

MINUTES OF EVIDENCE TAKEN

D. McLean, Esq.

SATURDAY, THE 29TH DAY OF SEPTEMBER, 1860.

29 Sept. 1860.

PRESENT:

Mr. Forsaith,
Mr. Fox,
Mr. Heale,
Mr. Sewell,

Mr. Williamson,
Mr. Domett,
Mr. King,
Mr. Hunter Brown.

Mr. Dillon Bell in the Chair.

D. McLean, Esq., called in and examined.

80. *Chairman.*] Will you give the Committee such information as it may be in your power to give, respecting the attempt which was made to introduce Civil Institutions among the Natives of Waikato, and the causes which led to its discontinuance?—At the first meeting at Paetae, I was present with the Governor; this was in 1857. The Natives requested that they might have a Magistrate in the Waikato district. They asked also for a simple code of laws, having sketched out something of their own which they wished to be reduced into shape. The Governor promised them at Paetae, that if they were sincere in their desire for the introduction of law among them, and that a European Magistrate should be stationed there, a code of laws would be prepared and a Magistrate sent there. He told them that he did not wish to force these things upon them, but that if they gave him some evidence of their sincerity, he was quite willing to comply with their wishes. Mr. Fenton, who was then at Waikato, was appointed to the office of Magistrate, and commenced the introduction of a new system of laws for Native districts. Many of the old chiefs, particularly Potatau, who had himself asked for a Magistrate, felt very much annoyed that he was not consulted in the matter. I was absent from Auckland for some time in the Hawke's Bay Province, and on my return I found there was very considerable commotion among the Waikato tribes, and that they were divided into two parties under the designation of King's and Queen's parties. I think this was in 1858, but am not quite sure. I went to see Potatau at Mangere, and I discovered from him that he was very sore on the subject of a Magistrate being appointed without any information having been given to him of what was going to be done. He remarked that he had always been consulted as the principal chief of Waikato on other occasions, respecting any matters connected with his district or his tribe; that there were proposals being made of subdividing the land, and other matters, which had not his concurrence. He was then wavering about the King movement, but had always previously declined to take any active steps in the matter. Each deputation he put off by telling them he was not in favour of accepting the office. But I believe that, finding the Government were carrying measures independently of him, he was induced to go up to the Waikato and look after the affairs of his district. The party of which he was the head was evidently gaining considerable strength in consequence of irritation kept up by what was termed the Queen's party. The Queen's party had themselves abandoned cultivations and all other useful pursuits, and talked of nothing but building courthouses, being appointed assessors, or wardens, or jurymen; and under these various designations they were all looking forward to some employment under the Government. The King party, on the other hand, were resolved to erect a house for their King, to repudiate all connexion with any English Magistrate, and to carry out laws in the district without reference to the Government. In a printed document published by Mr. Buddle, there is a statement to the effect that one of the rules laid down was that no European Magistrate should be received in the Waikato. At that time, considering the state of the country, being of opinion that it would not be a dignified course for the Government to encourage anything like party feeling between Native tribes, and believing that any movement in the Waikato under existing circumstances was likely to strengthen and consolidate the King party, I advised that Mr. Fenton should, for a time, be withdrawn from the Waikato. I think this was at the beginning of 1858. I afterwards observed that the commotion which had previously been going on in the Waikato began to subside. Some few months afterwards, an officer of the Native Department (Mr. Turton) was instructed to make a tour through the country, and to visit the Waikato District in particular; this was in the beginning of 1859. He was to enquire into the state of the Waikato Natives with a view of having a Magistrate either stationed there or to visit the district periodically. Subsequently, Mr. Henry Halse (another officer of the Native Department) was instructed to visit the Waikato country, and he has held Courts there at intervals. These intervals have not been fixed, but he has been to Waikato three times in the last four months. There was an interval of about six months between the removal of Mr. Fenton and the appointment of Mr. Turton. Mr. Turton was then sent to another district, and Mr. Halse immediately took his place. This was, I think, about June, 1859. Mr. Halse resides in Auckland. The Waikato and the coast line is his particular district.

81. *Mr. Fox.*] You have spoken of a strong objection existing on the part of Potatau and other old chiefs to the introduction of a Magistrate; did these objections prevail in both Upper and Lower Waikato?—They prevailed more particularly in the Upper Waikato, and to some extent also in the Lower Waikato.

82. What were the sentiments of the leading chiefs in the Lower Waikato?—The leading chief of the Lower and Upper Waikato is Potatau; Tamati Ngapora is also a leading chief. The sentiments expressed by the latter were that now for the first time a division had been commenced among the people; that he was desirous for union and peace, but that the division had been