: that is, the cities of Wellington, Nelson, Christchurch, Dunedin, and Auckland. Indeed, it would not be safe for His Royal Highness, during the existing rebellion, to penetrate into the interior of the North Island. I shall have the honor and pleasure of entertaining him in the Government Houses at Wellington and Auckland; while the Superintendents and Provincial Councils of Nelson, Canterbury, and Otago, have made proper provision for his reception during his short visits to the capitals of those Provinces.

3. It need scarcely be said that the Duke of Edinburgh will be everywhere welcomed with hearty loyalty; but, looking to the general distress into which New Zealand is now plunged, it is believed that he will neither expect nor desire the costly and elaborate preparations of Sydney and Melbourne. It will be recollected, moreover, that New Zealand, under the present Constitution, is a sort of Federal State; that Wellington, its Washington, and the present seat of the Central Government, is far from being the largest or richest of its towns; in short, that there is not in this Colony, as in each of the Australian Colonies, a capital city which is at once the main centre of politics, society, wealth, and population.

4. I have invited the friendly Maori Chiefs of the North to attend the Duke at Auckland, and those of the South at Wellington. It is quite uncertain as yet whether the so-called Maori King, or any of his adherents, will consent to meet His Royal Highness, but it is probable that the visit of the Queen's Son—"Te tamaiti o te Kuini," as he is styled by the Natives—at the present crisis, may prove of public advantage, by at once confirming and rewarding the loyalty of the clans now in arms for the Crown.

The Right Hon. Earl Granville, K.G.

I have, &c.,
G. F. BOWEN.

No. 32.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 61.) Government House, Auckland,
MY LORD,— New Zealand, 26th May, 1869.

With reference to your Lordship's Despatch No. 14, of the 29th January

ultimo, I have the honor to report that I lost no time in referring to my Responsible Advisers, for their consideration and report, in pursuance of your instructions, Mr. Selfe's letter protesting against the Act recently passed by the Legislature of New Zealand, entitled "The Public Debts Sinking Fund Act, 1868."

2. I now forward the enclosed Memorandum submitted by Mr. Stafford on behalf of the Colonial Ministry; annexed to which are notes on Mr. Selfe's letter by Mr. J. E. FitzGerald, now the Comptroller of Public Accounts in New Zealand, and formerly Superintendent of Canterbury.

3. I beg permission to recommend these documents to favourable consideration.

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

P.S.—Mr. Stafford requests that his Memorandum may be regarded as applying also to the letter of Mr. Braithwaite forwarded with your Lordship's later Despatch No. 23, of the 23rd February ultimo.

G. F. B.

Enclosure in No. 32.

MEMORANDUM by Mr. STAFFORD.

Wellington, 14th May, 1869.

MR. STAFFORD presents his respectful compliments to the Governor, and has the honor to submit the following observations upon the letter from Mr. Henry Selfe Selfe, on the subject of "The Public Debts Sinking Fund Act, 1868," forwarded in Lord Granville's Despatch of the 29th January, 1869.

1. Mr. Selfe asks that this Act may be disallowed, because, as he alleges, it is unjust to the Provincial Governments of New Zealand, and also to the holders of Provincial Government debentures.

2. Upon the alleged injustice to the Provincial Governments it is not necessary to enter at length. The New Zealand Provinces have numerous and able advocates in the Parliament of the Colony, and their interests are watched over by Superintendents and Provincial Councils, who would not be slow to address remonstrances to the Imperial Government in the event of their believing themselves to have any just ground for complaint. No protest or remonstrance has emanated from any Provincial Legislature in reference to the Act above alluded to—a motion to this effect was indeed made in the Provincial Council of Canterbury, but was withdrawn after it had undergone considerable discussion. In the entire absence of any such expression of opinion, it is not apprehended that Her Majesty's Government will, at the instance of a gentleman in London, be disposed to disallow the legislation of the New Zealand Parliament, without stronger grounds for such a proceeding than the opinion of this gentleman, that such legislation involves injustice to the Provincial Governments. Upon this part of the subject, therefore, it is sufficient to observe that Mr. Selfe confuses two entirely distinct proposals, namely, the one submitted by Mr. Hall in the financial statement quoted from by Mr. Selfe, and the other which was eventually given effect to in the Public Debts Sinking Fund Act. In the first instance it was proposed that the Provinces should be altogether relieved from any future payment of either capital or interest of the debts incurred by them, and that this payment should devolve exclusively upon the Colonial Government. In this case it seemed reasonable that the Colonial Government should, along with this responsibility, take the benefit of whatever provision had already been made for the payment of Provincial debts. The proposal to this effect was not, however, adopted. The arrangement actually sanctioned by the Public Debts Act was an essentially different one. According to this arrangement the Provincial debts remain a charge, not upon the Colonial, but upon the several Provincial Governments, as pointed out by Mr. Selfe; and for this reason the Act provides (section 18) that when any portion of the sinking fund invested by any Province becomes released by the conversion of a portion of its debt, the entire benefit of the funds so released shall be given to the Province by which they have been contributed. This is effected by applying these released funds to the diminution of Provincial indebtedness. Looking to the object for which they were originally contributed, it seems difficult to imagine any purpose to which they can more legitimately be applied. Mr. Selfe appears to have entirely overlooked this provision in the Act; at any rate he ignores it.

3. Although much weight cannot be attached in the present case to the opinions which may be entertained by Mr. Selfe as to questions connected with the financial relations of the General and Provincial Governments, it is admitted that, looking to the position he occupied in reference to the holders of Provincial bonds, any representations made by him on their behalf, or in their supposed interest, are entitled to careful consideration.

4. It may be regretted that such representations have not been couched in more temperate language, and that Mr. Selfe should have been induced to make, in a document addressed to Her Majesty's Secretary of State (and circulated in London in a printed form before any answer from the Colony could be given to it), assertions as to the conduct and motives of the Colonial Government which are entirely without foundation.

5. Mr. Selfe's principal contention on behalf of the Provincial bondholder is, "that the whole of the present sinking fund of each loan belongs to the whole of the outstanding debenture holders of that loan, at least until the accumulation equals the whole of their united claim," and that to interfere with any part of such sinking fund is virtually a breach of trust.

6. It is not necessary to go into the question whether the several Acts and Ordinances creating the sinking funds which are the subject of discussion do actually create a trust for the benefit of the

debenture-holders, or do more than make a provision by the borrower for the payment of the debt, the real security to the lender being the revenue of the Province. This appears in parallel cases to have been the opinion of the Legislature in England, where sinking funds have frequently been established, only to be afterwards abolished. Granting, however, for the purposes of the present argument, that the sinking funds are a *quasi* trust for the payment of the debt, there is clearly no breach of trust in what has been done. What each bondholder, assuming him to occupy the position of a *cestui qui* trust, is entitled to is, that a specified percentage on the amount of the bond he holds shall be paid over periodically by the borrower to trustees to be invested at compound interest; these investments, if carefully made, will amount, at the time when his bond falls due, to the full sum which he is then entitled to receive. This is the position in which each bondholder was placed before the passing of the Public Debts Sinking Fund Act; it is precisely the position in which he now stands. The only real difference to him is that the trustees are changed. In this respect it would not be difficult to show, by a reference to the condition of the various Provincial sinking funds, that in most instances the change is for the benefit of the public creditor. The Commissioners to whom the custody of these funds has now been transferred are, with the exception of the Colonial Treasurer, unaffected by political influences. They are, with the above exception, either high officers of State, placed by statute in a position independent of the Colonial Ministry, or gentlemen of high standing and character specially named by the Colonial Parliament for this important duty.

7. If the course of action contended for by Mr. Selve were actually to be forced on the New Zealand Government, the consequence would be that the full amount required for the payment of the unconverted Provincial debentures would have accumulated long before such debentures fell due, and would therefore remain idle on the hands of the trustees until the time for payment arrived, in all probability for many years. The case is even stronger than this. If Mr. Selve's argument is a sound one, it carries him much farther than has been stated in his letter, and it would be necessary to keep up the payment of the sinking fund exactly as originally provided for in the Provincial Ordinances. Accordingly not only the moneys now standing to the credit of the fund ought to be kept so, but the Province should continue to pay annually the specified percentage on the *whole loan* till the sinking fund was equal to the unconverted part of it. It is open to argument whether even then (if a literal fulfilment of the conditions of the original Ordinance be still required) the obligation to maintain these annual payments would be at an end, and whether it would not continue during the whole period specified in the Ordinance. It is submitted that this would be an utterly unreasonable construction to place upon the Provincial Loan Ordinances, nor could it be productive of any advantage whatever to the bondholder.

8. There are one or two other portions of Mr. Selve's letter to which it is necessary to refer. He asserts that the Public Debts Sinking Fund Act had its origin in the pecuniary difficulties of the New Zealand Government. This is one of the statements which have already been characterised as being utterly without foundation; a reference to the Financial Statement quoted from by Mr. Selve will clearly show this to be the case.

9. Mr. Selve suggests that the Act is opposed to sections 54 and 25 of the Constitution Act, which are unalterable. It is difficult to believe that the first objection is seriously made. The authority given in the Public Debts Sinking Fund Act, as in very many others, for the disbursement of Colonial revenue, is subject, of course, to the provisions of the Constitution Act regulating the issue of public money. It was quite unnecessary to repeat or re-enact these provisions. They are in full force and are strictly conformed to. The second objection is equally unfounded. If, as argued by Mr. Selve, the sinking funds are trust funds, it is impossible that they can still be Provincial revenue, subject to the appropriation of Provincial Councils.

