

REPORT  
OF THE  
WAIKATO COMMITTEE.

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*Report brought up 3rd November, 1860, and ordered to be printed with  
Minutes of Evidence and Appendix.*

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The SELECT COMMITTEE appointed to “enquire as to the circumstances under which an attempt was made, in the year 1857, to introduce institutions of Civil government amongst the Natives of the Waikato district, the practical effects of the same, and “the causes which led to its discontinuance;” have considered the matters to them referred, and have agreed to the following

### REPORT.

IN consequence of the short time which remains before the termination of the present Session, Your Committee are able to do little more than lay before the House the evidence taken by them, and some general conclusions at which they have unanimously arrived.

The Evidence deserves serious attention, as relating to a subject of vital importance to the colony, and embracing, with few exceptions, the views of persons best qualified to form a judgment upon it.

Your Committee have adopted as the basis of their enquiry, Mr. Fenton's Report and Journal of Proceedings as Resident Magistrate in the Waikato in the years 1857–8, printed amongst the Sessional papers of this Session. The general soundness of the views propounded in this very able paper has not, in the judgment of Your Committee, been impeached. The following is the Colonial Secretary's Official Minute upon it :—

“Referred to the Native Secretary on the 9th October (not returned till the 17th instant). This is a most valuable and interesting report; very unlike the dry bones, or at most *rechauffés*, usually submitted. It demonstrates powerfully that the system jointly recommended by the Governor and the Responsible Advisers of the Crown in May last, is calculated to effect that great desideratum (if the Native race is to be preserved and the peace of the Country maintained) the elevation of the mere Maori into a reasoning citizen. Mr. Fenton deserves the highest credit for the judgment and prudence which he has displayed in carrying out His Excellency's instructions communicated to him on the 10th May last.

November 18th, 1857.”

E. W. STAFFORD.

Amongst other papers laid before them, Your Committee direct the attention of the House to the following, as having a special bearing on the matter of their enquiry :—

1. Despatches of the Governor to the Secretary of State for the Colonies, expressing his Excellency's views on the subject of the King movement: dated 9th May, 1857; 23rd September, 1857; 9th November, 1857; 17th June, 1858; 19th August, 1858; and 25th May, 1859; with their respective enclosures.
2. Memoranda by the Native Secretary, Mr. McLean, dated 7th September, and 16th November, 1857.
3. Memoranda by His Excellency's Ministers, dated 6th May, 1857, and 29th September, 1858.
4. A paper on the subject of Civil Institutions for the Natives, submitted by Sir William Martin, late Chief Justice, to Governor Gore Browne in 1853.
5. Papers relating to a very interesting, but unsuccessful, experiment, having for its object the encouragement of the Natives in Waikato in pastoral pursuits, by introducing grass seeds. These papers, with the official Minutes thereon of Ministers, and the Native Secretary's Department, deserve consideration as illustrating the general character of the relations between the two departments, and their method of transacting business.

Your Committee have also incorporated with the Evidence, in order to make their Report as complete as possible, the very able Minutes of the Native Minister, Mr. Richmond, published in the Sessional papers of 1858 and of the present Session, so far as they relate to Native affairs.

Your Committee have examined the Minister for Native Affairs, Mr. Richmond; the Native Secretary, Mr. McLean; the Assistant Native Secretary, Mr. Smith; Mr. C. O. Davis, late Interpreter in the Native office; and Mr. Fenton, the late Resident Magistrate at Waikato: the Bishop of New Zealand, Archdeacon Maunsell, the Rev. B. Y. Ashwell (Church of England); an instructive letter was received from the Rev. Mr. Morgan (Church of England), who was personally unable to attend; the Rev. T. Buddle and the Rev. J. Hobbs, (Wesleyan). The Rev. Father Garavel (Roman Catholic) was requested to give evidence, but declined on ecclesiastical grounds. Your Committee also examined Sir William Martin, the late Chief Justice, whose long experience and intimate acquaintance with Native affairs, entitles his opinion to peculiar weight. Your Committee also examined Wiremu Mahe, Hoani Takurua, Te Whero Haerehuka, Ruka Taurua, Rev. Heta Tarawhiti, Reihana, Hone Wetere, Mohi Te Rongomau, Te Horohan, Reweti, Taneti, and Hopa, all Chiefs of some importance. At Mr. Fenton's suggestion, they examined Mr. Armitage, a European settler on the Waikato; and Waata Kukutai, one of the principal Chiefs of the tribes of the Waikato. At the instance of Mr. McLean they examined Tamati Ngapora, a very influential Chief, of excellent character, whose views are entitled to great consideration; also Takerei Te Rau, one of the principal Chiefs of Waikato; and Captain Johnstone, Mr. Strauss, and Mr. Marshall, European settlers on the Waikato. Your Committee do not lay any stress on the evidence of these last three.

Your Committee have not been able minutely to analyze the valuable mass of evidence thus collected, but they have unanimously arrived at the following conclusions :—

They recognize as an undeniable fact, that of recent years, a great movement (attributable to a variety of causes) has been going on amongst the Native people, having for its main object the establishment of some settled authority amongst themselves. This movement is not, in the opinion of your

Committee, a mere transitory agitation. It proceeds from sources deeply-seated, and is likely to be of a permanent and growing character. Upon the proper direction of this movement, the peace and progress of the Colony for years to come will greatly depend. Though it does not appear to be absolutely identical with what is termed the King movement, it has become, and is now so closely connected with it, that the two cannot be made the subject of separate political treatment. The objects of a large section of the Natives were distinctly expressed at the great meeting at Paetai on the 23rd April, 1857, at which the Governor was present, and at which it was understood by them that His Excellency promised to introduce amongst them Institutions of law founded on the principle of self-government, analogous to British Institutions, and presided over by the British Government. "I was present," says the Rev. Mr. Ashwell referring to that Meeting, "when Te Wharepu, "Paehia, with Potatau, asked the Governor for a Magistrate, Laws, and Runangas, which he "assented to; and some of the Natives took off their hats and cried 'Hurrah.'"

Such a movement need not have been the subject of alarm. One of its principal aims undoubtedly was to assert the distinct nationality of the Maori race, and another to establish, by their own efforts, some organization on which to base a system of law and order. These objects are not necessarily inconsistent with the recognition of the Queen's supreme authority, or antagonistic to the European race or the progress of colonization. Accidental circumstances, it is true, might give, and probably have given, to it a new and more dangerous character: such, at present, appears to be its tendency: but it would have been from the first and still would be unwise on that account to attempt to counteract it by positive resistance, and unsafe to leave it, by neglect and indifference, to follow its own course without attempting to guide it.

For these reasons, your Committee beg to declare their entire concurrence in the views expressed by the Governor in his Despatch to the Duke of Newcastle of the 9th May, 1857, and in the Memorandum accompanying the same.

In this Despatch, His Excellency writes thus with reference to the King movement and its true character:—"It was, however, clear that they (the Natives) did not understand the term 'King' in the sense in which we use it; but, although they certainly professed loyalty to the Queen, attachment to "myself, and a desire for the amalgamation of the races, they did mean to maintain separate nationality, "and desired to have a Chief of their own election, who should protect them from every possible "encroachment on their rights, and uphold such of their customs as they were disinclined to relinquish. "This was impressed upon me everywhere; but only on one occasion, at Waipa, did any one presume to "speak of their intended King as a Sovereign having similar rank and power with Her Majesty: and "this speaker I cut short, leaving him in the midst of his oration." In the Memorandum accompanying this Despatch, His Excellency writes thus: "The Governor approves the appointment of Mr. Fenton, "and desires to urge on his Advisers the importance of giving him instructions without delay. The "present moment is (as they observe) a critical one; and if the Government does not take the lead "and direction of the Native movement into its own hands, the time will pass when it will be "possible to do so. The subject in question is probably much discussed at the meeting now going on "at Rangiriri, and will be so again at the more important one expected to take place at Mangere. "The influence of oratory and perhaps evil counsel, aided by the natural excitement of the Natives, "may induce them to frame laws of their own at these meetings, and thus add to the present difficulty; "but they will probably refrain from doing so if they see that the Government is actually doing what "they wish. Mr. Fenton's able Minute, which the Governor has perused with great satisfaction, "confirms these views and opinions, and enlarges on the danger of delay. The thanks of the Govern- "ment expressed in strong terms should be conveyed to Mr. Fenton for his zeal and ability, and "the value of his information."

For the same reasons Your Committee must respectfully state their inability to concur in the views expressed by the Governor in his Despatch to the Duke of Newcastle of the 19th August, 1858, in which he says: "I have the honor to forward for your Lordship's information the latest accounts "which have reached me relative to the so-called kingdom established in certain Native districts) "together with a report on the subject from the Native Secretary. These accounts are far from "satisfactory, but I trust that time and absolute indifference and neglect on the part of the "Government, will teach the Natives the folly of proceedings undertaken only at the promptings of "vanity and instigated by disappointed advisers."

On similar grounds Your Committee must express their absolute dissent from the Memorandum of the Native Secretary (Mr. McLean) accompanying the Governor's Despatch on the 27th September, 1857, in which he says: "The present movement on the part of the Waikato Tribes to elect a King "of their own, is not likely to be attended with any important or serious consequences, if the "Government abstain from interfering in the matter. The course which I would recommend for the "adoption of the Government in reference to the King Question, is decidedly one of non-interference, "unless the movement assume more of a hostile character and tendency than it does at present."

The whole tenour of this Memorandum appears to overlook the importance of the King movement as an effort to obtain law and order, and in so far to indicate an imperfect and unsound view of the movement itself, and an erroneous conception of the proper policy to be observed in reference to it. The view taken by Responsible Ministers in reference to the policy thus indicated, as expressed in their various official Memoranda and Minutes, appears to Your Committee to have been the sound one.

The course taken by His Excellency in 1857, under the advice of his Ministers, in introducing, or rather in encouraging, the adoption of Civil institutions by the Natives in the Waikato district was, they believe, a wise course. The selection of Mr. Fenton as a Resident Magistrate was in their opinion judicious. That gentleman appears to have been well qualified for the task, and to have possessed in a singular degree, in addition to other qualifications of a high order, the earnestness



which is indispensable for such a work. Subject to a remark which Your Committee hereafter make as regards the omission on his first circuit to visit the chief Potatau, his task seems to have been in all essential points executed with judgment. It was also attended on the whole with decided success. It no doubt contributed to stimulate the Native mind, and so to produce excitement, but not (so far as appears to Your Committee) of a dangerous or unhealthy character. No such work was ever done without similar effects. It doubtless tended also to produce a more distinct demarcation of parties. This would necessarily be the case in any political counter-movement. But no choice seems to have been open between suffering the whole people to be absorbed into the King party, or attempting to gain them over to allegiance to British authority; an attempt to which some visible separation of parties was an inevitable incident. Your Committee have failed to discover that this separation of parties was attended with any actual or threatened disturbance of public order.

Your Committee have given due weight to allegations intended to justify Mr. Fenton's withdrawal, of want of discretion on his part in overlooking the proper claims of Chiefs of high rank, and of over-zeal in encouraging these party divisions. They do undoubtedly recognize as working in Mr. Fenton's mind, and influencing in some degree his course of action, a disposition to rely, possibly overmuch, on the co-operation of the younger and more energetic men; the result of which would tend to lessen the importance of the older Chiefs, and, unless counteracted by careful management on the part of the Government, to excite their jealousy. It has been said that these younger men were wanting in stability of character, and could not be depended on. Your Committee, however, do not understand that Mr. Fenton sought for his coadjutors amongst the mere youth, but from men of sufficiently mature age and formed character upon whom reliance might reasonably be placed. One of them, Waata Kukutai, a Chief of importance, who was examined before Your Committee, shewed great intelligence and earnestness of purpose.

It must be remembered that the older Chiefs are passing away. Their real influence over their people, though sensibly diminished of late years, is still very great; not, however, to the exclusion of other and popular influences. It would be the duty of Government to secure their cordial assent by all legitimate means of conciliation and deference to their tribal position: and there seems little doubt that, under judicious management on the part of Government, their willing co-operation might be obtained. They are not, it is true, willing to surrender their tribal authority, or substantial power; but they seem disposed themselves to hand over to younger men of influence the active work, and to recognise what is an undeniable truth, that the social regeneration of the Maori race can only be effected by the agency of their rising men; that class which in all communities is really powerful for good or evil. But in forming a judgment as to Mr. Fenton's proceedings, Your Committee cannot after careful examination perceive faults of the nature imputed to him, in any of his practical operations, after his work in the district had commenced. If in the execution of a very difficult and delicate task faults of this kind had been committed, such a contingency lay in the very nature of the experiment. It demanded, therefore, on the part of the Government, whose agent he was, a watchful observation of his proceedings; a constant readiness on their part to supply counsel and instructions, framed in a spirit of hearty co-operation. Without such conditions, it would be almost inevitable that a single individual, unaided and uncontrolled, would fall into occasional errors. To prevent and correct these would be, in the judgment of your Committee, the peculiar function of Government.

At the time of Mr. Fenton's withdrawal there had sprung up in the minds of some of the older and more influential chiefs, Potatau in particular, a feeling of jealousy, perhaps of dislike, towards Mr. Fenton in his magisterial capacity. A risk of this kind, as it appears to Your Committee, might have been anticipated from the first. Prudent precautions on the part of the Government, and a very discreet course of action on the part of the Magistrate, might have removed or mitigated the objections of the older Chiefs. The Missionaries describe their own work as having been attended with similar difficulties: and to persuade the Native people to accept British law in lieu of their old customs, is, in truth, a Missionary enterprise. One circumstance has been mentioned as having roused Potatau's jealousy, namely, that when Mr. Fenton paid his first visit to the Waikato, he omitted to call on Potatau. This gave offence to the old Chief; and possibly contributed, with other causes, to estrange his sympathies from the Government. The omission was most unfortunate. To whom the blame is attributable, Your Committee do not pretend to say, whether to Mr. Fenton, the Native Minister, or the Native Department. But it is clear from the conversation between Mr. McLean and Potatau, stated in Mr. McLean's evidence, that the influences working in that Chief's mind, and which induced him ultimately to accept the ostensible position of King, were of a deeper kind. Probably by tact and management his objections might have been removed: but Your Committee do not think that these objections of themselves were a sufficient ground for the Government withdrawing the magistrate from the district. The reasons which induced them to adopt that course are entitled to the utmost consideration. They are stated clearly in the evidence of Mr. McLean and Mr. Smith, who thought that Mr. Fenton's proceedings were causing a division among the Waikato tribes, which tended to strengthen and consolidate the King party, and to produce such irritation as might have resulted in a collision. Your Committee hesitate in expressing an absolute opinion on the question whether, looking to all the circumstances, his withdrawal was judicious or not. It depends on facts on which the Government alone could have the means of forming a judgment.

But Your Committee, with the light of two years' experience since that time before them, do not perceive sufficient reasons for suspending the work in which Mr. Fenton was engaged. Without in any degree mitigating the real causes of agitation in the Native mind, his withdrawal disheartened a large and influential body of the Natives, especially in the Lower Waikato, including many influential Chiefs who had associated themselves with him, and were actively

engaged on the side of the Government. They were disappointed and humiliated at the sudden abandonment of their undertaking. In the Maori phrase they felt *tinihangatia*; in plain English, "humbled."\* Many of them joined the King party, and this, amongst other causes, has tended to irritate and give a more malign aspect to the King movement itself. The appointment of Mr. Turton, after a long interval, and subsequently of Mr. Halse, as Magistrates in the district, does not appear to have been attended with any marked result. These gentlemen were confined merely to performance of the Magisterial duties, to the entire exclusion of those more important functions which it was especially Mr. Fenton's mission to execute, the organization of the Natives into a self-governing system, and their instruction in the elements of law.

One prominent objection urged by the Native Secretary, Mr. McLean, to Mr. Fenton's system is to that essential feature of it, the Runangas or popular assemblies of the Natives. Mr. McLean apprehends from them danger to the peace of the Colony and social mischief to the Natives; at least from their distinct organization and too frequent use. But, apart from all general theories on the subject, this sort of popular meeting is perfectly familiar to the Native mind; is, in fact, an old Maori custom; has been and is, at this time, in constant and universal use, though in irregular forms and sometimes turned to dangerous purposes. It is, besides, the only mode by which an improved system of social institutions can be introduced amongst the Natives for their voluntary acceptance. Properly organized and placed under the control of Government, Your Committee believe that the Runanga would become a great instrument of civilization, a powerful means of securing order, and a machinery for facilitating the administration and disseminating the principles of law.

Your Committee observe that towards the end of the year 1857 a change took place in departmental arrangements, by which Mr. Fenton was removed from the control of Ministers and placed under the Native Secretary, between whom and Mr. Fenton there was a want of that spirit of cordial co-operation, which alone could ensure the success of his proceedings. In fact, there does not appear to have been correspondence of any kind from that time between Mr. Fenton and the Native office. As no fault has been attributed to Mr. Fenton, your Committee feel themselves bound, as far as in them lies, to relieve him from any unfavourable inference which might be drawn from this circumstance. His immediate appointment as Assistant Law Officer, at a higher salary, is indirectly a testimony to this effect. But that most important defect in the arrangements which have been in force of late years for the administration of Native affairs, becomes glaringly apparent in the circumstances attending his removal and the suspension of his operations: namely, the entire want of harmonious action between the Ministry and the Department of the Native Secretary. The official minutes and memoranda, (amongst which, in particular, Your Committee direct attention to the memorandum of the Native Secretary recommending that Mr. Fenton should confine himself strictly to his magisterial duties, and the memorandum of the Colonial Secretary thereon,) exhibit, in a very striking light, not only fundamental differences of opinion on vital questions, but a state of inter-departmental conflict which would be fatal to the success of any administrative plans for ameliorating the condition of the Natives.

Your Committee do not think they have exceeded the proper limits of their enquiry, in directing their attention to the question of attempting, at the present time, to re-introduce a system such as Mr. Fenton's. They believe that the only solution of our difficulties lies in meeting, directing, and effectuating the desire of the Natives for the establishment of law and order. The difficulties necessarily incidental to such a work are, as Your Committee admit, great in themselves, and are much increased by existing circumstances. There may be even some risk in the attempt. The impolicy of encouraging combinations, the risk of stirring up ill-blood and quarrels between parties or tribes, the diversion of the Native mind into channels of unhealthy excitement, and other arguments of a like character, are and will be urged in defence of a policy of mere sedatives. In the opinion of Your Committee, they are not sufficient to counteract the opposite considerations already noticed.

In urging the necessity of providing some settled system of law and governmental authority amongst the Natives, whenever and wherever practicable, Your Committee desire emphatically to express their opinion, that what is wanted, is not merely to establish Magistrates to perform ordinary Magisterial duties, but to prosecute vigorously and effectually the education and instruction of the Natives, so as to fit and accustom them, under European guidance, to take part in the administration of law, with a view to incorporate them into our own system of Civil Institutions, giving them the utmost possible share in the work of their own government. The preponderance of testimony adduced, leads to the opinion that any such attempt would be hopeless whilst the war at Taranaki is pending; but that special difficulty would principally exist in the case of tribes actually involved in the war, and of tribes closely connected with them. It is said by some witnesses of authority (though Your Committee hesitate to express an opinion on the point) that in the Lower Waikato the attempt might even now be made with success; and, if judiciously prosecuted, would be attended with beneficial results. This question, however, depends so much on circumstances and considerations with which Your Committee cannot pretend to intimate acquaintance, that they can only recommend the matter to the serious consideration of the Government.

C. HUNTER BROWN, *Chairman.*

House of Representatives, 31st October, 1860.

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\* See Questions 593, 741, 742, 851, and 852.

# PROCEEDINGS OF THE COMMITTEE.

THURSDAY, THE 27TH DAY OF SEPTEMBER, 1860.

<p>Mr. Hunter Brown, Mr. Domett, Mr. Williamson, Mr. Fox,</p>	<p>PRESENT :—</p> <p> </p> <p>Mr. Sewell.</p>	<p>Mr. Dillon Bell, Mr. Forsaith, Mr. Heale, Mr. King,</p>
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Mr. Sewell was called to the Chair.

F. D. Fenton, Esq., and James Armitage, Esq., examined.  
The Committee deliberated as to their future proceedings.

FRIDAY, THE 28TH DAY OF SEPTEMBER, 1860.

<p>Mr. Hunter Brown, Mr. Domett, Mr. Williamson, Mr. Forsaith,</p>	<p>PRESENT :—</p> <p> </p> <p>Mr. Sewell in the Chair.</p>	<p>Mr. Dillon Bell, Mr. Fox, Mr. Heale, Mr. King,</p>
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James Armitage, Esq., further examined.

Ordered,—That an application be made for a copy of the Minutes referred to in paragraph 3 of page 1, of Mr. Fenton's Report; also all other papers and correspondence of Mr. Fenton relative to the attempt to introduce Institutions of Civil Government amongst the Natives of Waikato.

SATURDAY, THE 29TH DAY OF SEPTEMBER, 1860.

<p>Mr. Forsaith, Mr. Dillon Bell, Mr. Fox, Mr. Heale,</p>	<p>PRESENT :—</p> <p> </p> <p>Mr. Sewell.</p>	<p>Mr. Williamson, Mr. Domett, Mr. Hunter Brown, Mr. King,</p>
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Mr. Dillon Bell called to the Chair.

Donald McLean, Esq., examined.

Resolved,—That the Chairman (Mr. Sewell) do decide what Native witnesses shall be summoned, with the understanding that they should be selected with the concurrence of Mr. McLean and Mr. Fenton.

MONDAY, THE 1ST DAY OF OCTOBER, 1860.

<p>Mr. Hunter Brown, Mr. Domett, Mr. Williamson, Mr. Fox,</p>	<p>PRESENT :</p> <p> </p> <p>Mr. Sewell in the Chair.</p>	<p>Mr. Forsaith, Mr. Dillon Bell, Mr. King.</p>
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The Chairman reported that he had ascertained that it would not be convenient to Mr. McLean to attend the Committee till towards the end of the week.

Resolved,—That Mr. McLean be requested to attend on Thursday next, at 10 a.m.

Resolved,—That a copy of Mr. Fenton's Report be forwarded to the Rev. J. Hobbs, Wesleyan Missionary, with an intimation that the Committee will require his attendance on Friday next, to give evidence on the matter of the Report.

Resolved,—That T. H. Smith, Esq., Assistant Native Secretary, be requested to attend the Committee, particularly with the view of supplying the Committee with information as to what communications passed between the Native Department and the Waikato District during the time Mr. Fenton was Resident Magistrate there; and to produce any letters and documents relating to the above, particularly correspondence relative to the supply of grass seeds.

Resolved,—That for the present it is not desirable to take the evidence of Mr. C. O. Davis, and that he be requested to attend on Saturday next, at 10 a.m.

Resolved,—That the Rev. Mr. Buddle be requested to attend the Committee to-morrow at 10 a.m.

## MINUTES OF PROCEEDINGS

Resolved,—That Native witnesses be examined, three to be suggested by Mr. McLean, and also Waata Kukutai, Te Kereihi, and Te Reweti ; the Chairman to adopt the best means of obtaining the attendance of both witnesses ; the witnesses to be summoned as soon as possible, but not sooner than Monday next,

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TUESDAY, THE 2ND DAY OF OCTOBER, 1860.

PRESENT :—	
Mr. Hunter Brown, Mr. Williamson, Mr. Forsaith, Mr. Heale,	Mr. Domett, Mr. Fox, Mr. King, Mr. Dillon Bell.
Mr. Sewell in the Chair.	

The Rev. Mr. Buddle and T. H. Smith, Esq., Assistant Native Secretary, examined.

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FRIDAY, THE 5TH DAY OF OCTOBER, 1860.

PRESENT :—	
Mr. Forsaith, Mr. Williamson, Mr. Fox, Mr. King,	Mr. Heale, Mr. Hunter Brown, Mr. Domett, Mr. Sewell.
Mr. Dillon Bell in the Chair.	

The Rev. J. H. Hobbs examined.

Mr. Forsaith moved, and question proposed,—That Wiremu Maehe, of Rangi Kaheke, and Hoani Takarua, be summoned to attend the Committee to-morrow.

When it was proposed by way of amendment, that the discretion of summoning the above two Natives be left to the Chairman, in accordance with a former Resolution.

Amendment put and carried.

On motion of Mr. Forsaith, Resolved,—That F. D. Fenton, Esq., and D. McLean, Esq., be summoned to attend the Committee to-morrow.

Ordered that the two Native witnesses, Wiremu Maehe, and Hoani Takarua be summoned for to-morrow.

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SATURDAY, THE 6TH DAY OF OCTOBER, 1860.

PRESENT :—	
Mr. Heale, Mr. Williamson, Mr. Dillon Bell, Mr. Hunter Brown,	Mr. Fox, Mr. Forsaith, Mr. Domett,
Mr. Sewell in the Chair.	

Mr. Sewell moved,—That Mr. C. O. Davis be called in and examined.

Question put, the Committee divided ; and the names were taken down as follow :—

Ayes 3.	Noes 3.
Mr. Hunter Brown, Mr. Fox, Mr. Sewell,	Mr. Dillon Bell, Mr. Heale, Mr. Williamson

The Chairman having given his casting-vote with the Ayes, it was resolved in the Affirmative.

Mr. C. O. Davis was then called in and examined.

Resolved,—That Wiremu Tamihana be summoned to attend the Committee.

The following Native witnesses were then examined ; Mr. Monro acting as Interpreter :—  
Wiremu Maehe, Hoani Takarua, Te Wheoro Haerehuka.

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MONDAY, THE 8TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Domett,  
Mr. Heale,  
Mr. Fox,Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. Dillon Bell.

Mr. Sewell in the Chair.

Resolved,—That Mr. C. O. Davis be summoned to attend next Wednesday.

F. D. Fenton, Esq., called in and further examined.

Resolved,—That the Chairman write to the Hon. the Colonial Secretary, enclosing copy of paper annexed, requesting that the documents, &amp;c., named therein may be laid before the Committee for perusal.

House of Representatives,  
8 Oct. 1860.

SIR,

The Committee of Inquiry as to the attempt made in 1857 to introduce Civil Institutions amongst the Natives in the Waikato District are desirous of being furnished with the original documents, &c., specified in the accompanying list. May I beg the favour of your instructing the proper Officers to supply the Committee with the same for their inspection and perusal? In particular I may mention that the Committee are desirous of seeing the Departmental Minutes on such papers.

I have, &amp;c.,

HENRY SEWELL.

Original Letters and other Papers, with minutes thereon, as under :—

Letter from tribes at Paetai to Governor after the King meeting in May, 1857, tendering allegiance.—Referred to in p. 16 of Mr. Fenton's Report.

Letters from Mr. Fenton to Native Office, and Treasury, and Secretary, asking for fittings for Courts.

Letters from Natives at Paetai asking for grass seed, August 1857

Ditto ditto Pepepe, ditto ditto ditto

Ditto ditto Whatawhata ditto ditto

Letter ordering Mr. Fenton to correspond with Native Department

Other letters and papers on subject of correspondence between Mr. Fenton and Native Office.

Letter from Native Secretary to Mr. Fenton as to Assessors.—(About Feb. or March, 1858.)

Letter of Heteraka (Whaingaroa) to Native Office, dated May or June, 1857.

Tioriori's letter respecting the murder of a boy.—(End of 1858 or 1859.)

Mr. Fenton's letters about his desire to return to his district.

Mr. Fenton's letters about supply of grass seed.

Letters about correspondence and Governor's Memorandum of August, 1857.

Mr. Fenton's letter recommending appointment of Mohi and Reweti as Native Assessors.

All letters from Waikato complaining of Mr. Fenton's proceedings.

Mr. Fenton's first Memorandum.

Original of second ditto.

Letters from Government to Mr. Fenton, complaining of or commenting on his proceedings.

T. H. Smith, Esq., called in and further examined.

TUESDAY, THE 9TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Williamson,  
Mr. Heale,  
Mr. Hunter Brown,  
Mr. Fox,Mr. Forsaith,  
Mr. Domett,  
Mr. Dillon Bell,

Mr. Sewell in the Chair.

Resolved,—That Mr. Buddle's previous statement be read. Read accordingly.

The Chairman stated he had received the following letter from Mr. McLean :

MY DEAR SIR,

I should be very glad to attend to-morrow, but as there are several Natives in town with whom I am transacting business, I should prefer your postponing my further examination until the Natives who are to attend have given their evidence.

I have, &amp;c.,

October 8, 1860.

D. MCLEAN.

## MINUTES OF PROCEEDINGS

Resolved,—That Mr. McLean be summoned to attend on Monday next, at 10 a.m.

Resolved,—That the following witnesses be summoned :—The Rev. Mr. Ashwell, the Rev. Mr. Burrows, Waata Kukutai, and the Native witnesses in town, and the Chairman to use his discretion as to the time to be appointed for summoning the witnesses.

The Rev. Mr. Buddle called in and further examined.

WEDNESDAY, THE 10TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Heale,  
Mr. Williamson,  
Mr. Domett,  
Mr. Forsaith,

Mr. Fox,  
Mr. King,  
Mr. Dillon Bell,

Mr. Sewell in the Chair.

Mr. C. O. Davis called in and further examined.

The Chairman informed the Committee that it had come to his knowledge that Wiremu Maehe, the bearer of a summons from the Committee to Wiremu Tamihana had been detained by the Government ;

Resolved,—That a letter to the following effect be forwarded to Mr. McLean :—

MY DEAR SIR,—

A statement has been made to members of the Committee by Wiremu Maehe, to the effect that he has been prevented from going to the Waikato to obtain the attendance before the Committee of Wiremu Tamihana, by the Government.—Will you be so good as to attend the Committee this afternoon, to explain the circumstance.

I have, &c.,

October 10, 1860.

HENRY SEWELL.

Waata Kukutai called in and examined ; Mr. Monro interpreting.

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

THURSDAY, THE 11TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Hunter Brown,  
Mr. Williamson,  
Mr. Forsaith,  
Mr. Heale,

Mr. Domett,  
Mr. Fox,  
Mr. King,  
Mr. Dillon Bell,

Mr. Sewell in the Chair.

The Chairman laid before the Committee the following letter from Mr. McLean :—

MY DEAR SIR,—

Since I was examined yesterday, it has occurred to me that the Committee may have some grounds for supposing that I was acting uncourteously to them in detaining Wi Maehe. I beg leave to say that I was not aware that he was the bearer of any formal summons to Wiremu Tamihana, or that the Committee had determined upon sending any such summons. Had I known that such was the case, I should have communicated to you or some other member of the Committee my opinion that, in the present state of affairs, it would be highly inexpedient to send Maehe to the Thames, and that I should have arranged, as, indeed, I had already done, some other mode of getting Tamihana here.

I feel satisfied that Maehe would not have succeeded in bringing him.

You will permit me to observe that I understood it had been arranged that Native witnesses should be summoned through the Native office only ; and I wish to submit to the Committee that, unless this rule be adhered to, much inconvenience and injury may result.

I remain, &c.,

H. Sewell, Esq.,  
Chairman of the Waikato Committee.

DONALD McLEAN.

The Venerable Archdeacon Maunsell, being in attendance, was examined.

FRIDAY, THE 12TH DAY OF OCTOBER, 1860.

Mr. Heale,  
Mr. Forsaith,  
Mr. King,  
Mr. Dillon Bell,

PRESENT :—

Mr. Williamson,  
Mr. Domett,  
Mr. Fox.

Mr. Sewell in the Chair.

Resolved,—That Mr. McLean be informed that, under the circumstances, they expect that he will take immediate steps to obtain the attendance of Wiremu Tamihana before this Committee breaks up.

The Ven. Archdeacon Maunsell was further examined.  
Tamati Ngapora also examined.

SATURDAY, THE 13TH DAY OF OCTOBER, 1860.

Mr. Hunter Brown,  
Mr. Williamson,  
Mr. Forsaith,  
Mr. Heale,

PRESENT :—

Mr. Domett,  
Mr. Fox,  
Mr. King,  
Mr. Dillon Bell,

Mr. Sewell in the Chair.

The Chairman read a letter from Mr. Armitage.—(See Mr. Armitage's printed evidence.)  
The Chairman informed the Committee that he had communicated to Mr. McLean the resolution come to by the Committee yesterday as to Wiremu Tamihana's attendance.  
The Rev. B. Y. Ashwell, being in attendance, was then examined  
F. D. Fenton, Esq., re-examined.  
Rev. Heta Tarawhiti examined ; Mr. Monro interpreting.

MONDAY, THE 15TH DAY OF OCTOBER, 1860.

Mr. Hunter Brown,  
Mr. Williamson,  
Mr. Forsaith,  
Mr. Heale,

PRESENT :—

Mr. Domett,  
Mr. Fox,  
Mr. King,  
Mr. Dillon Bell,

Mr. Sewell in the Chair.

The Chairman stated that he had communicated with the Bishop of New Zealand and Sir William Martin as to their attendance, and that they had fixed Wednesday next, at 10 a.m. for the same.

The Chairman laid before the Committee the following note from D. McLean, Esq. :—  
SIR,

I am unable to attend your Committee to-morrow, as I am obliged to proceed with Tamati Ngapora to inquire into a case of a Maori that has been shot at Patumahoe.

I have, &c.,

H. Sewell, Esq.

DONALD McLEAN.

The Chairman also laid before the Committee a letter from Mr. Morgan (see printed evidence).

Resolved,—That the evidence taken before this Committee be communicated to His Excellency, from time to time.

Resolved,—That the Rev. Father Garavel be requested to attend the Committee to-morrow.  
Documents from the Native Secretary's Office were laid before the Committee this day, and read.

The Hon. the Minister for Native Affairs (Mr. Richmond) called and examined,  
Reihana called in and examined.

TUESDAY, THE 16TH DAY OF OCTOBER, 1860.

Mr. Heale,  
Mr. Domett,  
Mr. Dillon Bell,  
Mr. Fox,

PRESENT :—

Mr. Forsaith,  
Mr. King,  
Mr. Hunter Brown,  
Mr. Williamson,

Mr. Sewell in the Chair.

F. D. Fenton, Esq., called and re-examined.

## MINUTES OF PROCEEDINGS

WEDNESDAY, THE 17TH DAY OF OCTOBER, 1860.

Mr. Heale,	PRESENT :—	Mr. Fox,
Mr. King,		Mr. Forsaith,
Mr. Dillon Bell,		Mr. Hunter Brown,
Mr. Domett,		
Mr. Sewell in the Chair.		

The Bishop of New Zealand called in and examined.

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THURSDAY, THE 18TH DAY OF OCTOBER, 1860.

Mr. Heale,	PRESENT :—	Mr. Domett,
Mr. Fox,		Mr. Dillon Bell,
Mr. Forsaith,		Mr. Hunter Brown,
Mr. King,		Mr. Williamson,
Mr. Sewell in the Chair.		

Hone Wetere called in and examined.

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FRIDAY, THE 19TH DAY OF OCTOBER, 1860.

Mr. Heale,	PRESENT :—	Mr. Hunter Brown,
Mr. King,		Mr. Domett,
Mr. Fox,		Mr. Dillon Bell,
Mr. Forsaith,		Mr. Williamson,
Mr. Sewell in the Chair.		

The Chairman stated he had received a letter from D. McLean, Esq., which he would read.  
Letter read, as follows :—

SIR,

Owing to my absence in the Waiuku District, I was unable to look after the witnesses to attend the Waikato Committee. I should like very much to have the following witnesses examined, having asked them to attend for that purpose :—Mr. Marshall, of Waikato; Captain Johnstone; Mr. Chandler; Mr. Walton, of Kaipara; Tamati Ngapora Rihani; and Te Horo-hau.

I have, &c.,

Oct. 18, 1860.

DONALD McLEAN.

Resolved,—That the Chairman be requested to write to Mr. McLean, stating that the Committee would be glad to examine any witnesses he may wish up to the time of the Committee closing the evidence, which will be not later than Wednesday next; and that the Committee will be ready to examine such witnesses to-morrow, after 1 p.m., or on Wednesday next, at any hour which may be named by Mr. McLean; they would also be glad to receive Mr. McLean's evidence on Monday.

F. D. Fenton, Esq., and Mohi were called in and examined.

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SATURDAY, THE 20TH DAY OF OCTOBER, 1860.

Mr. Heale,	PRESENT :—	Mr. Domett,
Mr. King,		Mr. Hunter Brown,
Mr. Forsaith,		Mr. Dillon Bell,
Mr. Fox,		Mr. Williamson,
Mr. Sewell in the Chair.		

Sir William Martin, late Chief Justice, called and examined.

During the examination of Sir William Martin the following question was proposed to be put to witness:—Q. You say "if that opinion has remained the same" do you mean the results of the



Taranaki War have not so far in your opinion increased the disrespect of the Natives for our power?"

Question put, That this Question be put.

The Committee divided; and the names were taken down as follow:—

*Ayes, 1.*  
Mr. Domett,

*Noes, 8.*  
Mr. Dillon Bell,  
Mr. Hunter Brown,  
Mr. Forsaith,  
Mr. Fox,  
Mr. Heale,  
Mr. King,  
Mr. Sewell,  
Mr. Williamson,

So it passed in the Negative.

Mr. Domett then proposed that the following question be put to the witness:—"So that much disrespect of our military prowess is, in your opinion, consistent with the possibility of affording the protection of our law even to Europeans when injured by Natives, where the latter predominate?"

Question put, That this Question be put.

The Committee divided; and the names were taken down as follow:—

*Ayes, 5.*  
Mr. Hunter Brown,  
Mr. Domett,  
Mr. Forsaith,  
Mr. Fox,  
Mr. King,

*Noes, 4.*  
Mr. Dillon Bell,  
Mr. Heale,  
Mr. Sewell,  
Mr. Williamson,

So it passed in the Affirmative.

Mr. Forsaith proposed that the following question be put to the witness, viz.:—"In your opinion would a signal advantage gained by our Forces afford greater facilities than at present exist for the restoration of peace and the introduction of a system of civil Government?"

Question put, That this Question be put.

The Committee divided; and the names were taken down as follow:—

*Ayes, 3.*  
Mr. Hunter Brown,  
Mr. Domett,  
Mr. Forsaith,

*Noes, 6.*  
Mr. Dillon Bell,  
Mr. Heale,  
Mr. Fox,  
Mr. King,  
Mr. Sewell,  
Mr. Williamson,

So it passed in the Negative.

Mr. Forsaith proposed that the following question be put to the witness, viz.:—"Do you suppose that any attempt to build up Civil Institutions throughout the Islands would under present circumstances fail, and whether the attempt ought to be postponed till a signal victory has been obtained at Taranaki?"

Question put, That this Question be put.

The Committee divided; and the names were taken down as follow:—

*Ayes, 5.*  
Mr. Hunter Brown,  
Mr. Domett,  
Mr. Forsaith,  
Mr. Fox,  
Mr. Williamson,

*Noes, 4.*  
Mr. Dillon Bell,  
Mr. Heale,  
Mr. King,  
Mr. Sewell,

So it passed in the Affirmative.

Mr. Marshall, of Waikato, called in and examined.

Captain Johnstone called in and examined.

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MONDAY, THE 22ND DAY OF OCTOBER, 1860.

PRESENT:—

Mr. Heale,  
Mr. King,  
Mr. Forsaith,  
Mr. Fox,

Mr. Domett,  
Mr. Hunter Brown,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Sewell in the Chair.

Te Horohau and Mr. Marshall examined.

Mr. McLean called in and examined.

The Chairman.—What Native witnesses have you sent for, and when do you expect them?—Tamihana Tarapipipi expected daily; Te Rewi, of Matamata, ditto; Te Oriori, of Maungatautari, ditto; Te Kereihi, of Maungatautari, ditto; Ki Hari of Maungatautari, ditto; Tamati Ngapora, of Maungatautari, ditto *European*—Mr. Chandler. Mr. Marshall, Father Garavel, Mr. Walton, of Kaipara.

Mr. McLean handed in Papers numbered No. 1, 2, 3, and 4 :—

No. 1—Being a joint statement by Mr. McLean and Mr. Smith.

No. 2—Memorandum of 4th September 1856, relative to Native subjects generally.

No. 3—Extract from a Report of the Board of Enquiry in 1856 (*Appendix 1856 B, No. 4.*)

No. 4—A Statement of Subdivision of Native Reserves in Canterbury made by Mr. Buller recently.

During Mr. McLean's examination the following question was proposed to be put by Mr. Forsaith, viz. :—"In a former part of your evidence you state that Mr. Fenton when acting as "Magistrate at Kaipara was the cause of a feud between Tirarau and Paikea, that shots were fired, "but that you could not say whether any one was hit: on the occasion referred to were not the guns "loaded with blank cartridge?"

Question put, That this Question be put.

The Committee divided, and the names were taken down as follow:—

*Ayes, 2.*  
Mr. Forsaith,  
Mr. Fox,

*Noes, 6.*  
Mr. Dillon Bell,  
Mr. Hunter Browr  
Mr. Heale,  
Mr. King,  
Mr. Sewell,  
Mr. Williamson.

So it passed in the Negative.

TUESDAY, THE 23RD DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Heale,  
Mr. Fox,  
Mr. Dillon Bell,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. King,  
Mr. Williamson,

Mr. Sewell in the Chair.

Mr. McLean requested that the Committee should proceed to examine Mr. Strauss, an old Settler in the Waikato, a person well acquainted with the nature of the King movement and qualified to form an opinion on the matter of enquiry.

Moved by the Chairman, That Mr. Strauss' name not having been included in the list handed in by Mr. McLean, the Committee cannot proceed to examine Mr. Strauss unless good reasons be shewn for the non-appearance of his name in the said list, or unless Mr. Strauss is prepared to give evidence as to particular points within his own knowledge, bearing on the matter of enquiry.

Question put, That this Question be put.

The Committee divided, and the names were taken down as follow:—

*Ayes, 4.*  
Mr. Heale,  
Mr. King,  
Mr. Sewell,  
Mr. Williamson,

*Noes, 2.*  
Mr. Hunter Brown,  
Mr. Forsaith.

o it passed in the Affirmative.

Mr. McLean stated that the witness would be prepared to give evidence as to particular points within his own knowledge, viz.—as to the proceedings at some of the Waikato meetings and at some of Mr. Fenton's Courts at which he was present.

Resolved,—That the Chairman be requested to put questions to Mr. Strauss bearing on those particular points.

Mr. Strauss then called in and examined.

Mr. McLean then called in and examined.

WEDNESDAY, THE 24TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Fox,  
Mr. Heale,  
Mr. Dillon Bell,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. King,  
Mr. Williamson,

Mr. Sewell in the Chair.

Mr McLean called in and further examined.

During the examination Mr. McLean put in the following papers:—

- (1.) Extract from a Despatch of the Governor, dated 13th June 1859.
- (2.) A Memorandum of the Native Secretary, dated 16th September 1857, and Acting Native Secretary, dated 8th March 1856.
- (3.) Extract from Report of Mr. Turton.

During Mr. McLean's examination it was proposed to put the following question to witness, viz. :  
 "Do you recollect a letter having been addressed to you as Native Secretary by the Rev. Mr. Richmond, dated 24th September 1855, directing attention to a strong suspicion existing in the Native mind, especially in the Taranaki district, as to designs of Europeans to obtain possession of their lands?"

Question put, That this Question be put.

The Committee divided; and the names were taken down as follow :—

<p><i>Ayes, 6.</i>          Mr. Dillon Bell,          Mr. Hunter Brown,          Mr. Domett,          Mr. Forsaith,          Mr. Fox,          Mr. Williamson,</p>	<p><i>Noes, 3.</i>          Mr. Heale,          Mr. King,          Mr. Sewell.</p>
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So it passed in the Affirmative.

The Chairman put in two documents received from Government (the same were read) viz.:—

- (1.) Mr. Fenton to Native Secretary, 7th November 1857.
- (2.) Memorandum of Native Secretary, 16th November 1857, on preceding letter.
- (3.) Minute of Colonial Secretary, 18th November 1857, on Native Secretary's Memorandum.
- (4.) Order of Governor on ditto.
- (5.) Designs of King-makers put in and read (*Evidence p. 101.*)

The Honorable C. W. Richmond, Minister for Native Affairs, called in and further examined.

Mr. Fenton called in and further examined.

Mr. Fenton put in a paper containing a list of all the old Chiefs in his district.

The following letter read by Mr. Chairman :—

Auckland, October 24, 1860.

SIR,—I beg to transmit herewith for the information of the Waikato Committee, numbers of the *Maori Messenger*, dated respectively November 27, 1856; December 31, 1856; and April 30, 1857; which contain Articles, all bearing more or less on the advantages that would accrue to the Natives from sowing grass seed extensively; also extracts from the *Maori Messenger* of 30th May 1857, on this same subject.

I have, &c.,

DONALD McLEAN.

November, 27, 1856—"The Agricultural Capabilities of Australia and New Zealand."

December 31, 1856—Leader on Ditto Ditto Ditto

April 30, 1857—"Letter on Cattle and Sheep."

Other Pamphlets also received and put in, viz. :—

Wesleyan Missionary Notices, January 1858

Mr. Buddle's Pamphlet on the Maori King Movement.

"Dark Clouds in the Southern Sky."

THURSDAY, THE 25TH DAY OF OCTOBER, 1860.

PRESENT :—

<p>Mr. Heale,          Mr. King,          Mr. Fox,          Mr. Domett,</p>	<p>Mr. Forsaith,          Mr. Dillon Bell,          Mr. Williamson,</p>
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Mr. Sewell in the Chair.

The Committee read additional documentary evidence laid before them by Mr. McLean and the Government.

Mr. Dillon Bell stated that Mr. Fenton was desirous of withdrawing the following part of his evidence in answer to the following question :—

Question 1081 p. 103.] \* \* \* Did you receive from the Governor, from the Minister for Native Affairs, or from the Native Secretary, written or verbal warning to amend that line of conduct?

Answer—\* \* \* The Governor used to say I was too enthusiastic; that I went too fast, and Mr. McLean too slow. Mr. Richmond said he had great difficulty in consequence of inter-departmental jealousies.

## MINUTES OF PROCEEDINGS

Moved by Mr. Dillon Bell that Mr. Fenton be allowed to withdraw the above passages.

Mr. Forsaith moved as an amendment, That if it be considered expedient to withdraw that evidence, that Mr. Fenton be recalled, and that he be further questioned on the above;

Whereupon Mr. Dillon Bell proposed to withdraw his motion, but the Chairman dissenting :

Amendment put ; the Committee divided, and the names were taken down as follow:—

*Ayes, 6.*

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

So it passed in the Affirmative.

*Noes, 3.*

Mr. Dillon Bell,  
Mr. Heale,  
Mr. Sewell,

Ordered,—That Mr. Fenton be requested to attend tomorrow.

FRIDAY, THE 26TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Heale,  
Mr. King,  
Mr. Domett,  
Mr. Dillon Bell,

Mr. Sewell,  
Mr. Forsaith,  
Mr. Williamson,  
Mr. Hunter Brown,

Mr. Hunter Brown in the Chair.

Resolved,—That the Committee now proceed to the consideration of the Draft Report proposed by the Chairman.

Draft Report read.

TUESDAY, THE 30TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Williamson,  
Mr. Heale,  
Mr. Hunter Brown,  
Mr. Fox,

Mr. Forsaith,  
Mr. Domett,  
Mr. Dillon Bell,  
Mr. King,

Mr. Sewell in the Chair.

Takerei called in and examined.

WEDNESDAY, THE 31ST DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Dillon Bell.  
Mr. Sewell,  
Mr. Heale,

Mr. Fox,  
Mr. King,

Mr. Hunter Brown in the Chair.

Reweti called in and examined; also, Taneti of Ngatimahuta.

The Committee then proceeded further to consider the Draft Report.

Mr. Dillon Bell (as the Member of the Committee to whom the revision of the printing was entrusted) stated to the Committee that the Bishop of New Zealand had in correcting the proof sheets of his Lordship's evidence struck out in his answer to question 1152, the words "at the time of sale." Mr. Dillon Bell stated that he had passed the revise in accordance with the Bishop's correction, but that the Clerk Assistant in reading over the revise said that he must take Mr. Speaker's order upon the correction. Mr. Dillon Bell further stated that the Chairman, Mr. Sewell, and himself, had waited on Mr. Speaker, who after reading the question and answer directed that the words proposed to be left out should be retained, but that the Chairman should write to the Bishop, with the view of having any such alteration or correction of the answer as the Bishop might desire to make, recorded among the proceedings of the Committee.

229. Will you specify the particular points of innovation that appear objectionable to you?—I have already said that I have read the Report too cursorily to enable me to do more than state what was the general impression produced on my mind.

230. Did you understand on what ground the personal objections you refer to were made against Mr. Fenton?—I think they were principally founded on Mr. Fenton's having identified himself with and headed one of the parties who were mutually opposed.

231. *Mr. Fox.*] Were those objections in any way to Mr. Fenton's personal qualities?—I cannot say they were; I can only say that I have heard Natives speak disrespectfully of him.

232. *Mr. Bell.*] In respect of what particularly?—In respect of his Office as a Magistrate.

233. *Mr. Fox.*] Would not the same objections have applied to any one holding the same post?—I cannot say; they might have done so: I am not able to say whether they would or not.

*T. H. Smith, Esq.*

2 Oct. 1860.

FRIDAY, THE 5TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Sewell,  
Mr. Forsaith,  
Mr. Williamson,  
Mr. Fox,

Mr. Heale,  
Mr. Hunter Brown,  
Mr. Domett.

Mr. Dillon Bell in the Chair.

*Rev. J. H. Hobbs.*

The Rev. J. H. Hobbs called in and examined.

5 Oct. 1860.

234. *Chairman.*] Have you been for many years connected with the Wesleyan Mission in this Colony?—I arrived here in 1823, and have resided in the Colony ever since: chiefly at Hokianga and Whangaroa.

