

sending forth a few words unadvisedly. And it may be remarked that if a few words declaring a forfeiture of lands could produce such results as those pointed out by His Excellency, the evil must long since have been done by His Excellency's declarations on the subject of forfeiture.

His Excellency, probably, when reminded, will recollect that he never signed the Proclamation he refers to. The draft of the Proclamation was submitted to him for his approval, and he affixed his approving signature, and addressed still stronger approving words to the Colonial Secretary. His Excellency was quite right in believing that his Advisers had carefully satisfied themselves that the Governor was doing that which the law "required" (authorised) him to do, and His Excellency was mistaken in subsequently doubting that this important question had been carefully considered by them.

His Excellency's Advisers deeply regret that he should feel that they placed him in a painful position. It was wholly unintentional on their part. They merely meant most respectfully to submit, what they believed to be the fact, that they had not given the advice which His Excellency, they considered, was under the misapprehension that they had given. They beg to be permitted at once to recall what His Excellency considers a direct contradiction in terms, and they will leave the facts, as they appear on the paper, to speak for themselves.

Ministers had not the slightest intention of throwing any responsibility on His Excellency for the contents of the Draft Proclamation they submitted to him. The whole responsibility was theirs; they did not desire to be relieved of any portion of it; and they willingly admit that, if the proposed Proclamation was illegal or unjust, His Excellency's prior declarations to the same effect would not exonerate them from the responsibility. At the same time it appeared to Ministers that as His Excellency had made previous declarations of the forfeiture of Native Lands, he had made up his own mind on the subject, and that he would, on being reminded, call to memory the sufficient grounds which, no doubt, he felt at the time justified the course he had taken.

Ministers would beg most respectfully to remind His Excellency that, on numerous occasions, during their tenure of office, when the subject of forfeiture has been under consideration, he has never in their recollection, expressed a doubt, or raised a question, as to its justness or legality. There are two instances to which Ministers beg to be permitted to refer to, to bear them out in their statement.

On the 16th of December, 1863, His Excellency had a Draft Proclamation submitted to him, which it was intended should be issued from Ngaruawahia, whither His Excellency was about to go. His Excellency made alterations in it with his own hand, and, with his full assent, it was printed and got ready for issue. His Excellency subsequently decided not to go to Ngaruawahia, chiefly on account of a difference of opinion as to whether he should go alone, or be accompanied by Ministers, and this Proclamation was never issued. One of the passages inserted by His Excellency, with his own hand, in that draft, is in these words:—"All the land of those who have been fighting will be forfeited to the Crown. Any part of it that is restored to them will be so done from consideration to the wants of themselves and their children, and it must be understood that in laying down their arms they relinquish all their land." This passage intensifies the original draft of the Colonial Secretary, which was not so strongly worded.

In another Draft Proclamation, which was before His Excellency on the 8th of March last, and which he had under consideration for many days previously, there is this passage:—"All the land of those who have been fighting is forfeited to the Crown, but part of it will be restored to them." His Excellency with his own hand struck out the words "them," and added the words "who now come in without delay, as pointed out in this paper." This document was verbally assented to by His Excellency, and printed, but subsequently withdrawn on account of difference of opinion on another point, namely, the surrender of guns.

It should not, moreover, be overlooked, that the statement in the proposed proclamation of the 30th of April, "that the rebel Natives had been perverse and obstinate, and by their conduct have justly forfeited their land," is but the recital in the preamble of a foregone conclusion, come to by His Excellency before the present Government came into office, and that the operative part of the proclamation was intended to modify the extent to which confiscation had been previously threatened, and thus hold out an inducement to the Natives to submit.

As clearly showing the understanding of His Excellency and his late Advisers on the subject of confiscation, Ministers beg respectfully to refer to the Memorandum of the 24th of June, 1863, signed by Mr. Domett, and His Excellency's reply thereto, of the 6th of July (published in Session papers of General Assembly, E—No. 7, pages 8 and 9), from which the following are extracts:—

"His Excellency then proceeded to explain in detail to Ministers the plan he would recommend for the defence of the southern frontier of the settled districts of the Province of Auckland, and the establishment of a basis for further military operations in the interior of the enemy's country."

"The plan, briefly stated, is to make the Waikato River, from the sea on the west coast to its southern bend in the middle of the island, a temporary line of defence, by placing armed steamers on the river, and by establishing posts on its northern bank. Then from the bend of the river to establish a line of fortified posts, extending to the Hauraki Gulf, the intervals to be defended by cavalry, the gulf and its shores to be looked after by another steamer. Next to those forward military posts, from the central bend of the river up to Paetai and Ngaruawahia, taking permanent possession of these places, the latter of which will be the point where one steamer will usually be stationed. At the same time to clear out all hostile Natives at present residing between the Auckland isthmus and the line of the river and fortified posts above mentioned, which together cross the island; Lastly, to confiscate the lands of the hostile Natives, part of which lands would be given away, and settled on military tenure to provide for the future security of the districts nearer Auckland, and the remainder sold to defray the expenses of the war.

"The execution of these plans would require the employment of a considerable body of Militia and Volunteers, and the consequent expenditure of large sums of money on the part of the Colony. Measures for the defence of the other settlements of the northern island would necessarily have to be taken at the same time: and the lands of the Natives, in their neighbourhood, who should take up arms against us, would have to be similarly confiscated and dealt with."

"Ministers cordially concur in these plans of His Excellency, and they are willing to take upon