10. Mr. Selve asserts that the Bill against which he protests "was rushed rapidly through all its stages *sub silentio*, without debate or reason given for it." This assertion is untrue. The Bill, having been given notice of for some time previously, was introduced into the House of Representatives on the 2nd October. It was not read a second time until the 9th, was committed on the 12th, and read a third time on the 13th. It underwent an animated discussion, but as this took place in Committee it is not reported in *Hansard*. In the Legislative Council the Bill was the subject of considerable debate, and was three times divided upon. These facts could have been ascertained by Mr. Selve by a reference to the New Zealand *Hansard*.

11. It is right to point out, in conclusion, that effect has already been given to the provisions of the Act. The Commission constituted by it has for some time been in active operation. The trustees of the several Provincial sinking funds, except in the case of Canterbury, have already transferred to the Commissioners the various securities held by them, and the whole of the business connected with the sinking funds is now entirely in the hands of the Commission. It is unnecessary to point out that under these circumstances any interruption to the operation of the Commission would be productive of grave complications. No such result is, however, apprehended. The statement now furnished will satisfy the Imperial Government that no infringement of the just rights of the Colonial creditor has been attempted; and the allegation of injustice to the New Zealand Provinces arises out of a misapprehension as to the actual terms of the Act complained of.

Notes on Mr. Selve's letter by the Comptroller of Public Accounts are appended.

His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure to Enclosure in No. 33.

MR. SELVE to Lord GRANVILLE.
Canterbury (N.Z.) Emigration Office,
16, Charing Cross, S.W.,

NOTES by the COMPTROLLER of PUBLIC ACCOUNTS
upon Mr. SELVE's printed Letter to Earl
GRANVILLE.

MY LORD,—
12th January, 1869.
I have the honor to submit the following

The Government having requested me to make
some comments upon the above letter, I beg to

statement, which I am prepared to substantiate, as embodying some of the grounds upon which I respectfully pray that Her Majesty may be advised to disallow an Act of the Colonial Legislature of New Zealand, called "The Public Debts Sinking Fund Act, 1868," passed on the 20th October last, being Act No. 74, 32 Victoria.

By "The Canterbury Loan Ordinance, 1856," Session 7, No. 3, the Superintendent of Canterbury was authorized to raise a loan of £30,000 for immigration purposes. The £30,000 was raised accordingly in England, and debentures for securing the amount were issued to the persons in England who advanced the money.

By section 6 of the same Ordinance the Superintendent of Canterbury was bound to provide a sinking fund, first of 2 and afterwards of 4 per cent. per annum, out of the revenues of the Province, for the liquidation of the principal.

By "The Lyttelton and Christchurch Railway Loan Ordinance, 1860," Session 13, No. 1, the Superintendent of Canterbury was in like manner authorized to raise a loan of £300,000 for the construction of the railway; and there was (section 7) a similar provision for a sinking fund of 2 per cent. on the principal from time to time borrowed. £250,000 was, under this Ordinance, raised in England on debentures, the remaining £50,000 having been provided out of the current Provincial revenue, and debentures to that amount (£50,000) cancelled.

By "The Canterbury Loan Ordinance, 1862," Session 19, No. 20, the Superintendent was in like manner authorized to raise the sum of £500,000 for public works in the Province, with the like provision (section 7) of a 1 per cent. per annum sinking fund. Upwards of £300,000 was raised on debentures under this Ordinance.

These three Provincial Ordinances *have never been repealed*.¹ They are at this moment binding on the Provincial Government of Canterbury, and upon every one else interested in their provisions.

The Provincial Government have always faithfully fulfilled the obligations thereby imposed upon them, *i.e.*, they have regularly paid, up to this date, all interest due upon their debentures, out of the revenues of the Province; and from the same source they have provided the various sinking funds they were bound to set apart.

I was appointed (honorary) English Agent for Canterbury in 1856, by Ordinance Session 6, No. 1, and confirmed in that office in 1861 by the third English Agent's Ordinance, Session 17, No. 1. I was appointed by the Superintendent one of the persons to whom the sinking funds respectively should be paid by the Province. They have been so paid to me accordingly from time to time, and I have now the custody and, with those who are associated with me, the control of the securities in which the amount—say £41,000—is now invested.

We regard ourselves as trustees, first, for the debenture-holders for whose benefit the money was paid to us, and, second, subject to those rights of the debenture-holders, for the Provincial Government who provided the money. I apprehend there could and can be no doubt that this was and still is an accurate description of our position, unless and *until it shall have been varied by competent legislative or judicial authority*.¹

In order to make clear the objections to "The Public Debts Sinking Funds Act, 1868," it will next be necessary that I should call your Lordship's attention to various Acts of the New Zealand

submit the following remarks on some of the statements which it contains.

As to the general tone of the letter, I think that some expressions which seem to draw a comparison between the Colony as a whole and any particular Province, as regards the scrupulous care to fulfil financial obligations, are greatly to be deprecated, and probably bear a meaning which was not intended by the writer. Whatever differences of opinion may have been expressed as to the financial legislation of the General Assembly during the last two years, it is certain that the interests of the public creditor of New Zealand have been asserted, some have said even unduly, at the expense of the New Zealand taxpayer.

¹ By the Constitution Act all laws of Provincial Legislatures are overridden by the Acts of the General Assembly. It cannot be disputed that the Assembly had full power to change the *persons* of the trustees of public moneys. The new trustees "appointed by competent legislative authority," are no doubt bound by the same trusts as their predecessors, and the Crown might no doubt be properly moved to disallow any Act which altered these trusts to the *detriment of the cestuique trusts*; but it can hardly be argued that the Assembly had not power to create new trustees, when such a step appeared to be desirable in the interests of the public creditor. The Assembly dealt, not with Canterbury alone, but with the whole question as it affected all the Provinces. Canterbury is the only Province in which the trustee is resident out of the Colony. In one Province the Superintendent was made *sole trustee*, obviously the very last person who should have been selected. By placing the Sinking Funds in the hands of a Board of public servants, *independent of the Government*, the interests of the bondholders were consulted. That Board consists of the Colonial Treasurer, the only member of the Government who is a member of the Board; the Speaker of the House of Representatives; the Comptroller, and the Auditor, whose offices are held under good behaviour, equally independent of the Government and the Parliament.

Legislature in 1867, chapters 84, 89, and 90, which must be read together.

1.² "The Public Revenues Act, 1867," c. 84, s. 44, provides in substance that, after deducting *inter alia* all sums chargeable on account of so much of the interest and sinking fund of loans raised upon the security of the general revenue of the Colony as shall have been made a charge against the revenues of any Province, the Colonial Treasurer shall forthwith pay over monthly out of the consolidated fund to the Provincial Account of such Province the monthly balance appearing on such account to be due. No other deductions besides those specified are to be made. The relevancy of this remark I hope to show presently.

2.³ By "The Public Debts Act, 1867," c. 89, s. 2, it is provided that "The principal, interest, and sinking fund payable upon all Provincial debentures already issued, or which may hereafter be issued, in accordance with the provisions of this Act, under the authority of any of the Acts or Ordinances of the Superintendent and Provincial Council of any Province of the Colony specified in the Schedule A. to this Act shall from and after the passing of this Act be charged upon and paid out of the consolidated revenue of the Colony of New Zealand," &c.

How have the engagements thereby entered into been hitherto fulfilled?

The Act passed 10th October, 1867. The statutory obligation on the General Government of New Zealand to pay sinking fund and interest on the Provincial loans commenced from that date.³ Not one shilling of interest or sinking fund on the outstanding debentures of Canterbury has ever been paid by the General Government out of the consolidated revenue of New Zealand.

In June last I asked Mr. Fitzherbert, the author of the Act and the special agent in England for giving effect to its provisions, whether he would pay the sinking fund and interest on the Provincial loans of Canterbury, then about to become due. His reply was that he had no instructions on the subject, and that he was not aware that the Governor of New Zealand had by Proclamation (see the latter clause of the same section 2) fixed the time and place for such payment. If that clause be directory only and not obligatory, *the liability of the Government of New Zealand to make the payments in question may be indefinitely postponed.*⁴ I admit that the 3rd section of this same Public Debts Act contains a perfectly equitable provision—that all sums of money thereafter paid by the Colonial Treasurer for interest and sinking fund on Provincial loans shall be charged against the Province in respect of which such payment shall have been made. It can make no difference whether the payment be made by the Colony and subsequently charged by the Colony against the Province, or made by the Province direct in the first instance. It is fair to add that the General Government professes its intention to pay the interest and sinking fund due on Provincial loans for the six months ending 30th June, 1869. But, as a matter of fact, which I trust your Lordship will see immediately is important, the Province has paid to me as trustee of these sinking funds, since October, 1867, no less than £15,890 10s.—portion of the £41,000 before mentioned—besides interest upwards of £19,000.