235. Did you reside for any time among the Waikato Natives?—No; but numbers of the Waikato Natives were living in the North where I was stationed at the time of my arrival, and for many years afterwards.

236. Have you had many opportunities, from your occupations in this Colony, of becoming acquainted with the opinions of the Waikato people?—Not more particularly than with the opinions of the Natives generally.

237. Have you any objection to handing in to the Committee the statement you have placed in my hands?—None whatever.—[*Witness handed in the statement.*]

Grafton Road, Auckland,

October 4, 1860.

Having received your communication of the 2nd instant, and read carefully the "Papers on Native Affairs" accompanying the same, viz., "The Reports from Mr. Fenton as to the Native Affairs of the Waikato district," I beg, if it would not be deemed officious, to hand in the following observations:—

1. That, had Mr. Fenton's services been continued in the Waikato district, the Maori King movement would probably have been much checked, if not by this time wholly absorbed in the extension of the Queen's authority.

2. That as the Natives are generally very much disinclined to recognize any subordinate authority, it appears very desirable to support the general influence of such Magistrates as may be at a distance from Auckland, by letting it be known, that, except in very rare cases, all communications with the head of the Native Department should be made through, or in concert with, the Local Magistrate.

3. That gentlemen appointed as Civilizing Magistrates should know the Native language, and be able and willing, frequently to spend half the night, as Mr. Fenton often did, in the Native "Whare-korero," (evening assemblies.) Much information respecting Native Affairs would be thus obtained, as well as an idiomatic mode of expression.

4. No man is likely to do this who does not see that to civilize the New Zealanders is an object worthy of the best energies of his body and mind.

5. The expense of such a civilizing system as Mr. Fenton appears to have intended to establish may seem to some to be alarming; but it is well worthy of considering whether such expense would not be a mere trifle compared with the unlimited expense of being perpetually at war with uncivilized men.

6. I still think it possible that the Waikato tribes may be reclaimed and restored to allegiance, if Mr. Fenton, or a person having similar qualifications, were re-appointed to undertake the enterprise. The dry formalities of law alone, would never enlist the hearts of the Natives; but a benevolent concern for their general welfare, combined with a dignified manner, will win them over to English habits, and in time, I hope, induce them to support, to the fullest extent, the authority of Law.

The Chairman of the  
Waikato Committee.

JOHN HOBBS,  
Wesleyan Missionary.

Letters from Natives at Paetai asking for grass seed, August 1857

Ditto ditto Pepepe, ditto ditto ditto  
Ditto ditto Whatawhata ditto ditto

Letter ordering Mr. Fenton to correspond with the Native Department

Other letters and papers on subject of correspondence between Mr. Fenton and the Native Office.

Letter from Native Secretary to Mr. Fenton as to Assessors.—(About February or March 1858.)

Letter of Hetaraka (Whaingaroa) to Native Office, dated May or June, 1857.

Tioriori's letter respecting the murder of a boy.—(End of 1858 or 1859.)

Mr. Fenton's letters about his desire to return to his district.

Mr. Fenton's letters about supply of grass seed.

Letters about correspondence and Governor's Memorandum of August, 1857.

Mr. Fenton's letter recommending appointment of Mohi and Reweti as Native Assessors.

All letters from Waikato complaining of Mr. Fenton's proceedings.

Mr. Fenton's first Memorandum.

Original of second ditto.

Letters from Government to Mr. Fenton, complaining of or commenting on his proceedings, or suggesting anything.

[None recorded in the Native Office.]

T. H. S.

[None recorded in the Native Office.]

T. H. S.

House of Representatives,  
October 18th, 1860.

SIR,

Referred to the Native Department for the papers requested.

E. W. S.  
October 18, 1860.

[Papers forwarded so far as found vide notes on list.]

T. H. S.  
October 24, 1860.

Referring to my letter of the 8th instant, I have the honor to call your attention to the omission in the return furnished to the Committee on the conduct of Native Affairs in the Waikato District of the papers mentioned in the annexed list.

As the Committee are anxious to bring their labours to a close, they hope that these papers may be laid before them with as little delay as possible.

I have, &c.,

HENRY SEWELL,  
Chairman.

The Hon. the Colonial Secretary,

[Papers asked for and not included in the Return made to the Order of the Waikato Committee.]

#### ORIGINAL PAPERS.

[The register of Native letters has been carefully examined, and no record of such a letter found.]

T. H. S.

[Letters from Natives forwarded. No letter from Mr. Fenton on this subject recorded in Native Office.]

T. H. S.

[This letter is registered in the Native Office, but is not now on the file. Search will be made for it.]

T. H. S.

Letter signed by the Tribes who refused to acknowledge the Maori King, after the great Meeting at Paetai in May 1857; dated about 12th May 1857; and other papers relating thereto.

Letters from Mr. Fenton and Natives asking for windows, and other fittings, for Court-houses.

Letter from Mr. Fenton recommending the appointment of Mohi and Hetaraka as Native Assessors in consequence of their able conduct, dated about the middle of 1858.

House of Representatives,  
October 19th, 1860.

SIR,

For the Governor—who will give such directions as he may desire.

E. W. S.  
October 19, 1860.

Assented to.

T. G. B.  
October 20, 1860.

The Waikato Committee are desirous of being provided with the Letters, &c., specified in the annexed.

May I beg the favour of your instructing the proper Officers to supply the Committee with the same as soon as possible.

I have, &c.,

HENRY SEWELL,  
Chairman.

The Hon. the Colonial Secretary.

The Native Secretary to furnish copies of this correspondence except the last letter (viz., Mr. Atkins' to the Colonial Treasurer or Secretary) which is with the records of the Colonial Treasury or Colonial Secretary's office.—C. W. R., October 22, 1860. Accordingly.—THOS. H. SMITH, October 24, 1860.

[Copies of two letters forwarded.]

Copy of Letter of Mr. Smith, or Native Secretary, to Takerei and others, in reply to their application for grass seed—suggesting a visit to town.

Original requisition of Takerei on behalf of himself and others, for £50 for purchasing grass seed.  
Report of Mr. Turton after his first visit to Waikato.  
All letters from Natives addressed to Mr. Fenton, and handed over by him to the Native Office.  
Mr. Fenton's and Mr. White's Report of their visit to Kaipara in 1856 (date, February or March.)  
Mr. Atkins' letter to the Government asking for assistance in collecting debts, and requesting a visit of Mr. Fenton.

[Forwarded.]  
[Extract from General Report forwarded.]  
[Forwarded.]  
[Forwarded.]  
[Copy forwarded.]

EXPENSES OF WITNESSES.

	£	s.	d.
To Travelling Expenses of Native Witnesses ... ..	3	9	0
Entertainment of ditto in Town, twelve Chiefs in all ... ..	21	6	10½
Postage, special Messengers, and Expenses including carriage hire...	6	1	6
Total ... ..	£30	17	4½

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MINUTES OF EVIDENCE  
TAKEN BEFORE  
THE WAIKATO COMMITTEE.

THURSDAY, THE 27TH DAY OF SEPTEMBER, 1860.

PRESENT:

Mr. Hunter Brown,  
Mr. Domett,  
Mr. Williamson,  
Mr. Fox,

Mr. Dillon Bell,  
Mr. Forsaith,  
Mr. Heale,  
Mr. King,

Mr. Sewell in the Chair.

Mr. Fenton called in, and examined.

F. D. Fenton, Esq.

1. *Chairman.*]—Would you state to the Committee generally your antecedents in this Colony, how long you have been here, and under what circumstances you went to the Waikato?—I arrived in the Colony in 1850, shortly after which I accompanied Mr. Purchas and others in a tour up the Waikato, and with Mr. Ligar subsequently negotiated with Potatau and Ngatimahuta for a tract of land at Taupiri, but the negotiation failed. I had no official appointment then. I am a solicitor. I made up my mind to live in the interior, and finally I obtained a long lease from the Natives in 1850 of a tract of land on the south bank of the Waikato, where I lived for 2 years or more; during which time I acquired the Native language, and was in constant intercourse with the Natives. During my residence on the Waikato, I was offered by Sir G. Grey, when staying at my house, an office under him. I had accompanied him in a journey on the Waikato. I accepted an appointment in the Deeds Office, which I held about 6 months. I was then appointed by Sir G. Grey to the Resident Magistracy of Kaipara; and remained there till March, 1856, when I obtained the appointment of Native Secretary to Colonel Gore Browne, the present Governor. I retained that office for 8 months, when I was appointed Resident Magistrate at Whaingaroa. I left Whaingaroa in June, 1857, and was appointed Resident Magistrate at Waikato. Immediately after the Session of the General Assembly in 1858, I was sent for to Auckland, and offered the appointment of Assistant Law Officer, which office I have held ever since. Whilst I was at Whaingaroa, I made a Report to the Government—the printed Report of March, 1857. It was in consequence of that Report that I was appointed under the Treasury Letter of May, 1857, to the Resident Magistracy of Waikato. During the time I was Resident Magistrate at the Waikato, I made a return of my journal to the Government—I mean the printed journal; that is the only journal of any importance I furnished to the Government. This journal was accompanied by the letters which have been printed. In August, 1857, I returned to Auckland, and was engaged by the Government in compiling the book called *Laws for the Use of the Natives*.

2. Was that compiled by yourself?—It was entirely, subject to the correction and revision of the Attorney-General. Mr. Smith translated it. I remained in Auckland some months, and then returned to the Waikato, and on the 24th April, 1858, I made a further return of my journal to the Government, which is printed. I retained the appointment of Resident Magistrate at Waikato till August, 1858. I should desire to add, that during the last part of my sojourn in the Waikato, I was engaged in collecting the Native Census for the Waikato district, comprising about 11,000 people, and compiling that for the whole Colony; and I then wrote a paper on the decrease of the Native population, which was printed by the Government.

3. Are there any other minutes, reports, or documents which you consider this Committee ought to have before it, besides the printed papers laid on the Table?—In paragraph 3, page 1, you speak of a previous minute?—The minute referred to I have no copy of. I last heard of it in the Native Department. I am led to suppose it has been lost. I have inquired for it, but it could not be found. There are letters on this subject in the possession of the Government.

4. Did you keep a record of your proceedings while Resident Magistrate at Kaipara?—I did not.

5. Have you ever forwarded any other minutes, reports, &c., other than those printed papers now before this Committee on this question, or varying materially from them?—There is the previous minute referred to in my first paper. I have written very few letters bearing on this question besides what are in the printed papers. I have never written, to the best of my recollection, anything substantially at variance with these reports. I have not been careful to preserve my correspondence with the Government. I had a letter book, which I will produce, if desired. Copies of all my correspondence can be obtained from the Government.

6. Would you state whether or not you have seen occasion to alter your views expressed in your Report?—I have not, I retain those views.

7. Are you acquainted with Mr. Armitage at the Waikato?—I am.

8. Does he hold any official appointment there?—No, he is a settler, he came to this Colony in the same ship with me; he has resided at the Waikato ever since his arrival in the Colony.

F. D. Fenton, Esq.

9. Would Mr. Armitage be a person whose information would be of value to the Committee, with reference to this enquiry?—I consider Mr. Armitage the best person to give the Committee information on the subject under consideration.

10. Do you know any other person likely to throw light upon the subject?—The Rev. Mr. Ashwell, Archdeacon Maunsell, and Mr. Reid (in a small degree). These gentlemen lived in the heart of my district.

11. Could we obtain native evidence on the subject?—Yes, no doubt.

12. Who would you name?—*Waata Kukutui*, of Taupiri, *Karaipu Te Kuri*, of Tuakau, Hohapata of Pungapunga, *Wiremu Te Wheoro* of Meremere, Hetaraka Murupaenga of Horahora, Rawiri of Rawhitu, Hona of Kahumatuku, *Takerei* and *Tuneti*, of Karakariki, *Mohi*, *Panapa*, and *Te Reweti*, of Whatawhata, Hopa of Te Awatoetoe, Te Raihi of Matamata, *Tioriori*, of Maungatautari, Pirihi of Kirikiriroa, and *Hemi*, *Matini*, *Hetaraka*, and *Wiremu Nero te Awaitaia* of Whaingaroa; especially those in italics.

J. Armitage, Esq.

Mr. Armitage, of the Waikato, called in and examined.

13. What is your name?—James Armitage.

14. Are you a solicitor?—I am.

15. When did you arrive in New Zealand?—In October, 1850.

16. How long have you resided in Waikato?—Since 1851.

17. You have a cattle station there?—I have.

18. Have you, during your residence there, been in continual intercourse with the Natives, and acquired their language, and are you acquainted with their customs?—I have so, and I am well acquainted with their customs.

19. You remember Mr. Fenton's arriving at the Waikato, as Resident Magistrate?—I am thoroughly acquainted with the whole of Mr. Fenton's proceedings in introducing a system of law into the Waikato. I attended most of the principal *runangas*\* there. I watched with considerable interest the progress of this movement.

FRIDAY, THE 28TH DAY OF SEPTEMBER, 1860.

PRESENT :

Mr. Domett,  
Mr. Hunter Brown,  
Mr. Heale,

Mr. Williamsou,  
Mr. Dillon Bell,  
Mr. Fox.

Mr. Sewell in the Chair.

Mr. Armitage further examined.

20. *Chairman.*] Are you prepared to give the Committee any statement on the points submitted to you yesterday?—I should prefer making a *vivâ voce* to a written statement. Before I proceed, I desire to say that, on the occasion of the meeting at the installation of Potatau as King, also at a meeting when the flagstaff was erected, I reported the proceedings and speeches of such meetings for the *Southern Cross*.

21. *Mr. Heale.*] Did you observe the necessity of civil institutions amongst the natives before 1857?—I am of opinion that such necessity existed, arising from the surprising development of the native mind for powers of self-government. This development was principally caused by fear of being placed in subjection by the European race; and as the Natives were emerging from a state of barbarism, I consider it was the duty of the Government to direct such development. The impression made on my mind arose from conversations with chiefs and general observations at their meetings. The desire on their part was general among the older chiefs; not among the very young men, but men of 25 and upwards.

22. Would you point out any attempts among themselves to introduce the system?—The only practical form in which I observed this development was the *runanga*.

23. These *runangas* are the habitual custom of the natives?—They are summoned as required, but were not held so frequently before as since 1857. At that time, great agitation seems to have arisen in their minds.

24. Did you observe the character of the subjects discussed at the *runangas*?—It seemed to me to be a discussion on the *ture*† and form of Government.

25. Did you observe that this was of an imitative kind, in imitation I mean of our *runangas*?—Very much so, resulting from observations of Europeans. Their mode of redress prior to this period was the *taua*.

26. *Mr. Domett.*] Did they even so late as 1857, resort to *tauas*?—They did.

27. *Chairman.*] Give your explanation of the *taua*?—It was an armed party to redress an injury by force.

\* Councils.

† Law.

28. *Mr. Fox.*] Was a taua ever preceded by anything of a judicial investigation?—Not that I am aware of. *J. Armitage, Esq.*

29. *Mr. Heale.*] But it was preceded by some arrangement?—Yes, in so far as that the injured party would call his friends together to form a taua.

30. *Mr. Forsaith.*] Was there not some enquiry generally among the friends of the injured party prior to the taua?—It was confined to the friends of the injured party.

31. *Mr. Heale.*] Was not notice of some kind given?—Not perhaps formal notice, but the party to be attacked was generally apprised of the taua.

32. *Chairman.*] Was any opportunity afforded of making redress before the taua?—No; they took the law into their own hands.

33. Has the taua been discontinued since 1857?—In the district in which I reside, the custom has become obsolete; I don't know an instance in the last two years; they now resort to the whakawa.

34. Is the whakawa a recognized institution among them?—It is.

35. Of what kind?—All quarrels and disputes arising from slander, adultery, &c., are thereby settled.

36. How is this whakawa constituted?—There are generally two or three selected out of the tribe at public meetings, to sit in whakawa. The choice of these is generally ruled by the known ability of the party; rank is not recognized in the selection.

37. Is the authority of this whakawa generally recognized among the natives?—Not so much now as it used to be: I allude to the last two years. The penalties they inflict are so exorbitant that it is impossible to pay them. I have known in a case of adultery a man fined £100.

38. Do you mean then there is less submission to authority now than previously?—Certainly: the whakawa has not fallen into disuse, but the Natives do not pay so much attention to it now as they used to do.

39. Are you speaking of this whakawa as an old institution of former times, or as an institution imitated from Europeans?—Imitated from Europeans. I have said that the taua was formerly the mode of redress.

40. *Mr. Domett.*] Did you find that the chiefs paid the same submission to the whakawa as inferior men?—I have never heard any decisions given against a principal chief, though they applied to the whakawa for redress.

41. *Mr. Heale.*] Does that apply to the period before 1857 or since?—Since.

42. *Chairman.*] The taua was the sole mode of redressing injuries before that time?—It was.

43. *Mr. Fox.*] Did the institution of these whakawas exist prior to Mr. Fenton's arrival?—I think not: I first heard of it from the Natives, as arising from Mr. Fenton.

44. *Chairman.*] You consider that a great improvement on the previous system?—Certainly.

45. *Mr. Heale.*] Are you aware of the nature and mode of action of the Native Department in the Waikato district prior to 1857?—I have never known any other action on the part of the Native Department in the Waikato, except that of making presents to chiefs, and loans.

46. *Mr. Forsaith.*] Have you known of any interference or assistance by personal action on the part of the Native Office by letter or otherwise to assist or direct them in settling their differences?—I am unable to say what they may have done in Auckland; but no such interference has come to my knowledge in the Waikato District.

47. *Chairman.*] Have you known ill consequences result from the resort to the taua and the general effect of that system?—It occasioned a great insecurity of property, but no case of actual bloodshed has come to my knowledge; doubtless such has occurred, but not within my knowledge. The taua was directed not merely against the actual offender, but against his relations. In cases of adultery, for instance, they frequently robbed the husbands.

48. *Chairman.*] Were tribes often involved in quarrels arising out of these tauas?—When land was concerned, different tribes were frequently involved in the quarrel, and it had the tendency of leading to war.

49. Have you known any instance of actual war?—There has not been an instance of war at Waikato since 1847. A very important land dispute occurred near me in 1858 between two powerful tribes, Ngatimahuta and the Ngau Ngau, which was agreed to be referred to the decision of Mr. Fenton.

50. Was his decision submitted to?—He declined to decide it, being a land question. Some of the Native monitors and I compromised it by allowing the disputed land to remain as a common. This was at the suggestion of Mr. Fenton, and in accordance with it.

51. *Mr. Forsaith.*] Were tauas more readily got up against Europeans than against Natives?—I think not, they generally exercised a very equitable system of justice.

52. Did they consider the taua applicable to Europeans as well as Natives?—Certainly; I was myself subject to one.

53. *Mr. Fox.*] What were the circumstances of that taua?—It arose about a piece of land I had leased. The dispute was who was to get the rent. The taua came down armed and I compromised the matter by presents.

54. *Chairman.*] By what rule did they measure reprisals in cases of tauas?—A rude custom of their own; no regular scale; in fact measured by the cupidity of the leaders of the taua.

55. *Mr. Heale.*] Prior to 1857 was there any Governmental machinery in the Waikato district adapted to direct the Native mind in their desire for civil institutions?—None that I am aware of; prior to Mr. Fenton's appointment there was a Resident Magistrate, but he could not speak a word of Maori, and was perfectly ignorant of Native customs, habits, and laws.

*J. Armitage, Esq.*

56. *Mr Forsaith.*] Who was that Magistrate?—Mr. Harsant.
57. *Mr. Fox.*] Did the arrival of Mr. Fenton in the district appear to you to supply the desideratum of system in that particular?—Undoubtedly.
58. *Mr. Domett.*] Do you think nothing was done by written communications with chiefs from the Government offices here towards that object?—I am not aware, I never witnessed any effects of it in Waikato.
59. *Mr. Williamson.*] Did Mr. Harsant act by himself or did he have the aid of Native Assessors?—By himself I believe, I am not aware of any instance in which he had Native Assessors.
60. Had there been any Native Assessors appointed at that time?—I think Ta Kerei was in office at that time, but I know of no other Assessor—others have been appointed since.
61. Did Mr. Harsant hold courts in various parts of the district?—At Rangiaohia only.
62. Did the Natives customarily refer their disputes to him at that time?—I think so, but chiefly disputes between the Natives and the Europeans; not between the Natives themselves. He had an interpreter. I could not speak positively, but am inclined to think they did generally refer their disputes to him.
63. *Mr. Forsaith.*] Can you give any instances of Mr. Fenton's influence after his appointment?—None except the general respect paid to his decisions, and the anxiety of the Natives to avail themselves of his mode of administering justice.
64. Do you mean to say this desire was very general?—It was so in my district.
65. Are you aware of any opposition to his proceedings on the part of the older chiefs?—On the contrary, the elder chiefs supported him. Even Pukewhau te Wharepu, who was supposed to be the greatest chief in the Waikato, was a principal supporter of his. I speak of the Lower Waikato.
66. Did you know Potatau personally?—I did.
67. Did he support Mr Fenton?—I cannot say from my own knowledge.
68. Did you ever hear him express any dislike of Mr. Fenton's proceedings?—Certainly not; at a meeting at Paetae, when he was present, I was informed by the Tribe that he had assented to Mr. Fenton's plans. I did not hear it from himself.
69. With reference to the Upper Waikato, are you aware of any influential and decided opposition to Mr Fenton's proceedings there?—I heard by general report the opposition was strong.
70. From your long residence in the country, supposing that opposition to be very decided, do you think that if Mr. Fenton had remained in Waikato his proceedings would have resulted in a war between the opponents and supporters of his system?—I have a very decided opinion on that point: I believe that instead of causing a war, it would have terminated in forming a strong bond of union between the two races, European and Native. [*Question repeated.*] I do not; I think that ultimately the opponents would have been brought in to be supporters.
71. As far as the interests of the European settlers and Natives generally were concerned, do you think that Mr Fenton's system if it had been continued would have been beneficial?—Undoubtedly; I wish to put in as evidence a letter written by me to the *Southern Cross*, 26th February, 1858, in order to show that my opinions were then the same, and that I am not "a prophet after the event." [*Letter put in and read.*]

TO THE EDITOR OF THE *Southern Cross*.

I have read with considerable gratification your leading article of the 5th instant, and am glad you have had an opportunity of making yourself personally acquainted with the feelings of the Natives in reference to the "King-ship," and drawn public attention thereto. I can confirm, in almost every respect, the truthfulness of your statements. The cause of the delay in carrying out the Runanga, or local system of Justice, is to me most unaccountable.

I was present at a meeting at Paetae nearly 12 months ago, when the Governor, through Mr. McLean, assented to the request of the Natives to give them the Runanga, and the Resident Magistrate to carry the latter into effect: the last promise was immediately performed by the appointment of Mr. Fenton; and the Natives at once erected commodious Court Houses. Native kai whakawas (magistrates—not assessors) were also appointed, or rather elected, by the Natives, to act along with the Resident Magistrate, in each important settlement. For a time all went smoothly as the marriage-bell. Mr. Fenton took his first (and so far the last) Circuit, and, along with the kai whakawas, held a Court at each settlement. Their decisions gave general satisfaction; the Runanga was the subject of discussion amongst the Natives; every dispute, extending even to that most vexatious question—land claims—was agreed to be referred to it. The Queen's party were now in the ascendant, and nothing was wanting to make the scheme universally successful but a vigorous prosecution of it, when suddenly a blight appeared; the do-nothing policy, so graphically described by you, prevailed, whether owing to official red-tapeism or other causes I know not; suffice it to say that the Runanga, like the King movement, was from that time allowed to take its own course, and I do now most fully coincide with you that, unless the Government take immediate action in the matter the result will be a fusion of the two parties: a climax much to be regretted.

I trust that, as you have turned your attention to this most important subject, you will not cease your efforts until you have prevailed upon the Government to complete the good work so auspiciously commenced. "Better late than never," is applicable here; and although there is a strong prejudice existing in the minds of the Queen's party that they have been deceived (or as they express it—"He whakaae kau ana te Kawana ki te matou runanga,") yet energetic action would soon tend to

remove this feeling and restore confidence to the loyal party. I have done all that I could, as an individual, to support the drooping spirits of the Queen's party, but against such determined inaction on the part of Government, reason or argument is of no avail.

The partial operation of the Runanga in this district has convinced me that it is the only system calculated to bring the Natives under the influence of the British laws, and remove invidious distinctions between the two races. I would not say it is a panacea for all evil, but its good effects are incalculable; numerous instances which I could, if necessary, adduce. Delay is proverbially dangerous—in this it might be fatal, and for that reason I feel it my duty, as one well acquainted with Native feelings, to urge immediate attention to and action in this matter.

A WAIKATO SETTLER."

I also wish to put in an extract of another letter written by me under date, August 25th 1857, as follows:—

"The object of the Queen's party, at this meeting, was to obtain the consent of all the natives present to a system called the "Runanga." I could not fully explain this system without trespassing too much on your space, and therefore, I would briefly observe that the object of it is—so far as I understand it—to introduce local Courts for the administration of justice, and for the determination of all disputes or claims of whatever nature amongst themselves—the appointing their own judges or magistrates, as well as officers of the respective Courts, who will act under the supervision, nevertheless, of a Resident Magistrate appointed by Government. The ultimate object being, I believe, to bring them into subservience to and connection with the English law; in fact to make them good and loyal subjects; or, as I heard it expressed the other day, to do away with the distinction of "Pakeha" and "Maori," and introduce the word "Tangata" instead. This would be a real fusion of the two races, a very desirable object in my opinion.

As regards the Resident Magistrate for this District, the natives are particularly fortunate in having "the right man in the right place," and I anticipate much good from his persevering efforts for their welfare. The Runanga is already in partial operation in this District, and so far with the most beneficial effect; and I therefore venture to draw the conclusion that, when in full operation, the king's party will be so entirely convinced of its unquestionable merits, that they will voluntarily accede to it and abandon their own foolish agitation for a king. I could at once if necessary adduce instances, in support of this, of natives who sided with the king's party at the meeting having subsequently joined the Runanga."

72. Had Mr. Fenton any fixed place of residence in the Waikato district?—None.

73. He then only visited it occasionally to hold his circuit?—Yes, I think at intervals of from 4 to 6 months.

74. Was the fact of his non-residence a source of discontent among the Natives?—It was; they held a *Runanga* about it, at which I was present. I scarcely feel myself at liberty to say what took place there, because I directed their proceedings. They made (at my suggestion) a written application to the Government that Mr. Fenton should permanently reside in the District. [The witness here made a statement which he said he should not like to put in evidence].

75. *Mr. Bell.*] Will you permit the statement you have just made to be taken down?—I leave myself in the hands of the Committee. There were strong objections to Mr. Fenton on account of his non-attendance. Previous to the *Runanga* I received a letter signed by 300 or 400 Natives, which I will send to the Committee\*, expressing their desire to have a permanent Resident Magistrate, and asking whether I would allow this *Runanga* to nominate me to the Governor for the appointment. I refused to attend the *Runanga* if my name was used, and said that they must support the officer appointed at their own request; but offered on condition of my name not being used to assist them with advice. I wish it to be understood that their application to me did not originate in any dissatisfaction with Mr. Fenton personally or want of confidence in his abilities or proceedings, but simply on account of his non-residence.

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\* [The following is the Correspondence sent in by the witness.]

I have the honor to forward the original document alluded to by me in my evidence respecting myself, and also endorsed thereon a copy of the letter from the Natives in this District to His Excellency, respecting Mr. Fenton's permanent residence therein.

With reference to the action of the Native Office in this District, I beg to state that during my residence here of ten years Mr. McLean has been three times only (the last occasion being at the great Ngaruawhia Meeting in May last), Mr. Smith only once, and that within the last twelve months.

I also beg to state that I do not know of any action of the Native Office here except of a prejudicial character, as the following statement will prove:—In 1858 a Native called Hone Kingi Te Paki was deputed by several Tribes to see His Excellency as to the delay in carrying out Mr. Fenton's proposed system of laws and on other matters; he informed me of the object of his journey, which I highly commended. On his return I asked him what success he had met with; he informed me that he had applied to Mr. Smith (Assistant Native Secretary) for an interview with His Excellency, and that Mr. Smith inquired of him his business; he declined communicating this, and Mr. Smith refused to give him the interview. The consequence of this was that he felt himself deeply insulted; that the tribes by whom he was deputed thought so also, and that they soon afterwards joined the King party, though they had previously been its determined opponents.

Another case of a similar nature I am also aware of, but as I had it from hearsay only, I forbear to trouble the Committee with particulars.

*J. Armitage, Esq.*

25 Sept. 1860.

76. *Mr. Domett.*] Is the attachment of the disaffected Natives to the King movement so great that in your opinion it would prevent the introduction by Government, of British Institutions among them even now, or would you think it necessary first to show the Natives the superiority of our power by arms there or elsewhere?—When I left the District two months ago the general feeling of the Lower

Paetai, Maehe 5, 1858.

E HOA E HAMUTITI,—

He korero tenei na te runanga o Paetai, o Rangiriri—e rua nga runanga, ko nga korero kotahi ano. Ko te korero tenei a enei runanga, Me tau koe ki roto o Waikato he kai-whakahaere tikanga ki konei, ara, ki nga wahi katoa. E hoa, ka nui te kaha o matou runanga ki a koe kia noho i konei, kua ki Waiuku, ki Rangiaohia. E hoa, me tu koe hei Kai-whakawa mo konei, e kore koe e tukua e matou no te mea kua pai matou ki a koe—nga taane, nga wahine, nga tamariki, taane, kotiro. Waihoki ko ta Kawana whakaaro kia tika mai ki runga ki ta matou i whakapai ai kia noho koe ki Waikato. Heoi ano enei.

E hoa e Hamutiti, ki te roa atu a Penetana apopo, me haere mai koe i te Mane kia korero tatou ki Paetai, 11 o nga haora i te Mane. Ki te tae mai a Penetana apopo, puritia e koe kia oti ta tatou korero a taua ra ka hoe ai ia. Heoi ano.

Na te runanga o Paetai o Rangiriri,

Na HONE KINGI,

Na TE WI PANAWAKA, o Rangiriri.

[TRANSLATION.]

Paetai, March 5, 1858.

FRIEND MR. ARMITAGE,—

This is the *korero* of the runanga of Paetai and of Rangiriri. There are two runangas and the sentiments of both are one. The talk of these runangas is this, That you be stationed in Waikato to carry out the rules (as Magistrate) at this place, that is, at all the places. Friend, our runangas are very strongly in favour of your staying here, not at Waiuku or Rangiaohia. Friend, stand you as Magistrate at this place. You will not be let away by us, because we are all pleased with you, men, women, and children, boys and girls. Likewise, let the Governor's thought be in accordance with our desire that you should remain at Waikato. Enough of this.

Friend, Mr. Armitage; if Mr. Fenton is delayed long to-morrow, come you at 11 on Monday, that we may converse together at Paetai. If Mr. Fenton comes to-morrow, detain him that our talk may be finished on that day, before he leaves. Enough.

From the runanga of Paetai and Rangiriri,

From HONE KINGI

“ TE WI PANAWAKA, of Rangiriri,

Paetai, Maehe 8, 1858.

E HOA E KAWANA,—

Tena koe e hoa. Kua huihui nga runanga o Waikato, ara o Paetai. Kua runanga matou. Huihuia katoatia nga tangata i rupeke ai ki tenei runanga 340—Te Ngaungau, Ngatihaua, Ngatitapa, Ngatikaiawhi, Ngatihapa. Ko nga korero tenei a enei runanga, kia whakapumautia a Penetana ki waenganui o Waikato inaianei ano, kua e kumea kia roa. I penei atu ai matou ki a koe kia noho tata mai ia, kia tata mai hei tohutohu i nga tikanga kia mohio ai matou. E kore matou e mohio ki te whakaako haere, engari kia noho tonu ia ki Waikato, ara ki waenganui o Waikato. Ki te kore a Penetana e pai, kei a koe te whakaaro ki tetahi atu. Heoi ano.

Na te runanga o Paetai, o Rangiriri, o Horahora, o Te Wakairinga.

Na HONE KINGI TE PAKE,  
Na TE WI PANAWAKA,  
Na HETARAKA MURU.

[TRANSLATION.]

Paetai, March 8, 1858.

FRIEND THE GOVERNOR,—

Salutations to you. The Runangas of Waikato have met, that is, the Runangas of Paetai. We have formed a Runanga. All told, the persons at this Runanga number 340: Te Ngaungau, Ngatihana, Ngatitapa, Ngatikaiawhi, and Ngatihapa. The “korero” of the Runanga is, that Mr.

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Waikato party was very much subdued; by which I mean they were more temperate in their views, but I should hesitate at present in recommending the introduction of civil institutions until the native mind is in a more composed state: I mean in reference to the Taranaki war, which has of course caused a great excitement.

77. *Mr. Forsaith.*] Supposing it were now determined by the Government to resume in Waikato the system inaugurated by Mr. Fenton, do you think it would be difficult to do so, or would the attempt be attended with danger?—Certainly not with danger, but it would of course be surrounded with difficulties; Mr. Fenton's system, if I understand it right, was based on this, that the Natives should govern themselves; I cannot therefore see any possible danger in trying, as it would be at their own invitation.

78. *Chairman.*] Would they consider it an indication of weakness to attempt the re-introduction of Mr. Fenton's system?—On the contrary, I think they would consider it an instalment of justice.

79. *Mr. Dillon Bell.*] Are you generally acquainted with the opinion of Resident Missionaries in the district on the subject of Mr. Fenton's proceedings?—I am with those of Mr. Archdeacon

Fenton be permanently established in the midst of Waikato at once. Let there be no delay. We say this to you in order that he may reside near us, that he may be near to instruct us in the rules, so that we may understand them. We shall not gain knowledge from casual instruction; it will be better for him to constantly reside at Waikato, that is, in the centre of Waikato. If Mr. Fenton is not willing, the thought will be with you to appoint some one else. Enough.

From the Runanga of Paetai, of Rangiriri, of Horahora, and of the Wakairinga.

HONE KINGI TE PAKE.  
TE WI PANĀ WAKA.  
HETARAKA MURU.

Ordered that letters to the following tenor be forwarded to the Venerable Archdeacon Maunsell, the Rev. Mr. Ashwell, and the Rev. Mr. Morgan.

House of Representatives,  
Auckland, September 28th, 1860.

The House of Representatives has appointed a Select Committee to enquire into the attempt made in 1857 to introduce Civil Institutions in the Waikato district and the causes which led to the discontinuance of that attempt.

The Committee have had placed before them a Report, a copy whereof they transmit to you, from Mr. Fenton, late Resident Magistrate in the Waikato, of an attempt made by him in 1857 to initiate Civil Institutions amongst the Natives in that district. The Committee are as yet uninformed as to the causes which led to the discontinuance of that attempt; to ascertain them is one object of their enquiry.

A general opinion prevails that to provide Civil Institutions for the Government of the Natives is of vital importance to the welfare of the Colony, and much interest attaches to the experiment tried in the Waikato.

The Committee are led to believe that you may be able to throw light on the subject. They do not feel justified in requiring your attendance in Auckland, though should it suit your convenience to attend they would feel obliged by your doing so. If not, they earnestly request a written expression of your views generally on Mr. Fenton's Report, and particularly on the following points:—

1. The true causes of the origin and progress of the King movement,—its present aspect—its probable direction.
2. The practical effects of Mr. Fenton's operations in the Waikato, and the causes which led to their discontinuance.
3. What might be the probable result of repeating the experiment there, or elsewhere.
4. The general capacity of the Natives for Civil Government—the kind of Institutions adapted to their circumstances—and the best practical mode of introducing such Institutions amongst them, in order to bring them within the pale of the law, and to re-establish the Queen's authority amongst them.

H. SEWELL,  
Chairman.

## 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



commenced or instigated in some measure by the magistrate, Mr. Fenton. They then for the first time knew that they were to be divided. *D. McLean, Esq.*

83. When the Governor attended the meeting at Paetai, did he promise the natives that they should have their runanga?—I don't recollect any reference being made on that occasion to runangas, either by the Governor or the Natives. 29 Sept. 1860.

84. Do you remember any promise made about that time to a chief of a loan of £50 for grass seed?—I don't recollect a promise of that kind: but 50 bushels of grass seed were purchased and carefully selected by an Officer of the Native Department, with a view to being sent up to the Natives at Waikato.

85. Was it sent?—To the best of my recollection, it was sent to Waiuku, and Mr. Fenton was apprised of it.

86. Are you aware of any chief having come in to Auckland, in reference to such a promise, to buy grass seed?—I cannot tax my memory with any particular case.

87. Then you do not recollect any chief being refused grass seed?—No; but I recollect being at Mangarei, and hearing the chiefs there distinctly protest against grass seed being sent up to Waikato. They appeared to me to be under some apprehension that the Government had some ultimate object in relation to their land. It was during one of my visits that they made that protest to me; but I can't remember the exact date.

88. Are you intimately acquainted with the Waikato District?—I have been there several times; not very often.

89. In the last ten years, have you been there ten times?—No; I have been in daily communication with the Waikato people for the last six years. They are in the habit of frequently coming to Auckland. My connection has been of course in my official character.

90. When Mr. Turton was sent to Waikato, had he been particularly acquainted with the district?—He was particularly well acquainted with some of the Waikato tribes, for his first station was at Aotea; and his duties would have frequently called him to Waikato as a missionary.

91. Was not his residence at Aotea at least eighteen years ago?—I don't think it was so far back as that.

92. Was it about 1842?—I remember seeing him at New Plymouth in 1844.

93. Had Mr. Halse had any previous acquaintance with Waikato when he was sent there?—Not much, if any.

94. Why were those gentlemen selected in preference to Mr. Fenton, who had had very recent and intimate acquaintance with Waikato?—These gentlemen were selected from their possessing a very much better knowledge of the Maori language, and being much less likely to create differences between the Waikato tribes.

95. Is Mr. Fenton's knowledge of the Maori language considerable?—As far as I know he has little or no knowledge of it: he can talk a few words of it, I believe.

96. He cannot talk it fluently?—No.

97. Do you consider a knowledge of the Maori language essential in Native Districts?—I consider it very essential.

98. Are you acquainted with Mr. Harsant, the Resident Magistrate at Raglan?—I am.

99. Is he a good Maori scholar?—No.

100. Can he speak Maori as well as Mr. Fenton?—I don't know.

101. Do you believe he has more than a knowledge of a few words of Maori?—I think he has no more knowledge of Maori than that.

102. Do you think that Mr. Fenton and Mr. Harsant are on a par in their knowledge of Maori?—I don't know: Mr. Fenton may have the advantage of Mr. Harsant.

103. During the time that Mr. Fenton was acting as Magistrate he was a resident at Auckland, and not in the district; why was that?—Mr. Fenton took his instructions from the Colonial Treasurer: I cannot answer for the reason.

104. Was he not in your Department?—He was more immediately under the Colonial Treasurer.

105. Are the Resident Magistrates in Native Districts in your Department or the Colonial Treasurer's?—Where the District is purely Native, they are in my Department; where mixed or European, under the Attorney-General.

106. Do you consider the Waikato a mixed or Native District?—It is a Native District.

107. *Mr. Sewell.*] You of course remember when Mr. Fenton first went to Waikato he was Resident Magistrate at Whaingaroa?—He was Resident Magistrate at Whaingaroa; he had previously been at Kaipara.

108. Were you aware of the intention to send him into Waikato?—I was.

109. Was it with your approval?—I had nothing to do with his being sent there.

110. As Resident Magistrate at Whaingaroa he would have been under your Department?—I suggested he should go to Whaingaroa.

111. What induced you to suggest that?—I considered he would be better suited for a mixed district of Europeans and Natives than for a purely Native District.

112. Had he an interpreter at Kaipara?—I do not know: he had assistance from settlers there who spoke the Maori language.

113. Were you cognisant of his proceedings at Kaipara?—I am aware of one proceeding in particular in which he brought on a feud between Tirarau and Paieka by adjudicating in a case of cattle grazing.

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114. Would you give the Committee the particulars of that case?—Mr. Atkins, a settler there, had some cattle grazing; and two parties at Kaipara were claiming this land, in the neighbourhood of Mangaware (Mr. Atkins' Station). Tirarau and Parore had been in the habit of receiving rent for that grazing from others; Paikea's party made a claim for rent; the case was brought into Court: the decision of Mr. Fenton was not satisfactory to them, and they threatened an appeal to arms immediately afterwards. I don't know the particulars of that decision: I only know that immediately after the decision they were very nearly coming to blows.

115. *Mr. Domett.*] Were there any Native Assessors present at that decision?—I do not know.

116. *Mr. Sewell.*] I understand you to refer to this instance as rather indicating a want of judgment in Mr. Fenton?—I do.

117. I don't understand you to refer to it as indicating that his judgment was erroneous?—I think his judgment was erroneous in entertaining the case at all.

118. Did any evil result flow from the dispute?—The dispute still exists and has not yet been settled.

119. Was the decision the origin of the feud?—It was.

120. But the feud must have existed before the decision?—There was a dispute between the Natives as to the ownership of the land: but they never came to an open rupture until the time of that decision.

121. *Mr. Fox.*] Have they come to an actual rupture?—They nearly did so; I think they exchanged some shots at that time about it, but nobody was hit.

122. *Mr. Sewell.*] From your observation of Mr. Fenton's antecedents, should you have considered it an undesirable thing to appoint him to Waikato?—I should.

123. Did you express that opinion at the time of his appointment?—I cannot recollect whether I did so. I had some misgivings, but did not raise any objection then to his appointment, wishing he should have a fair trial.

124. From whom did the instruction for his appointment proceed?—I believe it came from the Ministry.

125. With respect to Mr. Halse, has he any instructions from you as to the mode in which he should conduct his duties?—He has written instructions; I will produce them.

126. *Mr. Sewell.*] Are they special instructions or merely circular?—They are special.

127. Have you observed any results of Mr. Halse's appointment, at Waikato?—It is impossible to see any thorough results in so short a period.

128. You have seen no positive results for good or evil from Mr. Halse?—In the Lower Waikato and the Coast he has been the means of settling disputes. The Upper Waikato positively resist any European Magistrate being introduced: Mr. Halse does not carry on his duties there.

129. I understood that at the meeting at Paetai the Natives requested to have a Resident Magistrate; was that so?—It was.

130. Was a promise made to that effect?—I can not speak positively; they wanted a Magistrate, but I don't recollect a specific promise being made of a Resident Magistrate; their request, whatever it was, was acceded to on condition that they would agree to abide by the Magistrate's decision.

131. Would not the influence of a Magistrate be very much increased by his being resident among them?—I don't know that it would be.

132. Don't you think a Resident Magistrate would be better than one merely holding Circuit Courts?—From my experience of the other Officers of the Native Department, I sometimes find it preferable that the Magistrates should not be absolutely resident. A Magistrate resident is apt to be drawn into party alliances in his neighbourhood, and that is calculated to impair his influence with other subdivisions of the tribe.

133. Have you observed among the Natives any disposition to take part in self-government?—I have.

134. Among the Waikato tribes in particular?—Yes.

135. Would you favour the Committee with your views as to this movement; do you think it a healthy one, and one that should be encouraged?—Everything would depend on a judicious guiding of the Natives, and on not placing too many subjects before them at once; that would be likely to distract their attention; they might take the matter up for a time and afterwards disregard it.

136. In what way do you think it would be best to direct this movement?—The mode which has occurred to me with respect to Waikato was, that they should have advice and assistance from Government, and when they expressed themselves in favour of carrying out any movement for their own improvement, that they should have the assistance of one or more Officers to direct them. But their attention should always be directed to habits of industry, to have their farms improved and fenced. I believe that annual prizes, to be given to those who had their land best cultivated, would cause emulation and have a very good effect. The chiefs themselves should always be consulted in all matters of importance, and their co-operation invited.

137. Does anything else suggest itself to you as likely to be useful in directing and guiding this movement for self-government among the Natives?—There are a great many things that would be essential: I should prefer however having the opportunity of considering and putting in writing my general views for the information of the Committee.

138. Will you furnish such a statement in writing?—I will.

139. Did you not consider this request of the Natives at Paetai to have a Magistrate among them as evidence of their desire to have some guidance and direction?—Certainly.

140. But this desire was not fulfilled by having a Magistrate non-resident?—I have already said that I do not remember they made a point of having a Resident Magistrate: it probably was so.

141. You have spoken of a meeting at Mangarei about grass seed?—No, not a meeting: I only said the chiefs there on a certain occasion protested.

142. Who were the chiefs?—Te Wherowhero (Potatau), and some of his immediate adherents. This was some time in 1858.

143. Would you state as nearly as you can recollect whether the complaints of Te Wherowhero were frequently made, or on only one occasion?—I have a distinct recollection of one occasion.

144. I should like to know what generally the Native idea was about the grass seed?—The idea they had was, that the Government had some intention with regard to their lands. I believe another idea that prevailed with them at that time was, that the supply of grass seed was likely to bring forward some of the subordinate classes, and place them in a position of independence of their chiefs, and lead to their preferring claims to land which the chiefs could not recognize.

145. Can you name any other objecting chiefs besides Potatau?—I have no distinct recollection of any except Potatau, though it was the subject of discussion among themselves.

146. Did you in consequence of this protest of Potatau's, counter-order the grass seed?—Yes: while Te Wherowhero was so decidedly opposed to it, I recommended that Government should not move in the matter in any way calculated to offend him.

147. Was this because Te Wherowhero was a faithful ally?—He was a faithful ally.

148. Was he not of rather a doubtful character as an ally?—He was never considered so, but was thought to be a very faithful friend and protector of the Europeans.

149. Did you make yourself acquainted with the opinions of those who desired the grass seed, before you countermanded it?—I wrote an article in the *Maori Messenger* recommending the Natives generally to sow grass seed in their cultivations.

150. Then you approved of the sowing of grass seed?—Yes, I did, generally.

151. Then it was solely in compliance with Potatau's request that you recommended it should not be introduced into Waikato?—It was from a desire not to offend him.

152. You are not aware of any anxiety to have grass seed supplied?—I believe Waata Kukutai was anxious to have grass seed, and applied for a loan from Government to get his farm fenced and sown. I believe there were several other applications in the Native Office for grass seed. Kukutai got his seed and a loan of money to enable him to carry on his farming.

153. For whom was the grass seed intended which was counter-ordered?—I don't know.

154. *Mr. Forsaith.*] Have you any knowledge of the locality for which these grass seeds were desired?—I think it was for abandoned cultivations. I don't know of any particular locality except one, which belonged to Potatau. There was grass seed applied for, for land which Potatau claimed as his property; and he considered himself to have a general claim on various parts of the Waikato.

155. Including the land for which this grass seed was wanted?—He and his followers had a proprietary right over considerable portions of the land, and was acknowledged to have a general control over the rest.

156. Are you aware whether any individual Native or Natives professing to have proprietors' rights subject to the general control of Potatau, were anxious to have grass-seed?—I should have to refer to Office records before answering that.

157. You hold it as a general principle not to be desirable for the Government to act on the wishes of individual Natives, when they clash with the general control vested in the chief?—I am confining my observations to the Waikato districts in particular: and I considered at the time that it would be impolitic to do anything in the Waikato Country, that was not freely approved of by the principal chief.

158. Will you be kind enough to furnish to the Committee a report on the subject of the grass seed, specifying as nearly as you can the names of applicants, the situation of their land, and the names of the opponents to the supply of seed?—I shall be glad to furnish all the information available.

159. *Mr. Williamson.*] You have stated that you wrote an article about sowing grass seed: what was the date?—I don't remember exactly: it was prior to the date of the application from Waikato and prior to Mr. Fenton's appointment. I will look up the article and produce it if I can.

160. Was it after Mr. Fenton's appointment that an application was made for the fifty bushels?—It was after his appointment and at his request; and I took particular care to have the seed selected of the best kind, free from sorrel and other weeds.

161. Do you know any particular Native for whom this application was designed?—It was not I think for any particular Native, but for general distribution.

162. *Mr. Domett.*] Were Potatau and the other chiefs given to understand that they would themselves reap the benefit of pasture land?—Yes; I distinctly informed them of this, and that Government had no other object whatever.

163. Did the Natives object to sowing grass, from the fear of cattle trespass disputes?—I did not hear that objection made; the chief one was the fear that the sowing of pasture land would lead to a subdivision of their tribal lands.

164. *Mr. Forsaith.*] Was there any request made in writing, at the meeting at Paetai, for the introduction of civil government?—No: it was a public meeting.

165. Did they make any suggestions in writing?—They did.

166. Can you supply these?—I will try.

167. As head of the Native Department, did you, on your return from the meeting at Paetai, take steps to fulfil the promise?—The Governor gave directions, immediately after our return from Paetai, that a code of laws should be prepared for their guidance.

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168. Who prepared the code?—It was prepared by Mr. Fenton and the Attorney-General.

169. Do you approve of that code?—I was in favour of a simpler code to commence with, especially in a district like Waikato; a code such as Chief Justice Martin's.

170. *Mr. Sewell*] What has been done to introduce this code among the Natives?—It has been distributed to all the Native Assessors.

171. *Mr. Forsaith*.] Then I understand that, as the head of the Department, you did not take any steps practically of your own to carry out the promise?—The steps taken by the Governor were taken with my advice. I was cognisant of the Governor's intention to institute the code, and it was not necessary for me to take any further step.

172. Did not the promise include the appointment of a Magistrate?—The Magistrate was appointed by the Governor. I suggested the appointment of a Magistrate, but did not name Mr. Fenton. I named Mr. Parris or Mr. H. Halse. I suggested to the Governor that an Officer who had been living for some years at Taranaki should be appointed at Waikato.

