

had nothing to do with them; commenced a discussion not pertinent to the business before the Council, and asked questions, whatever the object, only calculated, as it appeared to Ministers, to create embarrassment, and which could not produce any practical result. Ministers did decline, then, to answer the questions, on these grounds, and especially on the further ground that the subject had not been considered by them, and that the two Ministers present were not prepared to commit the Government without such consideration; but, they added, that they would advise when the occasion arose. That occasion it was, of course, competent for the Governor to create whenever he thought fit; and in the following month of June, His Excellency did formally ask the question—What was the “general policy they (Ministers) propose to pursue regarding confiscation of native land, and the extent to which they intend to carry such confiscation?” To this Ministers replied in a memorandum of the 25th of June, fully explaining their views.

21, 22.

These are the points on which the Governor wished to be informed. He thought it due to Her Majesty's Government that he should give them the fullest and clearest information on those subjects, in order that they might know the duty on which they sanctioned the employment of the Queen's forces. He also felt that he ought not to be expected to take the responsibility of ordering from time to time the employment of those forces until he knew the end which was being aimed at, and the extent to which it was proposed to carry on operations; and he thinks that it would be generally felt that a distinct notification on this subject should be made to the native population, with the view of bringing as soon as possible the present unhappy contest to a close.

21. *These are the points on which the Governor wished to be informed.....*

Ministers have never refused to explain their views to His Excellency in the fullest manner whenever he has given them an opportunity of considering the subject upon which he wished them stated; but they did not think it reasonable, and still think it was unreasonable, that at an Executive Council, called for the purpose and under the circumstances of that of the 28th of May, two Ministers—present only as they understood as a matter of form to dispose of that which had been virtually settled—should be pressed, without time for consideration or consultation with their colleagues, to give explicit answers to such questions as the Governor then proposed to them.

22. *He thinks it would be generally felt that a distinct notification on the subject should be made.....*

Why has not such a distinct notification been made? Ministers have repeatedly urged it, but His Excellency has been the obstacle. He has, however, now issued what must be presumed he means to call a distinct notification as to the quantity of territory he requires from the rebels, and that is to be “such territory as may in each instance be fixed by the Governor and Lieutenant General.” How such a notification can be considered to convey a distinct idea of extent it is impossible to conceive; and it is not explained how the extent is to be determined, if it should happen that His Excellency and the Lieutenant-General do not agree in opinion.

23.

Ministers positively declining to give the information for which the Governor asked, he stated that he would not approve of the Regulations which they had advised him to approve; and he directed the Clerk of the Council to retain in his possession the Orders in Council which the Governor had signed, and not to allow them to be issued until the Governor informed him he had obtained the information for which he had asked, and until he had approved the Regulations.

23. *Ministers positively declining to give the information.....*

Ministers did not positively decline to give the information, but Ministers declined to give opinions upon imaginary cases, irrelevant to the matter before them without due consideration and consultation with their colleagues; and they appeal to the correspondence between themselves and His Excellency in proof of their never having refused to state their opinions explicitly whenever the Governor has reasonably required them to do so.

24.

It appears, as will be seen from the Enclosures to this Memorandum, that some misunderstanding took place on the subject of the Regulations which the Governor says were submitted to him. Ministers say that the Regulations were not submitted to the Governor on the 28th of May, although he had been advised to approve them on the 17th May.

24. *It appears, as will be seen from the enclosures to this Memorandum, that some misunderstanding took place.....*

Ministers did advise the Governor to approve of the Regulations as applicable to the draft Order in Council of the 17th of May, but certainly did not advise the Governor to approve of the Regulations as applicable to the Order of the 28th May. This is not a question of opinion, but of