

There is one principle in the proposed plan to which I presume that objection will be raised, inasmuch as it was not acted upon when suggested in my previous minute, *i.e.*, the granting permission to the Maoris to choose their own wardens or magistrates. This objection must be grounded on one of two suppositions; either that the system of election is contrary to the custom of the Maories, or that it would be entrusting to them a dangerous power which might be used against the Government.

With reference to the first objection, I submit that instead of being contrary to the Maori usage it is directly consonant with it. Every person who has resided amongst the Maoris, must be able to recall to his recollection occasions on which tribes have met to appoint a chief in place of one recently deceased. Nor can it be alledged that these meetings are not held to elect, but merely to institute the relative next in succession into the vacant dignity, for it often occurs that several relations are passed over, and a more distant one taken. Personal character now carries more influence than high blood. It is true that the person selected is generally of the blood of the late chief, but he could scarcely be otherwise for his relations, by blood or marriage, comprise nearly the whole tribe.*

When Karaka Te Uira, chief of Ngatipo, died, a meeting was held to nominate his successor. His nearest adult relation was his brother, a man of fair ordinary ability, and held in considerable respect—so he was chosen. When Wiremu, chief of Ngatikahu, was killed, the meeting could not agree upon a successor, though he left a son: no one was appointed, and the tribe is now dispersed. When the powerful Nopera died, a meeting was held to appoint a successor, but I am unaware of the result. So at the death of Pene Tau, who so skilfully defended Owhaowhae against the British forces, this vacancy was filled by election. Kukutai was killed at the battle of Te Ihutaroa, in 1846, and the tribe appointed his second son, Waata Kukutai, to succeed him, overlooking the eldest, Erueti, simply because he was a man of weak character. Riwai te Mokerou, chief of Ngatiruru, was not succeeded by his son,—he was young, and had no influence from personal character, so Enoka, a distant relation, was appointed. Instances could be multiplied. No system of government that the world ever saw can be more democratic than that of the Maoris. The chief alone has no power. The whole tribe deliberate on every subject, not only politically on such as are of public interest, but even judicially they hold their 'komitis' on every private quarrel. In ordinary times the *vox populi* determines every matter, both internal and external. The system is a pure pantocracy, and no individual enjoys influence or exercises power, unless it originates with the mass and is expressly or tacitly conferred by them. In case of a war the old chief would be a paramount dictator: in times of peace he is an ordinary citizen. "Ma te runanga e whakatu i a au, ka tu ahau." "If the assembly constitutes me, I shall be established," is an expression I heard used by a chief of rank, and perfectly represents the public sentiment on the question. It is the non-recognition of this trait in the Maori character and usages, that has caused the partial failure of the Native Assessor system.

Nor do I apprehend that any danger can arise to the Government from the election of wardens by the Maoris themselves. At present a Native Assessor is appointed by direct executive act of the Governor, yet the sentiments of the tribe are *generally* previously ascertained, though in a private and unofficial manner. The only change will be that their opinions will be *publicly* asked, and the appointment of the officer will have the prestige of popular approval, and be strengthened by the moral force of a solemn public act. At present the mass look upon the appointment of a Native magistrate as a matter concerning the pakeha, and feel no interest in it. Moreover, if evil designs are nourished by the people, they will elect their leaders without consulting the Government. The very fact of their desiring the sanction of the European authorities, is sufficient to prove that they merely desire, having obtained the best man for the office, that he should be supported by the influence of the highest power. The present Native Assessors seldom act at all, and never with any energy or determination. I cannot avoid the conviction that this supineness results from an absence of confidence arising from an ever present feeling that their position is not founded on the only basis known to the usages of the Maoris, the *expressed* approval of the people, and that they are regarded simply as favored agents of a foreign power. It is more than probable that the majority of the men now on the list of Native Assessors are the very men who would have been chosen by the people: still the advantages which would result from reliance by the Assessor in his power, and confidence in the respect of the people which would be caused by the public declaration of this fact, are wanting.

Moreover, if any real ground for this apprehension existed on any occasion, the Governor might disallow the election, and direct another. The veto would always afford a sufficient check, and the exercise of it, being rarely required, would not be regarded by the Maories as a hardship.

It will also be remembered that even if Government refuse its sanction to the exercise of this privilege in the manner agreeable to their old national custom, it will be always in the power of the Maories, so long as the present policy exists, to act irrespectively of the ruling power, but a proceeding of this nature would, if often repeated, be so antagonistic in its tendency, and its effect upon the public mind would be of such a schismatical character, that the contingency should by all means be avoided.

In any case, there can be no possibility of an elected warden adopting a course of action more contrary to our ideas of allegiance and notions of propriety, than that indicated by the previously inserted letter of Tarapipipi, a Native Assessor appointed under the present system.

Waata Kukutai, the chief of the Kohanga farming establishment, was elected by the people as a warden, and now administers and enforces law, although he has received no Governmental authority. He has, I am informed, already succeeded in stopping the consumption of spirits, has prohibited

* See Pedigree of Ngatimahanga tribe, annexed at the end.