

set apart within any such district, eligible sites for settlements for colonization, and define and vary the boundaries of such settlements, and that no persons should receive compensation for their land, taken by the Government in such districts, who should, since the 1st day of January, 1863, have made war or carried arms against Her Majesty or Her Majesty's Forces, or who should have adhered to, aided, assisted, or comforted any such person as aforesaid, or who should have counselled, advised, induced, enticed, persuaded, or conspired with any other person to make war against Her Majesty, or carry arms against Her Majesty's Forces; or who, in furtherance or in execution of the designs of any such persons as aforesaid, should have been, either as principal or accessory, concerned in any outrage against persons or property; or who, on being required by the Governor by proclamation to that effect in the Government Gazette, to deliver up the arms in their possession, should refuse or neglect to comply with such demand after a certain day to be specified in such proclamation.

4. 5.

The district which Ministers advised the Governor to proclaim within the provisions of the New Zealand Settlements Act, consisted of several millions of acres, and contained a large number of Native tribes: the vast majority of the members of several of such tribes had never, as the Governor believed, taken any part in the rebellion, but, on the contrary, had performed many acts of friendliness to us.

6. 7.

The New Zealand Settlements Act had thrown this protection round the Natives. It said that the Governor in Council was to be satisfied that any Native tribe or section of a tribe, or any considerable number thereof, had been engaged in rebellion. The Order in Council submitted to the Governor appeared to him to be in direct violation of the law. By mixing up innocent tribes with a great number of guilty tribes, it placed the innocent in a minority, and thus brought them within the provisions of the Act, whilst it robbed them of the safeguard which the Act had thrown round them in directing that a single tribe, or section of a tribe, should alone be brought under its provisions in the same Order in Council.

part of the Waikato and Ngatimaniopoto tribes who have been engaged in the rebellion." Ministers deferred to His Excellency's preference, abandoned the draft, and inserted in the Orders in Council submitted to His Excellency on the 28th of May, the exact boundaries which he had approved of. Whatever may have been His Excellency's object in writing his dissertation of several pages on a document which had never been proceeded with beyond a draft, and had been altogether abandoned on his suggestion at that stage several months before, it is quite clear that the effect must be to produce erroneous impressions.

4. *The district which Ministers advised.....*

Ministers did not advise the Governor to proclaim any district. Their proposal was laid before the Governor in draft, because they were not prepared to advise without further consideration of the subject, and so little had Ministers made up their minds as to boundaries that on the map which accompanied the draft the proposed boundaries were suggested by a line in pencil.

5. *The vast majority of the members.....*

The map laid before the Governor, with the draft of the 17th of May, comprised the Waikato, Thames, and Tauranga districts. The Governor's statement that it was his belief that a vast majority of the members of several of the tribes of these districts had taken no part in the rebellion is of course not controverted, but in this belief His Excellency differed from those who were best acquainted with the facts, and if it were a practical question, worth the trouble, there would be no difficulty in clearly proving that His Excellency's belief was erroneous, and that in the district of Waikato nine-tenths, in that portion of the district of Tauranga described in the draft order three-fourths, and in the district of the Thames a considerable number, at the least far more than sufficient to satisfy the terms of the Act in its strictest interpretation, have been engaged in the rebellion.

6. *The New Zealand Settlements Act said that the Governor in Council was to be satisfied.....*

If the Governor had any doubt on his mind, it was of course competent to him to ask for proof. This would have been a reasonable and legitimate course; but he did not do so. He stated that there was another course which he proposed; and Ministers abandoned their own plan in deference to His Excellency, and consented to adopt the mode which he suggested to bring into operation the New Zealand Settlements Act.

7. *It said that the Governor in Council was to be satisfied The Order in Council appeared to him in direct violation It robbed them of the safeguard.....*

The Governor's representations as to the purport and object of the New Zealand Settlements Act are not correct. His Excellency considers the Act to be violated "by mixing up innocent tribes with a great number of guilty tribes," by including both within a district under the Act. It is quite true that the district described in the Draft Order in Council comprised land of both innocent and guilty—in fact, it included four