² I do not clearly perceive the relevancy of this paragraph, but it is right to state that the effect of "The Public Revenues Act" is to give up to the Provinces all the consolidated revenue which can be spared by the General Assembly, and that notwithstanding this, in the monthly account showing what the Provinces are entitled to receive by the Act, several Provinces occasionally, some Provinces *invariably*, not only receive no revenue, but become indebted in account with the General Government. It would therefore seem that in making the Provincial loans a charge on the whole Colony, the Government adopted a course indicating a most careful regard to the interests of Provincial bondholders. I may add that Canterbury on more than one occasion has received less than nothing of Consolidated Revenue, and the deficiency has been recouped out of her Land Fund.

³ I do not read the Acts in question as Mr. Selge does. He has omitted to quote an essential provision. I understand the law to be, that the whole Colony is now responsible for the payment of interest and sinking fund on Provincial loans. But not that the General Government was required forthwith to pay that charge. If the Governor by Proclamation announced that the General Government *would pay* the charge for any Province, thenceforth such payment would be made by the Treasury. In the meanwhile, if the Province *preferred* to pay on its own account, it could do so. In any case, if the Province *neglected* to pay, the General Government became liable. Such is the law. In practice, some Provinces have gone on, like Canterbury, paying their own interest and sinking fund; some have arranged with the General Government to pay it for them, and to surcharge the Province. The Governor has the power, by Proclamation, to assume the payments by the Treasury, *whether the Province wishes it or not*, but it has not been necessary to take such a step. No doubt in a short time all payments will be made by the Treasury, if only for the sake of simplifying the public accounts.

⁴ Here Mr. Selge is mistaken. *The liability is not postponed.* The only thing *postponed* is the change of the agent for making the payment, from the *Provincial Treasurer* to the *Colonial Treasurer*.

3. "The Consolidated Loan Act, 1867," c. 90, section 3, empowers an agent or agents appointed by the Governor to borrow the sum of £7,000,000, and section 7 enacts that "all moneys borrowed under the authority of this Act shall be applied towards the conversion, redemption, and payment of the loans of the Government of New Zealand issued under Acts of the General Assembly, and of the several loans of the Provincial Governments of the several Provinces of New Zealand specified in 'The Public Debts Act, 1867,' and to no other purposes."

Now your Lordship will find that in no one of these three Acts of 1867 is there any reference whatever to accrued sinking funds. The Colony obtained the sanction of the Crown to a loan of £7,000,000 sterling on the representation embodied in these Acts, that £2,359,000 of it, at least, was required and should be applied to the redemption and payment of the full amount of Provincial loans specified in "The Public Debts Act, 1867," without any deduction whatever in respect of accrued sinking funds or otherwise. I do not impute to those who framed the Acts of 1867 that, at the time those Acts were passed, they intended afterwards to lay claim to the accrued sinking funds of the Provincial loans; but whether intentional or accidental, the omission of any reference whatever to these funds, and the further omission to mention that £50,000 of the Christchurch Railway Loan had been cancelled, had the practical result of giving the Government of New Zealand power to raise a *larger sum*⁵ larger sum than was required for the purposes to which the moneys borrowed were to be exclusively applied.

Mr. Fitzherbert, the Colonial Treasurer, came to England directly after these Acts of 1867 were passed, and, in exercise of the powers intrusted to him under the Consolidated Loan Act, has raised a very large sum of money. Of course I assume that all money so raised has been or will be applied as directed by the Act, section 7, and to no other purposes. Mr. Fitzherbert can, if he pleases, raise the whole seven millions authorized, and so extinguish all Provincial loans. The Crown Agents for the Colonies have also, under Mr. Fitzherbert's instructions, from time to time issued advertisements notifying the terms on which the holders of Provincial debentures might exchange those debentures for the new consolidated debentures: see section 8. The terms offered appear to be on the whole fair, and I am glad to find that they have been largely accepted. I have accepted them myself, and have advised others to do the same. If all the Provincial debenture-holders had accepted or should hereafter accept the offered conversion, the Colonial Government would be bound to pay the interest and sinking fund on the bonds issued in exchange; but they would not lose a shilling by the transaction, for, as already observed, they will recoup themselves for the money so expended by debiting the Province with the amount. It seems obvious that in that case the Provincial sinking funds already accumulated *could by no possibility belong to the General Government. They must be returned to the Provincial Government who provided them*;⁶ otherwise the Province would be made to pay the sinking fund twice over, first as sinking fund on Provincial debentures, and again as sinking fund on the debentures for which these Provincial debentures had been exchanged.

But a certain number of the Provincial debenture-holders have hitherto declined to accept the terms of commutation and exchange offered to them. It was perfectly optional whether they

⁵ That is quite true, but I do not see how it affords any standing ground to Mr. Selge's protest. Government is not required to raise seven millions, but only authorized to raise so much of seven millions as may be required to pay off the loans specified. If the whole of the sinking funds are to remain in trust, so much less money will be borrowed.

⁶ This is a question which may fairly be argued as between the General and Provincial Governments, but I cannot see what the bondholder has got to do with it, nor how the credit of the Colony is affected, nor how it affords any ground for the interference of any one in the character of a trustee of sinking funds. It is entirely a question of internal finance as between the General and Provincial Governments. What would be the state of the case supposing the Provinces, or

would accept them or not. They may be thankful that the General Government has thought it expedient to enhance the value of their debentures by professing to make them a charge upon the consolidated revenues of the Colony, but they cannot honestly or legally be compelled, against their will, to part with the security they already possess. Yet this is precisely what they are called on to do by "The Public Debts Sinking Funds Act, 1868," against the allowance of which I am now respectfully protesting.

The amount of outstanding debentures of the Province of Canterbury, held by those who have not yet assented to the offered exchange, is £121,700, as I learn from a statement made a few days since by the Crown Agents for the Colonies. Up to the 1st of September last I believe not a word was heard of any intention on the part of the Government of New Zealand to attempt to lay hands on the accumulated Provincial sinking funds. But, unfortunately, the Government of New Zealand was in want of money, and on that day the Acting Colonial Treasurer, the Honorable John Hall, made his Financial Statement to the House of Representatives at Wellington, and, taking it for granted that "it was an evident omission in the Acts of last Session that when the liability for the repayment of Provincial loans was undertaken by the Colony, the control of the sinking funds by which that repayment was to be provided for was not vested in the Colonial Government," proceeded to say, "the first question to be settled is to whom shall the Provincial sinking funds, as they become freed, be paid over, and it is, of course, a question for the Legislature to determine. The Government is of opinion that if the Colony absolutely undertakes the payment of the Provincial debts, it is but fair and reasonable that the Colony should have use of whatever provision has already been made towards such payment."

This proposition may at first sight appear plausible, but a little examination will demonstrate its fallacy, and inapplicability to facts; and it is literally the only reason I have ever heard or read of for seizing on money in the possession of other people. Mr. Hall avowed that the Government had no intention whatever of appropriating these accrued sinking funds to their original purpose, viz., to the repayment of the debts for which they were provided as security, nor in diminution of the £7,000,000 consolidated debt.

One of the resolutions⁷ moved at the close of that financial statement was that "£90,000 out of the proceeds of the accrued sinking funds '(including that of Canterbury)' shall be paid to the Province of Nelson, and £15,000 to that of Wellington." Mr. Hall's general financial proposals were opposed, defeated, and withdrawn; but in the last nights of a protracted and exhausting Session, when half of the members for Canterbury had left Wellington, or were disabled by sickness from attending to their duties, the Public Debts Sinking Funds Bill was introduced into the House of Representatives, and was rushed rapidly through all its stages, *sub silentio*, without debate, or reason given for it.

I believe that the Royal Instructions to the Governor of New Zealand require him to transmit to the Colonial Minister at home a statement of the reasons and of the occasions for proposing all laws assented to by the Governor in the name of Her Majesty. I have not, of course, the advantage of knowing, as your Lordship knows, what the statement so transmitted by Governor Sir

any of them, were to cease to exist? It is perfectly well known that as the recipients of any part of the public revenues raised by the General Assembly, whether Consolidated Fund or Land Fund, some Provinces are already extinct.

⁷ It is not necessary to remark upon any statements made by a Minister in the course of debate. What was ultimately decided was, that the released sinking funds should be left for appropriation by the General Assembly. It can return them to the Provinces if it chooses. If it chooses to spend them, the Provinces are to that extent relieved of the charge. In other words the Provincial debt is to that extent *diminished*, and the general debt is *increased*.

I have already said that the question is one which may fairly be argued as between the General and Provincial Governments. If the General Assembly appropriates the money no longer wanted, under the contract with the bondholders as sinking fund, to any other purpose than to the Provinces themselves, they may put forward a very strong case, but that never has been done as yet.

The Assembly may still use the money for paying off part of the public debts, or it may give it all back to the Provinces. This part of the question has got to be argued when it is proposed

George Bowen may contain; I can only deal with the preamble and the clauses, especially clauses 9, 10, 11, 12, 16, and 18 of the Act itself.

The preamble recites, *inter alia*, that "whereas "it is expedient . . . that the money invested "on account of the respective sinking funds for "the security or provision for the due payment "of (Provincial) loans should be proportionately "released (!) and *placed at the disposal of the "General Assembly,*" and the clauses I have mentioned seek to carry into effect this proposal.