173. Then you considered the obligation of fulfilling the promises made at Paetai rested not so much on you, as the head of the Native Office, as on the Governor?—Almost immediately after the meeting I left Auckland for Hawke's Bay, and left the fulfilment of the promises to be made by the Governor and the Native Office.

174. You have said that, on your return from Hawke's Bay, some time after Mr. Fenton had been appointed, you found the district of Waikato in a state of commotion, and the people divided into two parties (the King party and the Queen party). In your opinion, was this commotion and this division of feeling the result of Mr. Fenton's proceedings?—I think that the line of demarcation between the two parties was made more distinct by Mr. Fenton's suggestions to some of the chiefs of the Queen party; and I also believe that the formation of these parties was the means of keeping the Waikato in a state of agitation.

175. Has the line of demarcation between the two parties become less defined since Mr. Fenton left?—Immediately after Mr. Fenton's departure, the agitation ceased. I believe the line of demarcation is not so defined now.

176. Had the flagstaff meeting, at Ngaruawahia, taken place before or after Mr. Fenton's departure?—The last great meeting at Ngaruawahia was long after his departure.

177. Up to the time of his residence there, had the King been proclaimed?—There have been three large meetings about the King: I do not know at which meeting the installation was proposed.

178. Are you aware whether there was any agitation in Waikato about the election of a King before Mr. Fenton was appointed there?—The question was not much mooted in the Waikato district. There had been some suggestion made to Potatau by other tribes, the Ngatihaua of Matamata and the Ngatihinetu and the Ngatiapakura, to become an arbitrator between them in some quarrel connected with land in the Waipa district: but Potatau, in the various conversations I had with him about that period, declined having anything to do with those tribes except merely as an arbitrator.

179. Then before Mr Fenton's appointment was there no King and Queen's party in Waikato?—There was no broad line of demarcation at that time between parties; the Waikato tribe was united. In any dealings that I had personally with them I did not recognise any parties.

180. As far as your knowledge extends, at what date were meetings commenced to be held to discuss the election of a Native King?—I came quite unprepared with dates.

181. Are you aware whether many meetings to that effect have been held?—Many have been held: I do not know how many.

182. My object has been to learn from you whether an agitation had not occurred prior to Mr. Fenton's appointment, for the election of a King?—There was undoubtedly much discussion: but not much agitation.

183. Do you form this opinion from your own observations taken on the spot, or the result of what you heard?—The opinion was the result of almost daily communication either oral or written, with the principal chiefs of Waikato: either here, or at Mangere, or sometimes at Waiuku and Waikato.

184. Have you read Mr. Fenton's Report?—I have.

185. Will you refer to the paragraph in that report which refers to a "previous minute" of Mr. Fenton's; are you acquainted with that minute?—Yes, I recollect Mr. Fenton's previous minute.

186. Who was it addressed to?—I do not know: I think it must have been to the Colonial Treasurer.

187. Do you know if it is extant now?—I presume of course it is extant. To the best of my recollection it was in the hands of the Colonial Treasurer, and was received just previous to my departure for Hawke's Bay. I do not know in whose custody it is.

188. Was it not a record of your Department?—I do not think it was. It should properly have been recorded in my Office; but there was an exception from the usual rule in the case of Mr. Fenton, and he corresponded direct with the Colonial Treasurer.

189. Is not your Department under the Native Minister?—I do not know whether my Department is under the Native Minister. It forms part of the Government, of which he is a member, but is more directly under the control of the Governor.

190. You have said you are acquainted with Mr. Fenton's Report: will you state what is your opinion as to Mr. Fenton's system, as given in that Report?—I will state my views on that subject in writing.

TUESDAY, THE 2ND DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Hunter Brown,  
Mr. Williamson,  
Mr. Forsaith,  
Mr. Heale,

Mr. Domett,  
Mr. Dillon Bell,  
Mr. Fox,

Mr. Sewell in the Chair.

Rev. T. Buddle.

2 Oct. 1860.

The Rev. Mr. Buddle called in and examined.

191. *Chairman.*] You are I believe at the head of the Wesleyan Mission?—I am Chairman of the Wesleyan Mission in the Auckland District. I have been in the Colony, in the Mission, since 1840. I have been Chairman five years. I resided in the Waikato District about four years, and left about 1844. I have been constantly in and about the neighbourhood, and in constant intercourse with the Waikato tribes. Down to the present time, my office as Superintendent of the Mission has obliged me to have constant communication with them. I have been in the habit of going into the district occasionally, and am acquainted with the tribes, chiefs, and people of the Waikato. I have not yet seen Mr. Fenton's Report. I have made personal observations as to the movement called the King movement. I have written a pamphlet upon it. I will supply the Committee with a copy of that pamphlet: it expresses my opinions. I have seen no reason to vary those opinions.

T. H. Smith, Esq., Assistant Native Secretary, called in and examined.

T. H. Smith, Esq.,

192. *Chairman.*] You are the Assistant Native Secretary?—I am at present Assistant Native Secretary; I have held that office since February, 1857. Previous to that time, I held the appointment of Resident Magistrate at the Bay of Plenty; I held that appointment little more than five years. I have resided in the Colony since 1842. I was connected with the New Zealand Company, in the Province of Wellington, for three years, in the Survey Department. I held an office under the Government, connected with the Protectorate Department, in 1848, in the Maketu District. I was Interpreter, and held that office nine months. I have had opportunities of becoming acquainted with Native affairs and the Native language. I remember Mr. Fenton's appointment as Resident Magistrate. I had had some acquaintance with him previously. When I first went into my present office, he was Resident Magistrate at Whaingaroa. Mr. McLean left the Department in 1857 under my charge. He was absent several months. During his absence the management of the Department was under my direction. During that period, I had opportunities of becoming acquainted with Mr. Fenton's proceedings in the Waikato.

193. *Mr. Sewell.*] You say you became acquainted with Mr. Fenton's proceedings; from what sources?—From his journals and reports.

194. There is a printed report and journals of Mr. Fenton's; are there any others?—I do not know. Mr. Fenton's reports are not recorded in the Native Office: they are recorded in the Colonial Treasury; he made his reports to the Treasurer.

195. You saw them then in the Treasury Office?—They were referred to our Department.

196. Did not a change take place in that respect at some time?—It did; I do not remember the date exactly.

197. Under that change was Mr. Fenton desired to report direct to the Native Department?—He was directed to address the Native Department when the subject of his correspondence related to Native matters.

198. Did he do so?—I don't recollect his reporting to the Native Office; it must have been towards the close of Mr. Fenton's holding office that the change was made; he addressed the Native Department, but I do not recollect whether he sent in any reports after that time. I find that it was in November, 1857, that Mr. Fenton was instructed to correspond with the Native Office.

199. Did you, during this period, receive any letters or reports from any one respecting Mr. Fenton's proceedings in the Waikato?—I do not at present recollect any. There were of course letters in which Mr. Fenton's name was mentioned.

200. Were there any complaints of his proceedings?—I do not recollect any.

201. Do you keep a registry of letters received?—Yes; a short *précis* is also entered in the register.

202. I have asked you if there were letters of complaint; did the Native Department during that time receive letters expressing approval of his proceedings?—I saw letters while he was holding the appointment, from some of his Assessors, asking that he might be sent back to the district; he did not permanently reside at Waikato.

203. *Mr. Domett.*] Do you know whether there were any interviews at the Native Office between Waikato Chiefs and Mr. McLean and other Officers of the Department, in which complaints were made of Mr. Fenton's proceedings?—There were; I believe there were several with Mr. McLean.

204. *Mr. Sewell.*] While you were present?—I was present at some of them.

205. *Mr. Domett.*] Can you remember the dates of any of these interviews?—I cannot; they took place during the latter part of Mr. Fenton's tenure of office.

206. Can you name any chiefs particularly who made such complaints?—Tamati Ngapora was one.

*T. H. Smith, Esq.*

2 Oct. 1860.

207. *Mr. Fox.*] Is Tamati Ngapora a Waikato Chief?—He is.

208. Where does he reside?—At Mangere; the people at Mangere are Waikato people; Tamati Ngapora was constantly visiting the Waikato.

209. *Mr. Sewell.*] He is a chief of considerable importance, is he not?—He is; when Potatau left Mangere he deputed Tamati Ngapora to take his place as the organ of communication between the Government and the Waikato tribes.

210. Had Potatau been before that time the organ of communication between the Government and the Waikato Natives?—He had.

211. What was the nature of Tamati Ngapora's objections to Mr. Fenton's proceedings?—He stated that since Mr. Fenton's appointment in the district, the Natives had become divided into two parties, one calling itself the King party, the other the Queen's party; that there had been talk about a Maori King before Mr. Fenton went to Waikato district, but that it was, in his opinion, mere Maori talk and no harm would have come of it. He stated that after Mr. Fenton's visit in that district the people were ranged into two parties; that he had heard that the names of the men who joined either party were written down by Mr. Fenton; and that they then for the first time realised the fact that they were divided into two distinct parties.

212. Did he describe the objects of the King's party, what the idea of that party was, as distinct from the Queen's party?—They were well known at the time; I am not aware that he made any particular statement of them. Tamati referred, in connexion with this separation of parties, to the circumstance that when Mr. Fenton made his selection of Assessors to assist him, the other party refused to recognise them, and said that as the Queen's party had separated themselves the blame of such separation must rest with Mr. Fenton and them; that the latter had effected this separation, and the King party would now maintain it.

213. *Mr. Domett.*] Did Tamati Ngapora lead you to understand that any chiefs of the King party would have accepted the office of Assessor if it had been offered to them?—He did not.

214. *Mr. Sewell.*] Then there was no jealousy particularly as between the parties selected by Mr. Fenton and the others?—They did not allege jealousy of Mr. Fenton's selections, but recognised Mr. Fenton as the leader of the party opposed to them and their schemes.

215. Do you know what these schemes were?—They proposed to set up a Maori authority independent of the Queen's Government.

216. *Mr. Domett.*] Was there no jealousy expressed of the prominence given by Mr. Fenton to the younger chiefs in his proceedings?—I cannot call to mind any statement to that effect made by any of the chiefs, but I formed an impression that such a feeling existed.

217. What were the grounds on which you formed that impression?—From conversations with Natives from Waikato district; I cannot call to mind the particular occasions when, or the persons from whom, these impressions were received; I formed a general opinion from what I heard.

218. *Mr. Forsaith.*] Will you state to the Committee your own opinion on this point: was the agitation about a Maori King the result of Mr. Fenton's proceedings, or did it exist before?—I believe it existed before the appointment of Mr. Fenton was made.

219. Did his appointment have the effect of increasing that agitation?—You are asking my opinion: I can only speak to the fact that the agitation increased after Mr. Fenton's appointment.

220. Do you think the agitation would have gone on, supposing no appointment of Resident Magistrate had been made or that Mr. Fenton had not been appointed?—I am not prepared to express a decided opinion that it would not.

221. Were the opposition and objections urged by Tamati Ngapora and the other chiefs to whom you have referred, of such a character as to lead you to think that serious evils would have resulted had those objections been disregarded?—They led me to believe that the presence of a Magistrate in Waikato was a source of irritation, and that it was very desirable that such a source of agitation should be removed.

222. But if he had not been removed, do you think such a thing as a collision between the two parties would have occurred?—I think it very probable.

223. *Mr. Domett.*] Do you think that you would have been able yourself, if you had been Resident Magistrate at Waikato, to overcome those objections?—I would rather not answer that question.

224. *Mr. Fox.*] Do you think such objections were insuperable?—I have some difficulty in answering that question: do you mean to ask my opinion whether the chiefs might have been induced to waive their objections to the introduction of the new system?

225. Quite so: are you of that opinion?—I think their objections to a Magistrate might very probably have been waived if proper means had been used to influence them.

226. *Mr. Domett.*] Were their objections levelled against Mr. Fenton's system or simply against the residence of a Magistrate among them?—The party called the King's party objected to there being a Magistrate in the district; and I believe some of them felt a personal dislike to Mr. Fenton.

227. *Mr. Fox.*] Have you made yourself acquainted with the system delineated in Mr. Fenton's Report, and what is your opinion of it?—I have read Mr. Fenton's Report, but have hardly given it sufficient attention to enable me to give an opinion upon it now; it appeared to me to be too innovating, and to interfere with existing institutions more than the Natives, in the Waikato district especially, were prepared for.

228. Was that your opinion of Mr. Fenton's system at the time of his removal, or is it your present opinion?—It was my opinion at the time the Report was written.

229. Will you specify the particular points of innovation that appear objectionable to you?—I have already said that I have read the Report too cursorily to enable me to do more than state what was the general impression produced on my mind. T. H. Smith, Esq.  
2 Oct. 1860.

230. Did you understand on what ground the personal objections you refer to were made against Mr. Fenton?—I think they were principally founded on Mr. Fenton's having identified himself with and headed one of the parties who were mutually opposed.

231. *Mr. Fox.*] Were those objections in any way to Mr. Fenton's personal qualities?—I cannot say they were; I can only say that I have heard Natives speak disrespectfully of him.

232. *Mr. Bell.*] In respect of what particularly?—In respect of his Office as a Magistrate.

233. *Mr. Fox.*] Would not the same objections have applied to any one holding the same post?—I cannot say; they might have done so; I am not able to say whether they would or not.

FRIDAY, THE 5TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Sewell,  
Mr. Forsaith,  
Mr. Williamson,  
Mr. Fox,

Mr. Heale,  
Mr. Hunter Brown,  
Mr. Domett.

Mr. Dillon Bell in the Chair.

The Rev. J. H. Hobbs called in and examined.

*Rev. J. H. Hobbs.*

5 Oct. 1860.

234. *Chairman.*] Have you been for many years connected with the Wesleyan Mission in this Colony?—I arrived here in 1823, and have resided in the Colony ever since: chiefly at Hokianga and Whangaroa.

235. Did you reside for any time among the Waikato Natives?—No; but numbers of the Waikato Natives were living in the North where I was stationed at the time of my arrival, and for many years afterwards.

236. Have you had many opportunities, from your occupations in this Colony, of becoming acquainted with the opinions of the Waikato people?—Not more particularly than with the opinions of the Natives generally.

237. Have you any objection to handing in to the Committee the statement you have placed in my hands?—None whatever.—[*Witness handed in the statement.*]

Grafton Road, Auckland,

October 4, 1860.

Having received your communication of the 2nd instant, and read carefully the "Papers on Native Affairs" accompanying the same, viz., "The Reports from Mr. Fenton as to the Native Affairs of the Waikato district," I beg, if it would not be deemed officious, to hand in the following observations:—

1. That, had Mr. Fenton's services been continued in the Waikato district, the Maori King movement would probably have been much checked, if not by this time wholly absorbed in the extension of the Queen's authority.

2. That as the Natives are generally very much disinclined to recognize any subordinate authority, it appears very desirable to support the general influence of such Magistrates as may be at a distance from Auckland, by letting it be known, that, except in very rare cases, all communications with the head of the Native Department should be made through, or in concert with, the Local Magistrate.

3. That gentlemen appointed as Civilizing Magistrates should know the Native language, and be able and willing, frequently to spend half the night, as Mr. Fenton often did, in the Native "Whare-korero," (evening assemblies.) Much information respecting Native Affairs would be thus obtained, as well as an idiomatic mode of expression.

4. No man is likely to do this who does not see that to civilize the New Zealanders is an object worthy of the best energies of his body and mind.

5. The expense of such a civilizing system as Mr. Fenton appears to have intended to establish may seem to some to be alarming; but it is well worthy of considering whether such expense would not be a mere trifle compared with the unlimited expense of being perpetually at war with uncivilized men.

6. I still think it possible that the Waikato tribes may be reclaimed and restored to allegiance, if Mr. Fenton or a person having similar qualifications, were re-appointed to undertake the enterprise. The dry formalities of law alone, would never enlist the hearts of the Natives; but a benevolent concern for their general welfare, combined with a dignified manner, will win them over to English habits, and in time, I hope, induce them to support, to the fullest extent, the authority of Law.

The Chairman of the  
Waikato Committee.

JOHN HOBBS,  
Wesleyan Missionary.

*Rev. J. H. Hobbs.*

5 Oct. 1860.

238. *Mr. Fox.*] Are you acquainted with Mr. Fenton otherwise than by means of his report?—I have no acquaintance with Mr. Fenton; I judge from the spirit and manner and contents of his report.

239. Have you been acquainted with Mr. Fenton's proceedings in the Waikato District otherwise than through his report?—My attention was directed to them from a memorandum of Mr. Fenton's, which was transmitted to me by Mr. Gisborne.

240. *Chairman.*] At what time was that sent to you?—I cannot exactly say; it was perhaps 3 or 4 years ago; I find that documents are not transmitted as regularly as they should be; I know the *Maori Messenger* to have been a twelve-month old before they were circulated.

241. Was that Memorandum Mr. Fenton's statement of the Census?—It contained the Census; it was the one which related to the causes of decrease among the Native people.

242. Do you remember seeing any Memorandum of Mr. Fenton's relating to individualisation of Native Title?—I think the paper containing the Census related to that subject.

243. *Mr. Forsaith.*] Assuming that some of the older chiefs of Waikato, including Potatau, were suspicious of Mr. Fenton's proceedings, and in consequence were opposed to him; in your opinion would it have been dangerous to have persevered in face of such opposition?—Not at all; I should have persevered as a Missionary; I have been accustomed to such opposition; Missionary work is all swimming against the tide.

244. Were you acquainted with the late chief Potatau?—I had no particular acquaintance with him.

245. Then you are perhaps hardly prepared to give an opinion as to his influence in Waikato?—I only judge from analogy; I should say his influence was considerable, but being old, he would use the common expression among them, "that his teeth had dropped out."

246. *Mr. Heale.*] Do you think that the older chiefs would dread loss of influence from the introduction of such institutions as proposed by Mr. Fenton, and would be likely to endeavour to check it by counter movement?—From Potatau's own expression I should think he would have yielded to the younger chiefs. He often said, "I am nothing but a snail, what can a snail do," and such expressions. I am of opinion that the old chiefs generally were so pleased at being presidents of the village councils, that they were quite happy to see the younger men prosperous. It appears to me that Te Heu Heu, from a distance, had increased his influence from the cessation of anything like opposition by the Queen movement, as it was then progressing. When the Queen movement ceased, Te Heu Heu had brought down his influence which then pervaded the country; but I am rather speaking in the dark, not being aware of the causes which led to Mr. Fenton's removal.

247. Might an opposition from old chiefs be of importance, though not loudly or publicly expressed?—It might have been of importance, but it would not have succeeded, I think.

248. Do you apprehend that an active and apparently very earnest support to an European Magistrate given by the younger resident Natives, might entirely fail and be withdrawn in the presence of the old chiefs?—No; but Mr. Fenton's Court coadjutors were of the middle aged and influential class.

249. Was there any opinion as far as you know, among the Native tribes in the North, that Mr. Fenton's proceedings under the actual circumstances at that time, if persisted in, might have led to an outbreak.—No. It is greatly to the interest of the Northern Natives to support the Government, since the Waikato Natives and the Natives of the South generally have become well armed. The Natives of the North are always remembering what they did in the South, and I have often heard them express great anxiety lest the Southern Natives, if they formed a kind of kingdom, would come down on them. The Northern Natives having been the conquerors of the Southern when the former had arms and the others none, and having committed great outrages there, are now afraid, that now the Southern Natives are better armed, they would if any general disturbance occurred, come down on them for retribution. I have known an old chief come into my verandah, in a state of much anxiety, and pray me to use my influence with the Government to prevent anything of the sort.

250. Do you think that it would be desirable or practicable to try and introduce such a system as Mr. Fenton attempted at Waikato, among the Northern tribes, the Ngapuhi for instance?—I think it might be desirable to keep it in view, but not particularly to press it. To keep it in view, in order that it might be introduced when the state of the Native mind in the North was the same as that of the Waikato people at the time Mr. Fenton was there. All depends on the man who has to work the business.

251. *Mr. Williamson.*] Will you state to the Committee more particularly what you mean when you speak of the mind of the Waikato people?—The Waikato Natives appear to have been disposed to adopt the plans proposed by Mr. Fenton. One of them said, "Christianity was proposed to us, and we adopted it; it was taught to us, and now we are employed to teach it: so equally let us adopt law." This expression made in Mr. Fenton's presence was Native all over.

252. *Mr. Domett.*] Have not the Ngapuhi people felt the want of law and order, since the Europeans came in contact with them, as much as the Waikato have?—I will endeavour to give an answer by an illustration; some years ago the Government wished to employ Makaore Taonui, but it excited such jealousy among others, as for instance Patuone, that it had to be discontinued. As I said before, the object of introducing law and order should be kept in view, and it might with caution be perhaps attempted at once. If jealousies were excited among the chiefs, it might happen that conflicts would arise, and they might even proceed to fight each other, as was done in the case of Wi Repa in 1845. I mention this to show that anything which touches their pride might upset the whole attempt.



253. *Mr. Heale.*] If such opposition and jealousy of leading chiefs of Ngapuhi were so important and threatening, might not a similar opposition be equally dangerous at Waikato?—The question takes for granted that there is danger in the North; but I suppose it desirable to attempt the object, provided it were done with caution. There appears to have been such a strong combination at the time in Waikato on behalf of the Queen's cause, that I think in that District it could have succeeded.

254. *Mr. Forsaith.*] Was the opposition of Ngapuhi to the system of law and order, or to the agent employed?—The objection was made to Maori Magistrates only; there was not the same objection to English Magistrates: the jealousy arose from their pride, which would not allow of one chief being placed above the other.

255. *Mr. Domett.*] Have there not occurred disputes between Europeans and Natives in the North respecting cattle trespass, selling spirits, women, &c. which have made the Natives feel the want of law and authority there?—They are so independent, that they think they can settle their disputes much better than we can for them. About women for instance; when Heke went to cut down the Flagstaff the cause was a woman; and they prefer settling such cases among themselves; still I think that if the attempt were cautiously made among them they would in time come round. There would not be much difference, whether the disputes were as between Maories only or as between Maories and Europeans.

256. *Mr. Forsaith.*] Do you think that the Waikato tribes were in advance of Ngapuhi in their appreciation of the advantages of law and order, and their desire to realize these advantages?—To use the expression of a Native on the subject, it appears to have been the same as happened on the introduction of Christianity; they were well disposed to receive Christianity, and in like manner were well disposed to receive law when Mr. Fenton attempted its introduction: but Mr. Fenton's plan of interesting himself in their social condition, such as attempting to sow grass, tended to convince them that he desired their real welfare.

SATURDAY, THE 6TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Heale,  
Mr. Williamson,  
Mr. Dillon Bell,  
Mr. Hunter Brown,

Mr. Fox,  
Mr. Domett,  
Mr. Forsaith,

Mr. Sewell in the Chair.

Mr. C. O. Davis called in, and examined.

*Rev. J. H. Hobbs.*

5 Oct. 1860.

257. *Chairman.*] Are you at present residing in Auckland?—I am.

258. How long have you resided in the Colony?—30 years.

259. Where?—At Hokianga and Auckland.

260. Your business has brought you very generally into constant contact with the Natives?—It has.

261. At one time were you not connected with the Government?—Yes, I held an appointment for 15 years in the Protectorate and Native Secretary's Office. I entered the service in 1842 as Clerk and Interpreter.

262. Did you at any other time hold any other appointment?—I assisted generally in Native Affairs.

263. At one time you had the conducting of the Maori newspapers?—I had.

264. You ceased to be connected with the Government about the year 1857?—Yes.

265. But you have since that time kept up your communications with the Natives?—I have.

266. Principally with which District?—I have communicated with the Natives in almost all Native Districts both North and South.

267. Are they in the habit of referring frequently to you for advice and assistance?—They are.

268. You have had the same intercourse with the Waikato Natives as others?—I have.

269. Without reference to political parties among them?—Quite so.

270. Have you been in the habit of transacting commissions for them?—I have.

271. Have you read Mr. Fenton's report?—I have not.

272. I will read you four extracts from that report: 1st. under date August 15th, Mr. Fenton says "that Pukewhau had received," &c., (*vide report page 26*). 2nd. Under date August 17th, Mr. Fenton says, "Found the people alarmed," &c., (*vide report, page 26*). 3rd. Under date August 18th, Mr. Fenton says, "Have two more letters of Mr. Davis," &c. (*vide report, page 27*). Then 4th. Under date March 3rd, Mr. Fenton says, "The Natives of the late Rangiaohia meeting collected £67 for the Press, &c.," (*vide report, page 32*). Now would you offer the Committee any explanation on these matters? Taking the first extract about building a house carved and adorned with feathers: will you tell us what that expression meant?—A communication of that kind did pass; I had also communicated with other Natives on the same subject namely building the carved house.

273. Was that house intended for Potatau?—It was intended for the runangas.

*C. O. Davis, Esq.*

6 Oct. 1860.

C. O. Davis, Esq.

6 Oct. 1860.

274. Would you let us know generally the purport of these communications about the house?—I had conversation with numbers of Natives on the subject.

275. You proposed to various Natives that a House of Assembly should be built?—I did.

276. To whom in particular?—I cannot name any in particular : there were a good many, both Chiefs and people of the Waikato district.

277. Was there any special meaning in the proposal to build a house carved and adorned with feathers?—There was no other meaning but the plain meaning of building a house carved and adorned. I intended an ornamental building merely, there was no hidden meaning in the proposal.

278. *Mr. Domett.*] Would it be likely that the allusion to the carved and adorned house would be understood by the Natives as proposing a return to their ancient customs?—Certainly that was not the meaning intended by the proposal I made : they might have put that construction upon it.

279. Might it not possibly have been understood by them to express such a meaning?—Yes ; I think there are many meanings that the Natives put to things, and it is impossible to say particularly what construction they would put on the proposal. I understand the question to be, whether they would understand that I intended to advise their returning from civilization to barbarism : if so, that is a principle I utterly repudiate.

280. Knowing as you do that a multiplicity of meanings might be attached by the Natives to such a figurative expression, would it not have been more cautious to have been more guarded especially against such a construction as I have referred to?—I ask pardon ; the expression was not a figurative one ; and the Natives did not understand it so.

281. *Mr. Fox.*] Would not, or did not?—Did not.

282. *Mr. Domett.*] But you have said before, that it was impossible to say precisely what construction the Natives would put on the expressions “carving and adorning?”—I had many conversations with Natives about it : the words “carving and adorning” were quite unimportant. If they had erected the house, I never believed they would take the trouble to carve and adorn it.

283. *Mr. Forsaith.*] Would you state the object you had in view in recommending the building of a house of Assembly?—The idea was suggested simply from this circumstance. I attended a meeting at Ihumata, in June 1857, I think. The Natives were congregated there in great numbers at their runanga, sitting in the rain and mud, and it occurred to me that if a large building were erected they might be accommodated ; and if I mistake not, I spoke to some of them at the time about it, and subsequently I wrote to them on the same subject. At Ngaruawahia, where the building was proposed to be erected, there was no timber ; I mean large timber for sawing purposes ; and I thought it would be an inducement to them to erect the building at once, if it were made of Native material.

284. What were the purposes for which the Natives were convened at Ihumata?—It was one of their runangas, and my object in going there was to get money for a printing press.

285. What was the subject principally discussed at that meeting?—I was not present at the discussions ; the only subject I introduced was the printing press.

286. Were you present during the whole of that meeting?—I was not.

287. During any part of the time you were there was the King movement discussed?—I took up my quarters at Mr. Buddle's house, and discussions about the King movement might have been going on while I was there ; but I was not present at any such discussion.

288. Do you wish the Committee to understand that you recommended the erection of the house of Assembly merely for the purposes of shelter, and without any political object whatever?—Precisely so : of course I knew political subjects would be discussed in that house, but I could not tell what those subjects would be.

289. Was not the meeting at Ihumata one of a series of meetings that was being held at that time to discuss the King movement?—Well, I could not answer that question from my own personal knowledge.

290. Have you read Mr. Buddle's pamphlet on the King movement?—I have not.

291. What was your object in going to Ihumata to urge the Natives in getting a press?—I had previously urged them to purchase a printing press, and went simply on that occasion to receive an instalment of the purchase money.

292. For what purpose were you so anxious to have a press at their command?—There were various objects ; I wished them to publish a newspaper and religious books.

293. What was to be the character of the newspaper?—That was never decided. I should tell the Committee that I never made any line of demarcation between the “Land-league party,” or the “King-party,” if you call them so, and the Natives generally. The first person to whom I communicated my wish was Waata Kukutai, and he at once acceded to it, and paid the first instalment.

294. Was a paper ever published in consequence?—No, the type and material are still in my hands in Auckland.

295. Has no publication been issued at all under your auspices?—Does the Hon. Member mean with this press?

296. Has there been any paper or publication at all issued by you?—I printed 2 or 3 numbers of a newspaper named *Te Waka o te Iwi*, there were also 2 or 3 numbers of a smaller paper called *Te Whetu o te Tau*.

297. Can you furnish the Committee with copies of those numbers?—Certainly.

298. *Mr. Williamson.*] Did you hear any of the speeches delivered at the Ihumata meeting?—No, none.

299. Do you know the names of any Chiefs present at that meeting?—I know that Kukutai was present ; I think Te Heu Heu had gone when I got there ; I heard he had been there. I saw Honi Te Waru of Rangiaohia, and Wetini of Matamata.

300. Were you made acquainted with the nature of any of the speeches made there?—I was not. *C. O. Davis, Esq.*

301. Did you attend any other meetings held in Waikato in connexion with the King movement?—I did not.

302. Were you aware that meetings of this nature were being held at Waikato?—I heard of a meeting at Paetai, and also of another meeting at Taupo.

303. Did you become acquainted with this before recommending the building of an assembly house?—I cannot recollect exactly about the date; the Ihumata meeting was in June 1857, and the Taupo meeting was before that.

304. *Mr. Domett.*] As you were in constant communication with the Natives, and were aware of the two meetings you mention, how was it you were not aware of the objects of the Ihumata meeting?—They were all meetings for the purposes of general discussion.

305. Was there any agent of the Government present at that meeting?—I don't know about an agent of Government; the Bishop of New Zealand was there, and Mr. Buddle, and several other gentlemen; some settlers, and some members of the Missionary body. I should tell the Committee that on the occasion of the Ihumata meeting I expressed my disapproval of the King movement, in a private conference I had with a great number of the Natives. I have a document in Maori from Maihi Mokonohi and his people, in which they gave the expressions I used on that occasion. If necessary I can give the Committee a copy of it. The words I used were "Whakarerea ta koutou Kingi; ka haea koutou e te pakeha." I should also say that I was hoping at the time that the press would be the means of putting down the King movement, if it went beyond its original object as a land league, because in the matter of the press I was acting in concert with Waata Kukutai, Paora te Putu of Coromandel, and the Thames people generally, and the Ngatiporou and Whangaruru Natives and others.

306. *Mr. Forsaith.*] Assuming the King movement and the Land league movement to be distinct; are you equally opposed to the one as to the other?—Certainly not: the land league was a simple question of time, they might make one to-day, and break it to-morrow.

307. *Mr. Bell.*] Then do you mean to add any opinion on the King movement?—Well, I don't know; I should like to be told what you mean by the King movement. I have really never understood what was meant by it.

308. Is there any reason against supposing the King movement to be an attempt of the Natives to obtain civil institutions independent of, or in opposition to, Governmental authority?—The Natives have always professed to be anxious to obtain civil institutions, but I think they have no settled principles on the subject.

309. Then do you think that in spite of the King movement they would still be willing to receive civil institutions from Government?—I do.

310. *Mr. Fox.*] Do you think so in the Waikato?—If they had confidence in the persons who are the medium of communication with the Governor, I think they would do so; they do not place confidence in those who are the medium of communication with the Government.

311. *Mr. Bell.*] Do you mean at present, or at the time of the Ihumata meeting?—I mean at that time, and up to the present time.

312. *Mr. Domett.*] Had they confidence in Mr. Fenton?—I think they had confidence in Mr. Fenton, what little they knew of him; he was a comparative stranger to them; he was better known in the Kaipara district.

313. Did any Waikato chiefs express to you any disapproval of Mr. Fenton's proceedings?—I think the chiefs generally expressed their willingness to receive Mr. Fenton, and were much obliged for the suggestions he had made.

314. *Mr. Forsaith.*] Did you ever have any communication with Potatau with respect to Mr. Fenton's proceedings?—My communications with Potatau were of little or no consequence. I seldom or never communicated with him. I had no communication with him about Mr. Fenton's proceedings; he never expressed any opinion to me about them; he had no opinions on the subject.

315. *Chairman.*] Do you mean that he was in a state of imbecility and was incapable of forming an opinion?—No; he was always very friendly with the Government, and never opposed the Government or their officers in any way. He was receiving a pension from Government, and some of his friends suggested that it should be given up. They asked me whether it was desirable to give it up: I said, certainly not.

316. *Mr. Heale.*] Did you ever hear of any opposition on the part of the older chiefs of Waikato to Mr. Fenton's proceedings?—No; I cannot say I recollect anything of that kind.

317. You are aware that there was such an opposition in the Upper Waikato?—No, I am not aware of that; they never said anything of that kind to me that I can recollect.

318. Then as far as your knowledge goes, no danger could have resulted from Mr. Fenton's proceedings?—None whatever from his proceedings, or from his being a Resident Magistrate and carrying out the wishes of Government generally.

319. From what you heard among the Natives, do you think that the activity of Governmental action during Mr. Fenton's stay at Waikato was not calculated to create jealousy among the old chiefs?—I never heard of it; sometimes there were rumours from persons of no consequence, but the chiefs never spoke to me to that effect.

320. Then do I understand you to give a general opinion that activity of Governmental action among the Natives in aiding them to govern themselves, is not objectionable or dangerous provided they have confidence in the agents?—It would not have been at that time, under the administration of Mr. Fenton; I am not so well acquainted with their feelings now; I have little communication with the Waikato Natives now.

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321. Can you tell us why you have less communication with the Waikato people now?—I occasionally reside at Coromandel now; I have been there for the last three months.

322. Does the communication being less, result from want of inclination or only from accidental circumstances?—Only from accidental circumstances.

323. *Mr. Williamson.*] You have said there would be no difficulty in introducing civil institutions among the natives, if they had confidence in the person communicating between them and the Governor: what reason have you for supposing that such confidence did not exist at that time or since?—Simply because the natives tell me so from day to day.

324. You held office under the present Native Secretary, did you not?—I did for some time.

325. What was the cause of your leaving office?—I resigned my office because I felt it to be an intolerable burden to continue in it any longer.

326. Are you aware of any complaints having been made to the Governor by the Native Secretary against you?—I am not aware of any, unless it be in the case of Horopeta, heard in the Resident Magistrate's Court: that was a case about a vessel.

327. What was the nature of the complaint in that case?—It was simply a dispute. Horopeta wished to obtain the vessel, and I objected to his having it; the case was adjusted by the Resident Magistrate, Mr. Beckham. They wished to settle it privately, but, as my character was at stake, and I had been publicly charged, I thought it better to have it settled in a public way.

328. *Mr. Bell.*] What were you charged with?—The summons was issued against me to give up the vessel, or refund £70: the decision was that I should retain both the vessel and the £70; and it was proved further that the plaintiff was in my debt to a considerable amount (several hundred pounds). I should tell the Committee that the Native told me afterwards that he had no wish to issue a summons, or to make any complaint against me, but that certain Europeans had induced him to do so.

329. *Mr. Williamson.*] Was any intimation made to you that it would be better for you to resign, in order to avoid being dismissed?—No: I had a private communication with Mr. McLean on the subject of Horopeta's case, and he said that they were considering (I don't know whether that came from the Governor, or was his own statement) that if this case of Horopeta's went against me I should be punished in some way, or to that effect. I should explain to the Committee that long before that case came on I had made up my mind to resign, being constantly annoyed by the under-clerks of the Native Department in various ways.

330. *Chairman.*] I will now refer you shortly to the next extracts from Mr. Fenton's Report:—"Pukewhau and party came to day. Long conversation with him. Have seen two more letters of Mr. Davis—one was admirable exhortation; the other, if I properly gathered the meaning, injudicious and improper, &c., &c." Do you recollect such letters passing between you and Pukewhau, about August, 1857?—I have no recollection of there being such letters. They may have been written, but I don't know. I keep copies of most letters I have written to the Waikato chiefs, but don't think there were any such as are now mentioned. I will look over the copies, and if I find a letter addressed to Te Kereihi, I will produce it.

331. You said that the object you had in establishing the newspaper was to put down the King movement?—I did not say that was the primary object, but I thought it might have that effect. But I did not think any newspaper would break up the Land League.

332. In a pamphlet written by the Rev. Mr. Buddle, at page 7, there is this statement made:—"Thompson evidently regards himself as the author of this movement, for he said at the late meeting at Ngauwahia 'Naku tatou i he ai (I have been the cause of our troubles);' and his friends universally point to him as the 'take,' the originator of the Maori Kingdom. They say that it originated thus: Thompson, in conversation with a friend, expressed a great admiration of some of our usages, and especially of the manner in which justice is administered in our Courts. His friend replied: 'E tomo koe i raro i aku huha (your path is through, underneath my thighs).' He enquired the meaning of this strong figure, and received for reply: 'Me rapu koe (search it out)' He thought, he pondered, and at length arrived at the conclusion that it must point to oppression and slavery. 'That path,' he reasoned, 'is the path of dogs only: then are we to be treated like dogs? Does the Pakeha intend to put us beneath his feet? But he shall not be permitted.' And he resolved on devising some means to preserve himself and countrymen from the degradation thus figuratively indicated. The statement is given as it is commonly related in Maori circles." Do you remember any such conversation with Wiremu Tamihana Tarapipipi?—I had a conversation with him. I have no recollection of making use of the expression in the extract just read. He came to Auckland to have an interview with the Government, I think, in 1857. I was at that time connected with the Government. He (Tamihana) was residing at Tauranga. On that occasion, he applied for a loan to erect a mill. I introduced him to Mr. McLean, and he personally applied for the money, but was refused. Two or three days after, I think, he came to me, and we had a conversation about general matters relating to the Natives. He complained of his want of success in obtaining this money. I said to him, "You see that your application has been thrown under the table: therefore, if you wish to erect a mill, or raise your own social condition, you must set about it yourself in earnest." That was the nature of my conversation with him.

333. This expression—"E tomo koe i raro i aku huha"—was it used by you during that conversation?—I have not the slightest recollection of it: besides, if it had been used, it would not have denoted slavery.

334. What would it have denoted?—One meaning attached to it is this: it means to avert the anger of the gods, in their superstition. If a man killed another, he passed through the dead man's legs in order to avoid the anger of the gods. It also means confidence in the person under whose thighs the person addressed is to pass. Such is the phrase "Tomo mai ki roto i aku pakai,"—"Tomo mai ki aku huha"; being synonymous with "Sit on my right hand, or on my left."

335. If such an expression had been used in such a conversation, what would have been the signification of it on the Native mind?—I really cannot say; it is an expression frequently used by them. They say, "Tomo mai ki a te Kuini: tomo mai ki a Kawana."

336. Then it would not imply degradation?—None at all; if Mr. Buddle says it would, I can only say I differ from him: it would be an extraordinary conclusion.

337. *Mr. Forsaith.*] Supposing it possible that you did use the expression, without giving any explanation of the meaning you attached to it at the time, but that, in reply to a question from him, you had said "Me rapu koe," would not a mysterious meaning have been naturally conveyed to his mind?—Yes; but what has "Me rapu koe" to do with it?

338. I will read the whole extract again. (*Extract read.*) Now let me repeat the question just answered?—But why not come to the point at once; what is the use of making these suppositions? Either I used the expressions attributed to me, or I did not. I have not the slightest recollection of using the words "Me rapu koe" any more than the others. I should have thought I was trifling with an intelligent chief by using such expressions: it would have been talking a kind of Maori slang, which I am not accustomed to resort to. I wish to put in the following memoranda:—

[*Memoranda put in by Witness.*]

"At a recent interview which took place between the Minister for Native Affairs and myself, I was given to understand that no fixed arrangements had been made in regard to the management of Native matters, and on that occasion I was invited to suggest whatever might tend to facilitate the satisfactory arrangement of the Native Departments.

"It may be well to state here, without further preliminary, that the political atmosphere, in respect to the Maori population, seems at present to be surcharged with those elements which portend a storm. The people are unsettled; and a feverish discontent everywhere pervades Maori society. This is acknowledged by those who are in the habit of entering into familiar conversation with the Native people. Our laws have, in a great measure, ceased to be respected, and the Natives in the principal settlements enact laws of their own, which in many instances affect the lives and property of their fellows. The recent murders at Whangaroa were perpetrated in consequence of certain resolutions passed at a public meeting of the tribes to this effect: "It is right that Kamarie and his wife Hara be strangled, they having been found guilty of witchcraft."

"At various places the Natives have seized vessels belonging to Europeans, for real or imaginary wrongs, and money extorted from the parties, without the slightest reference to the properly constituted authorities of the Colony.

"The prohibitory laws enacted by the Government are evaded by all classes of Natives, and many in the immediate neighbourhood have the daring to harbor the offenders, and every possible means are taken to frustrate the ends of justice.

"The Waikato, Kaipara, and Thames tribes have been, for some time past, making extensive purchases in the way of guns and powder, and the sum expended on these forbidden articles by two or three tribes lately is estimated at £1,200.

"There are also several stations where powder is manufactured; one at Tautora, between Kaipara and the Bay of Islands, and three in the Waikato District. Doubtless the Maori people receive assistance from the Europeans in reference to this matter; it is asserted, however, that one Native was a hired servant in a mill, near Sydney, where he learnt the art of making powder, and, on his return to this country, brought with him the apparatus to carry on what his countrymen consider his legitimate occupation. The sum of £500 has been collected as a reward for his services, the powder he makes being in quality superior to that of the other manufacturers.

"The most important feature, however, is the fact that the Natives generally consider themselves an independent nation, and not amenable to British law. They discuss this subject with great seriousness, and many of the tribes are warmly advocating the election of a Maori King, who will, it is supposed, be able to settle all their grievances, and quiet the troubles of the land.

"It may be asked, What is being done to lessen the discontent which prevails everywhere among the Native people? The influence of the missionary bodies, in regard to the Maori population, has ceased; it is at present a mere shadow. The influence of the Government is daily becoming less, owing in a great measure to our want of system. Expediency, not principle, is the order of the day. And here I would remark that it is altogether a mistaken notion to suppose that we are attaching the Natives to us, and securing their allegiance to the Crown, by the bestowment of presents, and granting loans. In most instances this is positively injurious, fostering idleness and covetousness, and causing the chiefs to lay aside that self respect which raised them so far above the generality of barbarians. If these statements be correct—and I imagine they are not likely to be controverted, as the Natives tell me their sentiments in confidence—surely we should endeavour by every possible means to regain the influence we once possessed? Indeed, the safety of the Colony depends upon this; it seems to linger upon this point, whether we are to sever the few ties which bind the Native people to us by continuing the present confused system, or whether a better system should be introduced so as to insure their confidence and respect. To secure the good management of the Native people, it is absolutely necessary in the first place that proper arrangements should be made in respect to the Native Departments.

"At present the utmost confusion prevails, and I cannot see how order can be secured, where so many interests clash one with the other.

"Practical experience has convinced me that little or no order can be maintained, nor the respect or confidence of the Natives be secured, unless judicious arrangements be made in the Native affairs.

"It is my unalterable opinion that there should be three separate and distinct departments for the conduct of Native business:—

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1. An office for all matters relating to the Government, and proper management of the Native people, under its own head—the Native Secretary.

2. An office for the despatch of all legal business connected with the Natives, under its own head—the Native Counsel.

3. An office for the despatch of all matters relating to land, under its head—the Commissioner.

“By this very simple arrangement of the offices, the complaints of the Natives would be carefully investigated, and all their real wants attended to.

“The benefits that would accrue from the adoption of these suggestions would, I am persuaded, be speedily felt, and that obedience to the Government, which we are unable to enforce, would be cheerfully yielded by the Natives, for they would discover that their interests were regarded, and that they were really cared for. They are a shrewd and discerning people, very susceptible of feeling, and easily managed; but our conduct towards them should at all times be based upon principles which will bear the strictest scrutiny, as they have a very high sense of natural justice, and their moral perceptions are of a very superior order.

“I am not so presumptuous as to assert that the proper arrangement of the Native Departments will cure all the evils that at present exist; but the heads of these Departments will be able to confer great benefits on the Native Race, and they will be able from time to time to devise plans for the advancement of the people whose interests they represent.

“In regard to the expenditure of these establishments, it would, I think, be comparatively trifling. Indeed, by this arrangement, large sums may be saved which are now lavishly thrown away, and these sums may be used for purposes that will really benefit the Native population.

“As the Natives generally do their business in the forenoon, the Law Adviser for the Natives need not be in attendance beyond one o'clock, and no extra clerk would be required. I could do the necessary writing, interpreting, &c., &c.; and I think that the Natives should be encouraged to pay the Solicitor's fee when their circumstances will permit.

“The Native Secretary will require my services, and another clerk. Nor is it necessary that the head of this Department should be fully acquainted with Maori, as will be seen by the past—that office having been filled by the Hon. C. A. Dillon, Major Nugent, Mr. Symonds, and Mr. Fenton: he should be, however, a sensible and judicious man—one whose conduct will be based upon principle under all circumstances.

“Referring to the Land Department, two clerks, perhaps, will be necessary; and, in regard to that important branch of Native affairs, all are agreed that it could not be entrusted to better hands than its present head, whose long experience and practical knowledge pre-eminently fit him for that deeply responsible office.

“The questions arising out of the sale of land are so numerous and complicated, and often of so serious a nature, that it would seem most undesirable—to say nothing of the danger—to divert the attention of the Commissioner by introducing into his Department a multiplicity of other matters, many of which require much time to adjust, and are for the most part peculiarly harassing to the mind.

“Should these suggestions be acted upon, I am not likely to be benefited thereby; but, in matters that materially affect the general good, I should be unworthy of the trust reposed in me, were I to allow my conduct to be shaped by the hope of gaining any personal advantages.

C. O. DAVIS.

#### MEMORANDUM.

“The desirableness of the Officers of the Native Departments having confidence in one another, and acting in concert, is too obvious to need comment; but unhappily under existing circumstances it is altogether the reverse.

“To say that Mr. Fenton and myself would be able to conduct the business of our office with credit and satisfaction, is not a mere assertion, but founded on practical experience. Mr. Fenton is not carried away by popular notions; he thinks for himself; he has discovered the baneful tendency of mere expediency in Native affairs; his policy—if I may be allowed the use of the term—is based upon principle. The Natives, who are a shrewd discerning race, see these qualities, and in consequence respect his character, and confide in his judgment. And who shall say that such men are not the very description of persons required in the Native Departments at such a crisis—when disaffection seems to be spreading in every quarter?

“It may not be out of place here to furnish a copy of a letter written by a Native to the people who propose to assemble at Matamata.

#### [TRANSLATION.]

“Go forth O these thoughts of mine after the good news which is being brought to Auckland, this great city of the Europeans and the Natives.

“The news of your searching for a King for us rejoices us greatly. Some of the chiefs of the Europeans are pleased with this mark of your chieftainship.

“Do ye hearken, O ye tribes, both great and small, even all people of all places. Let your call for a King be carried into practice; and let the King be placed upon his seat of honor: then the ministers of all the Churches, and the assemblies of the Europeans, will pay their respects to this our great King.

“Be strong to perform this:—will you? Yes, you will.

“Your call for the establishment of a kingdom is just; the necessity of this step has been seen by those who look at the law of the Europeans and Natives.

“All the people will protect. Do not suppose that the Europeans will stand aloof from this great King of New Zealand. Five thousand of them [the Europeans] will adhere to his cause, and there will be six thousand millions of Maories!

"Let the King be placed upon his kingly throne, and after him, let Governors be sought out for each district, and councils for the whole. The money [to defray expenses] is easily procured. C. O. Davis, Esq.

"If you are unsuccessful the Europeans will taunt you and scoff at you,

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"When the King is elected, we shall be a sacred people, and our former greatness [*i.e.* our national dignity] will return unto us.

"The Council will search after truth for him—the King, and influence will be given to this man and that man, to this tribe and that tribe.

"This is a word of advice.

"When the King shall be seated upon his throne of majesty, I will return to my own home.

"To the assemblies of the chiefs of New Zealand."

"I am not disposed to think seriously of all this, though the subject appears to have taken deep root in the minds of many influential Chiefs; but I do think that strenuous efforts should be put forth in order that our friendly relations with the Maori tribes may be established upon a firm basis, for whatever may be asserted to the contrary, the links which hitherto bound the races together, are being broken, one by one.

"I cannot see how this is to be accomplished under the present system, nor does there appear to be the slightest probability of anything but increased disorder in the Native Departments by their consolidation.

"The political portion of the business, which is by far the most important, will be completely buried in the multiplicity of land questions which daily arise, and the difficulties in connection with land are likely to increase tenfold. The consolidation of the offices as an experiment has proved an utter failure. It becomes a question, therefore, requiring the most serious consideration of the Minister for Native Affairs, as to whether the political branch of the Native Department shall be placed in unskilful hands, and whether the whole attention of its officers should not be directed to the improvement of our relations with the Native tribes. Not indeed by foolishly yielding to their prejudices, nor by the bestowment of gifts, which will never bind them to our cause, but which will tend to make them far more unmanageable.

"It should be borne in mind that those persons who are engaged in land matters, are almost always suspected of taking advantage; their usefulness in regard to political matters therefore will be limited, and their influence in a great measure will depend upon the amount of money at their disposal.

"No presents should ever be given or any loans granted through the Land Office, as these favours are sure to be considered as so many inducements to sell land. All the Officers acquainted with Maori being placed in the Land Department, the Governor will be looked upon as a mere land agent, which, of course, will be most derogatory to His Excellency.

