

*Mr. Strauss.*

23 Oct. 1860.

and Rapana on the other. The dispute was for the payment for a horse, value £60 ; but as Noa died a few weeks ago, and the rest of the Natives went to Waikato, it is of no use to continue the subject.

1600. *Mr. Forsaith.*] Did any other result beyond the secession to the King party take place?—The litigants obtained redress by violence.

1601. Is there any other fact coming under your own knowledge you wish to state to the Committee?—The lapse of time has so affected my memory with regard to these transactions that I could only answer upon specific questions.

1602. *Mr. Brown.*] Do you know any instance in which the decision of any runanga acting in concert with Mr. Fenton was not carried out?—I am not aware that Mr. Fenton was acting in concert with any of the runangas, because it seemed to me that the runanga and the Court of Justice were antagonistic institutions.

1603. Were you present at any of Mr. Fenton's Courts besides that at which you were a defendant?—Yes ; I have been present.

1604. Do you know if the decisions of these Courts were carried out?—I cannot remember.

1605. *Chairman.*] Do you know of your own knowledge whether Mr. Fenton refused to adjudicate on debts incurred before the Paetai meeting?—I do.

1606. In some particular case?—Mr. Fenton himself informed me that he would not hear cases of debt, overdue promissory notes, &c., due before the Paetai meeting.

1607. Was this rule strictly observed in every instance?—I am aware of one instance in which Mr. Fenton did not observe this rule.

1608. Will you state it?—It was respecting an outhouse sold by Mr. Armitage to Natives before the Paetai meeting, and adjudicated on afterwards. At the same time another trader in the Waikato, Mr. Oldfield, asked Mr. Fenton for a summons for the payment for a horse sold to the Natives, which Mr. Fenton refused to grant. When Mr. Oldfield asked him for the reason for the difference made in two cases of the same nature, I was told Mr. Fenton's answer was that Mr. Armitage's house was a valuable consideration. These circumstances have been communicated to me by Mr. Oldfield himself.

*D. McLean, Esq.*

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

1609. *Chairman.*] You have stated that you have a strong objection to the elective principle being at present introduced into any institution among the Natives ; will you state your views generally upon the question?—I think it would materially interfere with the present social constitution and fabric of society among the Natives ; that it would interfere with the recognized institution of Christianity among them, and lead ambitious and designing characters to upset those institutions upon which alone the Government can rely for maintaining order throughout the country. In addition to which, it is calculated to engender a very bad feeling among the Natives themselves, and the time has not yet arrived for encouraging among themselves the elective principle.

1610. *Mr. Bell.*] Is it not the fact that at this time the principle of election is in some form recognized amongst the Natives themselves?—The principle of election as a matter of imitation of European institutions has been resorted to, and has occasioned a great deal of bad feeling in some parts of the country.

1611. But prior to and independently of that imitative proceeding, has there not been at all times a recognition of the popular assent to all important matters amongst the Natives?—Not so much so originally. Popular opinion has become a more recent phase of the Native mind.

1612. Do you mean more recent, or arising from a spirit of imitation?—Not altogether from a spirit of imitation, but from the introduction of civilization and Christianity the mass of the people have been asserting rights independently of the Chiefs which they had not at the earlier stages of their history insisted upon.

1613. *Mr. Forsaith.*] But such a principle having been admitted, and now in operation amongst the Natives, must not that be recognized as an element in framing any institution for them?—It should be to some extent.

1614. Will you be so good as to define the extent?—It is utterly impossible to give such a definition where circumstances are of such a varied character, or to specify the cases in which the principle should or should not be recognized. You may go into one district where your dealings are entirely with one Chief, who is despotic and able to carry out his own views irrespective of the majority of his people : in another district the people assume to themselves this power, the influence of its Chief being in a great measure nominal.

1615. You spoke of runangas being, in your opinion, objectionable : the impression in your mind is, that excepting the proposed constitution of the runangas by popular election, no serious objection presents itself to Mr. Fenton's theory?—I will answer that to-morrow.