I wish to use language no stronger than the occasion justifies, but I respectfully submit to your Lordship that this intended legislation is unjust, arbitrary, and unconstitutional. The word "expedient" may mean anything. As I read it in this connection, and by the light of recent events, it means only that it is desirable the Government of New Zealand should obtain from every possible source as much money as they can get, to be expended as portion of current revenue, and as the Government for the time being may direct, partly in conciliating Provinces dissatisfied with the legislation of 1867, or, worse, in inefficient attempts to suppress disastrous outbreaks, brought on by wholesale confiscation of Maori territory, and by land purchases the validity of which is disputed by those who claim to be the Native owners.

1st. I submit that the proposition is unjust to the dissentient English debenture-holders. Several of them purchased these debentures in 1858, on my recommendation. They object to be deprived, without their consent, of the security they already possess in this country, and are not content to receive in lieu thereof the promise of a distant Government to pay in future. Possibly they do not estimate that promise at its real value; but in such a matter they surely have a right to form their own judgment. The euphemistic phrase "proportionately released" assumes that individual debenture-holders have only a right to that portion of the sinking fund which it is suggested has been paid in respect of the particular debentures they hold. I submit that this is an erroneous construction and restriction of their right, and that *the whole of the present sinking fund of each loan belongs to the whole of the outstanding debenture-holders of that loan, at least until the accumulation equals the whole of their united claim.*⁸ If I am wrong in this construction, I shall be glad to be set right by any competent legal or financial authority to whom the question may be referred.

2nd. I submit that the provisions of the Public Debts Sinking Fund Act are unjust to those of us who are trustees or holders of the funds in question (section 10). We did not seek the office: it is a somewhat onerous and responsible one, and we shall be glad to be relieved of it; but we certainly do not intend to abandon our trust, and our duty to those who imposed it on us, at the dictation of a Body to whom we owe no allegiance, whose legislation as regards trustees in England (section 9) we believe to be utterly nugatory and *ultra vires*, and who, as we believe, have no equitable title to the funds we hold for others. It is true, as suggested in section 10, that we are beyond the jurisdiction of the Supreme Court of New Zealand, as we are beyond the legislation of the General Assembly; but we are within the jurisdiction of the Court of Chancery here. Either the Government of New Zealand has an equitable title to the funds we hold or it has not. If it has, it can enforce that right by application to the Court here. To the decision of that Court we should of course readily and cheerfully submit. Will the agents of the New Zealand Government do the

to use the money. The case will probably arise next Session.

⁸ I will not of course say what the law may be upon this point, but as a matter of equity and finance Mr. Selfe's position seems to me absolutely untenable, and it will appear so if the case is put thus: By law a sinking fund of (say) 2 per cent. on the nominal amount of the whole loan is payable for a certain term of years, so as to reproduce the principal. If a large part of the loan is paid off by new securities, will it be argued that the borrower is bound to continue to invest annually the same amount of sinking fund to the end of the term, as if none had been paid off? This would be clearly an absurdity; but if the principle that future payments of sinking fund may be restricted to the percentage on the outstanding part of a loan be admitted, in what respect do the past payments differ from the future? They both stand on the same ground. Either the borrower is bound to go on investing on the whole nominal loan till the end of the term defined by the original Act, no matter what may be the accumulation of money, or the principle must be adopted that he is bound only to make such investments as shall produce the principal upon the day upon which he has contracted to repay it. The contract made by the borrower with the lender seems to me a very simple one. He undertakes to invest annually such sums as

same? If they shrink from this test, I submit that they will thereby furnish proof that they know they have no such right as an English Court of Equity would enforce. And if this be so, will Her Majesty's Government allow them to enforce an illegal and inequitable claim by penalties upon those who are within their jurisdiction? For this is the effect of section 10, and therefore—

3. Most of all is this an unjust attempt at confiscation as against the Provincial Government of Canterbury. The case shortly and nakedly stated is this:—

A. (the Province) owes B. (the debenture-holder) a debt; A. hands funds of his own to C., to be held by C. for the payment of the debt when due; D. (the Colony) offers to undertake the payment of A.'s debt to B. on certain terms. A. agrees, B. and C. do not dissent—they could not do so. The terms are embodied in a Statute, which receives the sanction of the Crown in 1867. A. fulfils his part of the agreement entirely. D. *only partially, hitherto.*⁹ Twelve months afterwards, D. thinks he might have made a better bargain, discovers that there was an "evident omission" in the agreement, and insists, as a further condition for his fulfilling it, that C. shall hand over to him¹⁰ the money in his hands belonging to A. and B. A., B., and C. all refuse to consent to this; *whereupon D. threatens to deduct the amount from other moneys which D. owes to A., and which he is bound by Statute to pay to A.*¹¹

I believe this to be a simple and accurate statement of the effect of "The Public Debts Sinking Funds Act, 1868," section 10, and to this monstrous injustice the sanction of Her Majesty is asked.

I confidently trust that sanction will be refused; and I hope I am not asking too much when I request, that when the Act is disallowed, the Governor of New Zealand may be instructed not to sanction any similar legislation in future, without reserving it for the signification of Her Majesty's pleasure.

I ask this on behalf of *British subjects*¹² in this country, who have no other mode of protection against such an arbitrary infringement of their vested interests; I ask it on behalf of *the Province*,¹³ with whose well-being I have from its creation been closely identified, though I resigned my (honorary) office as English Agent two or three years ago; and I ask it on behalf of the Colony itself, whose financial reputation will, as I believe, be seriously injured, if the proposed legislation be suffered to take effect.

It is to be noted, section 20, that the Act carefully avoids dealing with the sinking fund of the loan *guaranteed by the Imperial Government. Why?*¹⁴ Because the Imperial Government represents, in that matter, the whole of the British public, whose rights the Crown would not suffer to be infringed. Will it allow the rights of individual members of the public to suffer? I am fully aware that, as a general rule, your Lordship would be unwilling to interfere with the action of Colonial Legislatures as affecting individuals, except in extraordinary cases; but I respectfully submit that the facts I have stated show that this is an extraordinary case, in which an attempt has been made to violate the principles of British justice.

I am aware that no remonstrance can have arrived as yet from the Provincial authorities, nor have I at present any specific official authority to write this on their behalf, for this sufficient reason; that no copy of the Act in question had reached Canterbury when the last mail left, so rapidly had

shall upon a certain day produce, by the process of reinvestment of interest, the sum which he has borrowed. If he pays off a part of his debt from extraneous sources, he is bound to provide that, as regards the remainder, the lender shall stand in precisely the same position as that in which he stood as regarded the *whole*. The lender has no right to ask more, nor indeed has he any *interest* in asking for more. Mr. Selge's argument would lead to the conclusion that it is the interest and right for the bondholder that the capital which he has lent should have accumulated and be lying in trust for, it might be, many years, before he had any claim for repayment. I confess this sounds to me like an absurdity. The lender has a clear right to demand that the law shall be strictly complied with,—that the machinery provided shall be kept in motion so far as to produce his money upon the day contracted for repayment. He has no interest in more, and no right to more than that. If too much money accumulated, or if it accumulated too soon, the lenders could in no way profit by it. Why then should he care about it?

⁹ This I have shown to be a misconception. The whole agreement has been fulfilled.

¹⁰ This is a great mistake—not to him, *i.e.* to D, but to a new and entirely independent person, E, the new trustees.

¹¹ This is hardly a fair way to put it. It may be unfair to extort money from a Province whose trustee chooses, *in spite of the Province*, to retain funds for which he is no longer, according to my view, a trustee in the law; but the new trustees are clearly bound, in the interests of the bondholders and for the credit of the Colony, to see that all the sinking funds necessary to repay the bondholders are in their hands, and they are now engaged in calling up the deficiencies in sinking fund payments, which are discovered to some extent in the sinking funds of most of the Provinces.

¹² This assumes that the interests of the British creditor will be less efficiently protected by the new than the old trustees. The records of the Board do not lead me to this conclusion.

¹³ I cannot perceive how, as a trustee of sinking funds, Mr. Selge can make this appeal. In any other character the Province has its own organs to express its opinion; the Province may have grounds for complaint which have no relation to or interest with the creditor.

¹⁴ Simply because Imperial Acts override Colonial Acts, as Colonial Acts override Provincial.

I have abstained from all comments upon the policy of the Act, especially as regards the financial questions arising between the General and Provincial Governments; but as a simple measure for securing the interests of the public creditor, and the fulfilment of the engagements made with him by the Colony or its Provinces, I can safely assert, from the records of the Board, that the Act was necessary.

JAMES EDWARD FITZGERALD,
Comptroller of the Public Accounts
of New Zealand, Chairman of the
Commissioners of the Public Debts
Sinking Funds.

it been driven through the Legislature at Wellington, from which place I received direct my copy of the Act; but I know the feeling of deep indignation with which the proposal of the Government to rescind so summarily the agreement of 1867 was received at Christchurch, and I know that I am expressing the feeling of all those interested in the subject. It may be, no official remonstrance may arrive by the next mail; but if not, the reason, I know, will be solely because there are so many ways in which a high-handed Government can punish its opponents, that the latter may literally be afraid to raise the voice of complaint to the higher authorities. This may not be very chivalrous. I need not say that it is human nature.

My letter is too long already; and I can only suggest to your Lordship the further consideration whether some of the provisions of the Act, section 7 for instance, are not in contravention of the unalterable section No. 54 of the New Zealand Constitution Act. The General Assembly cannot authorize, as is purported to be done, the Colonial Treasurer to pay money out of the Consolidated Fund.