"There may indeed be some principle which has guided the Minister for Native Affairs in the union of the Native Offices; but it appears to many unprejudiced and reflecting minds, that such a union as that of the Native Secretary's Department with the Land Office, is fraught with numerous evils. This strange fusion, it is true, keeps us all in a kind of bustle; but what is the result? the duties are performed with an absence of all judgment; projects are formed pregnant with theoretical notions which end only in disappointment and vexation; and while the dangerous experiment is being made, we are sacrificing our own interests, and destroying that influence which has enabled us hitherto to govern the restless and warlike New Zealand race.

C. O. DAVIS.

#### MEMORANDUM.

"The great Taupo meeting attended by Te Wherowhero and many other Chiefs of high standing is about to come off. There is a good deal of mystery connected with this national gathering, nor is it lessened by the fact that a platform has been erected upon which the inscriptions have been written, "*Hinana ki uta, Hinana ki tai.*" (Look to the land, and look to the sea.)

"Of course it is known that various political questions will be discussed, and especially that of the election of a King.

"These things may be unimportant in themselves, but it is impossible to say what they will lead to, for there are not wanting persons throughout the country who warmly encourage such proceedings.

"How necessary then that the heads of the Native Departments should be men of energy and stability of character, men who will give little to the Natives, but do much for them.

C. O. DAVIS.

Wiremu Maehe called in, and examined.

339. *Chairman.*] What is your name, and to what tribe do you belong?—Wiremu Maehe Te Rangikaheke of Ngatirangiaweti.

340. Have you any general acquaintance with the Waikato people?—I am acquainted with the sentiments of the Waikato Chiefs.

341. Do you know that Mr. Fenton was Magistrate at Waikato?—I heard of Mr. Fenton's appointment as Magistrate for Waikato.

342. Do you know anything about Mr. Fenton's proceedings with reference to the native runangas?—What I know has been communicated to me by the Chiefs; they have spoken to me of the excellent manner in which Mr. Fenton administered justice; there was no turning, it was in accordance with the plans being laid down by themselves; so also what was taught by Mr. Fenton was clear according to the Pakeha runangas and the regulations of the Queen.

343. Were you acquainted with Potatau?—Yes; he is a parent (relative) of mine.

Wiremu Maehe.

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Wiremu Mache.

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344. Did you ever hear Potatau or any other Waikato Chief express objections to Mr. Fenton's proceedings?—I never did.

345. Had there been such objections, is it likely you would have heard them?—Had they been objected to I should have heard of it.

346. Was there no division of feeling amongst the Natives of Waikato as to Mr. Fenton's proceedings?—I am not aware that there was any division: their thoughts were that this man (Mr. Fenton), resembled Governor Grey in his regard for the Maories of this Island.

347. Did you attend any of the runangas at Waikato?—All the Chiefs of the runangas came to me to talk. If Governor Grey had been Governor of this Island, the plans of the Maories would not have gone in a contrary direction.

348. Are you acquainted generally with the feelings and opinions of the Maori people?—I am acquainted with them.

349. Have you considered what the matters are of which they principally complain, or what they principally desire?—I know why the thoughts of the Maori Chiefs have turned away from the system of the Pakeha; the *mana* of this island is trampled upon by the Pakeha system; the Pakeha system is taught to their tribes; the Maories therefore consider that it is taking the *mana* and enslaving this island. This is the principal cause of the present darkness of the Maories, they are not admitted to share in the Government administration of justice. The Pakehas say that their regulations alone should be law for both races; the Maori Chiefs say that the two should be joined, so that the bodies of the Pakeha and Maori may be joined (or united), and also the thoughts of their hearts. If the bodies only of the Pakeha and Maori are joined, but there is no joining of systems, what is the good of there being one *mana*, one law, one system of administering justice, and one King? These are the things which have caused the hearts of the Maori Chiefs of this island to turn in a contrary direction.

350. Is it the desire of the Natives that there should be a joint *mana* under one Queen for both races, or one *mana* under their own King for the Maories, and another under the Queen for the Pakehas?—The Maories have said that let there be one law for the two races; had the administration of justice by the Government been clear, the *mana* would have been one, but when the Pakeha system went contrary to the Maori, the Maori Chiefs proposed to elect a Chief for themselves, but still to have the one law, that of Heaven and the Queen.

351. You have said, that if the administration of law had been clearly understood by the natives, they and the Pakehas would have remained one; now, do you think it could be made clear so as to produce the effect of uniting the two races?—It could not be done now. The Maori Chiefs know that their letters had no weight, the letters they wrote to the Queen requesting that Governor Grey might be sent back as Governor for the Island; his Maori policy was clear: a union probably could not now be effected, for many Chiefs have joined the Waikato runangas.

352. Would not the sending of European Magistrates to administer the law with native Magistrates and runangas, gradually make the law clear to the Natives, and thereby reunite the two races?—That would be good for them; the Pakeha and Maori systems would be united together, and would be the law in the judicial investigations by which evil would be suppressed.

353. Would it be likely that one part of the Natives would oppose and another part of the Natives approve of the introduction of these Magistrates?—Such would not be the case; were the Pakeha system the only one carried out amongst the Maori people, the Maories would turn from it; but when the two were united the Magistrate would have influence with the Maori people.

354. Would not the old Maori Chiefs be grieved to see the '*mana*' pass out of their hands into those of the Magistrate and the younger Chiefs, his assistants?—They would not be grieved, because there would be two *manas* united in that mode of administering justice.

355. Supposing an European Magistrate to be sent into a Native district to administer justice in conjunction with Maori assistants, how would you propose to select those assistants?—The Governor and the tribe should appoint those assistants, the tribes should select them, a paper containing their consent should be forwarded, and the appointment approved by the Governor. Another thing; the Governor should ask the Maories what Pakeha they would prefer as Magistrate.

356. How should Maori runangas be constituted?—Eruera Kahawai and I urged Governor Browne to form a runanga for (of) the chiefs of this island, to carefully select intelligent chiefs from the tribes of the East Coast and the interior of this island to lay down rules, so that the hearts of the Maories might turn to the runanga of the Government of New Zealand, but the Governor did not consent to it.

357. You are now alluding to a General Council; but we wish to know how you would recommend the Village Councils to be constituted?—They should be selected by the tribe.

358. What should be the work of these runangas?—To join the Pakeha with the Maori systems, for dealing with matters relating to the personal property, land, and all other things that cause confusion in the place.

359. Would they be competent to deal with land disputes?—They should act in council with their Pakeha friend, the influential Chief, and persons skilled in genealogical descents, and land boundaries. If the runanga could clearly decide the matter, it would end there. If the dispute continues, some influential chiefs should be called in, and they should name some Tohunga, who knows the ancestors to whom the land belonged and who appointed it to his different heirs, or reserved it for his single descendants; there should end the dispute.

360. How in case of disputes between tribes?—If it were known that there were a dispute about land, or women, or property, and that evil was likely to result, the disputants should be called upon to appear before the runanga, and the runanga should carefully settle their disputes.



361. But supposing the dispute is between two tribes, who should decide, and how should they be brought to agree to a decision?—If that man and his tribe are willing to come to the runanga of such a place, that runanga should fairly decide between them as to which is right and which is wrong. This should be final.

362. If such a law could be made, would the Maories submit to it?—We ourselves have been forming runangas during these past years.

363. If a law were made by the Pakeha runanga of this kind would the Maories agree to it?—They would agree to it if our systems were amalgamated.

Hoani Takurua examined.

364. Have you frequently conversed with Wiremu Maehe about Maori affairs?—I have.

365. Do you agree with him?—Yes, our thoughts and our words are the same.

Te Wheoro Haerehuka, of Ngatiwhakaue examined.

366. Have you frequently conversed with Wiremu Maehe about Maori affairs?—I have.

367. Do you agree with him?—I do.

Wiremu Maehe.

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Hoani Takurua.

Te Wheoro Haerehuka.

MONDAY, THE 8TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Domett,  
Mr. Forsaith,  
Mr. Dillon Bell,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown.

Mr. Sewell in the Chair.

F. D. Fenton, Esq., called in and further examined.

F. D. Fenton, Esq.

368. *Chairman.*] Have you completed the list of documents which you asked to be produced from the Native Office?—I have. (*Witness handed in the list.*)

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369. Can you state what Native witnesses have been summoned or written to, to attend?—I can only tell to whom I have written; viz., Waata Kukutai, Te Keru, Hetaraka Mura, Rawiri, Mohi, and Panapa.

370. Do you believe they will be in attendance?—If they are well they will attend; I do not know who has been summoned by the Native Office.

T. H. Smith, Esq., called in and further examined.

T. H. Smith, Esq.

371. *Chairman.*] Will you be so good as to state what you know relative to the opposition raised by the Natives against Mr. Fenton's proceedings, when and where it arose, and what form it took?—It was not so much an opposition to Mr. Fenton's proceedings, that I am aware of, as an irritation that existed in the district.

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372. Can you say amongst what Chiefs or persons the irritation existed?—It was principally among those who called themselves the King's party in Upper Waikato.

373. Did that include old as well as young Chiefs?—It did.

374. Are you aware of any irritation amongst Chiefs not of the King party?—I am not able to say which Chiefs did belong to the King party; I think it was only after Mr. Fenton's appointment in the district that they became divided into parties.

375. Did you know anything of Potatau's own sentiments on the subject?—I am not aware whether he took exception to Mr. Fenton's official proceedings, but I believe he felt a good deal of annoyance; the distinction I wish to draw is this, I am not aware that it was Mr. Fenton's proceedings as a Magistrate which annoyed him, it was rather the manner in which Mr. Fenton went into the district without any reference to him.

376. Can you recollect any incident or occurrence by which the annoyance felt by Potatau was made apparent?—I have heard Tamati Ngapora, his half-brother, say so.

377. *Mr. Domett.*] Do you remember any interview between Tamati Ngapora and the Governor on this subject?—I think I recollect his expressing an opinion to the Governor to the effect that the presence of the Magistrate at Waikato was doing harm.

378. Do you recollect Tamati Ngapora using some such expression as this, "That the combination of younger Chiefs in favour of Mr. Fenton's proceedings was like a rope of sand," and would disappear if Potatau held up a finger?—I think I recollect Mr. McLean mentioning to me some such expression as having been used either by Tamati Ngapora or Potatau, but I do not recollect hearing it myself.

379. Can you state anything more positive than what you have already said, relative to the opposition to Mr. Fenton's proceedings?—I cannot speak to any very active opposition as having been offered, but I believe it would have been if the same state of things had gone on.

380. Upon what do you ground your opinion?—I think there is sufficient evidence in Mr. Fenton's own journals to justify this opinion. At first the Natives in the District were merely separated into two parties; as matters proceeded, there were indications of hostile feelings growing up between the

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two parties; one party (the King party) threatened to turn off and drive away those who did not join them. The other party (the Queen's) proposed to prevent the erection of the Maori King's flagstaff by force. I find these facts recorded in Mr. Fenton's Journal. They (the Queen's party) proposed to build a house for Mr. Fenton upon the very place (Ngaruawahia) where the Maori flag was erected. I mention this to show that the Natives identified Mr. Fenton, and through him the Government, with the Anti-Maori King party as a party.

381. *Mr. Forsaith.*] You have spoken of Tamati Ngapora as holding the opinion that the presence of the Magistrate at Waikato was doing harm: was it not Tamati Ngapora that especially distinguished himself by the frequency of his application for the introduction of law into the Waikato district?—I do not recollect his doing so.

382. Is there not a letter of his to the late Governor on this subject published in the Blue Book?—Yes, I think there is.

383. Are you aware whether Tamati Ngapora acquainted himself with Mr. Fenton's proceeding by actual observation at Waikato?—I have no doubt he did.

384. Are you aware whether he attended at such times at any of the places at which Mr. Fenton held his Court?—No, I cannot say whether he did.

385. How far is Mangere from Waikato?—About a day's journey.

386. During Mr. Fenton's appointment at Waikato, Tamati Ngapora resided at Mangere?—He did.

387. *Mr. Domett.*] From your knowledge of the Natives generally, would you suppose there was any insurmountable difficulty in introducing Civil Institutions among them?—I think not.

388. *Mr. Heale.*] Would you consider this formation of a party in opposition to those who wished for and joined Civil Institutions to be an insurmountable obstacle?—No, I should not; it would be a matter calling for greater prudence on the part of those entrusted with the introduction of those institutions.

389. Then you consider the formation, or rather separation, of the parties in Waikato, not to have been a necessary reason for abandoning the attempt made by Mr. Fenton?—I think the separation into parties was the first indication of a state of things existing in the Waikato district which made it necessary to use very great caution in proceeding with the undertaking. Had the single fact of there being two parties in the district stood alone, I should not have said that that was a sufficient cause for abandoning the attempt.

390. Then you consider there was some further danger beyond the existence of the two parties?—I do.

391. Will you state what it was?—It was the danger that the proceedings of the Queen's party would ultimately bring them into collision with the opposite party.

392. Do I clearly understand that the principles of the King party had taken root in the Upper Waikato before Mr. Fenton was appointed?—I think they had not taken that definite shape which they afterwards took.

393. In your opinion would any movement on the part of the Government, calculated to supply the want of Civil Government, long felt and acknowledged by the Natives, have necessarily tended to stimulate into more definite action that party which had taken the initiative in the endeavour to supply that want without Government aid?—I think it quite possible that any movement on the part of Government may have had that tendency, but not necessarily so.

394. Do you not think it would be very desirable to aid the party desiring to support law and order in overcoming the opposition by legitimate and peaceful means?—There can be but one answer to this; it would be desirable to aid them to do so by peaceable and legitimate means.

395. Did the Queen's party attempt to overcome opposition by any other than peaceable and legitimate means?—I am not aware that they did.

396. Do you not consider the withdrawal of Mr. Fenton was a great blow and discouragement to the Queen's party?—I think it was; but I also think the Government had to choose between two evils, and chose the less.

397. What was that other evil?—The Natives coming into collision between themselves, and the Government becoming thereby involved.

398. Do you apprehend that the Queen party might have made an aggression on the King party, or *vice versa*?—Either one or the other.

399. At the time of Mr. Fenton's withdrawal, had matters approached that point of danger?—I think so; there were indications that it was approaching at all events.

400. Are you aware that many of the Queen's party, since Mr. Fenton's withdrawal, have gone over to the King party?—I believe some of them have.

401. Have the remainder maintained any Queen's party there?—I believe the distinction to be very much less marked than before.

402. Then practically the danger of collision has been arrested by abandoning the field to the King party?—No, I do not think so. The Government has not wished to recognise the existence of the two parties, as parties, or to identify itself with either.

403. But you recognise the fact that there was a party which supported Mr. Fenton's proceedings, and that it became more or less opposed to that party which has since been developed into the King party?—Yes.

404. Was it in apprehension that these two parties would come into collision that Mr. Fenton was withdrawn?—That formed a ground for considering it advisable that he should be withdrawn.

405. *Chairman.*] Did you consider, in your opinion, that the withdrawal was advisable?—I did.

406. Did you tender that opinion to the Governor?—I am not aware that I did so officially; I think I have expressed such an opinion to him.

407. When did you first become acquainted with the growing feeling of hostility to Mr. Fenton's proceedings?—It was, I think, very soon after Mr. Fenton's appointment. *T. H. Smith, Esq.*

408. That was in June, 1857, was it not?—It was.

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409. At that time you were acting as Native Secretary during Mr. McLean's absence, were you not?—Mr. McLean was in Auckland at that time.

410. When did Mr. McLean leave Auckland, and how long did he remain away?—I believe Mr. McLean left Auckland early in June, and returned in August. He was again absent, leaving Auckland towards the end of December, and returning in the beginning of May, 1858. During his absence I acted as Native Secretary.

411. You have said that the opposition manifested itself soon after Mr. Fenton's appointment; can you fix the period more precisely?—I think I became aware of it in August, 1857.

412. Mr. Fenton was withdrawn towards the end of 1858, was he not?—Yes.

413. How did you become aware of this opposition?—The circumstance, I recollect, was in connexion with the application to Government for grass seeds.

414. Will you state the circumstance?—Mr. Fenton applied for grass seeds, and I subsequently heard that some of the Natives of Waikato very much objected to the proposal to sow their lands held in common with grass seed, and to introduce sheep into the district; and they were under the impression that Government intended to supply the Queen's party with seed, and to give them sheep. There was a letter addressed to the Native Secretary's Office on the subject.

415. Will you allow the Committee to see it?—I will read portions of it to the Committee, but I do not think I should be justified in allowing the original to be handed in to the Committee.

416. What is the date of that letter?—12th November, 1857.

417. To whom is it addressed?—To the Governor and Mr. McLean; it is written by a Native chief, named Patena.

418. Was it forwarded to the Native Minister with any minute upon it?—It was.

419. Would you be good enough to read that minute?—That would be the same as handing over the original document. I must obtain the authority of the Governor before I can do that.

420. Have you asked the Governor to give you authority to shew any original documents?—I have not.

421. Would you be good enough to ask such permission?—I think the proper course would be for the Committee to apply, through the Colonial Secretary, for any documents they require.

422. Do I understand you then, that pending this authority, you decline to answer the former question?—Yes.

423. Was this the first letter of complaint on the subject?—As far as I am aware it was.

424. Would you be kind enough to read the letters?—I will. [*Extract of letter read.*]

425. I understand that to be the first letter of complaint relative to grass seeds?—Yes; it does not touch on the seed, but the sheep.

426. Have you any other letters about the grass seed?—I have.

427. Will you read them consecutively, giving dates?—Yes. [*Certain extracts were then read.*]

1. Hori Te Paki, Ruihana, Rawiri, and all NgauNgau, July 31st, 1857.

2. Ta Kerei Te Rau, August 5th, 1857.

3. Wiremu Te Wheoro and others, date 31st July, 1857.

4. Waata Kukutai, 6th April, 1858.

5. Ti Oriori, June 2nd, 1858.

6. Hetaraka, October 22nd, 1858.

428. As regards personal communication from Natives on subject of grass seeds, have you any record of them?—I have not.

429. Were they numerous?—I have no recollection of any.

430. I understand that, as far as your knowledge goes, all the communications from the Natives, respecting grass seeds, are confined to the letters from which you have read extracts?—I believe so, with one exception. I have a slight recollection that Hetaraka mentioned a wish to have grass seed when in Auckland.

431. The only indication of complaint then, so far as you know, is that letter of Potatau's, respecting the introduction of sheep?—That was the only written complaint.

432. As to oral complaints are you aware of any?—I believe there were several.

433. To whom made?—I believe to Mr. McLean.

434. When did you first hear of them?—I heard of them at the time of Mr. McLean's return, in August, 1857.

435. Had Mr. McLean been down to Waikato then?—No, he had not.

436. Do you know the nature of the complaints made to Mr. McLean?—They complained that it was proposed to introduce sheep into the district.

437. Who were the complainants?—I cannot give their names; they supposed that Government were going to introduce sheep.

438. Will you explain now, clearly, what the opposition was?—I understood that the Natives had received the impression that what they called the Queen's party were to be assisted by Government in introducing sheep into the district.

439. Did the Native Office take any, and what, steps to counteract that impression?—I cannot speak from my own knowledge as to what passed between Mr. McLean and the Natives; I do not, of my own knowledge, know that any steps were taken.

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440. Would you now inform the Committee what was done in reference to the applications you have mentioned, taking them in the same order as the extracts given?—Previous to the receipt of these applications, 50 bushels of grass seed had been sent up to Waiuku to Mr. Fenton's order, in August, 1857. Mr. Fenton had applied, on 24th of July, for a supply of grass seed. With reference to the specific applications, taking them consecutively: (No. 1.) The price of grass seed and clover seed in Auckland was given; the writers were told that if they called at the Native Secretary's Office they would obtain every direction and assistance as to where it was best to be obtained.

441. Do you mean that they would get the grass seeds?—No, they would be informed where they would be best got. (No. 2.) The writer was referred to Mr. Fenton on the subject, and was also informed that the Governor had expressed his satisfaction that the people of Waikato were turning their attention to sheep farming, and improvement of their waste lands. (No. 3.) The writer was apprised of the price of grass seed in Auckland. (No. 4.) Waata Kukutai, being the head of an association managing a farm at Kohanga, conducted by means of capital advanced by Government as a loan, was told that such expenses should be paid for out of those funds, in order to give their experiment a fair trial. (No. 5.) The writer having obtained two loans from Government, one to enable him to purchase sheep, he was told that he should purchase seed for himself.

442. What answer was made to the letter of complaint in November 1857?—It was not answered.

443. Besides the matter of grass seeds and the complaint referred to by Tamati Ngapora, of the jealousy of the old Chiefs being roused, besides these two subjects of complaint, were there any other complaints by Natives of Mr. Fenton's proceedings?—I am not aware of any.

444. Have you had any letters from Natives expressing satisfaction with Mr. Fenton's proceedings?—I have only been able to find one letter, dated July 1857, from a Chief, Karaipu, of Tuakau, and others.

445. Will you read the purport of the letter?—Yes. (*Letter read.*)

446. That is the only letter you have had?—Yes; as far as my knowledge extends.

447. In personal conversations with the Natives have you ever heard expressions of satisfaction with Mr. Fenton's proceedings?—Yes; I have heard some of the probationary assessors, visiting Auckland from time to time, express their satisfaction.

448. Were any of these persons of importance among the Natives?—Some of them were.

449. When you understood that these complaints had been made as to Mr. Fenton's proceedings, did the Native Office give Mr. Fenton any, and what, directions as to his course of proceedings?—I believe Mr. Fenton was then especially instructed as to the course he should pursue for the future in carrying out his official duties: I think in writing.

450. Can you supply a copy of those instructions?—I think I can; I have not got them with me at present.

451. Can you state their general tenor?—I believe Mr. Fenton was instructed to abstain from communicating with the Natives on any subject not immediately connected with his official duties as Magistrate. These instructions were to have been issued; I am not certain whether they were issued; if so, it must have been in January 1858.

452. Was he informed of the complaints that had been made of his proceedings?—He was not specifically informed of the complaints of Tamati Ngapora and others before alluded to in the instructions referred to.

453. You have stated that an opposition on the part of the elder Chiefs to Mr. Fenton's proceedings would have called for the exercise of greater prudence in the introduction of a new system: in what did Mr. Fenton's proceedings indicate a want of prudence?—I am not aware that I have said Mr. Fenton displayed a want of prudence.

454. Have you formed any opinion yourself, as to what would have been a more prudent course than that adopted by Mr. Fenton?—I judge Mr. Fenton's proceedings more by the result than from any detailed account of them. At the same time I think that his own journals shew that he allowed himself to trust too much to the young men in the District, and overlooked the older Chiefs. I observe that he scarcely ever mentions the names of any of the older Chiefs without coupling them with some word of disparagement.

455. Having read Mr. Fenton's Report, will you favour the Committee with any general opinion upon the system delineated in it?—The only system I find marked out by Mr. Fenton is one which he says has been invented by the Natives.

456. To what do you in particular refer?—Mr. Fenton divides the Native population into three sections (page 4). The plan which is sketched out by Mr. Fenton in page 4, he states to be proposed by the third class, which he considers to comprise the bulk of the community; he appears to me to have been led into a mistake in supposing that that which was really his own, and with which he had imbued the minds of some of the Natives, had taken a greater hold on them than was really the case; and that he frequently attributes to them as theirs what is merely the echo of his own suggestions and views. I think the latter part of his Minute justifies this view, where he says that the plan proposed is merely a development of the idea contained in his previous Minute.

457. *Mr. Sewell.*—Would you let us have a copy of that previous minute?—Yes, I will produce it.

458. Do you consider then that he was mistaken in his views of the desire of the Natives to have Civil Institutions?—I think he was too sanguine in his views.

459. He might have been too sanguine as to success, but was he mistaken do you think in believing the Natives had a desire for such Institutions?—I think he was mistaken certainly, and placed more reliance on the expressions of the Natives than he was justified in.

460. Do I understand then that in your opinion there is not such a fixed and earnest desire for the establishment of such a form of Civil Institutions?—Not to the extent that Mr. Fenton's minute would lead one to suppose.

461. Do you not attribute the King movement in part to such a desire?—I do.

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462. Do you think it would have been right on the part of the Government to neglect that movement, or not to attempt to give it direction?—I think the Government should have endeavoured to give it direction.

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463. What course would you yourself have proposed towards that object?—I think sending a Resident Magistrate into the District was a very proper step, at all events so far as the Government could judge at the time.

464. Merely to administer law, I suppose?—And also to attempt to direct what is called the King movement.

465. In what way to direct it?—So as to prevent its taking a position of antagonism to the Government.

466. In what way do you think that could have been accomplished otherwise than by the promotion of Civil Institutions?—I think the movers in it should have been conciliated, and, if possible, attached to the Government.

467. Those are the only means that occur to you, as the correctives of the King movement?—I think the first thing to preserve was the unity of the District, and then a system for administering law should have been carefully introduced.

468. Were any steps taken by the Government of the kind you speak of to conciliate the older Chiefs?—It was hoped that the appointment of a Magistrate in the District would have had that effect.

469. That was the only step taken?—I think we have rather wandered from the subject.

470. *Mr. Bell.*] You have said the movers in the King movement should have been conciliated and attached to the Government: what means would you have thought it best to take to conciliate them and attach them to Government?—I meant that the Government Agent should have communicated with the principal Chiefs and attached them to himself, and, instead of setting up an opposition party, should have claimed all as his friends, and endeavoured to keep them so.

471. Did the Government take any steps to give Mr. Fenton's proceedings that direction?—Mr. Fenton was not instructed by the Native Department.

472. Was he instructed by the Colonial Treasurer?—He received his instructions from the Colonial Treasurer.

473. When the Native Office was made aware of an opposition to Mr. Fenton's proceedings, did they make any communication to the Colonial Treasurer?—I believe no communication was made to the Colonial Treasurer; the views of the Department were placed on record, but not addressed to the Treasurer.

474. To whom were they addressed?—They were in the shape of a memorandum.

475. Can you produce that memorandum?—I can.

476. *Chairman.*] Of what date was it?—It was in the latter part of 1857.

477. What was the general scope of the memorandum?—I believe the memorandum suggested the instructions to Mr. Fenton of which I have spoken before: namely, to abstain from proceedings not immediately connected with his duties as Resident Magistrate.

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TUESDAY, THE 9TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Williamson,  
Mr. Fox.  
Mr. Forsaith,  
Mr. Heale,

Mr. Domett,  
Mr. Hunter Brown,  
Mr. Dillon Bell.

Mr. Sewell in the Chair.

[*The following Memorandum, sent in by the Rev. J. Hobbs, read.*]

Grafton-road, October 8, 1860.

When I was before the Committee, it was intimated to me that if I had anything further to hand in they would be glad to receive it: I therefore trouble them with a remark or two respecting the situation of the Natives when Mr. Fenton left the Waikato.

Rev. J. Hobbs.

I am not acquainted with the particulars of Mr. Fenton's removal, and of course my remarks may be of no value.

When Mr. Fenton left, those persons who had pledged themselves to the Queen, and had united themselves to the Governor through Mr. Fenton, would be mortified in the extreme. The principal persons among them would feel themselves so perfectly *hangarekatia* and *hiangatia*, that is, as they often say in English, gammoned and tantalized, that the thought of the Kingites recognizing their humiliation and false position would, to their proud minds, be intolerable; and, to obtain satisfaction for it, would be the first wish naturally arising in a New Zealander's mind. The question would then be, "What shall be done?" The Kingites would say, "You have been deceived, and the only satisfaction you can now get is to join us, and let us all heartily unite in declaring

our independence of a people so fickle and uncertain." Such a proposition would allow the abandoned party to go over to the Kingites with a good grace, as showing a becoming degree of indignation for treatment so humiliating.

An instance of a similar kind occurs to me, which took place in the North.

When the seat of Government was removed from the Bay of Islands to Auckland, the Natives at the North felt degraded in the eyes of the Southern Tribes who had previously been conquered by them, and their vexation at being thus abandoned was very great. Soon after that time, the Government flagstaff at Kororareka was cut down, and then followed what is called the war of Hone Heke.

I felt it my duty to try, as far as possible, to prevent persons in our vicinity from joining the opponents of the Government; and when reasoning with Papahia, one of the principal Chiefs of the Rarawa Tribe, on the general evils that Heke's conduct would bring upon his adherents, the old Chief replied, "If a man set up a Rahui,\* and go away and leave it, will anyone respect it?—why should it not be cut down?" No doubt he considered this argument unanswerable, although he was induced to remain neutral. I mention this to show that nothing is so mortifying to the Natives as to be abandoned. Their pride is equal to that of any people on earth.

Tamati Waka had to endure many taunts from other Chiefs of the North, because he allied himself with strangers, that is, with a foreign nation; and in their harangues they often called him an adulterer, and repeated it half-a-dozen times to make it impressive. But Waka has courage and character enough to brave anything, and has remained firm as a rock.

I merely mention these things to show that if we do excite the expectations of the Natives, it becomes a serious matter to disappoint them.

JOHN HOBBS,  
Wesleyan Missionary.

Rev. T. Buddle.

The Rev. Mr. Buddle called in and further examined.

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478. *Chairman.*] Have you read Mr. Fenton's Report?—I have.

479. The Committee would be very glad to hear from you generally your views respecting the matter of that Report?—I have jotted down my opinion, which I will read:—

*Remarks on Mr. Fenton's Report on Native Affairs in the Waikato District by Rev. Thos. Buddle, Chairman of the Wesleyan Mission for the Auckland District.*

I consider Mr. Fenton's Report of the political movements among the Natives in the Waikato District, as contained in the papers forwarded to me by the Chairman of the Select Committee appointed to enquire into these affairs, as generally correct.

I regard Mr. Fenton's remarks on the duties of the Government in relation to those movements as judicious, and the plans suggested in his report as means by which the efforts of the Natives to improve their political and social condition might be successfully directed, well adapted to meet their wants, and set them at rest on the subjects that were agitating their minds.

I entertained similar views on the subject, and expressed those views in a letter to the Wesleyan Missionary Committee in Sydney, dated October 22, 1857, from which the following are extracts:—

"It would be well for the country if His Excellency and his advisers could take advantage of the prevailing feeling, and assist them (the natives) in this most desirable work. There is no greater obstacle to their progress in civilization and Christianity than the present state of their land claims. They are feeling this themselves, and it is one of the reasons urged by those who wish to have a Maori king. They say,—“At present, when two tribes are disputing, we murder each other and there is no power to prevent it. We want a king, and laws to meet these cases, that such things may end.” If a general convention of the principal chiefs could be called, it is not improbable that the Government might make such arrangements as would for ever settle this vexed question.” Again, after describing the transactions I had witnessed in a native court, I made the following remark:—“What an improvement on the old plans of Maori retribution and recovery by fighting! Does it not show their appreciation of the superior customs of civilized life, that they are prepared for a wider application of our laws, and are ready and willing to receive and conform to them? They are looking for some better means than they now possess of punishing and preventing crime amongst themselves, and of otherwise improving their social condition.”

I regret that the attempt to introduce Civil Institutions into the Waikato district which was made by Mr. Fenton, should have been so suddenly suspended; for I am of opinion that if those plans which he initiated had been discreetly and patiently prosecuted, the King movement might have been completely absorbed, and the native mind diverted from those agitating and promiscuous runangas (assemblies) which have fostered disaffection and gradually led the tribes into a hostile position in their relations to the Queen's authority.

In support of this opinion I refer the Committee to the remark of an intelligent Waikato chief, made to me in May last during the native meeting at Ngaruawahia, to which I have referred in a

\* A Rahui is a mark set up to prohibit any other person from using anything in its vicinity,—such as flax, cockles fish, &c.

pamphlet on the Maori King movement, (placed by me in the hands of the Committee) page 17, as follows:—"If (said he) some means had been initiated at an earlier period to give the Chiefs a status in connection with the Government, and also some part in the administration of our own affairs, we should not have had a Maori King."

I consider the influence and co-operation of the old and most influential Chiefs essential to the success of any Institutions that might be introduced among the Natives, and that certain failure would follow any plans that might be adopted, however good in the abstract, if the younger men were made the principal agents in working out those plans, while the old Chiefs were to any extent overlooked; and therefore, while I approve of the principles enunciated, and the plans suggested in Mr. Fenton's report, I fear that a grave error was committed in attempting to introduce a new system of government, independently of the old Chiefs, and by means principally of the young men.

I observe that in Mr. Fenton's report some of the old and most influential Chiefs of the Waikato tribes are spoken of with marked disrespect: as, Wiremu Nera Te Awaiaia, at page 9, foot note, Potatau, at pages 10 and 22, Ruihana, at page 15, and Hori Te Waru, at page 21.

I remark also that I consider Mr. Fenton's mode of treating the King movement was not judicious: he says, at page 27 of the Report,—“Although myself I find this King business a nuisance and an obstruction, I always tell the Maories it is nothing, and advise them to take no notice of it.” In my opinion it would have been wiser to have pointed out the serious consequences that must inevitably follow such a movement. By treating it lightly the Natives would infer that there was nothing wrong in it, and that we did not disapprove of it. I fear this mode of treating the subject has done great mischief.

THOMAS BUDDLE.

480. *Chairman*] Are there any other general remarks that have occurred to you with reference to this Report?—No; but should anything occur to my mind, I will embody it in my written statement.

481. Then the Committee will understand from your observation that you have gathered from the Report indication of some departures from what you would consider the most direct and proper proceedings?—I have.

482. In particular, that Mr. Fenton seems to have not sufficiently regarded the importance of the old Chiefs, and that he treated the King movement with not sufficient gravity?—That is my opinion: and it occurred to me that there is a degree of inconsistency between the views expressed by Mr. Fenton as to what the Government ought to do, and his own practice, in that particular, *i.e.*, where he censures the Government for ignoring the King movement, while he treats it in the same way in the presence of the Natives themselves.

483. Now, assuming Mr. Fenton to have failed in discretion upon these points, and the Government to have become aware thereof, what, in your opinion, would have been, or would be in a like case, the proper course for the Government to pursue?—I should say that, if Mr. Fenton was not considered a proper person to carry out these plans, another magistrate should have been appointed before his removal. I always considered it was a grave mistake to have lost the hold we then had upon the Waikato District.

484. Do you think that by any means the co-operation of the older Chiefs could have been obtained in the work then in progress?—I believe it could.

485. By what means?—By placing the matter before the old Chiefs, and by the magistrate taking them with him as he was doing the younger men of the Tribes.

486. Would it not have been right, both as regards Mr. Fenton and also as regards the object, to have called Mr. Fenton's attention to these points?—Most certainly.

487. *Mr. Bell.*] In the course of your frequent communications with the Waikato Natives, did Mr. Fenton's proceedings form the subject-matter of any communication from the Natives to yourself?—They did not.

488. No complaints, then, were addressed to you of the course he was taking?—None whatever.

489. Had you any reason to suppose from your communications that Mr. Fenton's proceedings were causing a line of demarcation between the King party and the Queen's party?—I had. I frequently heard that at the public meetings that were held, the Natives generally divided themselves into two parties: the one erecting the Queen's flag, the other the Maori King's.

490. If the old Chiefs had been conciliated, do you think that the line of demarcation would have been less marked, and that the King party would have been gradually absorbed?—This is my opinion: I think the course pursued was calculated to create a party in favor of the old Chiefs, as the Natives never like the influence of the old Chiefs to be ignored.

491. Do you consider then that the general system of Mr. Fenton, if it had been applied in concert with the old Chiefs, would have prevented the spread of the King movement in Waikato and tended to attach the general body of the Natives to the English Crown?—That is my opinion.

492. Then you do not think that the King movement had at that time gone too far to prevent success in the attempt to introduce Civil Institutions?—I think not.

493. Apart from the mere question of prudence in carrying out that system, do you think that the general principles indicated in Mr. Fenton's Report might have successfully been applied in the Waikato District at that time?—I do.

494. The policy then of restricting an agent of the Government to merely magisterial duties would not have been successful in resisting the King movement?—I think not, I think it essential that some degree of self-government should have been given to the Natives.

Rev. T. Buddle

9 Oct. 1850.

495. Was the Maori King movement in your opinion the expression of a desire on the part of the Natives for self-government?—Most decidedly it was.

496. And that desire under proper directions would not have been antagonistic to the interests of the two races?—Quite the reverse in my opinion.

497. Was there then in your opinion any danger in giving direction to the desire for self-government under judicious management?—None whatever.

498. That is as regards the interests of the two races; now do you think there was any danger as between the various sections of the Waikato tribes, assuming always judicious management?—I believe that had the leading Chiefs been enlisted in the project the various hapu's would have gradually come into it.

499. Then in your opinion the movement in the Native mind at that time towards some plan of self-government would, if well managed, have tended to promote peace instead of to provoke collision?—I believe it would have preserved peaceful relations between those Tribes and the Government.

500. You have heard Mr. Hobbs' letter read; do you generally concur in it?—Most heartily.

501. *Mr. Domett.*] Will you refer to a passage in your pamphlet at page 41, viz.; speaking of the great Waikato meeting on the 25th May 1860, you say: "Wiremu Nera evidently felt greatly disappointed that the Lower Waikatos were throwing themselves so decidedly in'o the movement. It was expected that they would throw the weight of their influence into the opposite scale and he was relying upon them for support"?—I should state that in consequence of their being abandoned at that time they were being gradually absorbed by the King party.

502. *Mr. Williamson.*] How long were you acquainted with Potatau?—Nearly from the time of my coming into the country.

503. Did you know him to be a Chief of great influence?—I think he was one of the most influential chiefs in the country.

504. Was his influence local or was it general?—General throughout New Zealand.

505. Did he continue to possess this influence to the time of his death notwithstanding his advanced years?—He did.

506. How long have you known Wiremu Nera Te Awaitaia?—For 20 years. I resided at Whaingaroa (Nera's residence) about nine months.

507. Did you reside at Waipa?—I did.

508. Was Wiremu Nera a Chief of much influence?—Second to none but Potatau in Waikato; he was, in fact, Potatau's fighting general in all the old wars; when he embraced Christianity, Potatau said, "I have lost my right hand."

509. Supposing that either of these Chiefs had objected to Mr. Fenton's proceedings, and stated their objections to the Government, do you think it would have been wise in the Government to have overlooked those objections and allowed Mr. Fenton to proceed?—By no means.

510. Do you consider it would have been possible to have removed their objections (if made) by perseverance in judicious management?—I think so, either by instructions to Mr. Fenton or by superseding him.

511. Mr. Fenton says, in a note (page 9) "Wiremu, chief of Whaingaroa, expressed his readiness to settle the greater part of his tribe near Whatawhata on the Waipa, if I thought it advisable, proposing to sell land and raise money to commence a farm like the one at Kohanga: but the residents here do not place any faith in this Maori." From what you know of the residents of Whaingaroa, do you consider that this statement was correct?—From what I know of Wiremu Nera's character and the estimation in which he is held at Whaingaroa, I should say that statement was incorrect.

512. *Mr. Heale.*] As it was, the mistake having been made of not sufficiently conciliating the old Chiefs, and a certain amount of agitation having arisen therefrom, do you think that that was advancing to a point which threatened collision between the Natives themselves?—I never heard anything that would have led me to form that conclusion.

513. Then you think that, although Mr. Fenton's proceedings created a more marked demarcation of the parties, no immediate danger was to be apprehended therefrom?—I never heard of any.

514. At all events, not any such as to demand a cessation of such an attempt, but only a modification of it?—Certainly not an abandonment of the plans that had been attempted.

515. Has not that cessation strengthened the King party, and greatly discouraged the loyal Natives?—Undoubtedly.

516. *Mr. Domett.*] You alluded to the consideration of the younger Chiefs for the older ones; has not this diminished to some extent of late years?—I am not prepared to say it has diminished to any extent; the old Chiefs are still regarded with great respect.

517. Then at all events it had not so diminished as to admit of the co-operation of the old chiefs not being necessary?—I think the result of Mr. Fenton's administration is an answer to that.

518. You disapprove of the abandonment of the attempt to introduce Civil Institutions; but may not a temporary suspension of the more active proceedings have been considered useful?—I believe it to have been mischievous, to have lost us the hold we had on the Waikato District, discouraged the Natives who were disposed to support the Government, and estranged them from us.



519. This opinion you adhere to, even on the supposition that the friendly natives had been made to understand that a suspension was only temporary, and with the object of quieting men's minds?—I am not aware of course what measures were adopted; but I think the fact of removing the magistrate, and suspending his operations, gave advantages to the King party which they did not fail to employ.

520. Then your opinion is that, even if it were found necessary to remove Mr. Fenton, some one else ought to have been appointed at once to carry on the institutions he had attempted?—My own opinion is that his successors should have been appointed before he left the district, and no interval allowed; for this reason, that, the door being once opened, the other party would take advantage of it to shame the young men out of the position they had assumed. I might state that in the interval between the Mr. Fenton's removal and any other appointment, the King party passed a resolution that they would not admit any European magistrate to officiate in any part of their territory.

521. *Mr. Fox.*] Do you consider that, instead of removing Mr. Fenton, he might have been made available for carrying out his own plans under instructions?—I never heard any complaints of Mr. Fenton's proceedings myself, or objections made by the Natives to him.

522. It has been stated by yourself, among others, alluding to the difficulty attending Mr. Fenton's proceedings, that the opposition was between the older and younger Chiefs; but is there not an antagonism between the Upper and Lower Waikato?—I am not aware there was such antagonism. I remember, however, in Mr. Fenton's journal a note that he had taken proceedings in the Upper Waikato, and he there says that the district was too large, and he should endeavour to get a second magistrate appointed; I don't think, therefore, the difficulty was an antagonism between the Upper and Lower Waikato.

523. If it has been stated that, in consequence of his great age and infirmities, Potatau had lost his influence over his people, would you concur in that?—Certainly not.

524. *Mr. Forsaith.*] Would you state as nearly as you can the date at which it became apparent that parties at Waikato became divided into the King party and Queen party?—I have a general impression to this effect, that that distinction of parties was brought out during Mr. Fenton's residence among them.

525. Did it exist before Mr. Fenton's appointment?—I have no knowledge of the subject.

526. You observe in Mr. Fenton's Report his plan as to sowing abandoned cultivations with grass seed: do you approve of that suggestion?—I very much approve of it.

527. Are you personally acquainted with Native customs?—I have a general knowledge of them, without pretending to be very profoundly skilled in them.

528. Have you ever heard of a Chief possessing an admitted control generally of the lands of a tribe, ever interfering with an individual proprietor as to the crop he should grow upon his own piece?—I never heard of such a thing.

WEDNESDAY, THE 10TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Heale,  
Mr. Williamson,  
Mr. Domett,

Mr. Fox,  
Mr. King,  
Mr. Dillon Bell.

Mr. Sewell in the Chair.

Mr. C. O. Davis called in and further examined :—

*C. O. Davis, Esq.*

529. *Chairman.*] You handed in a copy of a memorandum submitted by you to the Government in 1857. There is a minute upon it to the effect that it was returned to you by the Native Minister; do you recollect when that paper was written?—About February, 1857; it was handed in about the same time; I cannot be positive about dates.

530. Was the original handed back to you?—Yes; it was at my own request returned to me.

531. Why did you request it to be returned?—Because I had not kept a copy.

532. Do you know if Government kept a copy?—I am not aware; I think not.

533. Do your answers relate to all the memoranda put in by you?—I have no record of dates; the memoranda were all handed in about the same time.

534. You have read Mr. Fenton's Report; would you be good enough to favor the Committee with your views upon it?—I have no settled views upon the subject.

535. You have no observations you wish to make upon it?—I have not.

536. You promised to let us have copies of some documents referred to in your evidence; can you furnish the same?—Here are the newspapers I promised, viz., 3 Nos. of "Te Whetu o te Tau" and 2 Nos. of "Te Waka o te Iwi."

537. Are these the only numbers of those publications issued?—Yes.

538. Were there not some letters also to be produced?—The Committee will recollect that I made no promise on this subject, but said I would take the matter into consideration. I should prefer having the letters read and returned to me; I would rather have them read now than leave them with the Committee; I also think that, as Mr. Buddle's pamphlet has been produced, I should be at liberty to hand in a pamphlet supposed to have been published by me in 1854.

*Rev. T. Buddle.*

9 Oct. 1860.

10 Oct. 1860.

C. O. Davis, Esq.

10 Oct. 1860.

539. Do you hand this in as representing your views?—I do.

540. Are there any other documents that you would like to hand in to the Committee?—I think not. There are two or three points in my former evidence I should like to refer to before the letters just-mentioned are read. I wish to disabuse the minds of the Committee with reference to the feeling between Mr. McLean and myself. I received the greatest courtesy from Mr. McLean, and was generally allowed both liberty of action and liberty of speech. Shortly before my resignation, I was offered an appointment as Resident Magistrate at Whaingarou. Thinking myself incompetent for so important an office, I declined to accept it.

541. Did you say that Mr. McLean offered you this appointment?—Yes, I understood from him that the Governor wished it. The case of Horopeta, referred to previously, took place after my resignation. Another point is that, about 18 months before my final resignation, I virtually resigned my office as interpreter, but at the request of the Government I again resumed my duties.

542. Who requested you to resume your duties?—I received an official letter from the Native Department. I took no memorandum as to dates, but Mr. Symonds had charge of the Department at that time. Referring to Mr. Buddle's pamphlet, there is an allusion to a particular conversation between Tamihana Tarapipipi and a friend. I have mentioned in my evidence a particular conversation with that Chief, but I suspect, after all, that I am not the person referred to. I am aware that Tamihana Tarapipipi was closeted with other friends in Auckland; I am not at liberty to name them; nor am I acquainted with what transpired. I do not refer to persons connected with the Government. As regards the printing-press, perhaps it would be as well for the Committee to know that I have been fearful of publishing anything lest the Government should be embarrassed, the Native mind being in so excited a state. They wished me to send them the printing press, that they might manage it themselves, and publish their own opinions; but, being fearful of their making a bad use of it, I wished to bind them to their original agreement, viz., that all publications should emanate from Auckland.

543. *Mr. Williamson.*] Before we go from this subject, would you be so good as to give the Committee some further information respecting the origin of the establishment of a printing-press; was it an idea originating with the Natives, or was it suggested by yourself?—They had originally conceived the idea, but the practical suggestion came from myself. I wrote to Waata Kukutai on the subject, and he at once acceded to the proposition, and enclosed a cheque for £2 10s. towards it. He was to undertake the collection of funds in his own district. I also suggested the purchase of a piece of land in Auckland, upon which the Thames and Poverty Bay Natives, and Natives in general, might erect stores for the disposal of their produce. The printing establishment was to be upon this block of land. I told them that the object would require about £1,000, but that £500 would be sufficient for a good printing establishment. They did not collect this amount, and the enterprise was not completed.

544. *Chairman.*] Is there any other point before the letters are read, that you wish to refer to?—I think not.—[*Witness handed in for the perusal of the Committee translations of correspondence between himself and the Natives.*]

545. Do I understand that you do not desire these to be taken down in evidence?—I feel some delicacy in placing in the hands of the Committee any correspondence or documents relating to the King movement, because I have made up my mind to enter an action against the proprietors of the New Zealander newspaper and a Chief named Tamihana te Raupahara. I have taken counsel with my legal adviser, but have not yet seen his reply.

546. Then you think that possibly these letters, if left with the Committee, may prejudice your case?—I do. [*The Committee refused to receive the letters or read them unless they were to be retained: same returned to witness accordingly.*]

547. *Chairman.*] Do you know a native named Te Wikiriwhi te Amotahi?—I do not; I have heard the name; there are many Natives of that name (Wycliffe), but I do not know to whom the Committee refer.

548. But you have heard of such a person?—I am not certain, I am confused about it; I may have heard of his name, or I may not.

549. Have you ever had a letter or letters from a Native of that name?—That I could not bring to mind; there are many letters to the newspaper handed in from Natives with whom I have no personal acquaintance.

550. Will you be good enough to look at this letter (*letter handed to witness*), and state whether you ever received it?—I could not say; I probably may have received it.

551. *Chairman.*] The Committee will not trouble you with any further question of fact; have you anything more you wish to communicate?—No; but I should like to hear my answers respecting the letter read before I leave. (*The answers read.*)

552. That is all?—I desire it to be recorded that I have not read the letter handed to me, and that I do not know whether it was addressed to me.

Waata Kukutai.

Waata Kukutai called in, and examined.

553. What is your name, and to what Tribe do you belong?—Waata Kukutai, of Ngatitipa; I reside at Tihorewaru.

554. Are you a Native Assessor?—I am.

555. How long have you held this office?—Three years.

Waata Kukuai.

10 Oct. 1860.

556. Do you know Mr. Fenton?—I do.

557. You recollect his first going to Waikato?—Yes, I recollect his going there.

558. Do you mean the time when he went there as Magistrate?—I do.

559. At that time what was the feeling of the Waikato tribes about governing themselves or being governed?—They were favourable to the Government system, and also to the laws.

560. Do you mean the proceedings of Government before Mr. Fenton went to Waikato?—At the time that Mr. Fenton went.

561. Were they pleased with Mr. Fenton coming to them?—They were.

562. Before he came were they desirous of having a Magistrate appointed?—They had made an application to the Governor.

563. Was the desire general throughout Upper and Lower Waikato?—It was.

564. Including the old Chiefs as well as the younger?—Including both old Chiefs and young Chiefs; all were favourable.

565. When did they begin to desire a Maori King?—Subsequent to the Governor's visit to Waikato.

566. Was there no talk of a Maori King before the Governor went to Waikato?—There was the plans had been laid before that.

567. How came they then to desire an English Magistrate after the Governor's visit when the plan for a Maori King had been formerly arranged?—Those plans had been set up by one tribe, the Ngatihaua. After the Governor's visit the matter was made public, then for the first time all the people heard of it.

