

thereupon had brought all the Native inhabitants within the district under the provisions of a law which might entail the forfeiture of their entire landed property within that district, upon all persons who had committed offences even of so trivial a character that it would have been probably difficult, in a race related to one another as the Natives are, for many persons within that district to escape falling under some one of the provisions named in the Act.

9, 10.

For these reasons, the Governor deemed the Order in Council presented to him as being so contrary to law and repugnant to the New Zealand Settlements Act and the legislation of the General Assembly that he declined to act on the advice of his Ministers, and did not sign the Order in Council which had been submitted to him. Had he done so, he might with as much reason and justice have been asked the next day to include the whole remaining portion of the Northern Island in a similar Order in Council. He also believed that the issue of such an Order in Council as was laid before him on the 17th of May might have alarmed alike the friendly and wavering Natives, and have involved the country in a general war.

At the same time that Ministers laid before the Governor this Order in Council, they advised him to approve of certain Regulations for the location of Natives who had been in arms against the Queen's troops, on land to be allotted to them by Government.

These Regulations were not approved of because the Governor had declined to sign the Order in Council to which they had relation, and the Regulations, for the time, fell to the ground.

11, 12.

On the 28th day of May, at a Council at which only two Ministers were present (the Premier and the Minister for Colonial Defence), Ministers laid before the Governor three Orders in Council, in lieu of the one he did not sign, defining and declaring three districts under the New Zealand Settlements Act. One of these districts embraced a very large extent of country, including much territory which had neither been taken possession of or occupied by our troops. The Governor was, however, satisfied of his own knowledge that a considerable number of the Natives within those districts had been engaged in rebellion against Her Majesty's authority, or had carried arms against Her Majesty's forces since the 1st day of January, 1863; he, therefore, determined to show how great his anxiety was to meet the views of his Responsible Advisers, signed these Orders in Council.

9. *For these reasons the Governor.....he declined.*

The Governor's reasons have no foundation to rest on. The Order in Council was not "contrary to law, and was not repugnant to the New Zealand Settlements Act, and the legislation of the General Assembly." It would have been perfectly intelligible that the Waikato, Thames, and Tauranga Natives should have been included in an Order in Council declaring a rebel district; but it would be very difficult to find any one else besides His Excellency who would adduce that as a reason for including "the whole remaining portion of the Northern Island in a similar Order in Council." The district comprised in the Order of the 17th of May could very properly have been declared a rebel district, because a very large proportion of the population was engaged in the rebellion, but no such reason could possibly apply to the Ngapuhi and other tribes of the Northern Island, who have kept altogether aloof from any participation in it. His Excellency says in effect, that if a district in which rebels reside is declared to be a rebel district, it is just and reasonable to declare a district in which no rebels reside to be a rebel district. Ministers cannot agree with His Excellency in such a proposition.

10. *He also believed that the issue of such an order.....might have alarmed alike the friendly and wavering Natives, and involved the country in a general war.*

There were two courses open for His Excellency to pursue,—the one firm, vigorous, and consistent—the other weak, timid, and vacillating. The former the Natives appreciate and respect; the latter produces contempt and opposition. Most unhappily for all, His Excellency has determined to pursue the latter, and every day makes more apparent the disastrous results of so fatal a mistake.

11. *On the 28th day of May, at a Council at which only two Ministers were present, the Premier and the Minister for Colonial Defence, Ministers laid before the Governor three Orders in Council.....*

His Excellency altogether omits to mention the important fact that the three Orders in Council of the 28th of May were the result of an arrangement between the Minister for Colonial Defence and himself, and that the boundaries of the districts comprised in those Orders were suggested by His Excellency, and when the plans were made His Excellency approved of them, and proposed at once to sign the Orders in Council to which they were annexed, but did not do so only because it required the Governor *in Council* to give legal effect to them. One of the Ministers to whom His Excellency refers—the Premier, Mr Whitaker—was then requested by the Minister for Colonial Defence to attend a Council as a mere matter of form to carry out what had been arranged by himself and the Governor. Mr. Whitaker objected, on the ground that he did not believe the Governor would issue the Orders; that His Excellency would even yet find some excuse, and that he, Mr Whitaker, would not go to the Council to enter on any discussion on the subject, which would not, he felt assured, lead to any practical result. The Minister for Colonial Defence