

Thirdly, I dread more than all a return to that narrow and temporising policy out of which the discussions in the General Assembly and the wide interest awakened thereby in Native Affairs, has raised the Colony and the Government. I am certain the Natives will be the heaviest sufferers by this Act.

If it could be asserted with the slightest truth that the General Assembly had starved the Native Department, or had exhibited any narrow jealousy of the Natives, there would be some ground for this spoliation of its powers; but when the very opposite is the notorious fact, when there is every probability that the policy commenced by the General Assembly will be carried to a much greater extent, I can see no grounds for an invasion of the Constitution of the Colony.

Lastly, I dread the result of this measure on the present war. I dread beyond expression the consequences of placing the two races in a position of antagonism at a very moment when sound policy would suggest the merging of their interests in a common Government.

The present Bill creates two Governments in one Colony; and I know of nothing which can protect a community so governed from the proverbial fate of a house divided against itself.

JAMES EDWARD FITZGERALD.

London, July 5th, 1860.

COPY OF A DESPATCH FROM SIR CHICHESTER FORTESCUE TO GOVERNOR GORE BROWNE, C.B.

Downing Street,
27th August, 1860.

[No. 56.]

SIR,—

I communicated to you in my Despatch No. 47 of 26th July, the copy of a Bill making provision for the establishment of a Council to assist and advise you in matters relating to the management of the Natives of New Zealand and conferring certain powers upon the Governor in conjunction with such Council. I have now to inform you that this Bill has been withdrawn.

I need hardly explain to you the objects with which it was introduced. They will be evident to you on a mere perusal. Her Majesty's Government entertained the hope that, by giving you in the management of purely Native Affairs, the assistance of a body not immediately involved in local politics and likely to command the confidence of the Native population, while consisting of eminent Colonists deeply interested in the prosperity and welfare of New Zealand, they might accomplish several objects which are at the present moment of urgent importance. They hoped that the co-operation of such a Council might enable you to act more effectively than has been hitherto possible in the civilization of the Maori race, in the amelioration of their laws and customs, and in reconciling them to British Supremacy and British Law. They hoped that it might also be the means of inducing the Natives to acquiesce in the transfer of their lands under rules framed by persons whose knowledge of their usages and interest in their welfare was indisputable. They felt that the mode of extinguishing the Native titles, whether by direct purchase or otherwise, involved questions too intricate to be properly treated in this country, and too dangerous to be left to the public of the English settlers,—an opinion, which (it may be said with every respect) cannot possibly be unbiassed, and they believed that the demands of that public opinion could be more liberally and promptly dealt with through such an institution as I have described than through continual references to this country, involving as such references are apt to do, delay, suspicion, and controversy. Again, they considered that while the existing system appears to oblige you in Native Affairs to look for advice to persons who, however capable of giving it, possess no recognised and public character, the institution of the proposed Council (comprising, as was intended, a Member of the Colonial Ministry,) would invest your Advisers upon Native questions at once with greater authority and greater responsibility than can be the case at present. Lastly, they were induced to apply to the Imperial Parliament for the legislation which appeared to be necessary to effect these objects. First, because such legislation was, in their view, within the spirit of the Constitution Act, being intended to operate only within those limits of Imperial Authority which that Act had laid down. And, secondly, because, such being the case, immediate and Imperial action would have the advantages of preventing further delay, where too much had already taken place, of avoiding the discord and party strife which the previous reference of such questions to the Colonial legislature might possibly occasion, of giving stability and authority to the improved system which it was proposed to establish, and of enabling the Crown to exert its powers efficiently for the benefit of its subjects of both races, instead of resting satisfied with putting a veto upon enlightened measures of local legislation which might impose conditions upon the Governor, to which the Crown could not properly be advised to assent.

These were the grounds on which the Bill was introduced. It was withdrawn because, under the circumstances, it could not be so passed as to carry with it that authority without which it would be worse than useless. From a misapprehension (as I think) of its provisions, it was threatened with an obstinate opposition on behalf of certain influential Colonists, who considered that it invaded the existing privileges of the Legislature. And it was viewed unfavorably in other quarters from an apprehension that any fresh Parliamentary interference in this direction would be used as an argument for throwing on Great Britain more than her share of the cost of any future Native War. You are aware that the course of public feeling in this country tends on the one hand to concede to the Colonies as fully as possible the right of governing themselves, and on the other to impose on them the correlative duty of defending themselves. In both these respects the Bill was represented as being, in itself or in its consequences of a retrograde character.