568. Was it at the Meeting at Paetai that the request was made to the Government for an English Magistrate?—It was.

569. Were the Ngatihaua represented at that Meeting?—No: the Waikatos only were there.

570. By Waikato do you mean the tribes of the Upper and Lower District?—The real Waikatos commence at the mouth of Waikato, extending thence to Ngaruawahia and to the end of Whatawhata.

571. Will you mention the particular tribes you include in the term Waikato?—Ngatipou, Ngatinaho, Ngatitapa, Te Ngaungau, Ngatihae, Ngatimahuta, Ngatiteata, Ngatiahouroa, Ngatitorohinu, Ngatihape, Ngatimanoki, Ngatihorua, Ngatimahanga, Ngatiruru, Ngatihaua, and many other tribes.

572. Were any people of the tribes you have mentioned opposed to the English Magistrate?—All were favourable to Mr. Fenton.

573. Will you give the Committee an account of the causes and objects of the Maori King movement, how it came about, and what they meant by it?—The cause was, it was following our 'mana,' lest it should be taken away by the Pakehas, lest the 'mana,' should be completely trampled upon by that of the Pakehas. This is what I know from the reports of the persons who saw those proceedings.

574. Where did this movement spring from?—At Paetai, it was publicly set going there.

575. Do you mean at the great meeting at Paetai?—Yes, At the great meeting of the tribes.

576. Had there not been talk about it before?—It had been talked about before, the tribes that talked about it were the Ngatihaua, Ngatihinetu, Ngatituwharetoa, Patukoukou, Ngatikorohi, and Ngatimaniapoto. These were all.

577. Was there not some discontent in the minds of those tribes, that caused them to talk about a King?—Their discontent was from this, (fear) lest the 'mana' of New Zealand should altogether go to the Queen.

578. Did they feel want of law and order among them?—They acknowledged the law, but their thought was to elect a King for themselves, that they might have influence ('mana').

579. How did the Maories govern themselves before they thought of establishing a King?—Before that, (the laws were) kindness, good conduct, quietness, refraining from anger towards one another, and holding the lands so as not to let them go to the Pakehas.

580. But how were evil doers punished, theft for instance?—The law for such cases was investigation, and payment was made by the evil doer.

581. How was payment taken?—It was given by the offender, and if he did not pay, that evil doer was plundered.

582. Do you think that was a good law?—No.

583. Do you think the law of Europeans is better?—The Pakeha law is better.

584. Did the Natives desire to establish the Pakeha law amongst themselves?—They did.

585. Was that desire the reason why they chose a King?—Yes, they desired the law, and they also desired a King. Their thought was that their King should stand, but that there should be one law, that the law of the Pakeha should be administered jointly to the Pakeha and Maori races.

586. Was it their desire to have a Maori King to administer for them English laws, to have one law for both races under the Queen?—Their real desire was this, that their King should stand as their King, but that there should be one law.

587. What do they mean the work of the King to be?—To take care of the Pakehas and Maories, to be kind to them, and to suppress the evil of malefactors amongst the Maories.

588. How was he to punish evil doers?—Wait, allow me to think, I cannot give ready replies before you Pakehas, lest I should err in my statement—(a pause.)—The punishment inflicted by the King would be, the King would hold his land, that the disorderly person might feel the effects of his offence, (and say) "It was because of my offence that my lands were taken."

589. If one law were made for the Maori as well as for the Pakeha under the Queen, would the Maories be satisfied, and afraid of carrying it out, and agree to do away with the King?—They

*Waata Kukutai.*

10 Oct. 1860.

would not be willing to give up the King: they would like better for the King to stand, and that the King and the Queen should have one thought, one work and one system for the two races, their work being to unite the two races. The Queen should have the direction of matters, the King giving his consent. There would then be no division between the two races.

590. If laws were made, and the assent of the Maori people attained, would that satisfy them?—These are my own ideas which I now give. The laws given to the Maori people should have power and be approved of by the Maori people, lest they should be trampled upon by them.

591. Then you consider the King to be a kind of protector of the Maori people?—Yes, and of the Pakeha people also.

592. Would all the tribes in New Zealand acknowledge a Maori King?—Who can tell what the thoughts of other tribes are?

593. If Mr. Fenton's work had been continued in Waikato, would there have been the same desire for a King among the people then?—Their desire for that King would not have been very strong had Mr. Fenton remained in Waikato; for all the Chiefs of Waikato were well pleased that Mr. Fenton should continue to remain to instruct them in the system of the laws. They did not know the time of Mr. Fenton's stay in Auckland; they were not against Mr. Fenton. What they desired was to be thoroughly instructed in the system of the law by which the Maori people would be benefited. They were very well affected towards Mr. Fenton, both old Chiefs and young Chiefs, because Mr. Fenton's explanation of the laws was very clear. After Mr. Fenton left and remained in Auckland, the Chiefs of Waikato sought in vain to understand those laws which Mr. Fenton had been instructing them in, as they had not gained a thorough knowledge from Mr. Fenton's teaching. Their thought was that they should be instructed in the same way as they were instructed by the ministers, who had schools for instructing the children in the knowledge of God. Mr. Fenton's labours among them should have been similar; and when an intelligent person was found amongst those who received instruction, he should have been appointed to carry out the laws. But, subsequently, when Mr. Fenton came away, their thoughts took a contrary direction, and went after the plans of the King. The Government then sent Mr. Halse; but the Chiefs of Waikato were not quite willing to receive Mr. Halse, as they knew that they might be served in the same manner as they had been served in regard to Mr. Fenton, lest they should be again deceived (*mamingatia*) by the Governor. The only thing they chiefly desire is to have a permanent teacher of the laws established in Waikato.

594. You have said that all the Chiefs of Waikato had consented to Mr. Fenton; reflect for a moment?—Yes, the whole tribe.

595. Potatau?—Yes, Potatau was favourable to Mr. Fenton.

596. Did you hear Potatau ever speak about him?—No; but he was the root of the Governor's being applied to, to appoint a magistrate.

597. Will you tell the Committee what you know of any objections having been made by Potatau to Mr. Fenton's remaining at Waikato?—Mr. Fenton gave no cause to Potatau to object to his remaining at Waikato; but, when he remained in Auckland, they objected, and all the Chiefs sought to know the cause of Mr. Fenton's being kept in Auckland. The Chiefs of Waikato were aware that he was detained by the Governor.

598. What did you hear that Te Kereihi had said about it?—Te Kereihi's words to me were about their darkness at Mr. Fenton's remaining in Auckland, and there being no person to overlook the works of Waikato. "We have become very dark towards this system: we, the Chiefs of Waikato, will not be willing to receive any other Pakeha in place of Mr. Fenton: this is what we chiefly desire, that Mr. Fenton should continue at Waikato, to carry out the laws for us." This is what Te Kereihi told me, "Now we will not be favourable to it." I said, in reply to Te Kereihi, "Why do you object?" Te Kereihi replied, "I object because of Mr. Fenton's detention." I said in answer, "You are now in favor of Potatau being King?" He replied, "Yes, I approve of the King being set up." "Which," said I, "is to be the law?" Te Kereihi replied, "The law made known to us by Mr. Fenton."

599. Before Mr. Fenton commenced his work at Waikato, were there two parties in the district, a King party and a Queen party?—There were not.

600. Was there a King party at Waikato before he commenced his duties as Magistrate?—Before Mr. Fenton commenced to administer justice at Waikato, the King was set up; but at the great meeting at Paetai, when the King movement was publicly brought forward, Mr. Fenton and I were present, and we both spoke, at Paetai, against that King movement. We both proposed that the King's flag should be pulled down.

601. Were there not at that time a considerable number of Natives in Waikato who remained neutral at that time about the King movement?—Yes: they did not express any strong disapproval.

602. Then after Mr. Fenton resided in the district, the thoughts of these neutrals became turned to the Queen?—They did.

603. What became of the Queen's party after Mr. Fenton left?—They were grieved.

604. Did many of them join the King?—Yes, many turned to the King.

605. Did Mr. Fenton's proceedings cause the older Chiefs to be jealous about the loss of their authority?—They were not jealous of Mr. Fenton.

606. Do you remember what took place about sowing grass seeds in Waikato?—Yes: the Chiefs of Waikato approved of sowing their lands with grass. One Chief did not approve, namely, Harepata.

607. Did Potatau object?—Potatau approved of that grass being sown in Waikato.

608. Have you not heard that Potatau objected to grass seeds being sown on certain lands?—No, the word that I heard was that grass should be grown in Waikato.

609. Who did you hear this from?—I heard it from Ta Kerei and Te Kereihi.

610. Did Te Kereihi tell you the cause of Potatau's objection?—No: the cause of its being objected to was Harepata.

611. What did Harepata object for?—Lest the grass should spread, lest sheep should be brought upon those lands which had become overgrown with grass, and the land be taken by the Queen, as the sheep were a gift from the Governor to Ta Kerei, and because Ta Kerei was at the head of those plans. This was the cause of Harepata's objection.

612. If you could all have been sure the land would have remained your own, would there have been any objection?—There would not.

613. Were there many applications for grass seed in Waikato?—There were: by Ta Kerei, Te Kereihi, Pukeuruwhau, Te Wharepu, Hetaraka, Taneti, Waikato, Hone Kingi, Paora Tirua, Neihana, Purutu, Te Kau, Huirama, Wiremu Te Wheoro, Ratima, Herewini, Raniera, Te Reweti, Te Pui, Panapa, Mohi, Matutaera, Pungawaka.

614. Were any of these applicants refused?—The seed was all given at one time.

615. Suppose Mr. Fenton had continued his work at the Waikato, and the King party had become grieved at his success, would there not have been some danger of a quarrel between the tribes, those who supported and opposed Mr. Fenton?—There would have been no grief: they were pleased with Mr. Fenton, but the evils which might have arisen amongst the people would have been put down, or judged according to law, and the evil would have ceased to exist.

616. Would there be objection now to Mr. Fenton returning, and resuming his work?—That would be approved, because all the Chiefs are favourable to Mr. Fenton.

617. What would the King party think if he went back?—Let that rest, that which relates to the King party. When Mr. Fenton's arrival at Waikato was known, it would be for him to carry out the plans amongst those tribes who acknowledge the King.

618. Then you think there would be no danger among yourselves if he went back?—No: there is but one answer to that—no.

619. If Mr. Fenton went back, and in the course of his duties came to a *kainga* where half were Kingites and half Queenites, what course should he take: communicate with only one party, or treat both alike?—Treat both alike.

Ruka Taurua examined.

Ruka Taurua.

620. What is your name and tribe?—Ruka, of Ngatitipa.

621. You have heard the evidence of Waata Kukutai; has he expressed your opinions as well as his own?—He has.

Donald McLean, Esq., called in and further examined.

D. McLean, Esq.

622. *Chairman.*] Will you be good enough to explain the particulars of the detention, by the intervention of the Government, of Wiremu Maehe, to whom the Committee last Saturday gave a letter for the purpose of summoning Wiremu Tamihana Tarapipipi as a witness before the Committee?—I heard of the intention to send Wiremu Maehe, and I expressed my dissent from it to the Chairman. I mean that I met Mr. Sewell in Mechanics' Bay; he stated that Maehe was going to Tamihana: that was on Saturday last. Mr. Sewell said, "I take for granted that you will approve of that." I said, "No, I cannot say I do." Nothing more passed between Mr. Sewell and myself. My reason for stating that I did not approve of his going was, that I did not consider Maehe a proper person to send on such a message, as he had been recently at the district where he was residing, \* \* \* \* That being the case, and being pretty well convinced that Tarapipipi would not come through Wiremu Maehe's agency, there being also a dispute in the latter's district about some land, and he (Maehe) being one of the leaders in that dispute, I recommended him to go and confer with the Natives of that place (Maketu in the Bay of Plenty, about two day's sail on the East Coast,) and, that dispute being adjusted, he might come back by the Waikato and see Tarapipipi. This dispute is in the Bay of Plenty, about land there; Tarapipipi is not concerned in that dispute.

623. Did you ground your recommendation on the authority of the Government?—I spoke to the Governor afterwards about it: in fact I considered Maehe altogether an improper person to be sent, as being a troublesome Native.

624. In consequence of this, I understand Maehe has not gone?—He has not.

625. Was any other person appointed to carry the letter?—Yes; three parties were spoken to on the subject. Matene te Whiwhi, who I intended should visit that part of the District to see Taraia and Tarapipipi; Mr. Clarke, the Resident Magistrate of the Bay of Plenty, is another, who sailed to-day for the Bay of Plenty. The third one I asked was Tamati.

626. *Mr. Fox.*] Then you have stopped a letter from the Committee, of which Maehe was the bearer?—I was not aware of his being the bearer of any letter.

627. Did you communicate to the Chairman of the Committee that you had advised their messenger not to go?—I have not communicated with the Committee on the subject of my stopping the messenger.

628. Did you intimate to Mr. Sewell your intention to stop the messenger?—I did not.

629. *Mr. Brown.*] Do you understand that Mr. Clarke will proceed straight to Wiremu Tarapipipi to bring him in, if possible, during the sitting of this Committee?—I think Matene will be more likely to induce him to come. I may state that I am very anxious that Wiremu Tarapipipi should come in; and, consequently, I have taken the best precautions in my judgment for getting him in. I have not written to himself.

*D. McLean, Esq.*

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630. *Chairman.*] Is Matene here?—He is. With reference to Tarapipipi, I suppose the Committee are aware that, if you send express to a person like that, he is not likely to come without you send some one capable of influencing him.

631. Is not Maehe a person of influence?—No; he has not been in the district for some years.

632. Did Matene decline to go, or how is it that he has not yet started?—He did not decline to go; the reason of delay was that it was not known whether Taraia was at Tarapipipi's place.

633. What had Taraia to do with it?—Matene was to have seen him, though not on account of the Committee.

634. *Mr. Brown.*] You must be aware, that this is very much a question of time; therefore, leaving Taraia out of the question, was there any reason why Matene should not have been sent direct to induce Tarapipipi to come in?—The reason was simply this: the question arose in my own mind as to the best means of getting him in. I wished to effect both objects at the same time, that of seeing Taraia and Tarapipipi.

635. You have said that Maehe was not a proper person to send; would he have been a fitter person after having settled the dispute about the land?—Mr. Clarke would have accompanied him.

636. How far is Maketu from Tarapipipi's residence?—About a day and a half's journey.

637. *Chairman.*] What was your communication with Maehe on Saturday?—I met him accidentally in Mechanics' Bay. He told me he had been before the Committee, and wanted to enter into some conversation about it. I told him I had not time just then (I was on my way home) to enter on the subject; but he might come to the office on Monday morning. I recommended him to come and see me on Monday morning. He informed me that he was going down to Wiremu Tamihana. I don't think I expressed to him at that time any disapproval of his proceeding. I know nothing about the reason of his remaining. I don't know whether my suggestion of calling on me on Monday had anything to do with his going off.

638. Had nothing passed between you and him on Saturday about his going to Maketu?—I believe not; he had had some communication with me previously with reference to the dispute at Maketu, and I wished to gather from him what side of the question he took then particularly. A considerable number of the Natives of the Bay of Plenty consented to dispose of their land there, and Wiremu Maehe opposed the sale until he should go and see the people. I don't recollect anything proposed on Saturday about his going down to Maketu.

639. Was there any political reason for stopping him?—I consider that, in the present state of the country, he was not the person to have been sent for Tarapipipi.

640. Would his tendency to excite the native tribes have been less, if he had gone a week afterwards?—Yes; the Resident Magistrate would have accompanied him. I intended Mr. Clarke to go with him.

641. Have you any means of preventing his going to see Tarapipipi whenever he may think proper?—I have no means of preventing it.

642. Would he be as likely to go of his own accord, if he knew he had to pay his own expenses?—I don't think he would go so willingly of his own accord.

643. Maehe's expression to the Committee was, "I purutia au i te Kawanatanga" (I was detained by Government)?—I have had no conversation with Ministers on the subject before to-day about it. I had an incidental conversation with one or two of them about it. One of them expressed an opinion that he thought it not a proper thing to have done; the Minister had nothing to do with my advising Maehe to go to the Bay of Plenty: they were not cognizant of the proceeding.

THURSDAY, THE 11TH DAY OF OCTOBER, 1860.

PRESENT:

Hon. Mr. Richmond,  
Mr. Hunter Brown,  
Mr. Donnett,  
Mr. Williamson,  
Mr. Fox,

Mr. Dillon Bell,  
Mr. Forsaith,  
Mr. Heale,  
Mr. King,

Mr. Sewell in the Chair.

The Venerable Archdeacon Maunsell called in and examined.

*Archdeacon Maunsell.*

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644. *Chairman.*] You are the Archdeacon of Waikato?—I am.

645. How long have you been connected with the New Zealand Mission?—About 25 years.

646. You do not hold any official position in connexion with the Mission?—No.

647. During that time, where were you stationed? During first three or four years I was at Mokatoa, on the Manukau; after that I formed a Mission station at the heads of Waikato river, and in 1854, removed to Kohanga, higher up the river, where I am now resident.

648. You have had the superintendence of one of the Native School establishments, have you not?—Yes.

649. You have had then, ample means of becoming acquainted with Native matters?—I have.

650. Of course you are familiar with the language?—Yes.

651. Have you observed in recent years, any marked indications of a movement of a political nature in the native mind?—I have.

652. Can you tell the Committee about what time such a movement first presented itself to your observation?—I think it was about the year 1856. *Archdeacon Maunsell.*

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653. Will you describe the character of that movement?—The first indications I had of any combination, was in a visit of mine up the main Waikato river, at Kirikiriroa. A native there told me they were holding what they called "Christmases." I asked him to explain their meaning, he told me that they had held at Maungatautari that year a large gathering for the purpose of arranging certain local matters, and that they intended to do the same in future. After that, the movement spread down the Waikato, and the people of the Lower Waikato decided upon joining in the movement, and suggested it should be held at a different place each year.

654. Will you be good enough to continue your observations on the progress of that movement?—There was a contemporaneous movement with that which was called the King movement, but this was distinct from the King movement. The King movement, I think, had its origin among the Southern tribes, and, if I recollect right, Rotorua was the place where the first meeting in connexion with it was held. Having, however, resided in a different part of the country, I have no knowledge as to that movement in the South except from report.

655. Do I understand then that at the time you speak of, in 1856, the King movement had not extended to the Waikato?—Yes, I think it had; it very soon came up to the Waikato.

656. Did the King movement embrace any large section of the Waikato tribe?—It affected none of the Lower Waikato; perhaps half the Upper Waikato was affected by it.

657. Who was leader of the King movement in Waikato?—I think it was Wi Tamihana Tarapipipi, of Matamata.

658. Was not Te Heuheu a great leader of the movement?—I don't know whether he was formerly so or not, he has been so lately.

659. Tarapipipi is a near relation of Potatau, is he not?—I am not aware.

660. Will you now pursue your account of these Christmas meetings?—The term "Christmases" was soon given up, and the term runanga adopted. The word runanga is an old Maori word, and runangas were in use before we came to the country.

661. What was the character of the original runanga?—The runanga chiefly met in questions of war: it was a sort of war Council.

662. It had not a distinctive judicial character?—No; it was generally formed of the Chiefs, but did not exclude the inferior men. All classes were allowed to take part in it, but it was generally composed of the Chiefs.

663. Was no other question except that of peace and war discussed in the runanga?—The runanga might have taken cognizance generally of questions affecting the rights of the tribe as to land, women, &c.

664. Will you now go on to describe the transition of these Christmas meetings, into the new form of the runanga?—The people of certain localities began about two or three years ago to meet together and discuss all minor questions, such as trespass, fencing, the drinking of spirits, and any such matters.

665. How frequently were these runangas held?—I think not on fixed days, but when occasion arose; generally one or two of the Chiefs would send around some messenger to muster the people at a particular point.

666. Did you attribute this movement, in the particular form it took of runangas, to the desire of the Native people to establish laws among themselves?—I do.

667. Do you consider that this desire to establish law then took some more decided form than heretofore?—Yes.

668. Do you consider this then to be a settled and deliberate purpose in the Native mind, or only a transient impulse?—I remember particularly their arranging to have the meeting of the runanga each year at different places, which would seem to indicate a purpose.

669. *Mr. Fox.*] Do you think that the feelings they entertained on the subject were such as would remain in their minds or would be likely to pass away?—It was difficult at that stage of the movement to say whether it would be permanent or otherwise.

670. *Chairman.*] Did you regard this movement as one of a good tendency, or on the contrary?—I considered it to be one of immense importance.

671. Do you consider then it would have been a wise policy to have encouraged and directed that movement, or to have permitted it to die away?—I myself earnestly encouraged the Natives to proceed in it.

672. You are aware of Mr. Fenton's having been appointed Resident Magistrate at Waikato?—Yes; he was appointed at Whaingaroa in the first instance.

673. Were the Natives anxious for such an appointment?—When I urged the Natives to proceed with the movement, I suggested certain plans to them. At this distance of time I am afraid to speak very positively, but the impression on my mind is, that I told them it would be an exceedingly good idea if they could get from the Governor some officer to attend their meetings as a kind of President.

674. You have had means of observing the course of proceeding of Mr. Fenton?—Yes, when he came into the Waikato district.

675. Have you read Mr. Fenton's Report, and will you be good enough to state to the Committee your own views from personal observation of Mr. Fenton's proceedings, and the matters contained in his Report?—Mr. Fenton acted in a double character as a Magistrate, and (I suppose you would call it) legal instructor, which I think was a wise and judicious combination. His decisions were greatly respected by the Natives, and his visits were looked forward to with great interest.

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676. You remember his removal?—Yes.

677. Had anything presented itself to your mind to render it desirable he should be removed?—Certainly not.

678. Were you aware of any opposition on the part of the older Chiefs, to Mr. Fenton's proceedings?—I was not.

679. If there had been any such opposition, would it have been likely to come to your knowledge?—In the Lower Waikato certainly.

680. *Hon. Mr. Richmond.*] Do you know Ruihana, of Lower Waikato, and what view he took of it?—I think I should say that Ruihana is a very fiery, impetuous chief. He is about 50 years old. He was friendly at first, but afterwards, a decision having been given against him in the Court, in reference to some horse, he said that he would leave the runangas.

681. Are you aware whether he resisted the decision of the runanga on any occasion?—Yes; the particulars, I think, were these. A young man was charged with stealing pigs from a settler; Waata Kukutai sent down four of his young men as policemen to seize him; Ruihana's people resisted the seizure by struggling, not by fighting; the resistance was effectual. It came to nothing.

682. What part did Ta Kerei, of Watawata, take in the movement?—I know very little of Takerei, and cannot speak of him.

683. Generally speaking, do you consider that the Natives of Lower Waikato were disposed to receive a system administered by a European Magistrate?—If administered by a judicious Magistrate, I think they would all in course of time have fallen in with it.

684. Much then would have depended on the personal qualities of the magistrate?—I think so.

685. Can you speak as to the sentiments of the older Chiefs at Paetai and Rangiriri?—I cannot.

686. Are you aware whether any of Mr. Fenton's adjudications were resisted?—I never heard of any.

687. Were they generally acquiesced in?—They were.

688. Was it in any case necessary to resort to compulsion to enforce the order of the Court?—I never heard of a case.

689. Do you consider that the proceedings of the Magistrate in the district had any tendency to create parties among the natives, and set the natives one against the other?—They were more of a sedative character, I think, than an irritative.

690. Can you state how the proceedings of the Magistrate were looked on by Potatau and his immediate adherents?—Only from report.

691. Was it understood in your district that they were hostile?—I am afraid to say: it was uncertain.

692. Reverting to that resistance of Ruihana to Waata Kukutai's proceedings, do you think that he would so have resisted a regular adjudication, concurred in by an European Magistrate?—I think that unless the steps taken were wonderfully judicious, he would.

693. Do you think then, that the introduction of a compulsory jurisdiction would require great tact and prudence, such as the enforcement of a distress warrant or the levy of a fine?—"Compulsory" may have two meanings, physical force, or moral pressure of the people through the runangas. If physical force is meant, they were certainly not fit for it then, nor are they now. But if pressure through the runangas, I think there would have been few instances of failure.

694. *Chairman.*] Do I understand then, you mean to distinguish between the influence of the European Magistrate, acting in his own authority, and his influence assisted by the runangas?—I mean, of course, acting in concurrence with the assessors.

695. *Hon. Mr. Richmond.*] The moral sense of the people being in favour of the law, you think that would have sufficed?—Generally.

696. Might there not have been a difficulty when a great Chief was concerned?—I think it would be like putting a heavy machine into motion. It is difficult to start at first, but by and by the very momentum itself carries it forward over obstructions.

697. Are you aware that handcuffs were once sent for from Lower Waikato?—It might be so, but I did not hear of it.

698. *Mr. Heale.*] Did you observe that Mr. Fenton's proceedings produced a stronger demarcation of parties in the Waikato?—There was a King party in operation before Mr. Fenton began his proceedings.

699. Then previous to Mr. Fenton's arrival, there was only one party in operation?—There were two parties before he came; one was the Christmas party, issuing in the runanga, and the other the King party, which had its origin at Rotorua.

700. My original question was, did Mr. Fenton's proceedings tend to bring those two parties into more distinct opposition?—I think it is according to the rules of human nature, that when one party makes progress, a feeling of envy and perhaps antagonism should be evoked in the other party.

701. Was the party which went with Mr. Fenton generally one of the younger chiefs, the body I mean, of the people against their old leaders?—It was not.

702. Do you consider that his proceedings tended to irritate any body of chiefs in Upper Waikato?—I do not.

703. I have understood you to say that the irritation of the King party was only the natural result of seeing a contrary party becoming successful?—Certainly, if there was any irritation at all.

704. Do you think that such irritation was extending or likely to increase during the latter part of Mr. Fenton's proceedings?—I have no personal knowledge of any such irritation.

705. Is your knowledge sufficient to enable you to form an opinion whether any irritation was existing which could have a dangerous tendency?—I never heard of it.



706. Are you able to say whether any irritation likely to become of a dangerous character existed in Lower Waikato?—Certainly none. *Archdeacon Maunsell.*

707. Could any such dangerous irritation have existed anywhere in Waikato without your knowing of it?—I scarcely think it could. 11 Oct. 1860.

708. Has the withdrawal of Mr. Fenton allayed the irritation?—I was aware of no irritation.

709. How has it operated on that party which supported the law?—I think it has discouraged some, and caused large accessions of numbers to the King's party.

710. Then I presume that the renewal of the attempt would be undertaken with more difficulty now?—It would be more difficult, but not impossible. In the Lower Waikato I consider it perfectly possible.

711. Are you aware that Mr. Fenton's rule was, not to proceed in a district without special invitation?—I am.

712. Do you think that any attempt, taking that rule for its basis, could produce serious danger?—It might produce excitement, I think, balanced by a larger amount of good.

713. Are you aware of the operations of Mr. Turton and Mr. Halse, subsequently to Mr. Fenton's removal?—In the Lower Waikato, I am.

714. Were they of a similar character with Mr. Fenton's; I mean, did they pursue the same system?—No, they acted with the Assessors, but not with the runangas.

715. Do you conceive that their operations equally tended to encourage the loyal party, with Mr. Fenton's?—No, they were merely formal.

716. Do you think they involved less danger of irritation?—It was a homœopathic dose.

717. *Mr. Domett.*] Do you mean that Mr. Turton and Mr. Halse did so little it produced no effect in that direction, one way or the other?—That is what I mean.

718. *Mr. Heale.*] I understand you then, that Mr. Turton and Mr. Halse confined themselves to one of the two duties you refer to, namely the administration of the law, omitting the other, of instructing the natives in the law?—I do.

719. *Hon. Mr. Richmond.*] How many visits did they pay in the Waikato district?—Mr. Turton paid one visit; Mr. Halse two, and a third he was fetched for a particular case from Waiuku to Kohanga.

720. *Mr. Brown.*] Do you consider the permanent residence of a Magistrate in the district necessary to the success of such a system as Mr. Fenton's?—I don't think a permanent residence necessary.

721. Do you consider that permanent residence or frequent visits would be most advisable?—Frequent visits.

722. Will you state your grounds for that opinion?—A Magistrate permanently resident would become so absorbed in local details, associations, antipathies, quarrels about fences, and so forth, that his influence would be impaired.

723. Are you aware whether Potatau expressed objections to Mr. Fenton's proceedings?—I have not much knowledge of his proceedings.

724. *Mr. Williamson.*] Do you recollect the Governor's visit to Paetai?—I heard of it.

725. Did you observe, prior to that time, any inclination in the Lower Waikato Natives to fall in with the King movement?—No.

726. Were you aware that an application was made at that meeting to the Governor for a Magistrate?—Yes.

727. Were there any of the Natives of your district present at that meeting?—Not at the meeting which the Governor attended.

728. Where did Mr. Fenton make the first attempt to introduce his system?—I think it was at Kohanga. Kohanga was, I think, the starting point, but I cannot speak positively.

729. Had you a full opportunity of knowing the mind of your own Natives as to his proceedings, and were they satisfied?—Yes, perfectly so.

730. Did you hear any complaints expressed at his removal?—They were very much dissatisfied at his removal.

731. Did they lay any blame on the Governor for his removal?—It was a general undefined dissatisfaction.

732. Have any of your own Natives joined the King party since?—No; I am happy to say they are all "Queenites."

733. How long have you known Potatau?—Nearly 24 years.

734. Was Potatau a man of great influence?—Yes, certainly.

735. Locally or generally?—Both.

736. You have stated you were not aware whether Potatau raised objections to Mr. Fenton's proceedings: supposing he had set himself against these proceedings, as calculated to undermine his own authority and that of the older Chiefs, do you think the Government would have been justified in overlooking such objections?—I think the Government would be acting unworthily of themselves if they gave up a good scheme to please any man.

737. *Mr. Domett.*] Was there any distinction between the Christianized and the heathen Chiefs in their relation to this movement, and to Mr. Fenton's proceedings?—I don't think there was any marked distinction.

738. Have you the same means of knowing the opinions of the heathen as of the Christian Chiefs?—In the Lower Waikato of course I have; but there are very few (if any) heathen Chiefs in the Lower Waikato.

739. You say the Government would act unworthily to give up a good scheme to please any man: do you mean even if the prosecution of it would lead to collision or war?—I am thinking of

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two things: first of all whether a collision would result, and secondly, if a collision took place, the issues of that collision. The Government should, I consider, pursue a good plan determinately, like a vessel on a wind holding her course, even though beaten by the waves. You have to consider two lines of policy, the *progress* policy and the *stand-still* one. In all large progressive movements you must, as in the case of Christianity itself, expect as you advance ill-will and opposition. But in this case I believe that if opposition did arise, the Government would have the satisfaction of thinking that they were on the right course; a firm stand also by them on a principle of this kind, would evoke a large measure of sympathy and help from the people: the issue of it would be triumphant. On the other hand a stand-still policy would be unworthy, humiliating, and dangerous. I consider it unworthy of the Government, because it is the prime duty of a Government to enforce law and order, and because a neglect of this is a neglect of their obligations to the Native race: humiliating, because Government are by this system obliged to have continual recourse to petting and pampering the Natives: dangerous, not only because of the ill effects such a system produces on the European mind, but also because it leaves us exposed to the evils of any future commotion. So strongly did I feel four years ago the high obligation that rests upon this Government to initiate civil institutions amongst the Aborigines, that on the occasion of Governor Gore Browne sending a Circular to me, asking my advice upon certain matters, I took the liberty to urge this subject upon His Excellency. I observe that His Excellency has lately forwarded that letter home in his remarks upon Mr. Richmond's memorandum of September 29, 1858, and beg leave to hand in the accompanying extract from that letter.

[*The following Extract produced by Witness and read*]:—

"Enough has, I trust, been said to shew that it would be more safe and more just for England to retain to herself the care of this infant nation (which her sons have raised from the lowest degree of barbarism,) until they have reached that degree of maturity in which they can join the superior race in administering the interests of their common country.

"If I might take the liberty, I would urge that as England has bestowed the privileges of British subjects, so she should also consider it her duty to indoctrinate the people into the uses and extents of these privileges. The great political want, I believe, of the country is, some leavening principle that shall undermine the present system of clanship, and that shall mould society into those thoughts and actions which, unless brought into operation before the white man has consolidated his power, and before England has withdrawn her protection, must issue in either debasement and contempt to the Native, or in fierce struggles which will end in their extermination.

"The laying the foundations of municipal institutions amongst this people I should hail as an act of great benevolence, not only for the political benefits which would flow from it, but also for the stimulus which would be given to their at present too languid desire for the education of their children." —I feel that every European settlement is now in a critical position. Physical force cannot protect the property of the settlers. A rash act by the Government, or the murder of a Native by a drunken European, may kindle the flame of war. The runangas supplied I think an admirable provision against this. The leading men were there together: their good will and confidence were secured by constant intercourse with their legal instructor and officer, and by the *status* that their functions had acquired for them. Feeling that they had privileges, they would have recognized their responsibilities, and would have very effectually prevented any hostile act by their people. At all events, if such act could not be prevented, the system would have raised up for us a large body of allies among the people.

740. *Mr. Forsaith.*] During Mr. Fenton's residence and operations at Waikato did you observe any diminution of the ordinary industrial habits of the Natives, consequent upon their attention being too much occupied by his proceedings? —Not at all.]

741. Did the Natives consider Mr. Fenton's withdrawal a kind of breach of faith? —Well, you know what the word "tinibanga" means.

742. Will you give us your own definition of the word? —Well, its definition is "humbug."

743. Did they consider the visits of Mr. Turtton and Mr. Halse as equivalent? —Oh, no.

744. *Mr. Williamson.*] You recollect the time when the Treaty of Waitangi was entered into between Governor Hobson and the Northern Chiefs: did you assist the Government in any way to obtain the consent of the Waikato Chiefs to that Treaty? —I did: I induced the Waikato people to consent to it.

745. Were you aware as to what was their understanding, at the time, of their cession of sovereignty to the Queen, as contained in the Treaty? —That they retained the rights over their lands, but that the Queen had power to make laws.

746. Do you know what are the views now entertained by the Native King party with reference to the meaning of that Treaty? —I do not.

747. Are you aware whether any of the Chiefs who agreed to that Treaty are now connected with the King movement? —I am not.

748. You have said that after Mr. Fenton's removal from the Waikato district the number of adherents to the King party increased: do you recollect a sort of state visit made by the old King (Potatau) to Lower Waikato some time in the beginning of the present year? —I do.

749. Were you present at an Assembly held at Waiuku on that occasion? —I was.

750. Did you deliver an address to that Assembly in which you expressed your interpretation of the meaning of the terms of the Treaty which relate to their lands; and if so, will you state to the Committee what you then said to the Natives on that subject? —I said that they ought to allow each man to do what he liked with his own land; that their right to their land was secured to them by the Treaty of Waitangi, and that no king ever interferes with his people when they wish to sell land.

751. Are you aware of that address having been printed at the instigation of the Natives who heard it, and put into circulation by them; and whether or not the sentiments expressed by you on

that occasion had the effect of strengthening the views entertained by the King party, and increasing the number of its adherents?—I saw a very false report of my speech printed by the Natives, and wrote to the Natives complaining of it. I believe my letter was printed in the *Haeata*. I sent also to Mr. Richmond an account of the whole matter in a private letter. In that speech I expressed the personal regard that I and my people had for Potatau, that we desired to be neutral in the matter of Kingship, that the “*mana o te whenua*” (rights of property, as I took it) was secured to them by the Queen, and that they should not now injure that right by interfering with those who wished to sell. After I spoke, their Secretary Nepe brought me a fair report of the first part of the speech, omitting my concluding argument. I told him that the report, as far as it went, was good: I was therefore surprised to see afterwards not that report, but one of their own composition. I have seen nothing of the King party since then, as they have no intercourse with our part of the River.

752. Does the Chief Katipa and his people belong to your district?—He does.

753. Do you know whether this Chief and his people have in any way recognized the authority of the Maori King?—His visit to Potatau I understood to be a mere matter of courtesy and respect; but I do not believe him or his people to be adherents of the King party. We must remember how far Natives will go in outward professions and civilities, even though intending otherwise.

754. *Chairman.*] Do you think that under proper instruction the Natives might be brought under a state of law and civilization; and what is their general capacity for adopting civilized Institutions?—I have a strong belief that the Natives can by proper management be brought to a state of law and order, and this without the exercise of physical force on the part of the Government. I believe also that there are few people more malleable in those matters under proper management than this people.

755. What will be the results of leaving the Natives in their present state, without taking steps towards directing them?—If steps are not taken to stimulate and direct these movements, they will continue to be unsettled amongst themselves, and most dangerous to the settler.

756. What steps should be taken to avert the evil?—The system adopted by Mr. Fenton was, I think, admirably suited to this purpose. To give it, however, uniformity and constancy, it ought to be under the supervision of a properly qualified Officer residing in Auckland, whose duty would be to correspond with the Native and European Magistrates, to instruct and guide those tribes who wish to initiate those instructions, and to direct those Officers that may be sent to assist in the deliberations of their local or general Councils. I have always thought in reference to the King movement that it was the result of an undirected effort after law, combined with a fear of the increasing power of the white man, and a perception that though treated with courtesy and kindness, they were really excluded from even the least portion of legislative power. I have felt also that the true way to treat it would be to let it alone, and that it would die out of itself, and give way to the better organized and more skilful arrangements initiated in the Waikato.

757. Will you give the Committee your views as to the experiment of introducing grass seeds into Waikato?—By getting their lands under grass they might be induced to keep sheep and cows—become thus more fixed in their residence, and be induced to divide their properties by good fences.

758. Have you viewed Mr. Fenton's operations in this matter?—I have seen but little of Mr. Fenton's operations in this matter. At Kohanga the Natives have sheep which our School takes care of for them. They are very anxious to get some of their land under grass to meet the increasing demands of the sheep. The Government has already aided them in this matter, and they have cattle now enclosed in a good fence.

759. Do you consider them to have been judicious, or the reverse?—I can give no opinion as to his proceedings in these matters.

760. Were his efforts resisted by the Chiefs?—I believe but one or two of the Chiefs up the River were suspicious of some ulterior design.

761. What were the grounds of opposition?—They thought that a claim might thus be established to their lands.

762. Were there reasonable grounds of opposition?—Their grounds of opposition were not reasonable.

763. If not, how should they have been met and removed?—Patience and perseverance are golden rules in Maori matters.

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FRIDAY, THE 12TH DAY OF OCTOBER, 1860.

12 Oct. 1860.

PRESENT:

Mr. Heale,  
Mr. Williamson,  
Mr. Dillon Bell,  
Mr. Hunter Brown,

Mr. Fox,  
Mr. Domett,  
Mr. Forsaith,

Mr. Sewell in the Chair.

The Venerable Archdeacon Maunsell called in, and further examined.

764. *Mr. Forsaith.*] Can you tell the Committee whether Mr. Fenton's knowledge of the Native language was sufficient for ordinary intercourse?—Certainly; I have heard him at Native meetings, he never seemed at fault in holding communication with the Natives; he has a grammatical knowledge of the language.

Archdeacon Maunsell.

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765. Do you know Mr. Harsant, the Resident Magistrate at Whaingaroa, and his knowledge of the language?—No, I know nothing of his knowledge of the Maori.

766. Then you consider Mr. Fenton's knowledge of the language to be sufficient to enable him efficiently to discharge the double duty of magistrate and instructor of the Natives in the nature of law?—Yes.

767. *Mr. Domett.*] Do you think the Maories have been ill advised in the late occurrences by disaffected Europeans?—I have no idea of this having been done; I don't think Europeans have had anything to do with the matter.

Tamati Ngapora.

Tamati Ngapora called in and examined.

768. *Chairman.*] What is your name and tribe?—I belong to the Ngatimahuta.

769. Where do you reside?—At Mangere.

770. Is it a long time since you left the Waikato?—Yes.

771. Have you frequently been in the habit of visiting Waikato?—I have.

772. Do you know what were the thoughts of the people of Waikato about Mr. Fenton's proceedings?—What I know is this: At first few persons were favourable to Mr. Fenton; the majority were unfavourable. Afterwards those who were favourable to him dwindled away. The desertion took place at the time of Potatau's first visit to Waikato. It was then that Te Kereihi left.

773. Give us the names of the Chiefs who were unfavourable?—The only one I know of who was favourable to Mr. Fenton was Te Kereihi.

774. *Mr. Forsaith.*] Did you not know of Waata Kukutai's adherence to Mr. Fenton?—I will not speak of that; he is a young man. I am speaking of the older Chiefs.

775. Do you know two Chiefs, Po and Ruka; were they not favourable to Mr. Fenton?—I never heard so; perhaps they were.

776. Was Wiremu Nera favourable to Mr. Fenton?—He was of that party; he was favourable.

777. Do you know Takerei; and was he favourable?—He also was on that side, at that time; on the Queen's side.

778. *Chairman.*] Do you recollect Mr. Fenton's going to Waikato as Magistrate?—I did not see it, I merely heard of it.

779. Do you know whether Potatau was consulted about Mr. Fenton's going there?—I never heard that Potatau consented to his going there.

780. Did Potatau, as principal Chief of Waikato, consider that he should be asked to assent to Mr. Fenton's being sent there as Magistrate?—His wish was that such should have been done.

781. Were the Natives divided into two parties in Waikato, the King party and the Queen party, before Mr. Fenton went there?—The commencement was at the great meeting at Paetai, when Mr. Fenton went there.

782. How did the division arise between the King and the Queen party?—I did not know when it was first introduced there. I heard of it for the first time at the great meeting at Paetai, for I was residing at Mangere at that time.

783. Which party did Mr. Fenton join?—The Queen party.

784. If Mr. Fenton had remained at Waikato carrying out his plans, would the effect have been to break up the King party, and that all the people would have become of the Queen party?—There was great dissension among the people. This was the word of the King party; "Let him adjudicate among his own people; let him not come among the King party." And they kept to that. Takerei of Ngatimahuta was the only one on the Queen's side. This was what was said to Takerei, and to Ngatimahuta: that there would be no employment for him. Takerei, therefore, sat still.

785. Who were the most numerous, the King or Queen party?—The King party.

786. Were the Queen party sincere in their adherence, or did they only profess to be Queen's men in order to get pay and employment as Assessors?—They were not sincere. This was the cause of their adherence. They had become acquainted with that plan.

787. Did the formation of two parties lead to trouble at the Waikato?—Yes.

788. When Mr. Fenton was removed, did that trouble cease or become greater?—It ceased.

789. Would Waikato have been quieter without a Magistrate at that particular time?—They became quiet when Mr. Fenton came away; the quarrels ceased.

790. Would Hone Papita have agreed to have an European Magistrate in his part of the Waikato country?—He would not have agreed.

791. If Mr. Fenton had remained in Waikato what would have been the effect?—The only great word was, "There is nothing for him to do."

792. Would Mr. Fenton's remaining at Waikato have resulted in making the King party or the Queen party increase?—They would have always disputed.

793. Could the Queen party have then made any head against the majority of the tribes?—Their party was but small; they could but have travelled upon their own road, working out their own system; they would not have been permitted to interfere with the other party. Such were the words.

794. If both parties had been conciliated, would the result have been different?—It would still not have been good.

795. Did the great mass of the people at Waikato at that particular time object to having a Magistrate there?—They were not in favour of it.

796. Do you speak of the greater part in Upper Waikato alone, or Lower Waikato too?—It was because of the setting aside of Potatau. (*Question repeated.*) Both ends (both Upper and Lower).

797. Who were the chiefs of any mark in the Queen's party?—Some of the old Chiefs remembered the relations existing between themselves and Potatau in time past; but Te Kereihi is the one that I know of. Now I shall be able to name them. Tamati Ngapora.  
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798. Were Te Kereihi's sympathies most with the Queen's party, or with the King party?—He was altogether with the Queen's party, but afterwards he left that and firmly joined the King party; his sympathies were then entirely with Potatau, with the King party.

799. What do you mean by saying there were some who attached themselves (*whakauru*) to the Queen party?—Some were favourable to it, and some were not.

800. Why not declare the names of the Chiefs of the Queen party?—I did not know at the commencement what Chiefs adhered to the Queen party; I knew of the young men only.

801. Who were the leading Chiefs of the Queen party?—I will name those who were favourable at the commencement: Waata Kukutai, Takerei, Te Kereihi, Tioriori, Te Raihi, Reihana, Wiremu Te Wheoro, Hetaraka Muru, Wiremu Toetoe; these are all I know. The Chiefs of the King party were: Te Heuheu, Te Pairata, Te Kohika, Te Poihipi; these belong to Taupo. Hori Te Waru, Te Rimanu, Porokoru, Te Kokoti, Toma, Petara, of Rangiaowhia. Nuitone, Takerei, Hikuroa and Anatipa, of one side of Kawhia. Waikawau, Te Ao, Te Whakaaro, Te Mahia, Tiriwa, of the other side of Kawhia. Wiremu Kumete, Manihakiwi, Paora; these are of Ngatimahuta. Pingareka Hohua, Te Hemara and Karu; these are from Aotea. Te Wetini, Te Whaitere, Rewi and Te Matenga; these belong to the Ngatimaniapoto. These are the Chiefs of Waikato: Mohi, Ihaka, Te Pepene, Hoani, Hone, Horomona, Rawiri, Anaru, Hohepa (minister), Poharama, Waata Te Hana, Paora, Matiu, Ahipene, Ihaha, Ropata, Te Warihi, Raniera, (these are all elderly Chiefs). Katipa Te Ora, Maihi, Pita, Hemi, Hemi Te Waramu; these belong to Manukau. I am now naming those who joined lately: Ruihana, Te Ao o te Rangi, Pipi, Kawi Huatahi, Kereopa, Epanaia, Te Rako, Tikapa, Pakanae; these are all; these are from Waikato.

SATURDAY, THE 13TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Hunter Brown,  
Mr. Fox,  
Mr. Heale,  
Mr. Williamson,

Mr. Dillon Bell,  
Mr. Domett,  
Mr. King,  
Mr. Forsaith,

Mr. Sewell in the Chair.

Rev. Benjamin Yates Ashwell called in and examined.

Rev. B. Y. Ashwell.

13 Oct. 1860.

802. *Chairman.*] Will you be so good as to state briefly, your connexion with the Colony and your antecedents in it?—I came to the Colony in December 1835, as a Missionary. I was at Paihia, in the Bay of Islands, three years, one year at Mokatoa, on Manukau (the vicinity of the Waikato district), associated with Archdeacon Maunsell, with whom I removed to Waikato Heads. In 1844, I removed to my present station, and have since resided there.

803. Your occupations have necessarily brought you into close communication with the Natives?—Yes.

804. You are familiar with the language?—Yes.

805. And personally acquainted with the head Chiefs and tribes of your district?—Yes.

806. Before the Committee proceed to any general questions, I would ask, as you have been present and heard the evidence given by Tamati Ngapora, can you offer the Committee any opinion as to the degree of weight to be attached to that evidence. Do you know Tamati Ngapora personally?—Yes; I have known him many years.

807. Who and what is he?—He is a younger brother of Potatau, and father-in-law of the present King.

808. Where is he at present residing?—At Mangere.

809. Is that in the Waikato?—On the Manukau, opposite Onehunga.

810. Is that in the Waikato district?—No; in the Manukau district.

811. Do you consider his residence at Mangere would make him less able to form an opinion as to the views of the Waikato people, than if actually in the district?—Certainly.

812. Would you consider your own knowledge of the views of the people of the Waikato district superior to his?—I think so; from the fact of my having monthly meetings with my Native teachers from all parts of the district.

813. He is, I believe, a person of good character?—He is I believe a Christian man.

814. Do you consider that his views might be biassed by his connexion with Potatau?—I think, possibly, it may be the case.

815. Ngapora stated that the large majority of the Waikatos were opposed to Mr. Fenton's proceedings: will you say how far that statement is to be relied upon in your judgment?—May I ask at what period of that movement?

816. The Committee would desire to hear from you the successive changes which have taken place in the opinions of the Waikato: will you start from the origin of the King movement?—I am not quite certain as to dates. In 1850, peace was made between Waikato and Ngatiwakaue by Mokero. Soon after, E Kairo, a Chief of Ngatiwakaue, proposed to the Waikato Chiefs that Potatau should be King, which was rejected. In 1852, a meeting of the Waikato Natives was held, to forbid the Europeans purchasing land in Waikato. Maunga-

Rev. B. Y. Ashwell.