And again, if I am right in my contention that these sinking funds are Provincial revenue (they certainly were exclusively provided out of it), is not the assumption of the General Assembly that they can deal with them in contravention of section 25 of the Constitution Act (also unalterable)?

If any further explanations are desired, I shall gladly furnish them; and if any of the Provincial Ordinances I have mentioned are not easily accessible at the Colonial Office, I shall readily supply them.

I have, &c.,

HENRY SELFE SELFE.

The Right Honorable Earl Granville, K.G.,
Secretary of State for the Colonies.

No. 33.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the
Right Hon. Earl GRANVILLE, K.G.

(No. 63.)

Government House, Wellington,

MY LORD,—

New Zealand, 28th May, 1869.

I have the honor to submit, with great respect, that I have read with much concern that paragraph in your Lordship's Despatch No. 27, of the 25th February ultimo, in which it is stated that the Government and Legislature of this Colony have not, as I had supposed, signified their acceptance of the conditions on which Lord Carnarvon offered to leave one regiment in New Zealand.

2. With regard to this point, I am requested to forward the enclosed Memorandum, drawn up by Mr. Stafford on behalf of the Colonial Government.

3. The Resolutions of the House of Representatives on this subject were transmitted with my Despatch No. 100, of the 8th October ultimo. As I then reported, these Resolutions were moved by Mr. Stafford, the head of the present Ministry, seconded by Mr. Fox, the head of the Opposition, and supported by Mr. McLean, the Superintendent of Hawke's Bay, by the chief Mete Kingi Paetahi (on behalf of the Maori Members), and by most of the leading men of all parties. I regret exceedingly that any misunderstanding should have arisen from obscurity of expression or otherwise; but it appears fair to all concerned to state, that several of the gentlemen referred to assured me, at the time when the Resolutions in question were adopted, that it was their *bonâ fide* desire and intention to agree to what they believed to be Lord Carnarvon's offer, with its corresponding obligations.

4. I beg permission to add, in conclusion, that I have no wish, in hazarding these remarks, to reopen the main question, seeing that your Lordship has explicitly stated that "Her Majesty's Government would not in any case have been prepared to repeat Lord Carnarvon's offer." My only object is to submit a few words of explanation with regard to the mistake into which I was thought to have fallen.

The Right Hon. Earl Granville, K.G.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 33.

MEMORANDUM by Mr. STAFFORD.

Wellington, 19th May, 1869.

MR. STAFFORD presents his compliments to His Excellency, and has the honor to make the following observations on Earl Granville's Despatch No. 27, 25th February, 1869; in the concluding part of which His Lordship states that the Colonial Government and Legislature have not, as supposed by the Governor, signified their acceptance of the conditions on which Lord Carnarvon offered to leave a regiment in New Zealand. This conclusion seems to be based on the Governor's Despatch No. 100, 8th October, 1868, and on the Secretary of State's answer to it, No. 127, 1st December, 1868.

Earl Granville's Despatch now under consideration, and that of his predecessor to which it refers, appear to have been written under some misapprehension as to the conditions in question, and as to the action of the Colonial authorities in respect of them; and it is advisable to remove any misconception on a subject of considerable importance.

Mr. Stafford's Memorandum of February last, transmitted to the Secretary of State by the Governor in Despatch No. 18, dated 8th February, indicated in general terms the error into which the Duke of Buckingham and Chandos had been led on this subject, and could not have been received when Lord Granville wrote. Mr. Stafford will now refer in detail to public records, so as to leave no room for future error on the question at issue.

Lord Carnarvon's offer was made in his Despatch No. 49, 1st December, 1866, in the following words:—

"The exception to which I have adverted is that of the single regiment which you will be at liberty to retain in the Colony, in case the grant of £50,000 per annum for Native purposes shall be continued."

Lord Carnarvon then refers to the conditions, as still remaining in force, "indicated in Mr. Cardwell's Despatch of the 27th November" (apparently No. 97, 27th November, 1865), and to certain conditions of a military character to which it is not proposed now to advert.

It is true that Mr. Cardwell's Despatch, to which reference is made, states, amongst other things, that capitation charge must be paid in the event of the Colony wishing to retain three battalions and one battery, or any smaller portion of such force; and further, that "it is the fixed purpose of Her Majesty's Government that no Imperial troops shall remain in New Zealand for whom this appropriation shall not have been made;" but his subsequent Despatch, No. 68, 25th June, 1866, expressly interprets the meaning of this Despatch, which must therefore be read by the light of his own interpretation.

In Enclosure 2 to his Despatch No. 68, 25th June, 1866, Mr. Cardwell writes, through his Under Secretary, to the War Office as follows:—

SIR,—

"Downing Street, 22nd June, 1866.

"I am directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 16th instant, forwarding a copy of a Despatch from Major-General Chute, and inquiring, for the Marquis of Hartington's information—

"1st. Whether that officer is right in assuming that it is the intention of Her Majesty's Government that one battalion of Infantry should be retained in New Zealand, irrespective of any provision being made by the Colony for the payment of troops, but contingent upon a contribution for Native purposes?

"2nd. Whether one battery of Artillery was to be retained, irrespective, in like manner, of provision being made for the payment of troops?

"I am to state in reply, that the instructions conveyed to Sir George Grey by Mr. Cardwell's Despatch of the 27th November, No. 97, a copy of which was forwarded to you in my letter of the same date, are to be taken as being in full force; and in order that there may not be any misapprehension on the subject, Mr. Cardwell desires me to re-state the exact nature of the arrangement to which those instructions refer, and which had been assented to by Mr. Reader Wood on behalf of the Colony.

"1st. That in consideration of the many circumstances connected with the presence of a large Native population, one regiment should be retained in the Colony at the cost of the Imperial Treasury, provided the Colony shall continue to pay out of Colonial funds a sum of £50,000 for the especial benefit of that population.

"2nd. That for any troops, beyond the one regiment that might be retained, the Colony should contribute a sum of forty pounds a head for Infantry, and fifty-five pounds for Artillery. And the number that might be so retained was not to exceed three battalions of Infantry and one battery of Artillery.

"Mr. Cardwell thinks it very desirable that Major-General Chute should be informed by the next mail that he must guide himself accordingly, and that it will be his duty to send from the Colony as speedily as possible, unless the required provision has been made, every soldier, whether Infantry

“ or Artillery, in excess of the one regiment; and that regiment also, unless he is informed by the Governor that fifty thousand pounds per annum is devoted to Native purposes.

* * * * *

“ The Under Secretary of State for War.”

“ I have, &c.,
“ F. ROGERS.

The offer of Lord Carnarvon was merely the repetition of the offer of Mr. Cardwell, so far as the single regiment was concerned. It cannot reasonably be contended that his Lordship meant to require the twofold condition that the Colony should pay a capitation charge at the rate of £40 a man, and should also contribute £50,000 per annum for Native purposes. This Native grant was originally required by the Imperial Government (see Duke of Newcastle's Despatch, No. 53—26th May, 1862,) in substitution for military contribution, and was so regarded by Mr. Cardwell. If Lord Carnarvon had intended to overthrow the arrangement made in respect of the one regiment by his predecessor, and to exact additional payment, such intention would have been explicitly stated while referring to a Despatch which, as just shown, was expressly stated by the writer of it to mean that one regiment was still to be detained in New Zealand at the Imperial cost, provided that the Colony made a certain specified contribution of money to Native purposes. Moreover such a requirement would, on the face of it, have been anomalous, inasmuch as in Australia, where the services of troops are not wanted, the capitation rate alone is charged; still less therefore in New Zealand, where there was, as there still is, civil war, and where but a few months before Mr. Cardwell considered the Native money grant equivalent to the charge for one regiment, could Lord Carnarvon be considered to have required from that Colony conditions twice as onerous as those in the case of Australia.

Having thus arrived at the only natural and fair construction of the offer made by Lord Carnarvon, it remains to be shown whether or not the Colonial Government and Legislature signified their acceptance of it.

When the offer was first received, the Responsible Advisers of the Crown in this Colony did not feel themselves justified in advising its acceptance, not because they for a moment imagined that a capitation charge was required in addition to the Native money grant, but because they believed the restrictions attached to the active employment of the troops would frustrate the object of their retention. A Memorandum to that effect by Mr. Stafford, dated 15th March, 1867, was transmitted to the Secretary of State by Governor Sir George Grey, in his Despatch No. 30, 4th April, 1867. Neither the Governor nor the Legislature expressed an opinion on the subject of the offer.

The regiment was temporarily detained in the Colony by the Imperial Government, and was still in it when, after a brief intermission, the Colonial forces were again engaged in active warfare with the Native rebels on the East and West Coasts. In August, 1868, the Legislative Council passed a Resolution praying for delay in the departure of that regiment (the only one left in the Colony); and in the following October the House of Representatives, at the instance of the Government, passed a Resolution as follows:—

“ That the removal of the 18th Regiment, in the present condition of the Northern Settlements, would tend to increase the excitement and confidence of the rebellious Maoris, and to discourage those friendly to Her Majesty's Government; that the Colony has for many years past constantly fulfilled and is virtually fulfilling the condition on which the retention of an Imperial regiment in New Zealand was sanctioned in the Despatch of Lord Carnarvon of the 1st of December, 1866; that this House therefore respectfully prays His Excellency the Governor to take steps for delaying the departure of the 18th Regiment until the subject shall be referred to the Imperial Government.”

