

determine in what positions the whole of the Waikato Regiments shall be located. To occupy the line from Pirongia to Maungatautari will require the whole of the 2nd Regiment and a considerable portion of another Regiment; but it must, in the opinion of Ministers, depend entirely on the course of events whether it will be possible to extend that line either towards the East or the West. Ministers hope to be able to do so in both directions, but it may be that the line now proposed will require to be strengthened rather than extended, and thus render it necessary to locate the remaining men of the Waikato Regiments accordingly.

Ministers cannot concur with His Excellency that the safety of Taranaki is in any danger, but they freely admit that it would have been very conducive to its interests that Military operations on a more extended scale should be carried on there before the winter. Ministers also feel, with His Excellency, that there are other portions of the colony which may require assistance, and they have some time since more than once advised that reinforcements should be sent. What assistance will, however, be required very much depends on the position we can maintain in Waikato, for there is every reason to hope that a satisfactory peace being established there would probably bring about a general pacification of the country, and would certainly tend to secure the safety of the southern settlements more effectively than any reinforcement with Waikato still in arms.

Ministers certainly never contemplated a step so pernicious and likely to be dangerous to the whole Northern Island as a retreat from the line in the Waikato country beyond which General Cameron has driven the enemy, and now occupies with the troops; and it appeared to Ministers, and with all deference they submit, that fewer men advantageously posted in fortified stockades can more effectively defend a line of country than a greater number without the aid of such defences. In proposing, therefore, to occupy the line from Pirongia to Maungatautari with posts of Military Settlers, Ministers fully believed that they were proposing a course which would have the effect of rendering a greater instead of a lesser number of men available for operations in the field, and this was one of the objects they had in view. Certainly they never advised or contemplated, in the present state of the country, the withdrawal of the men from Military Service, but as their terms of settlement require, that they should be provided with fortified positions, Ministers believed that some of these might be at once constructed not only without detriment to, but substantially in furtherance of, the general defence of the country, and at a great saving of expense to the colony.

Although the views of Ministers as to the line to be occupied have not been submitted to His Excellency in writing, they very respectfully beg to call to His Excellency's recollection that the subject has been frequently discussed with him, and Ministers had certainly received the impression that His Excellency coincided in those views.

Auckland, 11th May, 1864.

T. RUSSELL.

No. 7.

MEMORANDUM by the GOVERNOR.

The Governor having considered the draft Order in Council submitted to him on the 17th of May, finds that the New Zealand Settlements Act says that: "Whenever the Governor in Council shall be satisfied that any Native tribe, or section of a tribe, or any considerable number thereof, has, since the first day of January, 1863, been engaged in rebellion against her Majesty's authority, it shall be lawful for the Governor in Council to declare that the district within which any land, being the property, or in the possession of such Tribe, or section or considerable number thereof shall be situate, shall be a district within the provisions of this Act, &c."

In times like the present the Governor thinks it right in as far as possible to confine himself within the limits of his legal powers, especially when they are sufficient. He feels sure that his conduct will be strictly scrutinized, and justly so, in this respect.

The Order in Council submitted to him by his Responsible Advisers defines, as a District for the purposes of the New Zealand Settlements Act, the territory, not of one tribe or a section of a tribe, but of many tribes, regarding some of whom no evidence has been placed before the Governor to shew him that a considerable number of the members of such tribes have been engaged in rebellion.

He ought not, therefore, to say that he is satisfied that they have been engaged in rebellion, and perhaps to do them an irreparable injury with his successors, who would, from his knowledge of the Natives, assume that he knew well what he was doing.

If the intention of the Act, in requiring a formal Order in Council, was to provide that some care should be taken in dealing with the lands of the Natives, and that some preliminary enquiry should be made, it is evident that such an intention would not be fulfilled by issuing such an order as that now under consideration.

The intention of the recent legislation of the General Assembly in regard to the lands of the Natives, has been to render them more valuable to the natives than they have hitherto been, by rendering their title as similar as possible to the ownership of land according to the British law, and the Governor does not feel certain how far it may be found difficult to give these advantages to the many loyal and well disposed Natives within the district included in the draft Order of Council which has been sent to him. If such Order is issued he fears that this Order may in practice conflict with the Native Lands' Act of 1862, which secures to the natives important rights.

Upon the whole, the Governor would prefer a district being in the first instance defined, which would only embrace a considerable part of the territory of the Waikato and Ngatimaniapoto tribes, who have been engaged in the rebellion. This would suffice for all practical purposes, would not alarm the Natives, and they would then see by experience that such Order in Council would not interfere with the rights of those Natives who had committed no offence.

G. GREY.

Government House, 25th May, 1864.