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tawhiri was to be the boundary. Soon after, some Waikato Chiefs proposed that Potatau should be King. Thompson (Tarapipipi), had a conversation with an European in Auckland I believe this was in 1856. I understood it to be Charles O. Davis. Wiremu Tarapipipi immediately went to Mangere, to see Potatau, and told him to return to Waikato. I believe at the latter end of that year, or beginning of next, a meeting was held at Taupo, to propose that Potatau should be King. Another was held at Paetai, on the Waikato, in 1857, and another at Ngaruawahia, where he was installed King, and the last merely to receive the allegiance of the tribes at Rangiaowhia. The Governor visited Waikato in 1857, previous to the large meeting at Paetai. I was present when Te Wharepu, Pahia, with Potatau, asked the Governor for a Magistrate, laws, and runangas, which he assented to, and some of the Natives took off their hats and cried "hurrah." If necessary, I will give the name of one of them I saw myself, Heta Tarawiti. I believe soon after this, Mr. Fenton was appointed Magistrate, I think it was June 1857, Resident Magistrate of Whaingaroa; to visit the Waikato also. I am not quite certain as to the date of Mr. Fenton's appointment. Soon after, the Natives began to build Court houses. At this distance of time I am not quite certain what court houses were built, but I will mention the various places where erected, and Native Assessors appointed by the Governor, under Mr. Fenton. The court houses were at Tuakau, Archdeacon Maunsell's district, another at Paetai, a third at Kahumatuku, two miles from my station. They were built by Natives without any remuneration from Government (I believe). Another at Watawata, a fifth at Taupari, near Mr. Maunsell's station. I can bear testimony to the prudence of Mr. Fenton in the choice of Assessors, all being men of good moral character and fair ability, and all of them Chiefs; but there were some young Chiefs; Tamati and Takerei were, I suppose, but 40 or 50 years old; Reweti, also a middle aged man, son of a great Chief. I shall not easily forget the effect produced by the first Court held in my district, I being present, subpoenaed as a witness. Mr. Fenton's visits were eagerly looked for, not only by the Queen's party, but also by many of the King's party, who wished his advice in what they called the *mea paheke* (difficult case.) I am acquainted with no movement which has obtained so much success; it is second only to the establishment of Christianity. Being in the centre of the movement, I was personally able to judge, and the beneficial effects in superseding Native Tauas exceeded my most sanguine expectations. The consequences of that movement are not lost even to the present day. At Kahumatuku they still summon to the Court by the Native Assessors. A case came within my notice, I think about 4 months since: a Native boy went to a European store to purchase a shirt, and took the opportunity of stealing some salt. He was summoned and fined 5s. by the Native Assessors. I am not aware of a single instance in any district in Middle Waikato of a summons being resisted, either under Mr. Fenton or since. The Natives were beginning to be quite accustomed to the European mode of administering justice. Mr. Fenton never attempted to force this method on the King party. If they requested it, then he interfered, not otherwise; and that request must be a written one, by a promise to build a Court house. I am not aware that it was ever necessary to use physical force to carry out the decision of the Magistrate. The only force was a moral one. Never was I more surprised than to hear of the successful application of the summons to a case of theft committed in Auckland, where the offender had taken refuge, thirty miles from my station in the woods of Waipi, on the River Kanawanawa. A summons was issued by Mr. Fenton, carried by two Native Assessors, who brought the offender, accompanied by his father and brothers, to Kahumatuku, where the case was tried. The relatives of the young men offered four times the value (I believe it was £4) of the article stolen in order that the offender might be free. This was refused by Mr. Fenton, as he wished to show the young men visiting Auckland that they could not commit theft with impunity there and think themselves safe in the bush. He was sentenced to imprisonment: I think 6 months. The friends acquiesced, although deeply grieved. There is no force like moral force in New Zealand, exercised through the runanga, with their own intelligent assent. At the time of the great meeting at Paetai, Waikato was divided into two parties, those who wished Potatau to be head or "*matua*," father, of his tribes, and those who wished him to assume the name of King. I was present when the two parties came up at Ngaruawahia, and Potatau was asked whether he would be the father of his people, and he assented. The Natives were pretty equally divided. The Ngatihaua, with some other tribes, requested him to be their King. I did not hear his assent to this proposition. I was close to him. What I saw confirmed a subsequent opinion, that there was nothing antagonistic in the movement to the Queen's supremacy. I was present, also, when the news that Tapihana, an insolent Chief at Kawhia, attempted to collect money in Potatau's name. The old Chief was exceedingly angry, and said, "I am now become offensive in the nose of the Government" (Katahi ano ka piro ahau i te ihu o te kawanatanga). I was also present when the news arrived of the stoppage of the Taranaki mail (overland). The old Chief (Potatau) was exceedingly indignant, and said that "the mail should be permitted to go on the Native road." I am not aware of anything like an attempt to usurp the Queen's supremacy ever having been made. As regards the numbers who were in favour of Mr. Fenton's *tikanga* (system), soon after its commencement nearly the whole of Ngatitipa tribe, part of the Ngatipo, Ngatinahu (Pahi's tribe), Ngatitaka, the whole of Ngaungau (with the exception of one Chief), Ngatihini, Temati Takahia, part of Ngatimahuta, a few of the Ngatihaua, nearly all Ngatirururu, part of the Ngatihorua; Tioriori and part of Ngatikorohehi. In Mr. Morgan's neighbourhood I only knew of one tribe, Ngatiapakura. These are within my knowledge. With respect to the names mentioned yesterday as hostile to Mr. Fenton's movement by Tamati Ngapora, a great part were from districts where Mr. Fenton had never attempted to carry out his movement.

817. Will you mention any tribes which you believe to have been friendly, but are not within your own absolute knowledge?—Part of the Aotea, under Paora; part of

Kawhia at that time ; I am not acquainted precisely with the tribes elsewhere, but the movement in favour of Mr. Fenton's plan was fast increasing. *Rev. B. Y. As'well.*

818. You have spoken of instances of tribes in which opinion was divided ; did Mr. Fenton's proceedings tend to produce quarrels between those divisions of parties ?—In my opinion, certainly not. As to grass seed ; objection was made by some of the Chiefs of the King party to receive grass seed to sow their lands. As Mr. Fenton did not attempt to press upon them this favor from the Government, no bad results took place. He manifested the greatest prudence in all these matters. He proposed to meet the Native Assessors on the first Tuesday of every month, to instruct them on difficult points of legislation ; having seen the beneficial results of a similar plan pursued by the missionaries in religious matters.

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819. Did you then observe during Mr. Fenton's operations indications of distinct opposition on the part of any leading Chiefs or important sections of tribes ?—No more than what any good movement might be expected to create.

820. Do you consider that any such opposition would have been likely to give way if the operation had been discreetly prosecuted ?—Most assuredly.

821. Have you any means of knowing Potatau's acknowledged sentiments respecting Mr. Fenton's operations ?—I never heard him mention Mr. Fenton's name.

822. Had you communicated with Potatau during that period ?—Constantly. He was a candidate for baptism under my ministry.

823. Was he baptized before his death ?—No ; I was absent at the time, in the Melanesian Islands.

824. If Potatau had had such feelings of opposition, would it have been likely he would have communicated them to you ?—It is a difficult question to answer. My communications with him were chiefly of a religious nature. At the same time, I think, if he had had any serious objections he would have mentioned them.

825. Did he speak to you frequently on the affairs of his people ?—In cases where a report unfavourable to the Government had been concocted I am thoroughly convinced there was no amalgamation favourable to the King movement inconsistent with loyalty to the Crown. A relative of the present King assured me that their King was only to hold the land, and not to fight. It was only recently that I had five hours' conversation with this man, whose name is Edward, a Surveyor, and a very intelligent Native, during which he affirmed that it was quite a mistake on the part of the Europeans to suppose that the King was set up for anything more than to hold the land : he was not set up to fight.

826. Do you know who Potatau's faithful advisers were, and upon whose opinions he chiefly leant ?—Tamati Ngapora, Henare, and others living at a distance, were occasionally his advisers ; but Henare Wi Tarawaiki, Paratene, Nepi, and Takerei were constantly with him.

827. Had you any means of knowing the opinions of any of those Chiefs whom you have just named, respecting Mr. Fenton's operations during the time he was engaged at Waikato ?—Nepi, and some others whom I cannot exactly recollect by name, admired the English mode of administering justice, and I think would have eventually joined the movement.

828. Do you think the opinions of the others were unfavourable to Mr. Fenton's operations ?—Certainly not ; but they were not yet decided to join the movement. The heaven was gradually working, and I have not the least shadow of a doubt that they would eventually have joined the movement, provided that it had been carried out with the same prudence and consideration towards the opposite party.

829. When did you first become aware that any opposition had manifested itself against Mr. Fenton's operations on the part of any other Chiefs ?—I am not aware of any opposition until he was removed. The only complaint was the long interval between some of his visits, more particularly during the latter part of the period of his operations.

830. *Mr. Fox.* Are you acquainted with Mr. Fenton's proficiency in the Native language ?—He speaks it exceedingly well.

831. If any statement had been made that he only understood a few words of the language, would there be any foundation for it ?—Not the least.

832. Was it necessary for him in his intercourse with the Natives to employ an Interpreter ?—No.

833. Do you state this opinion from your own personal knowledge, or merely upon what you have heard ?—From my own knowledge.

834. *Mr. Heale.* I understood you to say that there was nothing antagonistic to the Queen's authority in the King movement ?—Not as far as I am aware.

835. Do you consider this still to be the case ?—If I were to judge from my personal acquaintance with the present King, I should say not.

836. Are you aware whether Te Heuheu, Hone Papita, and other leading Chiefs of the King party, have opposed the introduction of European Magistrates into their District ?—I think they would now.

837. Would not such opposition be based upon the desire to keep their organisation and government distinct from ours ?—It is a difficult question ; but I think their present thorough distrust of the Government might induce them to adopt that policy. I think, however, that it is scarcely fair to class these two Chiefs together, Te Heuheu being the worst of the two.

838. Can you say when this feeling of distrust began to arise ?—I think not until the Taranaki war, but I am not quite sure on this point.

839. Are you not aware that long before the war they objected to the introduction of European Magistrates into the Upper Waikato, and the district beyond ?—I am not aware that it was before the Native war.

Rev. B. Y. Ashwell.

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840. Then by the Taranaki war I understand you to mean the whole feud which arose there, dating from the slaughter of Rawiri?—I mean feuds arising from the Government purchases of land at Taranaki. Before the present war Takerei came to me and asked me to accompany him to Taranaki for the purpose of endeavouring to put an end to the Native quarrels. I, being a Clergyman of the Church of England, and some of the disputants being members of that Church, replied I was not well enough in health, but if he applied to Government to be allowed to go in the steamer, I would accompany him; this was before the troops were sent to Taranaki; I cannot fix the date, but it was about eighteen months ago. I believe he wrote to Government on this subject, and after waiting some time for an answer, he went himself. When he returned he told me a better understanding was induced, and he thought Ihaia would come and reside at Waipa.

841. Then after this feeling of distrust had been created, they did desire separate organisation?—Not being in frequent communication with their Chiefs, I am not able to answer precisely; the desire may have existed previously to the war, but became strengthened afterwards.

842. Is not that desire for separate institutions characteristic of the King party at the present time?—I think that their distrust of Government is now such that it may be.

843. Are you aware whether Mr. Fenton's proceedings at Waikato led to any stronger demarcation of the King party from the Queen party than existed before?—No more than would arise from a good movement superseding an inferior one. Even as regards the King movement, I believe its causes, if thoroughly investigated, would shew an astonishing development of the Native mind, shewing that they were ripe for civil institutions; but at present, at least until peace is made, the day is gone by for such an attempt: "there is a tide in the affairs of men."

844. Then do I understand you that the opposition of parties in Mr. Fenton's time did not go beyond what might be expected from competition between two systems?—The only opposition was that which might be expected from the moral inferiority of one to the other.

845. Did you observe that it was increasing as Mr. Fenton proceeded?—Certainly; and eventually I believe the superior system would have prevailed.

846. Then you think that the opposition was getting weaker?—Yes, most certainly; I can give facts to prove this. Although the Natives were exceedingly discouraged at the removal of Mr. Fenton, the good he had effected had not ceased when Mr. Turton, or Mr. Halse, I am not sure which, arrived at Ngaruawahia; although coolly received at first, he told me that the Natives begged him to return, for they were very ignorant and wanted some one to instruct them in the *mea pakeke* (difficult cases).

847. Do you think there was any dangerous opposition growing up to Mr. Fenton?—Certainly not.

848. You heard the objections made by Tamati Ngapora yesterday; do you think that these objections were very deep rooted in his mind or in the minds of his party?—Tamati is residing at some distance from the centre of the movement; I think his objection chiefly arose from some slight which he supposed Potatau had received for not being first informed by Mr. Fenton of his new position; and not from any objection to the movement itself. I state this, however, as my opinion only.

849. Potatau and his friends having taken offence at such a slight, do you think this influence would have been fatally exerted against Mr. Fenton's success?—Certainly not; it might have been overcome.

850. No danger then shewed itself at any time so imminent as to render Mr. Fenton's withdrawal prudent and necessary?—Certainly not.

851. Has the effect of Mr. Fenton's withdrawal been to lower the influence and character of the Government?—Most certainly.

852. What has been the effect upon the friendly Natives?—From discouragement many of them have joined the other party; I was grieved at their many complaints; they themselves using the term that they had been *mamingatia*, or *tinihangatia*, which terms are much the same in meaning; i.e., they had been deceived.

853. Do you think that a system of the same character as Mr. Fenton's could with safety or advantage be reintroduced?—Not at first, except perhaps amongst the Ngatitipa, also Archdeacon Maunsell's Natives; also perhaps among the Middle Waikato, but I would not venture to affirm it.

854. Do you not think that such a system, planted with prudence in almost any part of the Island, would have a tendency to grow and become popular?—Much would depend on the character of the Magistrate. As a proof of what I say, the report of the working of the Courts of the Waikato District had reached Bishop Williams' diocese. He wrote to me, saying that he had heard of the success attending the movement, and that he should endeavour to send some Native Chiefs to see its practical working.

855. Mr. Forsaith.] Then I understand you to think that Mr. Fenton was essentially a suitable person for carrying out such a system?—Quite so, in every way.

856. Mr. Domett.] Would it not be possible even now to introduce a system of Government among the Natives, supposing its administration were entrusted entirely to Chiefs acting under the Government, and acknowledging the supremacy of the Queen? and will you also be kind enough to express your opinion on this point, whether it would be possible to recognize the present King under some other name, as a kind of Maori Protector or local superintendent and governor, but still subordinate to the Queen?—I don't exactly understand what is meant by entrusting the administration entirely to Natives. Much would depend upon the character of the Government Agents. The Natives always require guidance and instruction, as in the case of the Missionaries, by means of Monitors and Schools. My opinion is, that a plan of recognizing a relation of Potatau as an agent of Government,



to introduce civil Institutions, would be attended with success, provided peace is made ; but I think it probable that the tribes of Waikato would not agree to the change of name to Superintendent, or Maori Protector, without much time for consideration, and considerable influence.

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857. Have you observed any particular effect on the Native mind of the King party, with respect to their movements, resulting from the indifferent success of the military in the present war?—I think it has had an unfavourable influence, but particularly a strong feeling exists, as they say, of the injustice done to Wiremu Kingi.

858. I mean to ask with reference to the possible introduction of Government Institutions, whether you think that without some military success to restore the respect of the Natives for the British Government, it could be possible to induce them to accept Institutions from us?—My opinion is that either the defeat or success of the British troops is of but little consequence to the establishment of civil Institutions, providing only that peace has been established. The moral influence of those Institutions will chiefly weigh with the Natives.

859. Supposing Potatau and his friends to have known that you were friendly to Mr. Fenton's proceedings, they being hostile, was it not likely that they would have concealed their hostile sentiments from you, while they might have been strongly representing them to Government?—It is possible.

860. *Mr. King.*] Have the people in Te Heuheu's or Honi Papita's districts received any instructions from Mr. Fenton?—No : Mr. Fenton's operations were never extended to those districts.

861. Has any Court been held in the district in which Honi Papita resides?—That I cannot say. Courts were chiefly held in districts in which there were court houses. Mr. Fenton, I believe, never went to Taupo. That district is about 100 miles from Waikato.

862. *Mr. Forsaith.*] You seem to attach great importance to the establishment of peace: do you wish the Committee to understand that in your opinion it would not be fraught with danger for the future, if peace were proposed before any signal advantage had been gained by the British arms?—My opinion is, that the sooner peace is established, the better. I do not think if the Government of the country is conducted under a mere system of civil Institutions, any danger is to be feared.

863. How many years have you resided on the Waikato?—Twenty-two.

864. Before the appointment of Mr. Fenton, and during your experience, were the officers of the Native department in the habit of visiting Waikato for the purpose of advising or assisting the Natives to adjust their differences?—During the whole of that time I don't remember more than three or four visits by officers of that department.

865. What distance in days' journeys is the Middle Waikato from Auckland?—By water, three days : on horseback, two.

866. Previous to the meeting at Paetai, at which the Governor and suite were present, how many times has Mr. McLean visited Waikato?—Either two or three : not more.

867. Did you ever hear the Natives complain during that period of neglect on the part of the Government authorities?—I cannot say that I have.

868. Are you acquainted with the proposal which Mr. Fenton, in connexion with his magisterial duties, introduced respecting the abandoned cultivations of the Natives being sown with grass?—Yes, I have heard of it.

869. Do you know any particular locality that he was anxious to try that upon?—The Kaitotehe valley, extending about two or three miles from Wells' station.

870. To whom did that land belong?—It was good *kumara* land, belonging to several tribes, at present lying waste.

871. Did any portion of it belong to Potatau?—I am not aware that it directly did, except by a tribal right.

872. Assuming that he had a tribal right, was it in accordance with usual Native custom for him to interfere with the wishes of individual Native proprietors as to the crop they might grow?—He might with the land ; he might have a voice respecting the land, but not with regard to the crop.

873. Suppose Potatau to have objected to the proposal of sowing their lands with grass, do you think it would have been safe in the Government to have sanctioned Mr. Fenton's proposal in the face of that objection?—As the land belonged to Chiefs of great importance, I do not think the opposition of Potatau would have been serious. It would have been overcome.

874. *Mr. Williamson.*] You said that a Chief made a proposal to you to visit Taranaki, with a view to bring about a settlement of disputes existing there respecting land : are you aware of any similar suggestions having been made by the Waikato Natives with reference to the dispute between the Government and Wiremu Kingi which gave rise to the present hostilities?—I am.

875. Will you state what that was?—I believe it was in the first or second week in April this year, that I had a meeting of my Native teachers at Taupiri, many of the Native teachers from Mr. Morgan's and Mr. Reid's districts being also present. After our services, and arrangements of chief matters with Native teachers were over, a party of Native Chiefs from Ngaruawahia came to me, and said, "We want to know how we can extinguish this fire;" and they themselves proposed this plan : that some Chiefs from Waikato, also Native ministers and teachers, together with four European missionaries, should accompany two Magistrates to Taranaki, to try to establish peace. Letters were to be written to the Governor to ask his consent to the proposal. At twelve o'clock that night Mr. Smith, the Assistant Native Secretary, and other Europeans, with the Rev. Mr. Morgan and the Rev. Mr. Buddle arrived from Auckland with the news that blood had been shed. This, of course, put an end to the proposed mediation. Ngaruawahia was the residence of the King. The Committee have no idea of the anxiety there was for peace. The old chief Potatau said, "If it had been left to me, I would have settled it." He regretted it very much. A proposal of this sort emanated from him : "Let all the Chiefs, Magistrates, Native Ministers, &c., go, and the fire will be put out."

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876. I wish to direct your attention to a passage in a despatch from the Governor to the Secretary of State, and to ask if you will be good enough to give the Committee your opinion as to the propriety of the mode of treating the King movement as therein expressed. The passage is as follows: "I trust that firm and absolute indifference and neglect on the part of the Government will teach the Natives the folly of proceedings undertaken only at the promptings of vanity, and instigated by disaffected advisers?"—I certainly do not think it was a proper course in the first instance; but rather a direction should have been given to that movement, so as to make it an engine of Government.

877. *Chairman* (at suggestion of Mr. McLean)] Were you ever, or are you still, of opinion, that if the King movement had not been interfered with, it would have died out?—I think it would; but I refer to my last answer. At the present time that would be the best course, because the confidence of the Natives in the Government is so shaken that no interference from it would be acceptable till confidence were restored.

878. Did you hold these opinions at the time Mr. Fenton was removed?—Previous to his removal my opinion was that the King movement would be absorbed; gradually leavened by the system then working.

879. Did you consider Mr. Fenton's operations as an opposition to the King movement, or a direction given to it?—The latter, inasmuch as many of the King party applied to Mr. Fenton for instructions. One of them actually requested to be allowed to sit with him, in order to get an insight into his method.

880. Do you think if Mr. Fenton had not been sent to Waikato, the King movement would have died out?—Yes, I think it contained elements of its own dissolution.

881. Do you think that the same elements of discontent in the Native mind would have produced a movement of a similar nature?—Unless prevented by learning, they would have returned to their old method of settling quarrels, owing to the discouragement they received.

882. Have you at any time entertained opinions different from those now expressed?—I have not.

883. Do you consider that if opposed by the Government the King movement would have ceased to exist, or would it rather have gained strength by interference?—If by interference is meant opposition from the Government, it would have increased. If by interference is meant friendly direction, it would have been an engine of much good.

F. D. Fenton, Esq.

F. D. Fenton, Esq., called in and further examined.

884. *Mr. Heale.*] Can you tell us anything of a conversation between Ta Kerei and Potatau relative to your proceedings?—I can. Ta Kerei was in Auckland, I think, about September, 1857, and when he went away he said to me, "I should like to see my elder brother: is there any reason why I should not go to him?" I said, "Certainly not." He went, and came back again, and told me that Potatau's mind had *huri ke* (twisted, gone crooked, contrary to us). I asked him what was the reason of that, as he was the man who had asked for these arrangements. He told me that Potatau had informed him that when Mr. McLean came back from the South, he went to Mangere, and told Potatau that Fenton and Ta Kerei were separating Waikato from him. That was the beginning of my difficulties.

885. Will Ta Kerei be here?—I have sent for him. I believe he will be: the word separating was, *wehewehe*.

Heta Tarawhiti.

Heta Tarawhiti called in and examined.

886. What is your name?—Heta Tarawhiti.

887. Are you an ordained Minister of the Church of England?—I am.

888. Are you in Deacon's orders?—Yes.

889. How long have you been ordained?—Four months.

890. Where do you reside now?—At Taupiri.

891. With Mr. Ashwell?—With him.

892. How long have you resided with him?—Twelve years and a-half.

893. What has been your work under Mr. Ashwell?—Teaching in a school.

894. At Taupiri?—At Taupiri.

895. Are you well acquainted with the people of Waikato?—I am.

896. And know their thoughts?—I do.

897. What were the thoughts of the people of Waikato about Mr. Fenton's work?—Some approved of it, and some did not.

898. What tribes were unfavourable?—Some of the Ngatitipa were favourable; there was but one man who was not.

899. Was Ngatipou?—Of the Ngatipou, Tamihana was favourable to Mr. Fenton's proceedings.

900. Was there much opposition to Mr. Fenton's proceedings?—Many opposed them, and many were favourable to them.

901. Did the party who opposed him increase or diminish?—It diminished.

902. Mr. Fenton then gained strength as he proceeded; as his work went on?—Yes.

903. Did any of the old Chiefs endeavour to stop Mr. Fenton's proceedings?—Some of them were averse to them.

904. If Mr. Fenton had proceeded would the work have been good or evil?—In my opinion, good.

905. Would it not have produced quarrels between the different parties?—It would, had Mr. Fenton shewn regard for one party only. *Heta Tarawhiti.*

906. If he had done equal justice to both parties it would not have arisen?—(In that case) trouble would not have arisen. 13 Oct. 1860.

907. Did he shew partiality to one side?—He shewed regard for both parties.

908. Did any of the elder Chiefs think he shewed partiality to one side?—They did.

909. Who were they?—Tarahawaiki was not favourable to Mr. Fenton.

910. Did any others think so?—There were others (who thought so), Waikato, Herepata and Karaka Tomo; Potatau was favourable at the first, but was unfavourable afterwards.

911. Why did Potatau change his opinion?—I do not know.

912. Do you know the ground of his change?—I did not hear the cause.

913. Did you ever hear that Mr. Fenton put aside the authority of the older Chiefs?—I never heard.

914. Do Waikato Natives talk to the Natives about that affair generally, or merely on their religious matters?—I have talked (on other matters).

915. Did you ever talk with Potatau about Mr. Fenton's proceedings?—I did not talk with Potatau.

916. Do you think that Potatau's objection to Mr. Fenton's proceedings was very strong, or that it would have given way?—He did strongly object.

917. If Mr. Fenton had continued, would Potatau's objections have led to disturbance?—In my opinion, when he saw the excellence of Mr. Fenton's plans, he would not have been very angry.

918. Do you think Mr. Fenton's work produced good or evil amongst the Waikato?—In my opinion, it produced good.

919. If Mr. Fenton had not been removed, would the King party, in your opinion, have been gradually drawn over to the Queen party?—Such is my opinion; the King side would have been deserted, and the men would have joined the Queen party.

920. Did Mr. Fenton's removal cause any of the Queen's party to join the King party?—Those who were unfavourable were pleased at Mr. Fenton's removal.

921. What were the feelings of those who had been favourable, when he was removed?—They joined those who had been unfavourable.

922. Did Mr. Fenton understand the Maori language well?—Yes.

923. Have you ever had any talk with Ta Kerei about Potatau's opposition?—We did not talk about it.

924. Do you consider that the Natives in the Waikato were very desirous of establishing law and order among themselves?—Yes.

925. Do they prefer the law to the Native customs?—They prefer the law.

926. Do they still desire to have the law established among them, or do they desire to return to the Native customs?—I do not know now.

927. Were you present at the meeting at Paetai when the Governor was there?—Yes.

928. What Chiefs were there?—Potatau, Te Kereihi, Wharepu, Waikato, Hoani Kingi, Te Paki, these are all that I know of.

929. What request did they make to the Governor?—The things they asked for at that time were, the law, and a Magistrate.

930. Did they also ask for Runangas?—The Runangas were included in (the request for) law.

931. Did you send a written report of the proceedings of that meeting to Mr. Fenton?—I did.

932. Was that report an accurate account of the meeting?—Yes.

933. After the meeting at Paetai, did the Natives expect to receive some benefit, and were they disappointed?—Yes.

934. Did they consider that they received what was promised?—They considered that they had received.

935. Do you mean by the appointment of Mr. Fenton?—The appointment of Mr. Fenton was one of the things.

936. When Mr. Fenton was withdrawn, did the Natives consider the Governor's promise was broken?—Yes.

937. Is that a paper sent by you to Mr. Fenton (*paper shown to witness*)?—Yes; I wrote this paper. [*The same put in and read.*]

Taupiri, Waikato,  
Hepetema 30, 1857.

E Hoa e Penetana,

Ko nga kupu tenei i korerotia i rongo ai tatou i Paetai i te whakaaetanga a te Kawana ki nga tangata. Na, ki taku whakaaro e mahi ana te rewena, ara, to tatou tikanga i roto i Waikato.

Kia tapatahi a tatou tikanga i runga i te kupu a te Atua, i te inoi ki a ia. Heoi ano.

Me hoki mai koe ki te tiroiro i a matou, kei whakangoikore koe ki enei mea.

Na to hoa aroha,

Na HETA TARAWHITI.

*Translation.*

Taupiri, Waikato,  
September 30, 1857.

Friend Mr. Fenton,

These were the words which were spoken, which we heard at Paetai, when the Governor made a promise to the people; in my opinion the heaven is working, that is, our plans in

*Heta Tarawhiti.*

13 Oct. 1860.

Waikato. Let us act with singleness of purpose, relying on the strength of God and prayer. Enough.  
Come back you to overlook us ; do not be strengthless in these matters.

From your loving friend,

HETA TARAWHITI.

*Enclosure.*

Paetai, Aperira 23, 1857.

Ko nga korero a nga tangata katoa ki a te Kawana me te noho ano a Potatau.

Ko Kereihi : E Kawana, ko taku kupu tenei ki a koe. Ko te Rongo-pai me te aroha me te whakakotahitanga kei au kei taku ringaringa. Na, tenei ano taku kupu ki a koe. Homai ki au te Runanga me tetahi Kai-whakatika. Hone Kingi, Pukewhau, Kapahana, Herewini, Waikato : i penei te kupu a te katoa, ara, a nga tangata katoa.

Ko te Kawana : E pai ana ahau ki ta koutou korero, e mea ana koutou ko te Runanga ko tetahi Kai-whakatika. Ae, e pai ana ahau

Ka umuhia te potae e nga tangata katoa.

Potatau : Homai e Kawana. Homai te Runanga, homai te Ture me te Kai-whakatika.

Heoi ano. Ka mutu.

*Translation.*

Paetai, April 23, 1857.

The speeches of all the men to the Governor, Potatau sitting by.

Te Kereihi : O Governor, this is my word to you. The Gospel, love, and unity are with me, in my hand. This is my word to you. Give me the Runanga, and a person to make things straight (a Magistrate). Hone Kingi, Pukewhau, Kapihana, Herewini, Waikato: the words of all were the same, that is, of all the men.

The Governor : I approve of (assent to) what you say, your asking for a Runanga, and a person to make things straight. Yes, I am favourable.

All the men then took off their hats.

Potatau : Give the Runanga, give the law, and the Magistrate. Enough. It is ended.

938. What part did Tamihana Tarapipipi take in the King movement?—He neither condemned it, nor sanctioned it. This word of mine refers to the commencement.

939. But now he is a great King man, is he not?—From what I heard, they were in favour of that thing, the King.

940. You have attended Mr. Fenton's Courts frequently?—I have.

941. What was the general feeling of those who were present; were they pleased, or otherwise?—They were pleased. Herein was the good, offences were quietly paid for.

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MONDAY, THE 15TH DAY OF OCTOBER, 1860.

## PRESENT:

Mr. Heale,  
Mr. Williamson,  
Mr. Dillon Bell,  
Mr. Hunter Brown,

Mr. Fox,  
Mr. Domett,  
Mr. Forsaith,

Mr. Sewell in the Chair.

*Hon. C. W. Richmond.*

The Hon. C. W. Richmond, Minister for Native Affairs, a member of the Committee, examined.

15 Oct. 1860.

942. *Chairman.*] Will you be so good as to state how long you have been connected with the Government of New Zealand, particularly in connexion with Native Affairs?—I took office in the General Government in June, 1856, as Colonial Secretary. About the end of that year, I became Colonial Treasurer; and, by the departmental arrangements then made, became the Governor's Responsible Adviser on Native Affairs, and continue so to present time. From 1st July, 1858, I took the title of Native Minister; a mere formal change not affecting my relations with His Excellency, and I still retain that office.

943. Will you state the nature of the relations between yourself and the Governor in reference to Native Affairs?—Under the Memorandum of April, 1856,\* establishing Ministerial Responsibility, as explained by subsequent Memoranda, the Ministry is entitled to be informed of all Native business, and to record its opinions on all questions on Native Affairs; but the Governor retains the direction of Native Affairs. The course of business is this : All Native correspondence is addressed to the Native Secretary, who is a permanent officer under the direct control of the Governor, and not under the control of the Native Minister. Such correspondence is minuted upon by the Native Secretary or his *locum tenens*. It is then forwarded to the Native Minister, who minutes thereon and transmits it to the Governor, by whom the action to be taken is finally decided upon. It rests with the Native Secretary to give effect to His Excellency's decisions.

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\* *Vide* Votes and Proceedings 1856, Appendix A, No. 13.

944. Does the Native Minister interfere as to the manner in which His Excellency's directions are carried out?—Occasionally the Minister requests to see the draft of a letter, if it is of great importance. *Hon. C. W. Richmond.*

15 Oct. 1860.

945. Ordinarily does the Native Secretary act on his own judgment?—Yes; a great part of the correspondence is in the Maori language.

946. You have an Interpreter attached to your office?—No; there is no Interpreter specially attached to the Native Minister.

947. The Committee have made a request to be allowed to see certain documents in the Native Office, with the departmental minutes upon them; does any objection exist to their production?—None on the part of Ministers.

948. Are you aware whether any opposition is made on the part of the Native Secretary or His Excellency?—No; I was not aware till this morning that the correspondence had been asked for.

949. Is it the business of the Native Minister to originate advice?—Yes; I consider it is his duty.

950. In cases of difference, what is the course pursued?—Hitherto, when overruled, the Minister has submitted to the Governor's decision. Undoubtedly the right of resignation exists.

951. Is there not another right also, of submitting the matter in difference to the Home Government?—There is.

952. Has that been acted upon in any instance to your knowledge?—It has.

953. Will you state to the Committee the causes which led to the appointment of Mr. Fenton to the Resident Magistracy at Waikato, and the manner of it?—After serving for a short time here, in 1856, as Native Secretary, Mr. Fenton was appointed to the Resident Magistracy at Whaingaroa. He was no stranger to the Waikato, having resided in it for some years as a settler. On his return to the district, his mind appears to have been forcibly struck with the political activity prevailing among the Waikatos. The system now well known as that of the Runanga, had developed itself. He appears at once to have apprehended the importance of the efforts which the Natives were making towards the organization of civil government for themselves; and he embodied his views in several very able reports, which are known to the Committee. Both the Governor and the Ministry were at once impressed by the importance of this movement, and it was arranged that the Governor should pay a visit to Waikato. Accordingly the Governor proceeded to Waikato in March or April, 1857, and held several meetings in both Lower and Upper Waikato. The most important of these meetings was that at Paetai. The Native Secretary and myself accompanied the Governor. We were joined I think at Taupiri by Mr. Fenton. The desire of the Natives there present for these new institutions, I mean a Magistrate and Runangas, appeared to be unanimous. The announcement that the Governor would grant the Runanga was greeted with universal approval. Wharepu, Te Kereihi, Potatau, Waata Kukutai, and other chiefs were present. It was a fair representation of Lower Waikato. Potatau, I well recollect, referred the Natives assembled to the Governor. He represented himself as nothing, which it was very much his custom to do. Apparently he acquiesced in all the proceedings; but I should not be disposed to attach much weight to such apparent acquiescence. I should say that Potatau was a profound diplomatist. I cannot speak as to the personal demeanour of particular Chiefs. Many of the old Chiefs, no doubt, imperfectly comprehended the nature of the propositions. On the return of the Governor and his party to Auckland, His Excellency transmitted a minute to his Ministers, dated 28th April, 1857, which is printed in Journals of the House 1858, Appendix E, No. 5, Page 7. Ministers replied by Memorandum, dated 6th May, 1857 (also there printed), indicating the legislative measures which they thought ought to be proposed to the General Assembly; and, also, proposing that Mr. Fenton (then Resident Magistrate at Whaingaroa) should be appointed to hold Circuit Courts in the Waikato District. The Governor acceded to this, and appointed Mr. Fenton.

954. You have mentioned that Mr. Fenton was Native Secretary till he was sent as Resident Magistrate to Whaingaroa. Why was he removed from the Secretaryship, and who succeeded him?—His appointment to the Native Secretaryship was only temporary, and it ceased on the union of the offices of Native Secretary and Chief Land Commissioner in the person of Mr. McLean, who had previously filled the latter office solely.

955. *Mr. Heale.*] Was the displacing of Mr. Fenton from the Native Secretaryship owing to any want of concord between him and Mr. McLean?—I am not aware that any such want of concord existed, but the union of the two offices was made before I had anything to do with Native affairs.

956. *Chairman.*] Will you state whether, previously to your recommendation of Mr. Fenton, you had communication with Mr. McLean with reference thereto?—No; the memorandum of 6th May was written in direct reply to the Governor's memorandum of 28th April.

957. Had you any communication with Mr. McLean in reference to Mr. Fenton's appointment to Waikato?—Not that I recollect.

958. Was your minute of 6th May transmitted to the Native Secretary's Department?—No; I have stated it was in direct reply to His Excellency. I cannot say whether it was transmitted by His Excellency to the Native Secretary.

959. You never received any minutes from the Native Secretary's Department on that recommendation?—No.

960. Mr. Fenton having commenced his duties in June or July, 1857, did you from time to time receive communications from him?—Shortly after Mr. Fenton entered on his duties in Waikato I left Auckland on a visit to the Southern Settlements, and was absent for more than 3 months. The official documents which will be laid before the Committee will explain transactions during that interval.

961. Mr. Fenton corresponded with your Department, and not with the Native Secretary's Department?—There was a difference about that, between Ministers and the Native Secretary, and the former were overruled.

Hon. C. W. Richmond.

15 Oct. 1860.

962. Will you state the circumstances relating to such difficulty?—I beg to refer to the papers before the Committee.

963. Do you remember the period of this difficulty?—It arose almost immediately on Mr. Fenton's entering on his duties.

964. Then Mr. Fenton subsequently corresponded with the Native Secretary's Department directly?—I am not sure; I think that Mr. Fenton objected to correspond with the Native Secretary. He regarded himself as a judicial officer, and not as a political agent. He therefore objected to the sort of control which the Native Secretary's Department thought it might be necessary to exercise.

965. Will you state the circumstances which led to the withdrawal of Mr. Fenton?—The causes of Mr. Fenton's withdrawal were, first, a fundamental difference of opinion between him and the Native Secretary as to the proper policy to be pursued by the Government in the district. I understand the Native Secretary's opinion to have been that the Chief Potatau should be the Government organ of communication with all the Waikato tribes. Such a notion of course conflicted with any attempt to organize civil institutions in the district. The second cause was His Excellency's belief that Mr. Fenton's course of proceeding in Waikato had alienated the leading Chiefs. His Excellency, I may state, never lost faith in the system, but he thought that Mr. Fenton was not the right person to carry it into effect in Waikato. Possibly Mr. Fenton's personal difference with the head of the Native Department may have contributed to form this opinion in His Excellency's mind.

966. Will you state of your own knowledge how Mr. Fenton conducted his correspondence after this change of arrangement?—My impression is there was very little of it: the change of arrangement dried it up.

967. Do you know whether Mr. Fenton was remonstrated with or received any instructions in reference to the proceedings which it was alleged alienated the Chiefs?—Whilst I was away in the South there was an angry correspondence about some grass seed which, at Mr. Fenton's instance, had been sent to Waikato as a present to some Chiefs there, but without consulting Potatau. I will refer the Committee to the papers on this subject. I cannot refer to any other act of Mr. Fenton's which occasioned remonstrance. It was generally represented that Mr. Fenton neglected the old Chiefs and cultivated the young men only. I have been informed by His Excellency that Potatau and Tamati Ngapora had more than once expressed their determination not to have anything to do with Mr. Fenton.

968. Can you assign dates to those remonstrances of Potatau and Tamati Ngapora?—Not precise dates; I believe they began about November 1857, and continued down to Mr. Fenton's removal. I only speak at second hand of these matters.

969. Will you state the opinions of Ministers and of yourself in particular as to the policy of Mr. Fenton's removal?—I presume the Committee desires to know what were our opinions at the time, and I submit that it will be fair to all parties to leave the Committee to collect them from the papers.

970. *Mr. Heale.*] Do you consider that Mr. Fenton's proceedings were calculated to alienate the old Chiefs?—I think it likely that Potatau and other influential Chiefs of the old school may have been secretly jealous of the new system, but I know of nothing in Mr. Fenton's administration which was specially calculated to provoke that jealousy.

971. Assuming that jealousy to exist, do you think it might have been quietly overcome without withdrawing Mr. Fenton or causing the cessation of his system?—I am disposed to think it might, but I cannot pretend to give a positive opinion. When Potatau had expressed direct disapprobation to His Excellency of the proceedings of Mr. Fenton, there was a great difficulty in continuing him in the district; but, possibly, had the Governor abstained from inviting such an expression of opinion from Potatau, his opposition might have been overcome.

972. I gather from that, that it would have been much more difficult to overcome it after that expression of disapprobation?—Yes, certainly.

973. Are you aware whether any steps were taken to overcome Potatau's objection before that expression to the Governor?—I am not aware. It is obvious the Ministry are entirely helpless in such a case. Their functions are consultative only.

974. Are you aware of any visit of Mr. Fenton to Potatau at Mangere, before that expression to the Governor of his disapprobation to Mr. Fenton's proceedings?—No.

975. *Chairman.*] Will you state to the Committee your present views as to these two courses of policy?—I have no hesitation in saying that I believe it is impossible to govern the Natives on the old system, and I believe in the possibility of introducing the new system without offence to the old Chiefs. It is a matter requiring great tact, and involving some danger. The danger is, in my opinion, infinitely less than that of a do-nothing policy. My present views are what they always have been on the subject.

976. Do you think that by judicious management, the older Chiefs could be brought to co-operate in the introduction of the new system?—I do.

977. Are you aware of any steps taken by the Native Office for conciliating the Natives towards the new system?—Not at the time to which I assume the question points. I think the new system has been fairly introduced by the Native Office in the two Northern districts and in the Bay of Plenty.

978. That system, as I understand it, combines the exercise of Magisterial authority with general instruction: is that the system now pursued in the places you have just mentioned, or is it confined simply to the exercise of Magisterial authority?—I cannot speak with certainty. I myself have repeatedly pointed out to the Magistrates that much more is expected from them than the mere exercise of Magisterial authority.

979. To what office is the correspondence of the Magistrates addressed?—To the Native Secretary's Office.

Reihana called in and examined.

Reihana.

15 Oct. 1850.

980. *Chairman.*] What is your name? — Reihana.
981. And your tribe? — I am a Chief of Te Ngaungan.
982. Is that a Waikato tribe? — Yes.
983. Upper or Lower? — North of Ngaruawahia (Lower).
984. Near Mr. Maunsell's? — Near Mr. Ashwell's.
985. Do you remember Mr. Fenton coming into the Waikato District as Magistrate? — Yes.
986. Before Mr. Fenton came, what were the thoughts of the people of Waikato about the state of the law among them? — Some consented and some did not.
987. Were there many who desired to have a King of their own? — Yes : the majority.
988. Were these chiefly in Upper or Lower Waikato? — In the Upper part.
989. What made them desire to have a King of their own? — Their desire for a King was, lest my (the Maori) *muna* should be taken by you (the Pakeha).
990. Were they afraid of their land being taken from them? — Yes; they desired to have a King to hold the land.
991. What made them fear that it would be taken? — This was the cause, you Pakehas being resident here.
992. Did they feel the want of order and law amongst them, that crime was committed and they had no means of punishing it? — They felt that want.
993. Did they mean that the King should be not only the holder of their land, but also be an authority to introduce laws among them? — Yes.
994. Had the Chiefs lost their authority? — Some obeyed them and others did not.
995. Had the younger people become disobedient to the authority of the Chiefs? — Some obeyed them and others did not.
996. Was the desire of the Maories to have the Pakeha laws among them? — The desire of the men who acknowledged that system was to have good laws laid down for them.
997. Was it their desire that they should have a good law made, but to be executed by the authority of their King? — You mean those who approved, for I have said that some approved and some disapproved of that work.
998. Were there any who desired to adhere to their old Maori customs? — They did not desire (to adhere to) their old Maori customs; those had been put down by the law.
999. Were you present at the great meeting at Paetai when the Governor was there? — I was there; Paetai is my place.
1000. Were there any great Chiefs present at that meeting? — All were present.
1001. All the great Chiefs of Waikato? — Yes.
1002. What were the desires expressed by the Natives at that meeting? — The desire expressed by them was for a Magistrate.
1003. Did they ask for the Runanga? — They asked for the Runanga, that Runangas might be granted.
1004. What they meant, then, was that they should have a Magistrate and should assist him in bringing the laws into operation? — Yes.
1005. Were they pleased at the Governor promising to give them that? — Yes.
1006. Did all consent? — We all consented to the Runanga and to the Magistrate.
1007. Did Potatau consent? — He did not consent.
1008. Did he express his dissent at the meeting? — He did not.
1009. Did you hear that Potatau dissented afterwards? — I only heard this: When dying he said, "Hold fast to the law, to Christianity, to love, and to kindness."
1010. Was Potatau angry at a Magistrate being sent? — I never heard that he expressed any anger.
1011. When Mr. Fenton came were the people of Waikato pleased? — Do you mean us?
1012. Which is your party? — Waata Kukutai and we were pleased.
1013. Who was displeased? — Those who were displeased were the setters up of the King.
1014. Why were they displeased? — They were displeased because they did not wish a Magistrate to be taken to Waikato.
1015. Did they think that the Magistrate lessened the authority of the King? — Yes.
1016. Were there many who were displeased? — There were.
1017. Were there many who were pleased with Mr. Fenton? — There were not many, there were but few; they were pleased with Mr. Fenton.
1018. Did this party increase after Mr. Fenton had been there some time? — It did not increase; it was composed of those tribes with which he had arranged.
1019. If Mr. Fenton had remained, would there have been trouble between them? — There would have been no evil done, but there would have been ill will in their hearts.
1020. Would that by degrees have given way? — It would have dwindled away: no wrong would have happened.
1021. Do you think that Mr. Fenton's work was good? — Mr. Fenton's work at that time was good.
1022. Did the people obey Mr. Fenton's decisions? — They consented.
1023. Were they glad to be instructed by Fenton in the law? — They were glad.
1024. What was the feeling among them when Mr. Fenton was removed? — It diminished.
1025. Did any of them join the King party after Mr. Fenton's removal? — They joined the King party.

*Reihana.*

15 Oct. 1860.

1026. Did you see Mr. McLean yesterday?—Yes.

1027. What passed between you?—Mr. McLean asked me what I had come for. I said that I did not know. It was Mr. Maunsell and Waata Kukutai that wrote to request me to come with Heta, Takerei, Te Reweti, and Taneti. I came away quite in the dark. Mr. McLean asked me if I approved of Mr. Fenton's returning to Waikato as Magistrate. I said to Mr. McLean, "If the sea was calm; but as it is, the sea is rough." Mr. McLean then said, "Yes, the straightness was formerly, in the quiet time, lest (now) evil should be drawn upon Waikato."

1028. Would the people of Waikato be glad to have Mr. Fenton back again?—It would not be well.

1029. How would it be if the war was at an end?—It would then be well.

1030. Did you know Potatau?—Yes, I knew him.

1031. Did you ever converse with him about Mr. Fenton?—We did not converse, but at the Runangas I spoke.

1032. Did you ever hear Potatau at any of the Runangas speak against Mr. Fenton's proceedings?—I did not hear anything about Mr. Fenton, but I did about Mr. Turton.

1033. Did you ever hear him speak about Mr. Halse?—I did not hear, as the places are far apart; mine is at a considerable distance.

1034. *Mr. Forsaith.*] Did Mr. McLean give you any directions as to the evidence you were to give before the Committee? Did he tell you what to say?—He did not tell me what to say.

TUESDAY, THE 16TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Fox,  
Mr. Heale,  
Mr. King,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. Dillon Bell,  
Mr. Williamson.

Mr. Sewell in the Chair.

F. D. Fenton, Esq., called in, and further examined.

*F. D. Fenton, Esq.*

16 Oct. 1860.

1035. *Chairman.*] You have stated in your evidence that you were a Magistrate at Kaipara before you went to Whaingaroa: did you, during that time, receive from the Government any expression of approval or disapproval of your conduct?—I received no expression of disapproval. I was removed from Kaipara to be Native Secretary to the Government, which I regarded as an approval.

1036. Do you remember an important difference between two tribes in the Kaipara district?—I do, between the Parawhao and Uriohau.

1037. Did you in any way interfere in that dispute?—I interfered in no way until I was despatched by Governor Gore Browne to settle a difference which had arisen between them.

1038. Will you state the circumstances relating to that dispute so far as you are aware of them, and the part you took in the matter?—My report on the subject will save the Committee much time.

1039. It has been stated that the action taken by you in that matter tended to create some disputes between the tribes: are you aware of any such circumstance?—I am not aware of it. The disputes existed before I went there. I fancy I know what is alluded to. Mr. Atkins, a timber merchant at Kaipara, had a large herd of cattle, 350 head, running on Native land. The Natives complained to me of great injuries done by these cattle to their plantations. I had just issued about 100 summonses against Natives, for debts due to Mr. Atkins, and the owner of the plantation demanded a summons against him for the trespass of his cattle. I issued the summons: the case was heard, and on my suggestion, an amicable arrangement was come to, which I may observe is in force to the present day. Tirarau and his friends came down in large numbers on that day, and made a demonstration after the Court was over, and we had gone to dinner, in reference to the disputed land. His party had arms, which they discharged in blank. That increased the ill blood, and the Governor sent me on the duty which I previously mentioned. A treaty of peace was established by me, which is in writing, and in the Native Office with my report.

1040. Do the Committee understand then, that the course you pursued tended to produce peace, or otherwise?—I do not think it had any effect either the one way or the other. I may state that Mr. Atkins, who was the only witness of my proceedings there, a few months ago, when urging upon the Government the necessity of their interfering on his behalf with the Natives, particularly requested that I might be sent. I may state that if any imputation has been cast upon me in my magisterial capacity at Kaipara by Mr. McLean, this is the first time I have heard of it. Within twelve months of my return from Kaipara Mr. McLean offered me the appointment of Land Purchase Commissioner at Whaingaroa.

1041. Is that an office which requires much judgment and discretion, and a knowledge of the Native language?—In my opinion it does.



1042. It has been suggested as a ground of your not being qualified as a Resident Magistrate in a purely Native district, that you do not possess an adequate knowledge of the Native language : was any suggestion of that kind made at the time of your appointment, or at any time since ?—Not till now. *F. D. Fenton, Esq.*  
16 Oct, 1860.

1043. Have you any objection to state what you consider to be your own qualifications as a Maori scholar ?—I never found the discharge of my duty interfered with by any want of knowledge of the Maori language. Archdeacon Maunsell, who is allowed by all to be the best Maori scholar in the country, in publishing the second edition of his Maori grammar, has asked me to take it through the press.

1044. It has been observed that from your Report and Journal it may be inferred that your course of proceeding in Waikato was not such as to conciliate the older Chiefs: in particular, there is a fact mentioned at page 9, referring to Wiremu Nera; you say of him, that the residents at Whaingaroa did not place any faith in him: will you explain that ?—I can only say that such was the opinion expressed to me at the time of my arrival by the English settlers at Waikato. I was not at that period qualified to express an opinion myself. Subsequently I had constant communication with him, and we treated each other with great confidence.

1045. Did he cooperate with you ?—He did.

1046. Heartily or not ?—Very heartily.

1047. Is he an important chief ?—He is. He is one of the few great men left.

1048. What rank would he hold amongst the Waikato Chiefs ?—Wiremu Nera, Te Waharoa, Potatau, and Kukutai, were about equal in authority. The great man of the last generation, Potatau, derived great influence from his female ancestors. I have taken considerable pains to ascertain the pedigrees of the different leading Waikato Chiefs.