This Resolution was, together with a Memorandum from Mr. Stafford explaining the fulfilment, by the Colony of the condition—namely, the Native money grant—attached to the offer of Lord Carnarvon, transmitted in the Despatch No. 100, 8th October, 1868, of the Governor, who begged “ to recommend it earnestly once more to the favourable consideration of Her Majesty's Government.”

Under these circumstances, it is evident that the Colonial Government and Legislature accepted Lord Carnarvon's conditions in the sense in which they were, and could only fairly be, construed. The Governor earnestly entreated the Home Government to give effect to the offer. The Colonial Ministers proposed the Resolution, which the people of New Zealand, through their Representatives in Parliament assembled, adopted, signifying their fulfilment and acceptance of the conditions. The Legislative Council, though not formally asked to assent to that Resolution, which involved a money vote, had previously signified their anxiety for the retention of the regiment.

The Governor was therefore correct in the statement to which exception has been taken, that such acceptance had been signified; and in making that statement, he informed Her Majesty's Government of the exact facts of the case.

For His Excellency the Governor.

E. W. STAFFORD.

No. 34.

COPY of a DESPATCH from Governor Sir G. F. BOWEN, G.C.M.G., to the Right Hon. Earl GRANVILLE, K.G.

(No. 69.)

Government House, Wellington,

MY LORD,—

New Zealand, 19th June, 1869.

I have the honor to transmit herewith the Reports and other documents, furnished to me by my Constitutional Advisers concerning those points in their management of Native Affairs and of the Colonial Forces which were commented upon in your Lordship's Despatch No. 30, of the 26th February ultimo.

2. It will be remembered, of course, that the Hauhau rebels taken in arms against the Crown some years ago on the East Coast of this Island, were sent to the Chatham Islands long before the commencement of my connection with New Zealand. I returned to the Seat of Government only two days ago, but I hope to be able shortly to forward further information (in addition to that contained in the papers herein enclosed) respecting that subject, and the other matters referred to by your Lordship.

The Right Hon. Earl Granville, K.G.

I have, &c.,
G. F. BOWEN.

Enclosure in No. 34.

MEMORANDUM by Mr. STAFFORD.

Wellington, 21st May, 1869.

LORD GRANVILLE'S Despatch No. 30, of the 26th of February last, states that the information given in the Governor's recent Despatches respecting the disturbances in New Zealand does not convey to his Lordship a distinct idea of those disturbances nor of the causes which led to the temporary successes of the Maoris, and then refers to statements made on the subject "in various quarters," and requires information and explanation in reference thereto.

In order to recal to memory all essential information on the matters to which Earl Granville adverts, statements have been required from the Native and Defence Offices, which are enclosed herewith. The whole may be gathered from official documents forwarded from time to time, by successive Governors, to the Colonial Office.

It may be generally observed that those who may have referred the origin of existing disturbances to any recent date or event have misled Her Majesty's Government. The hostility of several sections of the Maori population has been continuous for a long period, during which acts of violence have never been intermitted for many months at a time. The recent atrocities on the East and West Coasts constitute the crisis of the same war in respect of which Mr. Gladstone, then Chancellor of the Exchequer, on the 14th July, 1864, in his place in Parliament, spoke as follows:—

"He did not see how England could with justice throw the whole responsibility of the war on the Colony. The Home Government had approved it, and were so far responsible for it."

The honorable character of the war, so far as the Colonists are concerned, has been repeatedly admitted in words by successive Secretaries of State, and was most emphatically recognized in action, when the Imperial Government deliberately prosecuted it with an army of ten thousand British soldiers. Unhappily it was not concluded by the Imperial authorities, but, all external support having been withdrawn, the Colonists are still compelled to strive against the same obstinate hostility which exhausted the patience of the Imperial Government, and seems to have frozen their sympathies with the Colony.

Another point in the Despatch No. 30 demands some general observation. It is easy, though scarcely considerate, for persons whose ignorance, were they silent, would be pardonable on the score of their distance from the scene of conflict, to censure the defensive efforts of this Colony suffering under difficulties without any modern parallel, and to pronounce, after the evil event, what should have been done to avert it. The tone of an influential portion of the English press—apparently one of the "various quarters" whence Earl Granville has gathered the statements to which he refers—is that of a spectator in safety on the shore, watching with curiosity the struggles of a half-drowning man, tendering advice and reproof, but refusing to stir to help, and arguing that it is for the advantage of the sufferer to go through the watery ordeal unaided. The defensive arrangements of a young Colony cannot be judged by the standard applicable to States long established. The Colonists, taking with them to strange shores the habits of an old civilization, have not at the same time the accumulated means of centuries to bear them up in times of protracted warfare. They depend from year to year on their personal industry, which, if the community is to exist at all, must be constantly exerted in peaceful avocations. Any considerable or permanent diversion of industrial power to unproductive labour must bring early disaster, and rapidly exhaust the source of power altogether. The greatest prudence is required in adjusting the proportion in which industry is withdrawn from time to time from productive pursuits, so as to afford, on the one hand, moderate security for life and property, yet not, on the other hand, to undermine the foundations of property itself and destroy the means of life. Liberal allowances should therefore be made for those on whom rests the responsibility of that adjustment. More especially should such consideration be extended when, as in the case of New Zealand, the young community has been compelled against its will to assume the position abdicated by the parent state in relation to a foreign race, and to endeavour to fulfil treaty engagements contracted by the empire. New Zealand could not possibly have maintained a defensive attitude with a standing army sufficient to make insurrection impossible. The Colony must be content to bear the censures of unreflecting critics on the inadequacy of its ordinary means of defence, and must meet extraordinary emergencies by extraordinary exertions. These observations are offered in mere justice to His Excellency the Governor, whom Earl Granville appears disposed to censure, but with no wish to continue a discussion which is exhausted.

Earl Granville asks for information respecting an alleged offer of a reward of £1,000 for the capture of the chief Titokowaru. The report which has reached the Colonial Office is exactly true, as also the inference drawn by his Lordship, that it was implied in the offer that the reward would be given for the body of Titokowaru alive or dead. Ministers regret if this offer has not been reported in the copious minutes of events furnished to His Excellency for transmission by every mail. It is right now to add that a similar reward on the same terms has been offered for the body of Te Kooti, the leader in the outrages on the East Coast.

Earl Granville suspends his judgment as to the propriety of these steps on the ground that they are "much at variance with the usual laws of war." When his Lordship shall have had leisure to consider the details of the acts of Titokowaru and Kooti, he will perhaps come to the conclusion that their atrocities are happily as exceptional as the course adopted with a view to their punishment. But the offers in question are not without precedent in the history of the mutiny in India, and even of the Fenian outrages within the heart of the United Kingdom. Every atrocity of the Sepoy rebellion has been paralleled and outdone in the raids, burnings, violations, tortures, murders, and cannibalism of the last nine months in New Zealand, and with less provocation or excuse.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 34.

STATEMENT by Colonel HAULTAIN.

At His Excellency's request, the accompanying Quarterly Returns, showing the Numbers and Pay of the European Colonial Forces and of the Friendly Natives employed in New Zealand during the last two years, have been prepared for the information of the Right Honorable the Secretary of State for the Colonies.

Up to the end of the year 1868 the Europeans on pay were portions of the Military Settlers who had been located on their land in the confiscated districts, and were employed on garrison duty for a month at a time, being then relieved by others: and so on in rotation, giving to all the men a tour of pay and duty every three or four months; and this system was the means of retaining for the defence of the districts a considerable number of men who had served, and were trained for several years in the various Colonial Corps. These men were gradually replaced by the Armed Constabulary, who were organized after the model of the Irish Police, and were available for service in all parts of the Colony. Since the commencement of the late hostilities this Force has been increased to 1,200 to 1,300 men, and comprises both Natives and Europeans.

The second Return gives the Numbers of the Volunteers in both Islands, who have much the same equipment and organization as similar corps in England; but are, like the Militia, only available, except in great emergencies, for service within their own districts.

The third Return shows the Numbers of the Militia who have been enrolled and armed in the North Island; and portions of these, as well as of the Volunteers, have been engaged on active service whenever the war has been carried on in their neighbourhood.

The Militia of the South Island have never been called out.

Wellington, 21st May, 1869.

T. M. HAULTAIN.

RETURN showing the NUMBER and RATES of PAY of the EUROPEAN COLONIAL FORCE and of the NATIVE CONTINGENT during the last two years.

Date.		Europeans.		Natives.		Total		Remarks.
Year.	Month.	Officers.	Non-com. Of. and Men.	Officers.	Non-com. Of. and Men.	Officers.	Non-com. Of. and Men.	
1867	June ...	57	775	...	10	57	785	
"	Sept. ...	38	522	...	...	38	522	
"	December	32	400	...	...	32	400	
1868	March ...	25	496	...	...	25	496	
"	June ...	50	1130	4	150	54	1280	
"	Sept. ...	51	813	...	13	51	826	
"	December	61	1877	6	192	67	2069	
1869	March ...	112	2248	10	327	122	2575	
"	April ...	104	2242	32	1022	136	3264	

The Europeans consist of Armed Constabulary, Military Settlers, and Militiaman.

Rates of Pay.

Officers.—Rates of pay and allowances correspond with those of the Imperial Service.

Armed Constabulary.—For Constables, 5s. per diem.

