

No. 8.

MEMORANDUM by MINISTERS.

Ministers have given their careful consideration to His Excellency the Governor's Memorandum of the 25th of May, in reference to the declaration of Districts under the "New Zealand Settlements Act, 1863."

His Excellency states that "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." Ministers defer to His Excellency's preference, and they have, in the Order in Council signed by His Excellency on Saturday, inserted the exact boundaries which His Excellency had personally and verbally approved of.

Ministers have taken this course for the purpose of avoiding any delay which might arise from discussing the other matters referred to in His Excellency's Memorandum, and which may without inconvenience be postponed until after the question of the location of the Military Settlers is disposed of. Ministers consider that in a political point of view it is very desirable that this object should be accomplished as soon as possible, and financially it is of the first importance, as a lengthened continuation of the present expenditure must inevitably lead to embarrassment; in fact, the Colonial Government would not have the means of meeting it.

Under the New Zealand Settlements Act, the first object to which land taken under its provisions must be appropriated is to fulfil the contracts with military settlers. Until sufficient has been set apart for this purpose, no land so taken can be lawfully disposed of in any other way. The quantity of land taken for settlement by the Proclamations, signed by His Excellency, will not be sufficient to satisfy this demand even if it were all suitable, and desirable so to use it; and Ministers have, therefore, separated this question from all others, because, as they beg most earnestly to press on His Excellency, it is of vital importance that steps should be taken without delay.

Ministers therefore advise that the Proclamations signed by the Governor in Council, on Saturday, should be now issued.

Auckland, May 30th, 1864.

FREDK. WHITAKER.

No. 9.

MEMORANDUM by the GOVERNOR.

In reply to the Ministerial Memorandum of the 30th of May, the Governor would observe that he has been always most anxious that no unnecessary delay should take place in locating the Military Settlers; and in pursuance of these views he formerly urged that some of them might be settled at some important points on the nearer portions of the Waikato River. They might at once have been settled on such points, the occupation of which seemed to be likely to be advantageous alike to the Military Settlers and to the Colony. The Governor also, at the request of Ministers, issued to the General orders for the location of the Military Settlers,* at the points selected by his Responsible Advisers, immediately he could ascertain definitely from them which were to be those points, and what was to be the strength of the respective detachments.

*Correspondence on this subject see page 62.

With regard to the non-issue of the Proclamations, declaring districts under the terms of the New Zealand Company's Settlements Act, the Governor would wish to state that these Proclamations, as laid before him, were accompanied by certain regulations, which purported to be regulations for the location of Natives who have been in arms against the Queen's troops, on land to be allotted to them by the Government.

Regulation No. 4 was as follows:—"Every man will have allotted to him a certain quantity of land, which will vary in size according to circumstances, from 5 acres to 1000 acres."

These regulations appeared to the Governor to make no mention of the extent to which the forfeiture of the land of those who had been in rebellion was to be carried.

He wished to be informed whether the intention of these regulations was, that a Native who came in under these terms forfeited all his lands, whether in the proclaimed district or in other parts of the island, receiving the portion of land to be assigned to him as the only land he was to be allowed to retain.

He felt that a distinct offer ought to be made to the Natives, in plain terms, regarding which there could be no misunderstanding; and that it could not be expected that any large body of Natives would accept of the offer proposed to be made, unless they knew the consequences that were to follow from their acceptance of it.

The Governor, however, found that the views of his Responsible Advisers on these points did not accord with his own. He understood their intentions to be simply at present to advise the Governor to approve the regulations they then laid before him, which had only relation to a small district; and that they would afterwards, from time to time, tender to him advice regarding other districts; that when the time came they would tell him what that advice would be; but that they declined now to say whether they would hereafter give, or not give, more land to the Natives, who might take it under the regulations they then advised the Governor to approve, and that they would not then say whether or not they intended to consider the residue of the lands of the Natives of the proclaimed districts to be forfeited—whether in the districts themselves or in other parts of the Islands.

The Governor also understood his Responsible Advisers to decline to state what was the general policy they proposed to pursue regarding the confiscation of Native lands, and the extent to which they intend to carry such confiscation.

These are the points on which the Governor then wished, and still wishes to be informed. He thinks it due to Her Majesty's Government that he should give them the fullest and clearest informa-