1049. Did you consider it a part of your business to make yourself acquainted with their pedigrees ?—I could have done without it, but I found the knowledge of considerable service. I produce three pedigrees (numbered one and two, the third will be found at the end of my report on the progress of the Maori population). I also produce a list of the tribes of Waikato, which I compiled. They contain the most accurate information I could procure. I cannot vouch for their perfect accuracy. [*Same put in.*]

1050. Are you able to speak then, with a competent knowledge of the relative degrees of importance of the various Chiefs and tribes of Waikato ?—I think I am the only officer of the Government who knows anything about them, except perhaps Mr. Rogan and Mr. Searancke.

1051. You spoke of Potatau: will you state the degree of importance which belonged to him ?—He was a very great man. He was not so much a warrior as a diplomatist.

1052. Was he recognized as having a paramount authority or influence over the other Chiefs of Waikato ?—By no means. On the contrary, in 1836 there was a great slaughter at Kaipaka. Wiremu Nera and his friends took Kaipaka, defended by Potatau's friends. There was a great loss of life there: Wiremu Nera was the conqueror. There have been many other fights in Waikato in which Potatau's people were opposed by the people of other Waikato tribes. The first great meeting at Paetai in May, 1857, commenced with a general reconciliation of these feuds, and of Kaipaka in particular.

1053. Did Potatau ever assert or claim any right or authority generally over the Waikato tribes ?—None, except over his own tribes.

1054. Will you specify his tribes ?—First his own tribe the Ngatimahuta. There were several hapus in this tribe over which other Chiefs exercised more influence than he did. I may mention the Ngatikiriwai, Ngatipari, Ngatitamainu, Ngatihuaki, Ngatitakahia, Ngatitapa, Teiwipoaka, Ngatingahia, and Te Ngaungau. The Chiefs in these hapus exercised more influence over their people than Potatau did. Other hapus of his own tribe he would influence through their principal Chiefs, such as Te Patukohuru, Ngatinawhainga, Ngatikaiawhi, Te Kawerau, Ngatinaho, Ngatiwhau, Ngaitupongo, Te Patukoko, Ngatinainai, Ngatiparihahiara. I might enumerate at great length. There are one hundred and twenty hapus on the paper I produce. There are other tribes again over whom he had no influence beyond that which any great Chief would have, such as Ngatitipa, Tainui, Ngatimahanga, Ngatiruru, Ngatihorua, Ngatiraukawa. This latter tribe are not properly Waikato, although they are now recognized as such by long residence. There are again other tribes over whom he exercised more influence, such as Ngatimaniapoto, Ngatihinetu, Ngatiapakura, Ngatipou, Ngatihine.

1055. Are there many tribes in Waikato which did not acknowledge Potatau's influence ?—I have already mentioned the names of almost every great tribe in Waikato.

1056. Do we understand then that there were tribes in Waikato that did not recognise some degree of influence on the part of Potatau ?—It is a very difficult question to answer. Every great Chief has influence in his district. Other great Chiefs in Waikato had as much as Potatau, excluding those in his own particular tribes that I have mentioned. I should not like however to be too general in the statement, as by so doing I might fall into error. We cannot make distinctions which the Natives do not recognize themselves.

1057. What were the circumstances, as far as you know, which led to the nomination of Potatau as King ?—I am not clear where he was put forward, whether it was at Wanganui or Taupo. I am not certain the nomination did not originate in Waikato. He had been spoken of as King before I was stationed in the district. If a prominent Chief had been proposed for King by Waikato, in Waikato, I think Potatau would have been the man. Waharoa and Kukutai were dead, and it only remained between Wiremu Nera and Potatau. I know that Wiremu Nera was once solicited to be King himself, but he would not have anything to do with the movement.

F. D. Fenton, Esq.

16 Oct. 1860.

1058. When you went into Waikato in June 1857, did you find the king party strong in number and influence?—I believe that most of the tribes in Waikato had given a nominal adhesion to Potatau. The letter which I mentioned in page 3 of my report was addressed to the principal Chiefs of Waikato proper, and I believe most of them assented.

1059. Did you find any considerable number who had not given in their adhesion to Potatau?—Generally speaking, the adhesions were much more numerous than the refusals; but still there was a large section of the population looking on warily to see what the *tika* was.

1060. Had Wiremu Nera given in his adhesion?—I think not.

1061. Had Waata Kukutai?—No; he had been written to, but had refused.

1062. You have named certain Chiefs of similar rank to Potatau: Wiremu Nera, Kukutai, and Te Waharoa. Had Te Waharoa given in his adhesion to the King?—Te Waharoa had been dead some time: his son Tamihana Tarapipipi was the leader of the King movement, and the writer of the letter above referred to. At the time I went into the district, Potatau himself had not consented to accept the title, but he had been talked about. Wiremu Nera, and Waata Kukutai (who had succeeded to the influence of his father in preference to an elder brother) had both refused to give in their adhesion to Potatau.

1063. When you first went into Waikato in 1857, what, as far as you could judge, was the character of the King movement and the objects of those engaged in it?—That question is very fully answered in my report. The character of the movement in my opinion was likely to be beneficial or dangerous, according to the direction which might be given to it.

1064. Then at that time it had no decided aspect of hostility to European rule?—Certainly not, except in a very small section represented by Te Heuheu, Chief of Taupo, a district in the centre of the Island.

1065. Was Te Heuheu a Chief of great influence?—Not out of his own tribe, Ngatihowaotoa, which numbers about 2000 men, women, and children, including its subdivisions.

1066. Did his influence as a Chief extend to Waikato?—No: they were glad to have him, of course, as an adherent.

1067. Then excluding that small section, what did you understand to be the precise objects of the King party?—Principally an earnest desire, a longing after Government; other motives joined, such as a desire to prevent the further alienation of territory to the Europeans, and a wish to prevent all their *mana* from going to the Europeans; at the same time I think this latter motive may be included in the first, supposing that they were associated with the Government as they ought and must be.

1068. Then you attribute this King movement to three principal motives; a desire for law, arising from the sense of their lawless condition; a desire to retain the land; and a sentiment of nationality?—It is so.

1069. At that time had the King movement assumed any distinct organization, or was it merely an idea fermenting in their minds?—There was no organization, but there was great intellectual energy.

1070. Amongst this party which you have described, did you, on your first arrival at Waikato, find any indisposition to receive you as a Magistrate?—I did not. On the contrary, at the great King meeting in May, at Paetai, I, with my Native Assessors, who had been previously nominated were employed till very late hours in the night in settling differences among all classes of Natives then assembled, Kingites as well as others. After witnessing our administration of justice for two or three days, Wi Tamihana Tarapipipi suggested to the leading Chiefs of Ngatihaua, his tribe, that they should procure me to reside amongst them as a Magistrate, retaining the Queen's authority, and proposed to give me a tract of land. The objection was made by some that that would be breaking the league. Tarapipipi and the others replied that this was a special case, and that it would be very beneficial for them to do so.

1071. Was any formal proposal made to that effect?—It went no further. I told them I could not be stationary, that I must go about.

1072. Tarapipipi does not reside at Waikato?—He lives at Peria. The Ngatihaua own the lands between the Thames and Horotiu.

1073. Did Potatau express any, or what, opinion on the subject of your going as a Magistrate to Waikato?—He asked the Governor at the meeting of the 23rd April, at Paetai, to send a Magistrate. I was told afterwards by some of the Natives that their gun had been pointed at me, meaning that I was the person they wished to be sent.

1074. The Committee understands then that Wiremu Nera and Waata Kukutai were favourable to your going to Waikato from the first?—Yes; but Nera objected to my leaving Whaingaroa, his own place. I refer to his letter in p. 46, in E. No. 1c., as an indication of his sentiments.

1075. Did you immediately on your appointment commence your Magisterial duties?—I find I commenced my first circuit on July 12th, 1857.

1076. What places did you visit, distinguishing the Upper and Lower Waikato?—I find I transacted no business higher up than Watawata in the Waipa.

1077. Did you find generally in your circuit a disposition to receive you?—I did. They welcomed me everywhere. I went officially to no place without being invited. That was my rule of action.

1078. Did you at that time perceive indications, from any quarter, of opposition to your proceedings?—My journal gives a full account of my proceedings. Speaking from recollection, I did not. The King movement was going on, but I did not interfere with it, and it did not interfere with

me. They brought their cases to my Court, and I adjudicated upon them without distinction of party. *F. D. Fenton, Esq.*

16 Oct. 1860.

1079. Did you observe that the King party came as freely to your Court as the others?—Yes: they did at that time.

1080. Did you couple your Magisterial work with that of general instruction?—I assisted them in their social matters as well as I could.

1081. Specially did you instruct them in the principles of English Law?—I did.

1082. Did they receive such instruction gladly?—Yes, and were wonderfully quick at understanding it.

1083. Do you speak of both parties indiscriminately?—Yes.

1084. Will you state whether any perceptible effect in developing the Native mind on the subject of law was produced by your proceedings?—The Native probationers, my assistants, improved very rapidly; and as they gained knowledge and firmness their influence over the people increased.

1085. By what rule did you make your selection of Native Assessors or probationers?—After a tribe had signified to me in a satisfactory manner that they were desirous of accepting law, I assembled them in meeting; and after speaking myself and listening to their speeches, I used to ask them to select one or two men who they thought fitted to be Native Magistrates, and told them that if after a period of probation they showed themselves fit for the office I should recommend them to the Governor for appointment.

1086. Had you regard in the choice of these probationers or assessors to their position as Chiefs or persons of importance?—I only remember once making an objection to a nominee on account of the want of rank. That was at the Awatohitohi, when the runanga proposed a slave; but they overruled my objections, saying that he was the most intelligent man they had, and that if they were satisfied, it was against the principles of the English to object on that ground. So I accepted the nomination.

1087. Was the selection of these persons generally determined by consideration of the rank of the parties, or merely their general fitness?—As a rule the man of the best family would be chosen, if he had the other qualifications.

1088. Did the old Chiefs generally take part in these proceedings?—Yes.

1089. Wiremu Nera for example?—Yes.

1090. Was Wiremu Nera selected by you?—No; he was appointed a Government Assessor before I went there. He expressed a desire that his two nephews should be appointed, because he was too old to undertake these new matters.

1091. Was Waata Kukutai selected by you?—Yes; he was appointed on my recommendation. He and Taneti, a cousin of Takerei, were the only persons who were appointed on my recommendation.

1092. Did you recommend any others for appointment?—I did.

1093. Will you name them?—I recommended on one occasion Mohi and Hetaraka; I think they had just been behaving exceedingly well in the apprehension and trial of a Maori for a theft committed in Auckland. He had taken refuge in Waikato as a place of security. These men had been instrumental in bringing him to justice, and finally causing him to be lodged in the prison in Auckland. They had previously been acting very well as probationers for many months. At an interview which, some time before, they had had with the Governor, they were promised to be appointed Assessors when I recommended them. I was present at the time. Wishing that their good conduct should be rewarded as an example, I recommended their appointment at once. I believe this was in June or July, 1858. I met one of them, Hetaraka, on the river afterwards, coming back in a state of great disappointment; he was *pouri*, or dark. He said they had seen Mr. McLean and Mr. Smith, and those gentlemen had told them that all such recommendations must come from them; that they were the only heads of the Maories; and had let them go back again without appointing them, or taking them to see the Governor.

1094. Did he state that they had applied to be allowed to see the Governor?—Yes.

WEDNESDAY, THE 17TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Fox,  
Mr. Heale,  
Mr. King,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Sewell in the Chair.

The Right Rev. The Lord Bishop of New Zealand examined.

*Bishop of New Zealand.*

17 Oct. 1860.

1095. *Chairman.*] How long has your Lordship been resident in New Zealand?—Since May, 1842, as Bishop of New Zealand, with the exception of 18 months in 1854 and 1855.

1096. Your Episcopal work during that period has made you acquainted with the Natives generally?—Yes, with the exception of a few villages in which the Natives belonged to other communions.

Bishop of New Zealand.

17 Oct. 1860.

1097. I need not ask whether you are familiar with their languages, customs, &c.?—My intimacy with such matters is not so minute as that of the resident missionaries.

1098. Have you read Mr. Fenton's Report?—Yes, carefully; and have made an analysis of it.

1099. Will you favour the Committee with your views upon that report?—My general opinion is very favourable indeed.

1100. Do you qualify that remark at all?—I have certain points of qualification which I will state, if wished.

1101. Will you do so?—The two principal points are: 1st. a slight indication of an *animus* against the Native Department; and, 2nd, also a slight indication of a disregard to hereditary rank among the Natives.

1102. Had you any opportunity of personally observing his proceedings in the Waikato?—Scarcely any.

1103. Was your attention at all directed to them during the time they were in operation?—Yes; frequently. You will find my written statement as to what I thought in the matter in the paper which I sent in to the Governor on the 8th May, 1861 (E—No. 1, page 23), as follows:—

"It is evidently necessary to the welfare of both races that there should be one recognised head over all. The introduction of the Queen's sovereignty into the country is very generally admitted by the Natives to have been a great benefit to them. The incessant wars among the tribes were an intolerable evil, especially when the Gospel had taught them to begin to value the blessings of peace. If it had been possible, from the first beginning of the Colony, to carry into practical effect the sovereignty of the Crown, by the suppression of all war and the uniform administration of justice in all parts of the country, the whole Native race might now have been cordially attached to the Government. The broken surface and great extent of the country, and the insufficiency of force at the disposal of the Governor for the time being, made it impossible to carry out any such uniform system. The natural result has been that in many districts the sovereignty of the Crown has never been practically exhibited: and the Natives, being thus left to themselves, and still suffering from their own internal disorders, have been employed incessantly for some years in their own Runakas (Councils) in devising schemes of better government for themselves. Among these, the most prominent is the "King movement," begun, I believe, with good intentions, and tending to a beneficial result, but made an object of suspicion by the unwise choice of a name. To combine all these movements in one general system under the sovereignty of the Crown is a measure as necessary, in its own degree, among the New Zealand tribes, as it was formerly, on a larger scale, among the clans of Scotland, and throughout Europe in the feudal times."

I had not seen Mr. Fenton's Report when I wrote that.

1104. You say your attention had been drawn to Mr. Fenton's operations: were you made aware that any objections had been raised to Mr. Fenton's proceedings by any influential Natives in the Waikato?—I remember hearing that the plan had been dropped in consequence of a belief that it was distasteful to Potatau.

1105. Prior to that period had you become aware of any opposition to Mr. Fenton's proceedings?—All that I remember distinctly is, that there was a good deal of antagonism between the two parties, the King and Queen parties. I was present myself at a meeting at Ihumatao in 1857, mentioned by Mr. Fenton.

1106. Did that antagonism take the specific form of opposition to Mr. Fenton's proceedings?—I did not look on it as such; I looked on it as an antagonism of parties among themselves.

1107. Do you consider that such an antagonism would be a necessary condition to any operations such as Mr. Fenton's, or did it appear to you to have grown out of his proceedings?—I have already said that I do not know much about it. I think such a system as Mr. Fenton's might be introduced without any antagonism at all.

1108. Except in the particulars you have mentioned, the *animus* against the Native Department, and the want of attention to hereditary rank, did you observe any other want in Mr. Fenton's proceedings?—One indication of indiscretion I certainly do see in his report; and that is, that the whole purport of Mr. Fenton's plan being to introduce self-government among the Natives (always meaning under the direction and subject to the sovereignty of the English Crown), I was surprised to find in his journal of August 17, p. 26, the following words: "We must have a Native Offenders Bill. It is no longer a time to trifle about Magna Charta and the Bill of Rights. The Native Offenders Bill is a much milder measure than the suspension of the Habeas Corpus, which is a proceeding quite in accordance with the British Constitution." My feeling about that passage was strengthened by the passage following immediately afterwards: "I hear that Mr. S. passed up the river with a ton of powder. As he lives among the Kingites this was mentioned to me with alarm by some of the people; but I do not believe it."

1109. Mr. Fox.] You speak of that passage suggesting a want of discretion on the part of Mr. Fenton: how do you apply it?—The way I apply it is this: first, the indication of mind with regard to the Kingites as a party requiring to be dealt with in a different manner from other Natives in the same district: secondly, the mention of an offence on the part of a European apparently in connection with the alleged necessity of a Native Offenders Bill: thirdly, the assumption that an exceptional law of a penal character against the Natives was a desirable measure.

1110. Then I infer that you think such measures as the Native Offenders Bill would be in direct opposition to the spirit of Mr. Fenton's proposed system?—I do.

1111. What do you know of the King movement, and to what do you attribute its origin?—My knowledge of the King movement is simply derived from the conversations I have had with Natives in various parts of the country, and I regard it as an indication of a desire for a better kind

of government than they had. The extract which I have just quoted from my memorandum I think answers this question. *Bishop of New Zealand*

1112. Do you think that that movement might have been directed into useful channels?—I think so most decidedly; I never knew or read of any people so entirely desirous of law as the New Zealanders. 17 Oct. 1860.

1113. Do you think that the attempt to instruct them in a system of law, to be worked out by means of a European Magistrate, and their own co-operation, might have been the means of satisfying their desire for better Government?—I would again refer to the Memorandum sent in to Government (E No. 1, p. 24), as follows:—

“If the central district of the Northern Island, including Waikato, Taupo, Rotorua, Tauranga, Opotiki, Waiapu, and Poverty Bay, were formed into one or more Native Provinces, a simple system of elective and representative government, under the immediate sanction of the Governor, might probably be brought into operation. The form of government, as in the Swiss Cantons, need not be in all parts exactly the same, but might be adapted to the wishes and customs of particular tribes: provided that in all cases two fundamental points were adhered to,—that the Chief Magistrates and Councillors should be recommended by the tribe and confirmed by the Governor, and that all regulations made by them should require the Governor's assent. It would probably be found possible to bring together these Chief Magistrates in a General Council, and any regulations made at such a meeting and assented to by the Governor, might be held to be binding upon all the tribes. This system ought to rest at first upon a voluntary compact, and to be rather offered as a boon than enforced by authority, because while the Native people are thirsting for better government, they are not without fear of oppression. The tone of some of the English newspapers has given them sufficient reason to expect the usual fate of a race assumed to be inferior.” I have compared this with Mr. Fenton's Report, and think that each particular point is in agreement with his system. I have already said that I had not seen Mr. Fenton's report at the time, and it is therefore independent testimony.

1114. Then you think that the Natives could practically have been induced to co-operate in some system of self-government subordinate to and assisted by the Government of the Colony?—Certainly.

1115. And you do not think that such a system would necessarily have been antagonistic to the King movement?—No, I think it might either have absorbed the King movement, or have allowed it to remain standing by itself in the midst of other and better systems carried on under the direction of the Government.

1116. It has been stated that an opposition to Mr. Fenton's proceedings existed on the part of Potatau and others of the older Chiefs: do you think that was a fatal objection to perseverance with Mr. Fenton's system or some other analogous system, or might not that opposition have been gradually overcome by conciliation, and the experience which the opponents would have had forced upon them by the continuance of such a system?—I do not think that any plan ought to be abandoned altogether because of any temporary or local opposition. A system such as that recommended by Mr. Fenton is required for the greater part of the Native population, and might I think have been carried out in other parts of the North Island. How far the opposition of Potatau might make it impossible for the time to carry out the plan in Waikato I cannot say, but I think that that opposition might have been overcome.

1117. *Chairman.*] From your knowledge of the Native character and the state of the Native mind previous to the present war, do you think that it could have been easily moulded into any system which had for its object the elevation of the race and its better union and social amalgamation with the Europeans?—I have reason to think so, because the analogous system carried out by the Missionaries (as referred to by Mr. Fenton), namely of working upon Natives by Natives, has been as successful as upon the whole could be reasonably expected. I refer especially to the ordination of Native Clergymen and to the employment of Native teachers. When I first came to New Zealand and for some years afterwards, the Natives were extremely urgent for English Clergymen, and if they were told that they could not be supplied with any other Ministers than those of their own race, they always answered “What is the use of it? The people will not listen to them.” Now on the contrary the Natives are engaged in various parts of the country in raising Endowment Funds for Ministers of their own race. I could mention a few facts as to the amount already received. At Waiapu, Native Endowment Fund, £450, (I exclude everything not given by Natives themselves). Okahu (Hobson's Bay) £200. At Tainui (coast), £50. At Taupiri (Mr. Ashwell's), £60. And the Taranaki tribe (meaning Taranaki in its restricted sense) in the year before the war broke out, paid £20 into Mr. Parris' hands for the same purpose. In addition to these money payments, endowments in land have been offered at Manawatu, Waiuku, and other places, but have not been carried out for want of power on the part of the Government to make Crown Grants for the purpose of endowing Ministers. The inference that I draw from this is, that the Natives are desirous to establish and would contribute to support a system of Government to be carried on by themselves for their own benefit under the direction of a higher authority.

1118. Did any of these pecuniary or land endowments exist previous to the introduction among them of Native teachers and missionaries?—It was necessary to make a demonstration. As soon as the first Native clergyman was ordained, the plan of endowments was adopted. I have stated that there was no faith in the possibility of the plan till they saw instances of its effectual working. Then the desire for the benefit of the plan speedily became general.

1119. *Mr. Bell.*] Then the Committee understand that your opinion is that the same capacity in the Native mind which induced them to adopt the plan of endowments for Native Ministers, would

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have enabled them to devote themselves to self-government in secular matters?—I have reason to believe that the interest which they exhibited in these religious matters would have been equalled by their interest in secular matters.

1120. *Mr. Fox.*] Has the introduction of Representative Institutions among the Europeans created any interest in the Native mind?—I think that it has given rise to an increase in their own runangas.

1121. Do you consider that the introduction of Representative Government among the Europeans has materially altered the relations of the Natives towards the Government; I mean in reference to the expediency of managing them on the old system which existed before the introduction of those Institutions?—I think they are well aware of the system of election as practised among ourselves; and I agree with what Mr. Fenton says, that a good deal of the authority among the Natives is also elective, though restricted to particular families.

1122. *Chairman.*] Do you think that the change in the system of European Government and the excitement existing in the Native mind in reference to law and civil Institutions, absolutely necessitates the introduction of some new system among them?—I should rather say that the necessity of some good system has always existed and has never been satisfied.

1123. *Mr. Fox.*] Do you consider that the King movement was one which might have been successfully opposed by a passive system of neglect and indifference, or would it have been more likely to be rendered innocuous by active operations, which might have worked it into a system of local administration and self government, such as is above suggested?—I agree with Mr. Fenton in his remarks on this subject at the beginning of his Report; that every movement for good among the Native race ought as much as possible to be brought under the directing hand of Government (see 1st page of his Report).

1124. Then you do not think that neglect and indifference was a wise method of treating the excitement of the Native mind involved in the King movement?—I am not aware that there was in any quarter any neglect or indifference on the subject, but theoretically I think that no such subject can safely be so treated. But I would distinguish here between the substance of the movement and its name. The substance I believe to be good; to the name I see no reason to attach much importance. But even as a name I have continually opposed it.

1125. Then I infer that you do not consider that the use of that name originally expressed an idea antagonistic to the Queen's sovereignty?—I have rarely met with any Natives who expressed any opinion adverse to the Queen's authority. The very idea of monarchy is so new to the New Zealanders that they can very imperfectly comprehend what the Queen's sovereignty means. The unity or monarchical idea of the sovereignty gained more ground, I think, under the old system of government than it is likely to do under the present, where so many persons of various classes in all parts of the country are known to possess the power of controlling the acts of the Governor, as the representative of the Crown. I think that the new Constitution has, therefore, impaired the abstract idea, feeble at the best, of the Queen's sovereignty. The reason I have for thinking this is, that whenever I have asked Natives what the use of the King was, they always answered, "To take care of their land for them;" and never stated that he was to be set up as a rival to the Queen.

1126. Are there not districts in which a strong desire for law and civil government exists, without any connexion with the King movement of the Waikato country and West Coast?—The desire for law and better government I believe to be universal among them.

1127. Is the connexion with the Waikato King movement universal?—I believe that the King movement did not extend widely over the country till questions on the subject of land began to take a more serious turn.

1128. To what do you allude in that reply?—I mean not simply the present war, but the general agitation and talk on the subject of land since the Constitution. A very wide feeling of suspicion has been gradually growing up that some new system (*tikanga hou*, as they call it) would be introduced in relation to their land.

1129. Were they satisfied with the recognition of their rights in relation to land, on the part of the Government, which was involved in the land purchases effected previously to the agitation to which you refer?—I must distinguish, in answer to that question, between different parts of the country. The uncertainty and suspense which continued for so many years on the subject of land sales in the New Zealand Company's settlements generally, and especially at Taranaki, has left a feeling in those places different, I think, from any which I have observed in the Province of Auckland. In the latter Province, from the simpler course of procedure, dissatisfaction on the subject of land sales has, I think, been rare; and private purchases, carried out before the colonisation of the country, have been almost always acquiesced in by the Native vendors without any expression of dissatisfaction.

1130. The system acted on in the Auckland Province, I apprehend, was regarded by the Natives in conformity with the principle of the Treaty of Waitangi?—The system pursued in the Auckland Province was simply, as far as I have observed, that the Natives sold from time to time whatever land they pleased and kept whatever land they pleased: which I believe to be strictly in conformity with the terms of the Treaty of Waitangi.

1131. Would any departure from that system be calculated to excite suspicion in the Native mind?—Land is, of all other things, the point on which the Native mind is the most sensitive: not so much from any idea of the value of the land itself, as from a sense of obligation to maintain the right. The most worthless pieces of land have been frequently the causes of the most bitter wars; as at Ihutaroa, on the Waikato. It was customary to give away or sell to a neutral party the debateable land, as the best or only way of making peace.

1132. I presume that such a sale would be the mutual act of the two contending parties?—Yes; they would agree, in order to take away the bone of contention.

1133. *Mr. Williamson.*] At what time did you make your first pastoral tour through the Northern Island, and when did you last visit the stations in that part of your diocese?—My first journey, by the East Coast, was made from October, 1842, to January 1843. I went to Manawatu, Wellington, and round by the East Coast to Auckland, visiting all the Mission Stations. My last land journey was made from Auckland to Wellington in the latter part of 1857 and beginning of 1858.

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1134. Did you observe that in that period the desire to be governed by English Law was increasing or otherwise among the Natives?—I observed in my last journey, all along the East Coast, a decided falling back into a state of anarchy; accompanied, certainly, with a deep feeling that things were going wrong. They again and again lamented it. At Tauranga I found a Native war; another at Wakatane; another scarcely settled at Tumupahore; a fourth at Ahuriri, partially settled but likely to break out at any time; besides the unsettled question which I had seen in the previous year at Taranaki. The one cause of all these Native wars was land; land disputes, I mean, between the Natives themselves; but I believe aggravated by the idea that the land, if not claimed by the party believing themselves to be the rightful owners, might be sold without their consent to the Government. I attribute many of these Native quarrels to the increased excitement generally prevailing about the purchase of land; but not to any specific act on the part of any Government officers engaged in the purchase of land, except perhaps in the case of Taranaki. The substance of my answer to the question must be, that there has been less law and more anarchy than formerly, with a real and earnest desire for a better state of things. I say this as the general characteristic of the Native mind throughout the island.

1135. During your earlier visits, did the Natives express a desire to you to be ruled by our laws and to have English Magistrates stationed among them?—I think I may say that in almost every part of the country there has been a desire on the part of the Natives, to have English missionaries, English magistrates, and English medical men, settled among them, or visiting them at frequent periods. The most remarkable case that occurs to me, in respect of an English Magistrate, is that of Mr. St. Hill's periodical visits to Otaki; which were suspended by him in consequence of some contempt of Court, and resumed at the earnest request in writing, of, I think, 300 of the Native inhabitants. Mr. St. Hill always went without any other attendant than an interpreter, and relied, I believe, upon the Natives themselves for carrying out his decisions. So far as I can judge, it was a complete example of the effect, in another part of the country, of the system carried out for a time by Mr. Fenton in Waikato.

1136. Have you observed any difference in this desire for English missionaries, magistrates and doctors since the King movement?—I cannot call to mind any particular instance that would enable me to give a decided answer to that question. The negative would prove nothing.

1137. Would you allow me to ask generally whether the result of the proceedings of English Magistrates has been beneficial?—I think, as far as I have seen, that it has been very beneficial, and has been accepted generally by the Natives.

1138. Perhaps you will observe that in Mr. Fenton's case, he accompanied his proceedings as a Magistrate with instruction to the Natives in English law?—I think that the most useful part which could be taken by a Magistrate; and that all force in carrying out the merely Magisterial decisions should be left to the Natives themselves. I have just had an example of this at Wangarei, where the Native magistrate Manihera has just settled a case which the settlers told me would have caused great difficulty to any English magistrate. Another case was at Maungatautari. In that neighbourhood I asked a man whether it would be safe to leave our baggage on the side of a road, while we went a little distance off to a Native village; and the answer was, "O yes: nobody steals now;" and when I asked him why, he said, "Some don't steal for fear of God, some from fear of the Five Pounds;" the five pounds being a fine put in force by the Native Kai Whakawa. Examples of a similar kind occur in Mr. Fenton's report, leading me to the belief that the best course is for the English Magistrate to teach and explain the law, and for the Native Magistrate to enforce it.

1139. Do you think they would be sufficiently advanced to exercise magisterial authority without interference from an English Magistrate?—Within a limited range of penalty.

1140. *Mr. Brown.*] Do you think that the English Magistrate of a district should be a resident, or visitant?—In nine cases out of ten, it must be at present a visiting Magistrate, the villages are so scattered; unless (what we all wish, and Mr. Fenton suggests) the population could be concentrated. I think that a judicious man, living in a district, would acquire very great influence, and be able to act more usefully than if he lived at a distance: I have never, for example, felt my own influence, in visiting a district, equal to that of the resident missionary. On the other hand, of course, the converse would hold of an injudicious man: he might, for instance, be involved in matters of cattle trespass.

1141. We have had from a Native witness that, in his opinion, it would be desirable that the English magistrate should take no action, except in co-operation with a Maori colleague, on an equal footing with himself: do you consider that an overwrought Maori view of the matter, or as a practical suggestion?—I consider that in respect of official station equality ought to be recognized. The superior knowledge of the English Magistrate will always give him far greater weight with his Native colleague than could be obtained by any assumption of superiority. I say this after considerable experience in the case of Native Clergymen, whom I have always taught to believe themselves to be in all essential respects equal in station to English clergymen of their own order. I have not found this to interfere with their willingness to take any guidance from English clergymen, or even to do any inferior work for which by habit they may be better qualified.

1142. Do you think the Natives would value an English Magistrate more if they had to pay him?—I do not think they could pay for their Magistrate till their social condition was much bettered; at present they could not pay even for a clergyman.



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1143. *Chairman.*] Would they be induced to concur more readily in the sale of their surplus lands, if they could be brought distinctly to understand that the proceeds of those lands would be made available for the establishment of Magistrates and other like purposes of a beneficial kind, in the administration whereof they should themselves participate?—I think it is a great mistake to put the acquisition of surplus lands in the front of any questions relating to the benefit of the Natives themselves. It always leads them to suspect that the plan proposed is for the benefit of the white people rather than for their own. If the plans for their benefit are successfully carried out, they will undoubtedly lead to the acquisition of land: as in the case of the missionary body and other settlers who first commended themselves as useful to the Natives in various ways, and then procured their ready consent, even in times of their greatest barbarism and of their greatest power, to the surrender of such vast tracts of land, that the whole of the neighbourhood of the Bay of Islands, with very small exceptions, may be said to be now occupied by persons of the classes above referred to.

1144. You said that every movement of the Natives towards self-government should be brought under the directing hand of Government; I wish to ask whether it is your opinion that Mr. Fenton's system and proceedings were calculated to have that effect on the King movement?—I have already said that I approve of Mr. Fenton's system, as detailed in his Report; but that I think I observed indications in his Report of a certain *animus*, in two respects already mentioned, which would make me speak less confidently of the prospect of success in the particular instance of Waikato.

1145. Then, looking at that *animus*, do you think that Mr. Fenton's proceedings might have been calculated to place the King movement in a more clearly defined attitude of hostility to the Government, instead of bringing it in accordance with it?—Referring to one branch of the *animus* I have referred to, against the Native Department, I should think that, if the Natives discovered that the Government was divided against itself, they also would aggravate all causes of division among themselves on this particular question; and with respect to the other point, the *animus* with regard to the older chiefs of hereditary rank, if it were thought that the attempt were being made to set aside hereditary rank, a party would be formed to support the authority of the older chiefs.

1146. From your communications with the Natives, had you the opportunity of observing that such opposition did arise?—I have already said that I have not much local knowledge on this question: the missionaries on the Waikato being so very well qualified, in my judgment, for the management of their own districts.

1147. You have spoken of an *animus* existing on Mr. Fenton's part against the Native Secretary's department as being likely to aggravate the dissensions among the Natives; if an *animus* against Mr. Fenton had been exhibited by the Native Secretary's department, would that have been calculated to add to the difficulties in the way of Mr. Fenton's success?—My observation is general; I really know nothing as to the merits of the question between Mr. Fenton and the Native Office. I simply say that, if Natives hear different statements or opinions on the same subject from different Government officers, they will naturally range themselves on opposite sides of the question.

1148. *Mr. Heale.*] Do you think that the King movement has now taken a direction more defiant to the English Government?—I attended, as I have already said, a meeting at Ihumatao, in 1857, at which the subject of the Maori King was discussed: and I also attended the last meeting at Ngaruawahia; the interval between the two being about three years. I could not discover, either from the speeches or in private conversation with the principal men, that any growth of feeling such as is referred to in the question, had taken place in the interval; the speeches, on the contrary, seemed to be quite as moderate at the latter meeting as at the former. A greater feeling of nationality, and a greater determination to retain possession of their own land, was apparent at the latter meeting.

1149. Do you think it might now be brought into harmony with English Government by the prudent introduction of self-governing institutions under English Magistrates?—I think that no institutions of any beneficial kind can be introduced till peace be established: because I believe the King movement to arise partly from uncertainty as to the intentions of the Government with respect to land, and because the present war is distinguished from all former wars in New Zealand by being connected with the question of land.

1150. I understand you then to hold that it would be inopportune to attempt the re-introduction of any system like that of Mr. Fenton's at the present moment?—On the particular spot, I mean Waikato; but I believe that there are other parts of the country where the proposed system, or one similar to it, might be successfully introduced. I wish to guard against the impression that I believe the convening of a general meeting of Native representatives, which I take to be the culminating point of Mr. Fenton's system, to be either impossible or inexpedient even at the present time.

1151. Then I rather infer that in your opinion institutions of self-government would still be the appropriate means of dealing with the present difficulties, but that there is need of the larger legislative functions than the minor judicial ones?—I find my opinion on that subject briefly and clearly expressed by Mr. McLean in one of his reports, where he says that, "the Natives can only be governed through themselves."

1152. *Mr. Forsaith.*] Will you explain more fully what you meant by saying, in a former reply, that in cases where Natives were quarrelling among themselves about land, their quarrels were aggravated by the idea that, unless the land forming the subject of dispute was claimed by those who considered themselves its rightful owners, it might be sold without their consent to the Government?—I believe that the feeling of the Natives was, that if they did not assert their rights they would be held barred by *taches*. They did not know but that any particular piece of land might be sold at any moment. I believe that it is in accordance with Native customs that any person not asserting a claim at the time of sale would be barred.

1153. Does the anxiety of the Natives about their land create any difficulty in the way of their accepting civil institutions?—I should conceive that civil institutions could be of little avail in the face



of total uncertainty on the subject of real property, both as between themselves only, and as between themselves and the English. I mean by this latter observation that at this moment the Natives do not know the position in which they stand with regard to the English Government in relation to the sale of their lands.

1154. Did not Mr. Fenton's system contemplate the gradual introduction by means of a system that would have defined and given fixity to the tenure by which the Natives hold their lands?—It does not appear to me that Mr. Fenton's report contains any distinct proposal on that point, but I have seen a plan appended to Mr. Fenton's memorandum on the Native census, which contains suggestions on the subject of the tenure of land.

1155. Referring more generally to his proceedings at Waikato, do you think that they were calculated to excite the suspicion and hostility of the older Chiefs of Waikato, on the ground that those proceedings would gradually undermine their influence and authority, and give precedence to the younger and more intelligent Chiefs?—I have already said that I see slight indications of an *animus* to that effect in Mr. Fenton's Report; but I have no reason whatever to say that such effect was produced in fact by any part of Mr. Fenton's proceedings.

1156. Supposing such an effect to have been produced and reported to the Governor, do you think it would have been wise still to persevere in the experiment?—Mr. Fenton's whole system rests I believe upon the principle of voluntary acceptance by the people themselves. Nothing in it is intended to be compulsory. The question then arises, on which side the mind of the people in each particular district, or in all the districts grouped under the name of Waikato, preponderated, and to what degree the opposition extended. On these points I am incompetent to give an opinion, as they depend entirely upon local information. I have already said that any unwillingness on the part of a particular tribe or district to accept a good system, ought not, in my judgment, to prevent the steady endeavour to introduce that system immediately in other places, and ultimately in the district in which the difficulty has arisen for the time.

1157. In your view, before a positive opinion could with propriety have been pronounced on this subject, frequent visits and careful observation of what was passing in the district would have been essentially requisite?—I can hardly say that; for if a strong letter should have come from any principal man, saying that he would not allow this system to be introduced into any district in which he had authority, it might be expedient to suspend further action in that district, and to trust to the gradual effect of successful experiments made in other districts with the consent of other parties.

1158. *Mr. Domett.*] Do you not think that by judicious treatment the present organization such as it is, in connexion with the King movement, might be metamorphosed into a system of Government for the Natives, administered by themselves, under the authority, and with the assistance of the European Government, peace of course being first established?—I scarcely like to call it an organisation. I know, for example, that the King movement (as it is called) has put out feelers at Otaki, Ahuriri, and other places; but I feel quite sure that nothing like an organization has extended over those places. I am also of opinion that, till very lately, there was scarcely any organisation properly so called, even in Waikato itself: which Mr. Fenton seems also to think, where he says that the Natives remarked that the King would have no funds and no Secretary of competent knowledge. My belief would be that if a good organisation were established, based upon the principle of Native self-government, administered by elective magistrates, and governed by laws in the enacting whereof a Native Conference should have certain recognised rights under the sovereignty of the Crown, it would be accepted, under proper influence; and after a lapse of sufficient time, by the present supporters of the King movement; always supposing that peace be first established, and that the question of the Native Title to land be placed upon a clear footing. I think the word "combination" expresses more truly the state of things, than "organization." At the leading meeting at Ngauawahia, no two Chiefs expressed the same sentiments.

1159. Do you think if peace were established under present circumstances, that sufficient respect would be left in the Native mind for British authority, to render possible such a treatment of the King movement as that alluded to in the last question?—My answer would be that no person was ever more respected, or had more influence with the Natives, than Governor Sir George Grey, or would be more likely to be able to carry out such a system as that proposed. Sir George Grey was engaged in three wars with the Natives: at the Bay of Islands, at Wanganui, and at the Hutt; in none of which I believe did he gain any decisive success without the assistance of Native allies: at all events, the Natives believed that their assistance was mainly instrumental in gaining the point for the Governor. For instance, one Despatch from Major Last is in the following words, as near as I can recollect: "I have the honour to inform your Excellency that the rebels are retreating and that the Native allies are in full pursuit. If they should succeed in driving the rebels out into the open country, I can assure your Excellency that I will lose no time in following them up with the forces at my command and bringing them to action." The capture of Ruapekapeka was brought about mainly by the assistance of Tamati Waka Nene and Makoare Taonui, who cut off the retreat of the Natives under Heke to the inland country. Sir George Grey's principle, as I remember his avowing to myself in the case of Wanganui, was not to aim at any decisive success which might leave a rankling feeling in the minds of the beaten race; and in carrying out this principle he told Tamati Waka and his Native allies in the North that they must not expect, upon any Native custom, to obtain possession of any of the lands of the rebel Chiefs. The result of these measures on the part of Sir George Grey, more I think than any demonstration of our military superiority, was to produce in the minds of the Native people a confidence in his Government, and a willingness to receive from him any suggestions for their social improvement. I think the Natives are in this respect a very remarkable people. They recognize in us every quality which we really possess in a greater degree

*Bishop of New Zealand.*

17 Oct. 1860.

Bishop of New Zealand.

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than themselves : and if they were to believe that we really intended to carry out in full the advancement of their race to an equality with ourselves, they would entirely forget any temporary disagreement or wars which might have occurred while those beneficial plans were in progress.

1160. Setting aside the fact that the ill success of the military and the impotence of our arms under the tactics hitherto adopted were not so marked in the former wars as in the present, do you not consider that the forbearance shown by Sir George Grey in those wars may have encouraged the Natives to assume the more defiant attitude towards Government which they have taken up in the present movement?—I think that one part of that question answers the other. What is called “forbearance” in one part seems to me inconsistent with what is admitted in the other part, of the difficulty (if not the impossibility) of establishing our military superiority. On this question the history is rather curious. Mr. Busby, in 1837, wrote thus: “With regard to the number of troops which it might be necessary to maintain, it would I think require but little knowledge of military tactics to satisfy any one who has witnessed anything of the warfare of the Natives, that 100 soldiers would be an overmatch for the united force of the whole islands.” From the year 1837 to the present year 1860, it seems to be admitted by the question, that the demonstration of our military superiority has decreased rather than advanced, and therefore I am of opinion that it will be better to trust to those qualities in which our superiority is recognized by the Natives, namely, to law, government; and social institutions. By commending these to the Native mind and assisting them in advancing towards an equality with ourselves, we shall most effectually subdue them.

1161. Then you think that a nation, convinced of its own superiority to another in physical force and warfare, will quietly submit to the authority of that other, because of its superior civilization?—I think that the blessings conferred upon the Natives by our system of Government and administration of law, will be far more valued by them than any assumption of military superiority. The majesty of the law was never more fully sustained or demonstrated in New Zealand than when the military force in the country was at the *minimum*. The execution of the extreme penalty of the law in 1842 was accompanied with little difficulty, and left no feeling of ill-will against the Judge who pronounced the sentence, or the Governor who confirmed it. On the contrary, the description the Mr. Chief Justice Martin at the Native villages when I travelled with him in 1842 round the East Coast was this: “*The Martin who sentenced Maketu to death.*” There is another point in the question; namely, that the question is not, in my opinion, so much whether one nation will submit to be governed by the other, as whether the Native race will consent to be united with us in one nation, by the recognition of one Sovereign, and under the direction of one Government. On this point I have no doubt: I am fully persuaded that it is the earnest desire of the New Zealanders in general to be so united with ourselves.

1162. At the time of Maketu’s execution, was there not in the Native mind a great though undefined impression of our physical superiority, which contributed to their general submission to the law?—There was undoubtedly an idea in the Native mind of the number of our soldiers and of our weapons, from the report of the Native Chiefs who had visited England. But they were also, I believe, conscious of their power to retain their own country against us: because one of the principal Chiefs is said to have warned his relations not to allow too many soldiers to be brought into the country; and Tamati Waka advised Governor Fitzroy to send back the soldiers from the Bay of Islands and to trust to Native Allies, lest by introducing soldiers into the country in large numbers, he should confirm the expectations generally entertained that a Governor would come who would bring a large force to try to take away their lands and make them slaves. I infer from this that the Natives who acted as our allies in the North, and to which tribe Maketu belonged, desired an alliance with the British Government, for the purpose of obtaining the benefits of British law which their Missionaries had taught them to expect from the colonization of the country, and did not acquiesce in the establishment of our criminal tribunals simply from a fear of our superior strength.

1163. Mr. Forsaith.] Referring to the quotation from Major Last’s Despatch given above, do you know who was at the time the leader of the Native allies of whom he spoke?—My impression is that Wiremu Kingi was the leader.

1164. Would the difficulty of introducing Civil Institutions amongst the Natives at a future time be materially increased by the continuation of the present war?—I have already said that the great question on which the Native mind is most sensitive, is the question of land; and because the present war arose upon a question of land, therefore there is the more danger that every day that it continues it will gather about itself some new sympathies and combinations, by appealing to the national tenacity of land; on which point all tribal differences and old animosities would, sooner or later, be merged in one general feeling of hostility to the English Government. There is probably no other cause of war from which such a result might be expected to flow. The ambition of any one Chief to set himself up against the authority of the Queen would probably be met by the unwillingness of other Chiefs to submit to his authority. This war, then, from its peculiar circumstances, will, I think, if it should be prolonged indefinitely, make it almost impossible hereafter to unite the Native people with ourselves, after they shall have been brought into combination as a race having interests distinct from ours.

1165. Chairman.] You have spoken of the tenacity of the Natives on the subject of their land; do you consider that they would postpone all other considerations to the maintenance of what they consider to be their land-rights?—When I speak of tenacity of land, I would wish to be understood to mean tenaciousness with respect to their right to land. They have shown themselves in all parts of the country ready to part with their lands when the right has been satisfied. But when any question about the right to land has arisen, I have always found that for the time it has engrossed all the thoughts of the Native claimants. And this not so much for the value of the land itself, as because by Native custom, peace might at any moment be broken by one or other of the contending

parties. Land being then the property upon which disputes are most frequent, and on which the Native mind is most difficult to be satisfied, civil institutions relating to minor matters might altogether be neglected and allowed to fall into disuse while the land questions were being discussed.

1166. If then the attempt to introduce civil institutions became accidentally entangled with a land question, and involved some alleged land rights, as for instance in the case of the grass seed experiment in the Waikato, would that be likely to create serious obstacles to the success of that attempt?—I conceive that all kinds of property are linked up together; and that tribunals for the decision of questions affecting all kinds of property are necessary. A man would not sow grass seed without the protection of some law of trespass; and there can be no law of trespass without some mode of determining the ownership of land. In the absence of any tribunal to decide upon Native claims to land, the greater class of difficulties and the most fruitful cause of disturbances, must continue to exist. The only appeal among themselves would be to arms; and in the course of the struggle all the civil institutions and other matters would fall to the ground. I might add in a few words that gifts such as grass seed have sometimes been the cause of suspicion, lest the donor (not always the Government) should afterwards put in some claim to a share in the land.

1167. Then do you consider that some tribunal to decide in cases of claims to land among the Natives themselves is an essential part of any plan for introducing Civil institutions among them?—I consider that Civil institutions would be useless if they provided merely for cases of petty larceny, but not for questions of real property, and that the institution of such tribunals ought not to be impeded by the question whether the Natives would be willing to submit to the decisions of the Courts. The Commissioners in their experience in investigating claims arising out of purchases before the colonization of the country (I allude to an official letter of Major Richmond and Colonel Godfrey), showed that the Natives were willing not only to give evidence before such tribunals, but also to accept their decisions.

1168. Do you mean then that the Government ought to constitute authoritatively some tribunal to determine land questions, irrespective of the Natives, willingness to submit to the decisions of such tribunal?—I am speaking of the establishment of Civil institutions generally, which I believe would be defective without tribunals for the decision of questions relating to land: and I believe that the decisions of such a tribunal would be accepted in many cases, and would ultimately prevail in all. Let the tribunal be established as much as possible in conformity with the principle laid down in Mr. Fenton's report, and let the investigation be conducted in the most careful manner; and then trust to the moral effect of the decision to bring about the submission of the parties concerned.

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THURSDAY, THE 18TH DAY OF OCTOBER, 1860.

PRESENT:

Mr. Fox.  
Mr. Heale,  
Mr. King,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Sewell in the Chair.

Hone Wetere called in and examined.

Hone Wetere.

18 Oct. 1860.

1169. *Chairman.*] What is your name, and the name of your tribe?—Hone Wetere, of the Ngatihikairo.

1170. Are you a Native Assessor?—I am.

1171. How long have you been one?—Four years.

1172. Were you engaged in assisting Mr. Fenton at any time?—I know Mr. Fenton, but I did not work with him; I resided at the West.

1173. Do you consider the work of Mr. Fenton to have been a benefit to the people?—Yes, I know of Mr. Fenton's work; the people approved of his work.

1174. Did the people in your district desire to have a Magistrate under the Queen?—Yes, the people of my side waited for Mr. Fenton to go to Kawhia, and when I heard that he had arrived at Teawamutu, at Mr. Morgan's house, I at once went there to see him.

1175. For what purpose?—To follow Mr. Fenton's work.

1176. Do you mean that you desired to have the same work introduced amongst your own people?—When I arrived at Teawamutu our *korero* was the same as at Rangiaowhia. I was told of Mr. Fenton's work there. Taati said to me, "Mr. Fenton's work at Rangiaowhia, Kihikihi, Waipa, and Waikato is very good." When I went to Teawamutu I talked there with Mr. Fenton on the subject of the law. Mr. Fenton said to me, "Be strong to do the work of the law."

1177. When you returned to your people, did you describe to them the nature of the work that Mr. Fenton was doing?—I did.

1178. Did they desire to adopt the English laws?—My tribe desired to have the Pakeha law.

1179. Have your people since joined the King party?—It is only of late they have engaged in that work, because Mr. Fenton had given up going to Waikato.

Hone Wetera.

18 Oct. 1860.

1180. What is the mind of your people now?—They are sitting and meditating upon the laws which have come back to Auckland, there to stay and to lie.

1181. What do they now desire?—It is not known at the present time. If Mr. Fenton and the others were near there, this road would be light.