Militiamen.—Privates, 4s. per diem in their own district, 5s. when serving out of it.

Natives.—Same as Militiamen.

Colonial Defence Office, Wellington, 20th May, 1869.

DESPATCHES FROM THE GOVERNOR OF NEW

RETURN showing the STRENGTH of the VOLUNTEERS in the NORTH and MIDDLE ISLANDS Quarterly during the last Two Years.

Date.		Island.	Cavalry.	Artillery.	Engineers.	Rifles.	Cadets.	Naval.	Total in each Island.	Total in New Zealand.
Year.	Month.									
1867.	June ...	North	392	...	58	1,085	...	92	1,627	3,797
		Middle	70	341	61	1,382	171	145	2,170	
"	September ...	North	429	33	60	1,042	...	83	1,647	3,952
		Middle	70	325	61	1,521	173	155	2,305	
"	December ...	North	458	65	64	1,241	69	92	1,989	4,360
		Middle	67	320	61	1,588	164	171	2,371	
1868.	March ...	North	438	66	64	1,156	70	127	1,921	4,254
		Middle	57	289	53	1,434	330	170	2,333	
"	June ...	North	423	61	77	1,222	68	118	1,969	4,343
		Middle	69	308	53	1,410	382	152	2,374	
"	September...	North	438	56	50	1,318	58	114	2,034	4,992
		Middle	110	311	44	1,933	381	179	2,958	
"	December ...	North	734	59	50	1,479	107	110	2,539	5,539
		Middle	110	317	44	1,971	381	177	3,000	
1869.	March ...	North	733	53	46	1,765	109	115	2,821	5,573
		Middle	99	306	44	1,803	400	100	2,752	

Colonial Defence Office, Wellington, 20th May, 1869.

ZEALAND TO THE SECRETARY OF STATE.

81 A.—No. 1.

RETURN of ENROLLED MILITIA in the NORTH ISLAND.

District.	JULY, 1867.			OCTOBER, 1867.			JANUARY, 1868.			APRIL, 1868.			JULY, 1868.			OCTOBER, 1868.			JANUARY, 1869.		
	Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.		Officers.	Non-Com. Officers and Men.	
		Armed.	Unarmed.		Armed.	Unarmed.		Armed.	Unarmed.		Armed.	Unarmed.		Armed.	Unarmed.		Armed.	Unarmed.		Armed.	Unarmed.
Auckland	51	2,106	2,157	51	2,106	2,157	51	2,106	2,157	51	2,106	2,157	51	2,106	2,157	51	2,106	2,157	51	2,106	2,157
Waikato	23	620	643	23	603	626	21	589	610	21	529	550	18	354	372	15	411	426	15	411	426
Tauranga	18	355	373	18	350	368	8	79	87	8	183	191	8	132	140	8	97	105	8	97	105
Opotiki	19	324	343	11	182	193	10	151	161	12	117	129	13	109	122	3	81	84	3	81	84
Poverly Bay	...	...	...	...	...	...	1	77	...	78	...	78	4	80	84	6	85	91	6	85	91
Wairoa	...	...	...	...	...	...	...	...	...	...	...	...	3	17	20	3	6	9	3	6	9
Napier	34	834	1,117	35	835	1,119	35	835	1,119	35	735	1,009	36	735	1,020	37	1,192	1,231	37	1,192	1,231
Wairarapa	6	162	168	6	162	168	6	162	168	6	162	168	6	162	168	9	334	454	9	334	454
Wellington	31	1,345	1,376	31	1,345	1,376	31	1,345	1,376	31	1,345	1,376	31	1,345	1,376	71	1,189	2,148	71	1,189	2,148
Rangitikei	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	11	281	322	11	281	322
Wanganui	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	27	551	578	27	551	578
Patea	16	155	171	9	122	131	2	26	28	2	24	26	2	23	25	2	22	24	2	22	24
Taranaki	45	731	1,028	45	533	933	41	492	923	41	492	881	39	621	771	36	632	729	36	632	729
Total	243	3,019	4,114	236	2,788	4,233	209	2,183	6,629	208	2,157	6,575	238	2,622	6,833	279	4,881	8,382	279	4,881	8,382

Sub-Enclosure 2 to Enclosure in No. 34.

Native Office, Wellington, 21st May, 1869.

MINUTES by the UNDER SECRETARY for NATIVE AFFAIRS upon two passages in Despatch No. 30, from the Right Hon. Earl Granville, K.G., to Governor Sir G. F. Bowen, G.C.M.G., dated 26th February, 1869.

1. "It is said that the escape of a large proportion of the prisoners from the Chatham Islands is to be ascribed to the fact that they had been taken there with the expectation, if not the promise, that they should be brought back to New Zealand after a given time; that it was only when this expectation or promise was left unfulfilled that they made their escape; and that on their return to their country they did not offer any violence to the settlers till attempts were made to hunt them down."

1a. The Native Office contains no record of any promise such as above referred to, and little or no trace of any such expectation. The general temper of the Government towards the prisoners may be seen in a mass of documents on the subject, forwarded to the Secretary of State for the Colonies by His Excellency Sir G. F. Bowen with one of his earliest Despatches after assuming the Government of the Colony (No. 7, 20th February, 1868).

In one of those documents, a Memorandum by Ministers, dated 11th February, 1868, Mr. Stafford says—"The only political offenders in confinement were captured in arms against the Queen, and have been placed for safe custody in the Chatham Islands. . . . In the hope that the improved state of our relations with the Natives would justify the release of most, if not all, of these prisoners, the Government addressed, on the 12th December last, a letter (of which a copy is enclosed) to Mr. McLean, the Government Agent at Napier, with a view of ascertaining his opinion, which, from Mr. McLean's general knowledge of Native matters and intimate acquaintance with the special circumstances of the capture of these prisoners, and of their individual character and influence, would be valuable in the highest degree. A copy of Mr. McLean's reply is enclosed. The reasons adduced by Mr. McLean against the release of any considerable portion of the prisoners appeared conclusive, and consequently only some of the most deserving have been released.

"Prior to their release, and with the object of fully ascertaining the condition, treatment, and general disposition of all the prisoners, the Government despatched Mr. Rolleston, the Under Secretary for Native Affairs, to the Chatham Islands, a copy of whose report is enclosed for His Excellency's information. From that report His Excellency will perceive that eight prisoners and some women and children have been brought back and sent in freedom to their homes, and that the general condition of the prisoners is on the whole satisfactory, remedies having been applied where there were any causes of complaint. In addition to those who were released on the occasion of Mr. Rolleston's visit, three other prisoners, accompanied by two women and four children, had previously been released. A copy of a letter written and published by these men is enclosed.

"Thus, while the treatment of the prisoners has been characterized by leniency and kindness, there is little doubt that their temporary removal from the districts in which they fomented rebellion, and were captured in active hostility against ourselves, has tended much to the re-establishment of tranquillity, and has saved both races from much bloodshed.

"As questions connected with the amnesty referred to by the Provincial Council of Auckland, and on the subject of the Chatham Islands prisoners, may arise in the Imperial Parliament, His Excellency is requested to transmit copies of this Memorandum and of its enclosures to the Right Hon. the Secretary of State for the Colonies."

Mr. McLean, in a letter of the 7th January, 1868, thus expresses his opinion:—"Having carefully considered the subject of your letter, I have come to the conclusion that a general amnesty would be attended with danger to the peace of the country; and I am further of opinion that hostilities, or even the prospect of any attempt to disturb the peace, should be at an end before releasing any considerable number of the prisoners. A few of the prisoners now at the Chatham Islands were released from the hulk at Auckland, and, notwithstanding assurances of good behaviour, they became violent promoters of rebellion. With the experience of the past for our guidance, great caution should be used in granting a general amnesty. It is possible that no danger would result from allowing a few of the best-behaved permission to return."

These views, and the decision based upon them, are in harmony with the original ideas and intentions of the Government. In the instructions to Captain Thomas, the Resident Magistrate at the Chatham Islands, which accompanied the first party of prisoners in February, 1866, the Hon. Colonel Russell, then Native Minister, says:—"It is the wish of the Government that the prisoners should be treated with all kindness consistent with safe keeping, nor is it desired to detain them longer than may be necessary. They should be informed, therefore, that their return will depend upon their own good conduct and the termination of the rebellion. A few of the best-behaved will be allowed to return periodically, and it is to be hoped that none of them need be kept prisoners for any lengthened period."

This language, used when the first prisoners were sent away, had never been revoked or altered at the time of their escape. No complaint had been reported by Captain Thomas at any time, nor by Mr. Rolleston, the late Under Secretary, who visited the islands a few months before the escape.

The sole reference to an alleged promise or expectation on record in this department is contained in the following extract from a Report by Major Edwards, who visited the island in April, 1867, and from an enclosure to that Report:—"In answer to their statement that they had been promised they should be sent back to New Zealand, a few at a time, probably after they had been one year at the Chathams, if they behaved well, and that the whole were to be sent back as soon as the war was over, I told them that I felt sure that the promise, if made, would be carried out, and that their good conduct would have its due weight with Government." In the enclosure to the Report, which purports to be a translation of speeches by the prisoners to Major Edwards, no allusion is made to the subject of their return by any of the prisoners; but Paora Kati, a Maori of the guard, says that the prisoners were told on leaving New Zealand that if they behaved themselves well they would be released in

“ nine months. This is now the thirteenth month.” The statement of Kati is absolutely without support in any recorded document. On the other hand, the official reply to several applications by friends of the prisoners, both Maori and European, for their release, has been uniformly to the effect that, quite as much in the interest of the prisoners themselves as of the Colony, their return must be delayed until peace should be securely established, lest they should be tempted to resume their former groundless hostility, and meet a worse fate than the mild banishment they were undergoing.

