

danger, will if left unnoticed gradually fade from their minds without producing any result, is it not our duty, before consenting to such an evasion of our responsibilities, such a forgetfulness of our promises, such an abdication of our functions, to enquire whether these ideas cannot be directed to good.

In closing this minute, I must again record my apology for frequent abandonment of the ordinary grave language of official decorum. Deep interest in the subject, which ordinarily clothes ideas in a more earnest style, and a necessity of frequent resort to argument to adapt which to official language my talents do not suffice, must be pleaded as my excuse.

F. D. FENTON.

Whaingaroa, March, 1857.

## No. 2.

MR. GISBORNE TO MR. FENTON.

Colonial Treasury,  
Auckland, May 11th, 1857.

SIR,—

I have the honor by direction of the Colonial Treasurer to inform you that His Excellency has on the recommendation of the Colonial Treasurer been pleased to appoint you to be Resident Magistrate for the Waikato and Waipa districts.

At the same time I have to convey to you the thanks of His Excellency, and of His Excellency's Responsible Advisers, for your activity and zeal in procuring information as to the present state of Native feeling, and for the able Memorandum you have communicated on the subject.

That you may be properly apprized of the objects sought to be obtained by your appointment, I forward you a copy of a Memorandum transmitted by His Excellency to his Responsible Advisers, and of their Memorandum replying thereto, dated 6th May 1857, and approved of by His Excellency, in which those objects are fully stated, and the general policy which it is wished to pursue in Native affairs is indicated.

In conformity with the plan there laid down you are to visit periodically the Native Villages on the two rivers, or as many of them as you may find it practicable and expedient to attend for the purpose of holding Courts there, of assisting the people to devise bye-laws for the better government of their villages, and of guiding their deliberations on public matters.

You are to enter on your new duties with the least practicable delay after the receipt of this communication.

With respect to what should be the place of your residence, and the precise limits and period of your Circuit, the Government being desirous of learning your own views leaves these particulars for the present undefined. It having been arranged that Mr. Harsant should be removed to Whaingaroa, it will become essential that the important district about Rangiawhia and Otawhao should receive the frequent visits of a Magistrate, if indeed one should not rather be permanently stationed there, but for the present your attention may be confined to the villages on the rivers. It is considered that you should descend the Waikato as far as Rangiriri, and perhaps as low as Tuakau, and it is expected that you will be able to arrange to visit most of the villages at least once a month.

In no case should you attempt to include a Village in your Circuit without the general consent of the people, who should be led to view your visits as a privilege which it is not the wish of the Government to force upon the unwilling.

You will from time to time report the names of those persons whom it may appear advisable to appoint as additional Assessors, taking care (in accordance with the principles laid down in the Memorandum of Ministers) to secure the assent of both chiefs and people. When practicable it will be well to invite some of the present Assessors, or other chiefs of standing, to express their approval of the general choice by a letter. It is to be clearly understood that all such recommendations are to be subject to the Governor's approval. The Natives should be acquainted with this condition, and that all new appointments to the office of Assessor are probationary only.

You are also to report all bye-laws approved of at the meetings which may take place in your presence at the Villages where you may hold Courts, with your own opinion whether or not it would be desirable that the Governor should ratify the same, with or without amendment, under the power proposed to be vested in His Excellency for that purpose. In connexion with this subject it may be necessary to explain to the Natives that the full force of British law cannot be given to such ratified Bye-Laws so as to make them binding on both races, until the assent of the General Assembly is procured to the proposed measure for the purpose.

You will also report all resolutions abolishing objectionable Native customs, which may be agreed to at such meetings, in order that publicity may be afforded thereto in the "Maori Messenger," or otherwise, as may appear advisable.

You are to keep an official Diary, and forward the same monthly, for the information of the Government, together with a general report on the state of the district.

All fines imposed are to be paid to you. You are authorised to undertake that a separate account shall be kept of the amount received in each village, and that any surplus after payment of the salaries of the Assessors, shall be applied for the direct benefit of the village in some manner to be hereafter agreed upon between the Government and the inhabitants.