

of the 24th of June, requesting the consideration of Her Majesty's Government to the subject of a letter addressed by Mr. Fitzherbert to the Secretary of State, on the 8th of June, 1868.

In this letter Mr. Fitzherbert submits, with reference to the prosecutions to which Governor Eyre was subjected in consequence of acts done during the late rebellion in Jamaica, that the Governor of a Colony having Responsible Government should not be held personally responsible in respect of any act done by him under the advice of his Responsible Ministers, and that in all cases in which an Act of Indemnity shall have been passed by the Representative Legislature of a Colony, and not disallowed by Her Majesty, such Act of Indemnity shall be a bar to all proceedings in the ordinary Courts of Law, saving to the House of Commons and the Imperial Parliament the right of impeachment. And he suggests that to effect these objects an alteration should be made in the Imperial Acts, 11 and 12 William III., c. 12, and 42 George III., c. 85. I have carefully considered as well Mr. Fitzherbert's suggestions as the opinions of your Attorney-General and the charge of Mr. Justice Richmond.

I observe, however, that the proceedings in Mr. Eyre's case, and the elaborate judgments delivered in the course of those proceedings, have relieved this subject from many of its difficulties, and taken away much from the urgency of adopting any measure in respect of it.

On the other hand, there is so great a mass of pressing legislation in preparation for next Session, that, in the absence of any such urgent necessity, I cannot hold out the expectation of being able, on the part of Her Majesty's Government, to introduce a Bill which would lead to much discussion, and possibly to considerable difference of opinion.

I have, &c.,

GRANVILLE.

Governor Sir G. F. Bowen, G.C.M.G.

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No. 15.

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

(No. 104.)

SIR,—

Downing Street, 4th October, 1869.

I have received your Despatch No. 69, of the 19th of June last, enclosing a copy of a Minute of Mr. Stafford, and of reports furnished by the officers of your Government, respecting the case of the Chatham Island prisoners, and of certain hostages taken on the West Coast of the Island. I have also received your further Despatch No. 82, of the 6th of July, on the same subject.

I quite concur with Mr. Stafford that it is useless to travel over subjects which are exhausted. I will merely notice his observation that New Zealand is compelled by the Imperial Government to "endeavour to fulfil treaty engagements contracted by the Empire." The alleged treaty obligations, it should be constantly remembered, are obligations of natural justice, not arising from the treaty, but merely recognized and recorded by it; or, to repeat words which I have already used with this object, and which have been rather strangely misapplied, "the Imperial Government have not transferred to that of the Colony any obligation whatever, except that imposed on all of us by natural justice, not "to appropriate the property of others."

On the two matters to which the enclosures to your Despatch relate, the explanations furnished are full and satisfactory.

It appears that there is no recorded evidence of any promise to the Chatham Islanders that they should be sent home at any specific period, and that the only evidence of such a promise, recorded or unrecorded, is the second-hand statement of one of the guards respecting what the prisoners were told on leaving New Zealand. Major Biggs' proceedings as now reported, whether or not they may have been ill-judged, appear to me by no means unnatural.

With regard to the proceedings on the West Coast, I see that disorder prevailed there; that Government was employed in preventing Europeans from "looting" Natives on the one side, and repressing and punishing Native thefts on