The Resident Magistrate at Napier, in a letter dated 1st April, 1868 (see Appendix, Journals House of Representatives, 1868, A. No. 4, p. 64), says, “ I think it is not too much to say that the East Coast, from East Cape to Wellington, may now be looked upon as safe from any fresh outbreaks so long as the rebels deported to the Chatham Islands are kept there. The pacification of the East Coast is to be attributed in the first place to the success of our arms at Pukemaire, Wairengahika, Waikare, Moana, and Omarunui; but these successes would have been barren of result had it not been for Wharekauri, and should the prisoners now there be allowed to return before Hauhauism and Kingism have quite lost their hold upon the Maori mind, I should be sorry to undertake to answer for the consequences. It is but a few weeks since a party recently returned from Wharekauri actually practised Hauhau rites in the middle of this Province. Of course this could not be tolerated, and it was sternly put down by our Natives; but the party belonged to Turanga, whither they have now returned, and where they may not improbably be again carrying on their old superstitions.”

The little experience here reported, amongst other evidence, was held to justify and require longer detention of the rest of the prisoners, in the still unsettled condition of several parts of the country.

16. The spot on which the escaped prisoners landed is remote from all habitations, the nearest being fifteen miles distant, by a very rugged track. Time had not been afforded them to show what their intentions were, when Major Biggs moved out with a party to intercept them. They landed on the 12th July, and on the 13th, at daylight, he was within a mile and a half of their camp, with a force of fifty Maoris and fifty-three Europeans. In his Report to the Defence Minister (14th July), he writes:—“ A Maori, Paora Kati (the same man already mentioned as one of the guard at the Chatham Islands who pleaded for the release of the prisoners), whom I sent to them to request them to give up their arms quietly, saw fifty-three men, who were acting as sentries; these were all armed with rifles. The remaining portion were in their whares, were very sulky, and would not speak. They refuse to deliver up their arms, and request that no other messenger may be sent to them, as they wish to hold no communications with any of the Maoris of Turanga, either loyals or rebels. They practise a new religion, and their ringleader or high-priest is a man named Kooti, one of the worst characters among them. . . . It was my intention when I first started to have attacked them at once, if they refused to give up their arms; but when I found the escaped prisoners were so well armed and numbered considerably more than we did, also our own Natives being badly armed, many having only fowling-pieces, and some of the Europeans not even knowing how to load their carbines, besides the Natives being much against making an attack with our small numbers, I determined to return and wait for instructions from the Government, and in the meantime to act only on the defensive.”

The fugitives had not ill-used the crew of the vessel they seized, but at first there were grave doubts whether they had been equally forbearing to their guard and others on the islands. Some days after Major Biggs' report, Colonel Whitmore, who had been despatched in pursuit, reported that the Turanga Natives who had visited the fugitives could “ not induce them to surrender, as they said they had committed murders, and would be hanged.” He further added, that one of the guard had been killed by a prisoner with an axe, and that one of their own number, Warihi, was thrown overboard on the passage to the mainland, lest he should tell.

Major Biggs was not allowed to await the instructions of the Government in a defensive attitude. His little force, which he had left in charge of Captain Westrupp, was attacked on the 20th July, at a disadvantage, one party being cut off from the other by a gully. The fugitives not only broke through, but captured the horses and baggage of their opponents. Another party, under Lieutenant Richardson, which had marched from Hawke's Bay to intercept the fugitives, was attacked by them on the 24th, and again with success.

The aggressive was, for the first time, distinctly taken by Colonel Whitmore, who, after an arduous journey through a desolate country, in the depth of winter, came up with and attacked the party on the 8th August.

The result was indecisive, and the Colonial force, having exhausted their food, were compelled to abandon the pursuit. Subsequently the Government offered amnesty of all offences, and land for settlement, on condition of surrendering and giving up their arms. The offer was not accepted. The sequel need not be here related.

The grounds for speculating what might have been the action of the fugitives had they been left absolutely uninterrupted, are very scanty prior to the massacre in November. The murder of the guard may be treated as an incident of battle, but the death of the prisoner Warihi indicated relentless barbarity. In a curious little book, undoubtedly the work of Kooti, containing a sort of journal of his visions in the Chatham Islands, occurs a significant passage, of which the following is a literal translation:—

“ Utiera.—A word. My anger is quite firm against the tribes who have slain my tribe. I will slay the parents even to the children. I will not cease for ever.”

The first word, which is without meaning, is the form in which the writer believed himself to have received one of his revelations. It is a sort of acrostic of the words which follow in the Maori, and which are the interpretation by Kooti of the first mystic word “ Utiera.”

The book generally, which is modelled, as might be anticipated, upon passages in the Hebrew Scriptures, has nevertheless much original beauty in places. It is written in a very excited strain.

The best evidence of the character and probable action, under any circumstances, of Kooti and his disciples, is to be found in their barbarities in November at Poverty Bay. Their victims were not only Europeans whom they might call enemies, but men and women of their own tribes, who had never molested them, but some of whom showed a clear disposition to sympathize with and join them.

Equally barbarous and unprovoked was their conduct at Whakatane and at Mohaka, the Natives of which latter place had just set free, unharmed, prisoners of the Hauhau party.

2. "I find it also said that the disturbances on the West Coast arose from an arbitrary seizure of two Natives as pledges or hostages for the return of two horses which were retaken by the Natives after having been captured by General Chute."

All the evidence bearing on the above statement has been laid unreservedly before the Legislature, and printed in the Appendix to the Journals, 1868, A. No. 8, copies of which have been duly forwarded to the Colonial Office. Till within a very short time of the renewal of hostilities, the Patea country had been in military occupation ever since the campaign of General Cameron, in 1865. About the time when the forces were withdrawn, Titokowaru and his hapu made their first visit to the European camp since the war in 1860, and formally reconciled themselves to the Government. For some time previous to their coming in, and at intervals down to the renewal of hostilities, obstructions were offered to the survey of the land, and its occupation by the Military Settlers. In July, 1867, Lieut.-Colonel McDonnell, by a night march, surprised one party of Natives who were opposing the surveyors, and obtained a temporary acquiescence. The large reserves made for the surrendered Natives were marked out, and their boundaries well known to and accepted by them, yet they from time to time opposed individual settlers occupying lands clearly outside those boundaries. The majority of the settlers were, however, left to occupy quietly. But after the Imperial forces had been altogether removed, and the Colonial force had been drawn back to the Patea township, the increase of threats, opposition, and thefts, was conspicuous, and assumed the appearance of a system. Houses were entered, and moveables stolen, and horses carried off. The Resident Magistrate, Mr. Booth, courageously resisted these brigandages. He visited the settlements of the disaffected men suspected of the thefts, and endeavoured to obtain restoration of the property, and afterwards issued warrants to take the marauders. In a letter of the 5th May, 1868 (see App. 68, A. No. 8, p. 7), Mr. Booth reports the following speech, by Toi, one of the men concerned:—"We have the horses you have come in search of. I have them, and I do not intend to give them up. One, a mare, was mine originally; the others are the property of Europeans. I intend to take the horses and other property of Europeans wherever I can." This is the only occasion on record on which any claim was put forward to the ownership of the horses. There is no suggestion here that they had been looted. The Government had exerted itself to protect the Natives against looting, and had published notices warning all persons against the practice, and pointing out its illegality under any circumstances. It was to protect the Natives especially against such practices that Mr. Booth was first put in charge of the district, immediately on the cessation of active warfare.

On the 15th May, Mr. Booth reported that Lieut.-Colonel McDonnell had gone to Ngutu-o-te-Manu with a warrant for the apprehension of Toi, Hauwhenua, and others implicated in these horse robberies. "On the afternoon of Tuesday the force returned to Waihi, bringing one Native, named Tauke, as a hostage, but not bringing any of the actual thieves or stolen property." Next day a messenger was sent to the same place, who returned with two mares and a foal. Not satisfied with this, Mr. Booth himself went the same afternoon to the pa with an armed party, and found two more of the stolen animals. He then says, "We made a prisoner of a man named Ihaka, against whom an information had been laid that he had broken into a settler's house at Waingongoro, and had also stolen a horse. Two other men were also taken prisoners. These men, with the two horses, were brought into Waihi. Tauke (the hostage) was released." The next day, after examination, the three prisoners were released; but Ihaka was remanded for a week for further evidence. Ihaka in the meantime escaped, owing to the carelessness of the guard. A few days afterwards the murders were committed, which, according to Maori custom, commenced open war, and Ihaka was one of the murderers. Thus the evidence of official records, so far as it throws any light on the subject, does nothing to support the assertion that the taking of the hostages, irregular as it must be admitted to have been, had any direct bearing on the West Coast outbreak. There was another larger and more generally operative incitement to rebellion in the hope of recovering land and status, which grew up gradually after the withdrawal of General Cameron's army of occupation.

G. S. COOPER,
Under Secretary.

For His Excellency's information.

J. C. RICHMOND.

21st May, 1869.