

25, 26.

The Governor's opinion is different. He understood that he was advised to approve them on the 28th of May; and it will be seen that the Clerk of the Council's impression corresponds with that of the Governor. This point may, however, be waived. The Regulations were as necessary for the Orders in Council of the 28th of May as for the Order in Council of the 17th of May. It cannot be denied that they were submitted to the Governor on the latter day, for they bear this note, "advised by Ministers, F. Whitaker, 17th May."

27, 28, 29,

And the Governor conceives that Ministers when they recommended him to bring such vast tracts of country under the operation of such a law as the New Zealand Settlements Act, and advised him to issue Regulations which, viewed in their relation to that law, must have had such momentous effects upon the interests of the Native race, ought to have made up their minds as to the general policy they proposed to pursue regarding the confiscation of Native Lands, and the extent to which they intended to carry such confiscation; and that when the Governor had been on two occasions deliberately advised to sign such important papers, and when on the last of these he asked to be informed of the general policy of which they formed so important a part, he was entitled to expect to receive a more definite answer than was made, or even than that given to him so long

fact, upon which the Ministers present at the Council on the 28th of May, feel that any mistake on their part is impossible.

25. *The Clerk of the Council's impression corresponds with that of the Governor.....*

The Clerk of the Council appears to have written his memorandum on the 27th of June, and His Excellency forwarded a copy to Ministers on the 24th of October only. What does his testimony amount to? That because the Prime Minister *handed or passed* the papers to him *after* they were signed by the Governor, therefore he was led to suppose that the Prime Minister submitted them for approval. And as to the Regulations, the Clerk a dozen times tells two different stories,—first, the Minister for Colonial Defence was seen with the Regulations, but the Prime Minister as a matter of fact *assisted* in submitting them to the Governor, by leaning forward and putting out his hand,—and next, the Clerk was led to suppose that the Prime Minister had not assisted only, but himself submitted the Regulations, because a discussion which ensued was sustained he (the Clerk) may say altogether by the Prime Minister. The Clerk then leaves the matter in obscurity as to whether, in his opinion, the Prime Minister alone performed the act of submission, or whether he only assisted in doing so. The fact being, however, that the Prime Minister did neither; for the Governor, after some search, found the Regulations amongst other papers on the table, and handed them to Mr. Russell; but on the 28th of May, they were not submitted to the Governor by anybody.

26. *The Regulations were as necessary.....*

The Regulations were not as necessary for the orders of the 28th of May as for the order of the 17th of May. The land comprised in the order of the 17th of May, and that portion of it which might have been taken under a subsequent order was considerable in extent, and the Regulations might have been brought into operation; but the land actually to be taken under the orders of the 28th of May, was not sufficient to satisfy the contracts with the Military Settlers, who are by law first entitled, and therefore the Regulations could not apply to an acre of it. It was never denied that the Regulations were advised on the 17th of May in reference to the draft Order in Council of that date, nor can it be denied that when the Regulations were submitted to His Excellency in draft on the 17th of May, with these words written on the face of them, "Rough draft submitted to His Excellency's consideration," with a view to obtain His Excellency's opinion, he refused to take any notice of them unless Ministers formally advised their adoption.

27. *When they recommended him to bring such vast tracts.....*

If the Governor means to refer in this passage to the draft order of the 17th of May, the answer is that he was not advised to issue that order. The document on the face of it bears these words—"Draft Order in Council submitted for His Excellency's approval," and on the plan which accompanied it the proposed district was marked in pencil. The object in submitting it to His Excellency was to elicit his opinion—that opinion was given in his memorandum of the 25th of May, and his views, as stated in that memorandum, were adopted by Ministers by their memorandum of the 30th of May, and the draft order, with the map marked in pencil, abandoned. If the Governor in the above quotation refers to the Orders in Council of the 28th of May, they certainly did not comprise vast tracts, and the order