1182. If the war was ended, would they desire to have the Magistrate back?—They would.

1183. What special errand has brought you to Auckland?—Is the last subject done with? (*Being answered in the affirmative, the witness continued.*) The cause of my coming is, the going to Taranaki. Tāpīhana and Tuhoro\* said to me, "Let us go to Taranaki and fight." I replied, "Let us fight here." He said, "Let us go to Taranaki to fight, for we have sinned there. We therefore say, let us go there and fight. You go to Auckland, and then let us all go to Waitara to fight. The fighting that we shall engage in there will be talking, for this war to end. If indeed the land was here in Waikato, it would be right for us to talk here: as it is, Waitara is the land about which we have sinned, let it therefore be taken there, there let us talk. There also let you and Mr. McLean look and see whether the people are right or wrong; and let this war be terminated upon that land. If the Governor says that the war shall not end till the people are killed, good and well. This is all that we two have to say to you." I was then sent by the old Chiefs at Kawhia, by Kikikoi and Takerei, to bring their words, in order also that they might hear the word of the Governor, as to whether the war should continue or cease. These were the two words mentioned to me by those old Chiefs. Was it to be still persisted in, or was it to end?

1184. Would the people of your tribe agree to the words of these old Chiefs?—They are Kawhia Chiefs; they would obey them.

1185. Then you are sent here to represent the minds of the Chiefs and people of Kawhia?—Yes, that is it. Their thoughts I have just communicated to you. This was the cause of my coming here.

1186. *Mr. Domett.*] Do you know the feeling of the people of Mokau and the others Southward?—Mokau is sitting still; also Tikaokao, Te Kahewa, Te Kaka and Ngatuere. They are remaining quiet; they did not approve of fighting.

1187. Would your people be glad if the war were at an end, and law were established amongst them under the Queen?—At that great meeting at Waitara the matter would be talked over. When the war was at an end, they would return to Waikato, and then it would be decided that the laws of Christianity should again be carried out. The middle aged and older Chiefs still hold to religion, but the young men have gone after play (mischief). They would then be brought back to Christianity, the laws would be carried out, and they would return to their previous condition. At present there is no knowing, because the war is a barrier in front of the Christian party, and in front of those who work at the laws. These were the sentiments expressed at the Kawhia (*Komiti*) meeting.

FRIDAY, THE 19TH DAY OF OCTOBER, 1860.

PRESENT :—

Mr. Fox,  
Mr. Heale,  
Mr. King,  
Mr. Domett,

Mr. Forsaith,  
Mr. Hunter Brown,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Sewell in the Chair.

Mohi Te Rongomau called in and examined.

Mohi Te Rongo nau.

19 Oct. 1860.

1188. *Chairman*] What is your name?—Mohi Te Rongomau, of Ngatimahanga.

1189. Are you an Assessor?—Yes, of (appointed by) the Maories.

1190. Did you assist Mr. Fenton?—I sat with him as companion during judicial investigations.

1191. At what places?—At Whatawhata and throughout all its boundaries.

1192. Did Mr. Fenton's proceedings give satisfaction to the people?—The Maories were pleased with Mr. Fenton's proceedings. Their thoughts were wholly bent upon Mr. Fenton's system of administering justice.

1193. Were not the King party displeased with his proceedings?—They were not displeased.

1194. Were not the older Chiefs?—They were not displeased.

1195. Was not Potatau?—He was not displeased.

1196. Did you know Potatau?—I knew Potatau; according to our system of relationship, he was my younger brother.

1197. Did you ever talk with Potatau about Mr. Fenton's proceedings?—I did not talk with him.

1198. Had you frequent opportunity of seeing Potatau during Mr. Fenton's operations at Waikato?—I did not go to Ngaruawahia. I resided at Whatawhata; I did not talk with him.

1199. Do you wish to make any statement?—I will commence from the beginning. During Mr. Fenton's stay at Waikato I sat with and assisted him during the investigation of cases. At the entrance, in Lower Waikato, Waata Kukutai was his Assistant; at Taupiri it was Takerei; and in Upper Waikato, at Maungatātari, it was Tioriori. These were Mr. Fenton's Assistants in his judicial investigations. Tioriori's people are the Ngatihaua and Ngatikoroki. Takerei's tribe is the

\* Chiefs of Ngatimaniapoto, who had lately returned from Taranaki.

Ngatimahuta; that of Waata Kukutai, the Ngatitipa. My tribe is the Ngatihourua. Tioriori's tribe worked with the Potatau King party; Takerei's tribe worked with the Potatau King party; Waata Kukutai's and mine were wholly in favour of the Pakeha system. Mr. Fenton's administration of justice was very good during the time of his holding courts at Waikato; Mr. Fenton conducted the trials, and we decided as to the offence, and the amount of the fine, subject to the approval of Mr. Fenton. The thought of the Waikatos were earnestly inclined towards the Pakeha system, as explained by him. When Mr. Fenton returned to Auckland, the thoughts of the Assessors who had sat with him during his investigations, leant to one side. Their thoughts went wholly to King Potatau. I only am left within my boundaries. Whatawhata is the northern boundary, thence to the south, and Pirongia is the limit; to the west, Aotea is the southern limit and Whaingaroa the northern, including Wiremu Nera Te Awaitaia. Those are the tribes whose thoughts are earnestly inclined towards the Pakeha system. They say that the Queen's shadow should be over us. Mr. Fenton's administration of justice at Waikato was very good; we wished him to remain as Magistrate for Waikato. Afterwards Mr. Turton came, but we did not like Mr. Turton; after that Mr. Halse came; our liking for Mr. Halse was but little. It was because of the clearness of Mr. Fenton's work that we liked him. The thoughts of Mr. Fenton's assistants, the Waikato Assessors, have turned; the cause of which is, the fight at Taranaki. That is the cause of their thoughts being turned inside out, and of the men of Waikato joining the Maori King, and ceasing to incline towards the Pakeha system.

*Mohi te Rongomau.*

19 Oct. 1860.

1200. Do you recollect the trial of Raharuhi for theft?—Wait, you shall hear. I was appointed by my tribe to see to offences. When we (Hetaraka and I) went to fetch Raharuhi, it was not with a Pakeha summons, but upon the Maori authority.

1201. Did Mr. Fenton consider from that, that it would be fit you should be appointed a magistrate?—It was Hetaraka and I who said to Mr. Fenton, "If we are to apprehend people it will be well for you to write to the Governor to ask his consent to our being appointed Assessors."

1202. Did Mr. Fenton send you up to the Governor to be appointed?—We came to bring Raharuhi, and also Mr. Fenton's letters. Mr. Fenton had agreed to write to the Governor for his consent to my being appointed an Assessor. I am waiting to hear a word from the Governor that my judicial proceedings may have authority.

1203. Who did you see when you came to Auckland?—We did not go to the Governor. Mr. Fenton was absent at that time; we saw Mr. Smith, and he desired us to remain and wait for Mr. Fenton. Our thoughts were, that Mr. Fenton had already written to the Governor. I did not ask Mr. Smith to be appointed an Assessor. We considered that the Governor would have the thought from Mr. Fenton's writing. I did not ask Mr. Smith to go and see the Governor.

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F. D. Fenton, Esq., called in and further examined.

*F. D. Fenton, Esq.*

1204. *Chairman.*] Mr. McLean has made a statement in his evidence that he was aware of one proceeding of yours at Kaipara, in which you brought on a feud between Tirarau and Paikea; have you any statement to make to the Committee on that subject?—The statement is contrary to fact. That feud existed in full force before I went into the district; and was the first subject mentioned to me by the Natives. Grounded on old quarrels generations ago, it was brought again into life by the operations of the Land Purchase Commissioners. I wrote a history of the case for the Governor, besides my report of the treaty of peace; Mr. White wrote another. The feud was brought into full force thus: Mr. Johnson (District Land Purchase Commissioner) was purchasing part of the debateable territory; he determined that the block belonged to the Uriohau. Tirarau made a claim for £100 of the purchase money; Mr. Johnson investigated the case, decided that there was nothing in Tirarau's claim, and paid the whole purchase money to the Uriohau. Tirarau came up to town, and got £100 from Mr. McLean, without regard to the District Commissioner's decision. The Uriohau were very angry at this; and when I went to the district, I found that tribe in a state of great excitement on the subject. Perhaps the course I took on that occasion was one which, with my present experience, I should not now take. I issued above 100 summonses to Natives to appear in one day (105, I think); I should now not issue more than 10 in any case for one day. I would not bring together a great number of men at one time in any proceedings, whether civil or otherwise. The case before me on that occasion was a civil proceeding. The best answer to the charge that my "decision was the origin of the feud" is, that there was no decision. I advised the parties to come to an amicable arrangement, suggesting the basis of it; they went out of Court and did so. That arrangement remains in force to the present day.

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## MINUTES OF EVIDENCE TAKEN

SATURDAY, THE 20TH DAY OF OCTOBER, 1860.

## PRESENT:

Mr. Domett,  
Mr. Forsaith,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown,  
Mr. King,

Mr. Sewell in the Chair.

Sir William Martin.

Sir William Martin, D.C.L., late Chief Justice of New Zealand, examined.

20 Oct. 1860.

1205. *Chairman.* You were for more than 16 years Chief Justice of New Zealand?—I was.

1206. In the course of that time did you pay attention to Native affairs?—Considerable attention. The Natives very early began to come to me and make enquiries as to what the English Institutions meant.

1207. You are acquainted with the Native language?—I am.

1208. Have you read Mr. Fenton's Report?—I have.

1209. Will you favour the Committee with your views on that report, the system pursued by Mr. Fenton, and its effects?—It appears to me that the main principles laid down in the report are very sound, and applicable to the circumstances of the Natives. I don't know whether the Committee will allow me to read a paper which I submitted to the Governor towards the end of 1859. It will show in a brief compass the results at which I had then arrived, and the mode by which I had been led to them. I was not aware at that time of Mr. Fenton's report; I had heard nothing of it.

*[The witness put in the following statement, which was read.]*

## REMARKS ON THE ADMINISTRATION OF JUSTICE AMONG THE NATIVES.

During the present year (1859) I have been frequently led to consider this subject, but most particularly at the time when the leading men of Ngatipaoa (the tribe occupying part of the island of Waiheke and the main land opposite to it) visited Auckland for the purpose of conferring with the Governor on various matters affecting their tribe. Many of these men were old friends of mine; and during their stay they came over repeatedly and explained to me the state of things amongst themselves, their own efforts to imitate the Pakeha in settling disputes amongst themselves in a peaceable and judicial way, and the many perplexities and difficulties which attended those efforts. They therefore urged me very strongly to provide them with some simple rules to go by.

Having also had opportunities of conversing with both Englishmen and Natives from other Districts, I find that a similar state of mind and of circumstances appears to exist in most parts (if not in all) of this island. There are generally manifested:—

1. A strong sense of the superiority of our mode of proceeding, and of the necessity of adopting it.
2. A determination and practical endeavour to introduce it by their own efforts amongst themselves; which takes effect through a very rude and irregular course of proceeding, a most lawless mode of administering what they take to be law.
3. A belief that they have received full authority to introduce it.
4. Exceeding confusion and perplexity on the part of the administrators of the new system, attended in many cases by grievous injustice and oppression towards the persons who are exposed to its visitations.

On these points I desire to offer a few remarks.

1. The existence of such a conviction, and that so widely spread, may well be regarded as a source of unmitigated satisfaction. It is the state of things which has been for years earnestly desired. It is the clearest indication of the energy and good sense of the race, and a strong ground of hope for the future.

2. The attempt to gain their end by their own efforts is not to be regarded merely as an indication of the strong will or self confidence of the race. It is grounded on an analogy which naturally presents itself to their minds, and their sense of which is continually showing itself in their conversations on the subject. The only movement of reform or renovation which they have as yet experienced is the introduction of Christianity. They conceive of this movement as the consequence or completion of that. They speak of this as being for the body what that was for the soul. And as the former was carried through the land by their own agency, the Missionaries occupying central positions, whilst the population of the scattered and smaller villages received instruction originally and chiefly from their own countrymen, they take for granted that this later reform will be propagated in the same way.

3. The belief that they possess competent authority arises from the fact of numerous appointments having been made from time to time of their own chiefs, to administer justice among them. It is true that the English name of Office "Assessor" indicates that the person so appointed is not to exercise independent powers; but in the Maori version, which alone is intelligible to them, he is described as a *Kai Whakawa*, that is to say, a Magistrate or Judge. Occasionally there is an express reference in the notice of appointment to the Resident Magistrate's Ordinance, under which they were to act as Assessors; but I do not think that such reference could make much difference, the Ordinance itself being little known. I am not intending to find any fault with the form of the notice given in such cases. I do not know that even the substance of it could have been made intelligible in any other way. Indeed

the more clear and accurate the announcement, the more should we be put in the wrong, as offering a mere name and show of power, as making a promise and not fulfilling it. There being no English Magistrate to take the lead and to point out to them the subordinate nature of the functions assigned to them, they have been left without means of correcting their mistake, and have gone about their new work in their own way. They have assumed that a *Kaivhakawa* possessed, especially if aided by a *Runanga* or Council, all the powers needed for the establishment of legal order amongst them.

Sir William Martin.  
20 Oct. 1860.

4. It cannot be surprising that the result has been an extreme degree of confusion, from which they have had but scanty means of escaping. Until the appearance of the book called "*Nga Ture*," they had received but little instruction as to the details of our Law: though they had been watching our legal proceedings narrowly and had been growing towards an appreciation of them.

That book appears to have had a very beneficial effect, but rather (as far as I can see) by stimulating their minds upon the subject generally, than by communicating clear conceptions as to the several parts of it. Perhaps it has effected as much good as a first attempt on that scale could, in the nature of things, be expected to effect: and, with some amendments, it may produce still more. For there is a large quantity of good material collected in the book; and the defects, which seem to have rendered it less comprehensible than was to be wished, belong rather to the arrangement and to minor imperfections. Then, as the book purports to be an exposition of English Law in its main principles, it is naturally confined in a large measure to the Law as administered in our higher Courts; and so furnishes comparatively little which might serve as a guide to the Maories in their own litigation among themselves.

As to this point also the analogy I mentioned above strikes the Maories. I have been told several times, that when they shall have been schooled and catechised in the Governor's book, as they were in the books of the Missionaries, they will be able to comprehend it.

The practical result of the whole at present is a kind of lawless law, grievously oppressive, the work of strong wills acting ignorantly. In some parts of the country, it seems that the Magistrates construe into an offence anything that is offensive to the tribe generally, and then deal with it according to such rule of judgment as they can frame for themselves from a passage of the Old Testament or the New, or from some rude notion of what the Paheka would do in such cases. The fines levied are often most unreasonable in amount. Rules are made hastily, and enforced at once, mercilessly. I have just heard of a case in the Bay of Plenty, where the Council of Chiefs having determined to inflict punishment, and being reminded that no authority for their proceeding could be found, met overnight and made a rule of their own: which was applied the next morning to an act done before the rule existed. Such Councils of Chiefs (*Runangas*), a sort of Maori imitation of Provincial Councils, are established in all parts, and appear often to act in a very wild and arbitrary way. Yet, as they generally comprise all the men of highest authority in the district, their power is naturally great and likely to continue so.

Assuming then that such is the state of things throughout the Native population, are we to do anything or not?

The reasons for welcoming such a movement and for endeavouring to direct it aright, were set forth admirably last year by the Colonial Treasurer, in his speech on introducing the Native Law Bills. To what was then urged upon higher grounds, I wish only to add two minor considerations: first, that we are in fact in large part the creators of this confusion, the impulse having been given by acts of the Government; and secondly, that the Natives are at present in a temper to be guided.

But how to guide the movement for the best? No doubt the best mode of all would be that the analogy of the Mission Work should be adopted: that in every district there should be placed an Englishman properly qualified to preside amongst the Natives, to direct and to instruct them. Occasional circuits with long intervals will not suffice. Offences and disputes cannot safely lie over so long, nor must minor villages be neglected. Also much of instruction will be needed and will be expected. A teacher of the Rarawa (in Kaitia and the neighbourhood) spoke to me a few weeks ago in high terms of the "schooling," as he called it, imparted by the Resident Magistrate of that district.

There may be a difficulty perhaps about the cost of maintaining such a system throughout the Island; but a difficulty, at least as great, will I fear be found in procuring men. Persons really competent for such a work are not common. To find a thoroughly fit man will, I apprehend, be not less difficult than to find a completely qualified Missionary. In districts where there shall exist a lack (from any cause) of such men, what are we to do? Are the Natives to be left to flounder on in increasing confusion, without guidance, or with only such guidance as the arbitrary *Runangas* may give, until they are disgusted with the whole movement, and that which should have been for the renovation of their whole society, ends in disappointment and failure?

We cannot expressly repudiate the Maori Magistrates—tell them plainly that they have no authority. If we did so, we should put ourselves in the wrong, and leave the larger part of the Natives either to open and avowed lawlessness, or to such law as the *Runangas* may make.

It appears to me that our only course is to recognize and sustain the principle which the Natives have assumed, namely, that they are to keep the peace among themselves: to recognize (as to such questions only as may arise between persons of the Native race) the action of Magistrates and of Councils too; being careful however so to recognize them as to draw quietly into the hands of the Government the whole control of them, and that for their sakes as much as for ours.

If we cannot at present get our own system into operation, we should be content to modify it. The Legislature have already admitted the propriety of introducing special rules of Law to suit the peculiar circumstances of the people. We must not be more rigid or precise about forms of Procedure. I take it to be our real practical object to get the Native people into a habit of obedience, and when they set their minds in that direction, to give them all possible help. To get from them universally



*Sir William Martin.* obedience to law in some shape, is the thing we want. Of course we should take care to create no confusion or collision with our own system. But having in view the securing of that which is or involves the very essence of civilization, namely, obedience to law as such, we cannot afford to be very precise about minor matters. The one essential thing (as it seems to me) is this:—that the rules of law, whatever they be, shall be created with the assent and administered by the authority of the Government.

To escape from the generalities in which I have wandered thus far, I annex to these Remarks certain Draft Rules—a kind of project of Maori Law—which were drawn up in consequence of the application made to me by Ngatipaoa and which have been revised and corrected again and again, after divers discussions with them. They have been framed with two special objects: 1, to retain as much as was substantially sound of what has been gradually growing into shape amongst themselves; and, 2, to guard and extend throughout the system the authority of the Queen. It is to be expected that various objections will be urged against these Rules; both against the general principle of them, and the particular form. To meet the former class of objections some considerations have been urged already, in order to show that the establishment of some sort of system is necessary. And it is manifest that a system exactly like our own cannot be established, for want of knowledge and for want of appliances. There is no practical evil in the existence of a separate system, if it lies quietly by the side of our own and does not come into any sort of conflict or collision with it. Each has its own field, and all works quietly. Local and customary tribunals, and local and customary rules differing from those of the Common Law, have always been recognized in England. Our own civilization has grown up in this way.

Among the Maories, imprisonment is at present impossible. Shall we not aid them to suppress theft, until prisons are built? Or shall we insist on every thief, who does not forthwith upon conviction pay his fine, being brought many miles to the nearest English Town? If you cannot carry your law to the Maori, or bring him to it, provide him with a substitute on the spot. Let us recognize the fact, that imprisonment is needed as a punishment by ourselves, because of the facility with which an offender can escape from settlement to settlement and from colony to colony; and also because criminals are generally persons who have no property: to say nothing of the fact, that money-compensation for theft (though a recognized principle of the Old Roman Law) was necessarily excluded by the feudal Law, the land being inalienable and the chattels of the felon being forfeited to the Lord. In short, we retain imprisonment, because we must inflict some punishment: and the corrupting influence of our prisons is accepted as an unavoidable consequence. But the circumstances of the Native people are quite different. Pecuniary compensation is possible. Every man has some piece of land, upon which he can raise some sort of produce. It is only requisite to wait for the harvest. Fines imposed by the Natives are levied in this way. They tell me of cases where they have waited two years. Meanwhile the man cannot escape. He is practically tied to his tribe and his place. He is marked and degraded as a thief, but he is not still further corrupted by others worse than himself. We see in Scripture that imprisonment was an Egyptian mode of punishment, but was not retained in the Law of Moses for the scattered agricultural and shepherd population of Palestine.

Whatever theoretical difficulties may be seen or surmised, yet on the other hand the practical advantages of establishing *some* system and gaining the control of it, are enormously great. At a small cost, a staff of most influential men could be kept up in all parts of the country, habitually looking up to the Government, dependant upon it, and capable of being strongly influenced by it. The steady attachment of Native Teachers (as a body) to the English cause has been often seen, and the like may be expected in this case. To acquire such a power has been the object of various plans at different times. It has been thought of, in connection with the Post Office system at one time, and in connection with Native Schools at another time. The opportunity now offers itself more distinctly than ever before.

I have written the foregoing remarks from a strong conviction that something of the sort I have indicated ought to be done; that, by so doing, great evils now existing may be diminished, and that influence may be gained by the Government. I do not suppose that it will be an easy or a rapid work to establish among the natives a working system, equal to the task of keeping the Queen's peace and doing justice. I am not confident that such a thing can ever be effectually and permanently accomplished. I only desire that the Natives be not left to embarrass themselves in vain in their efforts towards a better condition for themselves, then to abandon them in disgust, and to blame us for not supplying the guidance which they sought. If those efforts fail, it is desirable that they should see the failure to be due to the unfitness or incompetency of their own leaders, rather than to neglect and indifference on our part. If any such mode of operation shall turn out to be effective, the great end will then have been gained: the people will be in fact, and as a people, civilized. If it fail, let the failure be so manifestly their own, as to leave them no excuse for not conforming entirely for the future to our system.

If I seem to have spoken strongly, let my apology be this—that I did not begin to write until I had heard from Natives of different parts strong representations on the subject—the cry (as it were) of a race of men praying to be delivered from the bondage of their own lawlessness.

1210. You will, I presume, allow this paper to be recorded in the proceedings of the Committee? —I have no objection.

1211. You have referred in that paper to a compendium of law, framed by yourself: was this the same as the one laid before the Conference at Kohimarama?—Yes, certain elementary rules referred to in that paper were sent in to the Governor at the same time. The memorandum was drawn up for the purpose of explaining why the rules departed so widely from our own law.



1212. Will you be good enough to state to the Committee the opinion you may have formed of Mr. Fenton's operations; in what respect they may have been such as you would approve of?—It is rather difficult for me to answer the question, because after my return from England I heard, chiefly from Tamati Ngapora, reports of what had occurred in the course of Mr. Fenton's operations, and I cannot feel sure how far their statements may influence me in reading Mr. Fenton's report. I do think that I see in the report, and in the journals, some indications of Mr. Fenton having regarded the movement too much as a movement of antagonism between the younger men and the elder, between the favourers of the new system and the King party. There are two ways of dividing the Maori population; first, into loyal and disloyal; and again, into those who favoured Mr. Fenton's proceedings, and those who stood aloof from them. I think that Mr. Fenton seems to have been disposed to consider these divisions as coincident, which was not necessarily the case. Many might stand aloof from a feeling of old Maori conservatism, without being in any way disloyal.

1213. Do you think that Tamati Ngapora for instance, was one of those?—I heard a good deal about it from Tamati, and I think he was himself favourable to Mr. Fenton's plan in itself, but annoyed because he thought the old Chiefs were too much overlooked. With regard to Potatau himself, I have not had very great opportunities of knowing what Potatau's character was, but putting together what I have seen, and the information I have gathered about him since Captain Hobson's time, I am surprised to hear that he was a "treacherous man." If it were said that he was one of those who stood on the verge between the Maori system and the English, I could understand that: as Tamihana Te Rauparaha used to say of his father, that he was a "tangata ngakau rua," a man of two hearts or opinions; one day leaning to the English system, the next swayed back to the Maori system. My belief was that Potatau had one permanent wish, that of keeping peace between the races.

1214. You have now pointed out one particular in which you do not concur absolutely in the spirit by which Mr. Fenton seems to have guided his operations: does any other criticism occur to you?—I should wish to be understood as expressing a doubt as to Mr. Fenton's mode of carrying out his plan, rather than a definite opinion which I am not qualified to form.

1215. In any other particular, do Mr. Fenton's proceedings appear to you to have indicated a want of judgment?—They do not.

1216. The report applies specially to Waikato: do your observations as to the general state of the Native mind apply to the Northern Island generally?—They do.

1217. Assuming some opposition to have grown up to Mr. Fenton's proceedings on the part of Potatau and some of the older Chiefs, do you think it was a wise course on the part of Government altogether to suspend its operations?—I am too ignorant of the facts to form any opinion as to the propriety of withdrawing Mr. Fenton.

1218. Are you well acquainted with Tamati Ngapora?—Yes, I have had frequent intercourse with him; he is a near relative of Potatau's.

1219. Is he a Chief of much influence at Waikato?—Yes, of great influence.

1220. Is he one of those older Chiefs who expressed dissatisfaction at Mr. Fenton's proceedings?—He has expressed it to me. I have known Tamati Ngapora since Captain Hobson's time, and he has been perfectly staunch in maintaining the necessity of the power of the English as a protection against other Nations; also that the Natives would never be properly governed, except by themselves, under the English. He was closely allied with Potatau.

1221. Have you any means of knowing Tamati Ngapora's views as to the introduction of law among the Natives?—I think he has a strong impression of the necessity of law, and also of the necessity of their being instructed in law by ourselves. I should, perhaps, say that it requires a long and patient process before you can clearly ascertain what the Native mind is. You have to wait till Tamati has uttered many dark sayings and old proverbs before you can feel sure you know his mind. I have a clear opinion that Tamati has a decided conviction of the necessity of the English power to themselves, both for protection and for guidance. I have heard him speak of the Queen as the screen against the strong wind from the sea (hei arai mo nga hau nu nui o waho)—knowing well that the country would be occupied by the French or some other power. He sees clearly the necessity of instruction and guidance in all matters of civilisation. At the same time he is strongly convinced of the difficulty which Europeans have in getting at the bottom of Native quarrels, and thinks that the settlement of such questions would be better done through the Natives themselves.

1222. Do you think that he would be desirous of receiving the aid of Government in that object?—Certainly.

1223. Does he, in your judgment, represent the mind of any influential class of Natives?—I apprehend that he does; I have seldom seen any so steady or so well balanced in mind as he is.

1224. Do you think that the class whom he represents would by judicious management be brought to concur in the system of establishing law?—Certainly; I have no doubt of it.

1225. Do you think that opposition to Mr. Fenton's proceedings from such a class might, by judicious treatment, have been removed?—I cannot very well answer that; I was out of the country at the time.

1226. You hesitate at expressing an opinion as to whether the class represented by Tamati Ngapora could have been induced to come in to Mr. Fenton's proceedings?—That depends on the circumstances at that time, with which, owing to my absence from the country, I am not well acquainted.

1227. *Mr. Bell.* Will you allow me to ask you whether, from what you gathered in conversation with the Natives, you formed an opinion of your own as to whether the King movement had increased after the withdrawal of Mr. Fenton from Waikato?—No; what I heard from Tamati Ngapora rather

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*Sir William Martin.* was that there was a strong division between the King and Queen party, which ceased when Mr. Fenton was withdrawn. But whether the King party may not have been quietly gathering strength after that I cannot say. What Tamati said was that the words "King" and "Queen" were in everyone's mouth; every man said, "I am a King's man," or "I am a Queen's man;" whereas after Mr. Fenton's withdrawal that division ceased, and those expressions were not so often heard. I may add that from the Governor's despatch of July, 1859, I had inferred that no material increase of the King party followed. The Governor dates the revival of the King movement from July, 1859.

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1228. Under the existing circumstances of the country, do you think it would be desirable or practicable to attempt the introduction of a judicious system, under the direction of Government, for establishing law among the Natives?—I should think it hopeless at the present time to effect anything; you must build upon confidence: and, at this time, confidence in the Native mind towards Government is very small.

1229. Do you apply that remark to the disturbed districts only, or generally to the North Island?—Generally. What I mean is not that the recent proceedings of the Government have created that want of confidence for the first time, but that there is always a latent distrust of the intentions of the Pakeha, which those proceedings rekindled and for a time increased enormously.

1230. *Chairman.*] Do you think that the re-establishment of peaceful relations between the two races is essential for restoring confidence and establishing law among them?—Yes, certainly. I should say with regard to the term "distrust," that I do not think there exists much of any feeling which deserves the name of disaffection or disloyalty to the Queen. The feeling of distrust to which I alluded is almost entirely directed against particular persons and particular grievances, the system of land purchase generally. They complain amongst other things, of the want of publicity in that system. I have heard this complaint for years past.

1231. *Mr. Heale.*] I understood you to say that you approved generally of Mr. Fenton's plan, but entertained doubts as to the prudence of some of the steps taken by him in carrying it out: do you wish the Committee to understand that there were any such objections to his mode of proceeding as would have rendered it advisable to put an end to the attempt to introduce his system?—I do not see on the face of the report and journals any such grave objection to his proceedings, as would have made that course necessary: but I am wholly unacquainted with the state of the facts at that particular time.

1232. *Mr. Domett.*] Supposing peace to be immediately established, do you think that the low opinion at present entertained of British military prowess by the Natives is consistent with the successful introduction and maintenance in authoritative action of institutions for the civil government of the Natives?—Ever since the war in the North, I believe the Natives have entertained only one opinion of our soldiers. They think our soldiers are irresistible on good ground, but that they themselves will always have the better of it on bad ground; and they know that the greater part of the Island is bad ground. The inference I draw is this: If that opinion has remained the same, and if it did not prevent the success of Mr. Fenton's operations in the Waikato, neither do I see why it should prevent now the success of similar operations, assuming of course that peace were first re-established and confidence restored. Our hold on the Natives has not been owing to the prestige of military superiority. If they see that our system confers on them substantial benefits, they will be attached to it: that is the only ground.

1233. So that such disrespect of our military prowess is in your opinion consistent with the possibility of affording the protection of our law even to Europeans when injured by Natives, where the latter predominate?—I am not aware that I have spoken of any "disrespect"; I have spoken of a certain estimate; I express no opinion as to whether that estimate be true. But I conceive that the foundation upon which civil and judicial institutions are to be built up, is something altogether different.

1234. Then you think that a conviction on the part of the Natives of our physical superiority as at the basis of our Government, is not necessary to the successful establishment of that Government over them?—I do not deny the utility of such a conviction, but I say it is not the main thing to depend upon. In proportion as our system is seen to benefit the Natives and advance their prosperity, in that proportion will be their attachment to it.

1235. *Mr. Forsaith.*] Do you suppose that any attempt to build up civil institutions throughout the Islands would, under present circumstances, fail, and that the attempt ought to be postponed till a signal victory has been obtained at Taranaki?—I think the attempt should be postponed till peace is established, and so established as to create confidence. As to a "signal victory," everything depends upon the use which might be made of it. A slight success was made efficient by Sir George Grey for the restoration of confidence, by making a wise and generous use of it.

1236. *Mr. Bell.*] But how would you proceed to plant institutions in the first instance?—By means of personal influence. The first confidence must be a confidence in persons. There are three stages or periods in the course of the work. First, there is a movement in the Native mind; a sense of need, without the knowledge or means requisite for supplying that which is needed. Then comes personal influence and guidance, giving a right direction to the movement, and gradually shaping out some institution fitted to the circumstances. In the third stage the institution is in operation, satisfying the need and thereby producing confidence and attachment towards itself and towards the whole system, the whole Government, of which it is part. The true use and object of personal influence is to establish something better than itself and more permanent.

MONDAY, THE 22ND DAY OF OCTOBER, 1860.

Mr. C. Marshall.

22 Oct. 1860.

## PRESENT:

Mr. Domett,  
Mr. Forsaith,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown,  
Mr. King,

Mr. Sewell in the Chair.

Mr. Charles Marshall called in and examined.

1237. *Chairman.*] What is your name?—Charles Marshall.

1238. Are you a settler in the Lower Waikato?—Yes.

1239. Is that what you would call a Native District?—Certainly.

[*Questions 1240 to 1271, put by the Chairman at the request of Mr. McLean, Native Secretary.*]

1240. How long have you been in New Zealand?—Thirty years, with three and a-half years absence.

1241. Where have you resided the greater part of that time?—In the Waikato all the time.

1242. Do you know Mr. Fenton, and how long have you known him?—I have known him about 8 years.

1243. Have you any knowledge of the result of his proceedings as a magistrate in the Waikato?—Yes; the result of his proceedings was unfavourable.

1244. Were his proceedings considered judicious by yourself and your fellow-settlers?—Injudicious.

1245. Was he instrumental in encouraging party-feelings among the Natives?—Yes.

1246. Did his residence in Waikato increase or diminish the opposition of the King-party?—Increase decidedly.

1247. Would his having remained have proved beneficial or otherwise to the Natives?—I think injurious, by creating dissension between the King and Queen parties.

1248. Were those Natives with whom he acted sincere in their professions of loyalty, or do you consider they were merely influenced by mercenary motives in making such professions?—By mercenary motives, and were insincere.

1249. Would the Queen party expect aid from the Government while carrying out the new system of law in the event of collision with the King party?—My impression is that they would.

1250. If such aid were refused, what opinion would they form of the Government?—A poor opinion.

1251. In the event of such collision would the lives of the settlers be involved?—Certainly.

1252. Did the Natives who were associated with Mr. Fenton form a majority or minority of the Waikato tribes?—A minority.

1253. Did those who favoured his proposals include any Chiefs of rank or real influence in settling any questions of magnitude, such as peace or war?—I don't think there were any; principally junior Chiefs of inferior rank.

1254. Do you consider that the Natives who were at first attracted by Mr. Fenton's theory were influenced by a sincere conviction that it was for their good as a race, or were they not influenced more by a love of novelty and probable gain?—By a love of novelty and probable gain.

1255. Have you read Mr. Fenton's report?—I have; not through; many portions of it. I have not read his journal. I have merely taken a cursory view of it.

1256. What do you think of it?—I can hardly form an opinion, not having read it. What little I did read I detected a few errors in; I could not bear in mind what they are.

1257. Did he endeavour to conciliate the King party?—I believe not. From any information I have I believe the contrary.

1258. Were his acts calculated to uphold or destroy the influence of the old Chiefs?—To destroy it.

1259. Whether do you consider the old or young Chiefs could bring the most influence to bear in any general question, such as peace or war?—The elder Chiefs decidedly, in a case of any importance.

1260. Upon whom would the greatest reliance be placed, upon the old or the young Chiefs?—On the elder Chiefs.

1261. Do you think the Government could carry on its general operations in connexion with the Natives in opposition to the old Chiefs?—I am convinced not.

1262. In your opinion was Mr. Fenton's removal at the time he left Waikato an injudicious or judicious act, considering the state of the Natives and the country at that particular time?—I think judicious.

1263. If the young Chiefs were invested with power, do you consider they would uniformly use it with discretion, or would they be inclined to act rashly?—I think the majority of them would act rashly; that is, in the present state of things.

1264. Did his absence cause any of the Natives to join the King party?—No; because they, literally speaking, were all King party, though under the semblance of Queen's party.

1265. Had he remained, would it have made any difference in their proceedings?—I think it would. It would have extended the division and widened the breach.

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1266. From what class did Mr. Fenton select the Native Magistrates or probationers?—From the junior portion of the tribes, and generally inferior Chiefs; Chiefs of no great stand, as far as I have had an opportunity of seeing. There are exceptions, of course.

1267. What has been the effect of his selection?—I think injurious.

1268. From your long residence in the Colony are you in a position to state whether Potatau was a man of great influence or not?—I am. He was a man of great influence: the Chief of the Waikato, always looked up to as the Chief.

1269. Do you believe that Government could have acted independently of Potatau in carrying out any system of law effecting fundamental changes in the Waikato and Waipa?—I think they could not.

1270. Did you hear any Natives express dissatisfaction with the new measures proposed by Mr. Fenton being undertaken without Potatau's concurrence?—I have heard it remarked by the Natives that it was in consequence of the introduction of the Runakas that he was jealous of his prerogative as a Chief, which induced him to return and resume his authority in the Waikato.

1271. In carrying out the new system of law at Waikato, do you know if it occasioned any bad feeling between the parties who were supposed to be favourable to it, as among themselves?—I have heard of such cases. One case was nearly causing a collision between members of the same family. It was a case of a man being reported to have stolen a pig. He was summoned before a Native Court, and he would not appear. The Magistrate sent some of his police to apprehend the party, when they were obstructed in the performance of their duty, and the man was taken from them. Had another Native been there, perhaps something serious might have occurred. I allude to a Native called Pakunai.

1272. *Chairman.*] Are you speaking of your own knowledge?—Only from hearsay. It was a general topic at the time.

1273. Do you know whether in the case referred to the Native was apprehended?—He was not; but he appeared before this Court, and was taken under the protection of a Native of the name of Ruihana.

1274. Is Ruihana a Native of any influence?—Yes, he is one of the older Chiefs there.

1275. Do you consider that he was favourable to the introduction of their laws?—Decidedly unfavourable.

1276. *Mr. Brown.*] Are you familiar with the Native language?—I have a knowledge of it.

1277. Do you understand it thoroughly?—I don't profess to understand it thoroughly: I should consider it presumption to profess it.

1278. Do you have much conversation with the Maories?—Yes, I have constant intercourse with them.

1279. With the Chiefs, as well as common men?—Yes.

1280. With the men of Upper Waikato and Lower Waikato, as well as those living close to you?—I have not travelled lately, and have, therefore, not much acquaintance with the Upper Waikato; but I have with the Middle Waikato.

1281. Do you know anything of your own knowledge as to Potatau's opposition to Mr. Fenton's proceedings?—Not personally.

1282. *Chairman.*] Among which tribe are you resident?—The Ngatipou.

1283. Is that near Archdeacon Maunsell's station?—Yes; about 12 miles by land.

1284. You know Archdeacon Maunsell, of course?—Well.

1285. Do you consider Archdeacon Maunsell a person well acquainted with the Natives of that part of Waikato?—The Natives are very deceptive. He has a better opportunity than any other, if the Natives would be candid.

1286. Have you any reason to think they would practise deception on Archdeacon Maunsell?—I think it is very possible. It is a general opinion that they would not state to Archdeacon Maunsell their true sentiments.

1287. Do you think they would speak more freely to yourself than to Archdeacon Maunsell?—I think so, from the number of years I have resided among them.

1288. Can you state how long Archdeacon Maunsell has been in Waikato?—I think he came in 1839.

1289. Do you know Wiremu Nera?—Yes.

1290. Do you know Waata Kukutai?—Yes.

1291. Do you consider Wiremu Nera a man of influence?—Yes, in his tribe; I don't know that it extended further.

1292. Do you know whether he was favourable or unfavourable to Mr. Fenton?—I am not aware. I do not look on him as living in that portion of the Waikato I speak of.

1293. Do you know Kukutai?—Yes.

1294. Did you know his father?—Yes.

1295. Was he a man of great influence, and a chief of rank?—Yes.

1296. Does the present Waata Kukutai succeed to his father?—There was an elder brother Eruei; but the tribe recognised Waata Kukutai as having the principal authority.

1297. Would you then consider Waata Kukutai as a Chief of considerable influence?—Yes; that was the exception that I made.

1298. Were you present at any of Mr. Fenton's proceedings?—No.

1299. Is your residence at a distance from any of the Court houses?—I am within 2½ miles of Tuakau. There is a probationer there. There is no Court house in my neighbourhood.

1300. You have said that a large majority of the Natives were of the King party: will you state what tribes belonged to the Queen party?—Ngatitipa was divided, a portion being of the King party; Ngatipou, the same. As regards other tribes, I cannot speak positively, as I had not had the opportunity of frequent intercourse with them; but, as regards those near Tuakau with which I am well acquainted, they were divided.

1301. Then, do I understand that the intimate knowledge which you have spoken of of the sentiments of the tribes, applies mainly to those in your own neighbourhood?—Yes; but I obtained a good knowledge of the sentiments of other tribes by frequent casual intercourse with Natives of those tribes.

1302. You have said that Mr. Fenton's proceedings were considered injudicious by yourself and fellow settlers: will you name other settlers who partake of your opinions?—I may name Messrs. Underwood and Barry of Waikato, and Mr. Chandler. I cannot call to mind particular names; but I have had conversation with several.

1303. You say Mr. Fenton was instrumental in encouraging party feeling among the Natives: will you be so good as to describe more particularly what you mean by encouraging party feeling, and how Mr. Fenton was instrumental in it?—I heard this from a Native, of course. Mr. Fenton called at Tuakau, was requested to go inland to a pa, and objected. It was not till after the Native had convinced him that they were Queen's party that he consented.

1304. You do not know anything of the circumstance, of your own knowledge?—I do not; I have not had an opportunity of meeting Mr. Fenton in his magisterial capacity.

1305. You have referred to this as an instance of Mr. Fenton's encouraging party feeling amongst the Natives; are you aware of any other instances which have come to your knowledge?—I cannot speak personally; I have heard other similar instances which I cannot call to mind.

1306. You have said that Mr. Fenton's presence at Waikato increased the opposition of the King party; was the King party strong at that time in your own neighbourhood?—Yes, the King party was strong.

1307. Who was the influential Chief in your neighbourhood?—Karakā.

1308. Was he a strong King's party man?—Yes.

1309. Do you recollect a meeting that was held at Tuakau on the 27th July 1857; was it the meeting at which Mr. Fenton was present?—Yes; I was not present at the meeting, but heard of it. It was attended by the principal chief of Tuakau.

1310. *Mr. Forsaith.*] In a former answer you have said that Mr. Fenton's residing at Waikato increased the King party, and again that his proceedings were injurious by creating dissensions between the King and the Queen party, and afterwards you stated that virtually all the Natives were of the King party, though under the semblance of a Queen party; how do you reconcile these statements?—The former part of that question relates to the time when Mr. Fenton was in Waikato; the latter part relates to the present time.

1311. *Chairman.*] Do you know whether Karakā was at the meeting at Tuakau?—I believe he was.

1312. Do you know whether he then agreed to Mr. Fenton's proceedings?—I am not aware that he did; but, in my conversations with him, I am aware he was a leader of the King party.

1313. In what way were Mr. Fenton's proceedings instrumental in exciting party feelings?—I draw my conclusions from his not mixing with the King party.

1314. You have said that Mr. Fenton's being at the Waikato would not have proved beneficial to the Natives; in what way would it have proved otherwise than beneficial?—By increasing the jealousy of the Chiefs.

1315. Can you mention any instance in your own knowledge in which Mr. Fenton's proceedings were attended with injurious consequences?—By the introduction of runangas and a feeling of equality: I mean a neglect of the rank of the older Chiefs. In a conversation I had with two old Chiefs, Poharama and Te Pepene, they told me a Native of inferior rank had disputed their right of chieftainship in respect of a piece of land claimed by them.

1316. You have stated that the Natives with whom Mr. Fenton acted were influenced by mercenary motives; can you mention any instance within your own knowledge?—My impression is from conversations I have had with Natives, that that is the fact; my intercourse is so confined.

1317. Will you name any particular Native influenced by such motives?—I am not aware of any in particular. Such is my general opinion.

1318. You have said that in your opinion the removal of Mr. Fenton from Waikato was a judicious step at that time; will you state the exact results which followed his removal as regards the sentiments of the Natives?—A subsiding in a great measure of the turbulence of the King party.

1319. How as regards those who had been favourable to Mr. Fenton's proceedings?—They have joined the King party. At the large meeting at Ngauwawahia, the whole of them went over.

1320. You have said that Mr. Fenton selected his Native magistrates and probationers from inferior ranks; can you name any of those magistrates and probationers so selected?—One from the Ngatipou of the name of Hopihana, another named Tamihana; I know them personally.

1321. Do you know the rank of Tamihana?—He is a Chief; he is a son of the principal Chief of the tribe, the nephew of the present Chief, the grandson of a Chief of great influence, on the father's side; his mother was of inferior rank.

1322. Did the selection of these probationers give dissatisfaction to the Natives?—I believe they were selected by themselves.

*Mr. C. Marshall.*

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Mr. C. Marshall.

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1323. Did the Chief of the tribe assent to the selection?—I don't believe he interested himself at the time.

1324. Do you know whether he ever expressed dissatisfaction?—I never heard. He did not join the Queen party till some time after that. I am speaking of Karaka.

1325. Then I understand he did join the Queen party subsequently?—Yes.

1326. *Mr. Williamson.*] Do you reside within Archdeacon Maunsell's district?—I do.

1327. Did you say there were Natives in that district who were attached to the King party?—Yes; a portion of the Ngatitipa were of the King party; Ruihana and his party; a portion of Ngatipou.

1328. At what time did you first notice that the King party obtained followers in your district?—At the time of Potatau's going up the river to reside at Ngaruawahia.

1329. Was there a public meeting held on that occasion?—No; they called on their way up. The resident Natives had prepared for them.

1330. *Chairman, at the suggestion of Mr. Fenton.*] You have spoken of Mr. Chandler as one of your fellow settlers; where did he reside at the time of Mr. Fenton's operations?—I believe he was residing at Maungatawhiri a portion of the time, and a portion at Wahi, in Lower Waikato. He has been erecting mills at the Lower Waikato for the Natives, and of course would come into daily intercourse with Natives of both parties.

1331. Will you answer the same question as regards Mr. Underwood?—I believe he was residing at Makiri in the Waikato.

1332. How far is that from Ngaruawahia?—About 14 or 15 miles.

1333. Do you know whether Mr. Fenton's operations extended into that country?—I do not know of my own knowledge, but from his intercourse with the Natives he would be cognisant of the movements.

1334. Who is Mr. Barry?—A partner of Mr. Underwood's.

1335. Where does he reside?—He is residing with Mr. Underwood at present. He resided with him at Makiri. I believe he left for a short time; whether it was during Mr. Fenton's appointment at Waikato I am not aware.

1336. Do you of your own knowledge know whether Mr. Fenton, in the course of his proceedings, recognised any distinction of party amongst the Natives?—I draw my conclusions from what I have already stated in evidence: that it was only in consequence of their stating that the Natives were of the Queen's party that induced him to go inland.

1337. Do you know Karaipu Te Kuri?—Well.

1338. Karaka?—I have already named him.

1339. Piripi?—I knew him. He is dead. They are all of the King party.

1340. Te Ropiha?—Yes.

1341. Te Kaingamotu?—Yes; all these are decidedly of the King party, though professing to be of the Queen party.

1342. Tamati?—Decidedly a King man.

1343. Te Rotorua?—King party.

1344. Tini professed to be of the Queen party?—There was only one Native who openly opposed the Queen party, and that was Tirohia.

1345. Have I mentioned the principal Chiefs of that tribe resident there? Was not Karaka the Chief of Ngatipou and Piripi of Ngatimanoki?—No: Karaka is the principal Chief of Ngatipou. Piripi is an elder relation, an uncle, I think, of Karaka.

1346. You have stated that these men were influenced by mercenary motives: will you state what they were, and how they were gratified?—They anticipated salaries from the Government as assessors, but I never heard of their getting any: their expectations were great.

1347. Do you know whether Mr. Fenton received invitations from any tribes in Waikato proper?—Had I been with Mr. Fenton I could have gained that information: as it was, I am not aware.

1348. Will you name the principal Chiefs of Lower Waikato, the district of which you speak?—Karaka, Waata: I cannot recollect all their names.

1349. You have stated that the introduction of runangas was one of the injurious results of Mr. Fenton's proceedings?—I am not aware. I believe Mr. Fenton did, on his first visit to Tuakau.

1350. With relation to Poharama and Te Pepene: where do they live?—They live at Patumahoe.

1351. Did Mr. Fenton's operations extend there?—I do not know where Mr. Fenton's operations extended. Mr. Fenton was appointed Magistrate of the Waikato district, and Patumahoe is in that district.

1352. You have stated that Mr. Fenton selected Magistrates from inferior Chiefs: will you state who were so selected?—I have already mentioned two. They were elected by the Natives and approved of by Mr. Fenton.

1353. Do you know whether Mr. Fenton approved of these two?—I thought so, because I was in communication with them.

1354. You have said this selection gave great dissatisfaction: dissatisfaction to whom?—To the Natives. There was a division at the time of the election.

1355. Do you know if the defeated minority submitted themselves to the authority of the assessors?—There was no minority: there were two parties. Each elected its own assessor, and the one said they would not submit to the authority of the other, unless they acted conjointly. The objection to Ropiha was that he was a man of inferior rank. By parties I mean divisions or families in the tribe.

1356. Did Potatau go to Ngaruawahia before or after Mr. Fenton's operations?—I do not know. *Mr. C. Marshall.*

1357. Do you know whether Potatau accepted the invitation to go to Ngaruawahia before Mr. Fenton went into the district?—I do not know. *22 Oct. 1869.*

Captain John Campbell Johnstone called in and examined.

*Capt. J. C. Johnstone.*

1358. *Chairman.*] What is your name?—John Campbell Johnstone.

1359. How long have you been in New Zealand?—Since 1847, with intervals of absence.

1360. Will you state the length of those intervals?—In all, six years.

1361. Where have you resided the greater part of that time?—At Waikato and Whaingaroa.

1362. Do you know Mr. Fenton, and how long have you known him?—In 1853, I think, Mr. Fenton and Mr. Armitage came together to Waikato. They were in partnership.

1363. They lived together for some time?—From two to three years.

1364. Have you any knowledge yourself of Mr. Fenton's proceedings as a Magistrate in the Waikato?—Yes.

1365. Will you state generally what that knowledge is?—I consider the system of runanga introduced by Mr. Fenton, and his dividing the Waikato tribes into King and Queen parties, has been injurious.

1366. Have you seen Mr. Fenton's Report?—Yes.

1367. What is your opinion of it?—I consider it a clever compilation, but full of misstatements.

1368. Will you state your views on the runanga?—Previously to Mr. Fenton acting as a Magistrate, I had never heard the term. The word used was *komiti*. The new system caused considerable excitement and was taken up by many. It had the effect of collecting at the different settlements the whole of the population. Men, women, and children were often up the whole night. The men selected as probationers were not the old Chiefs, but forward, aspiring men.

1369. Do you consider these meetings to have been attended with any ill effects?—I have already spoken of the excitement that occurred. I think it had a considerable effect on the peace of the country. Mr. Fenton notices it in his book as a perpetual excitement. He treats it as healthy but I consider it the reverse.

1370. Did it induce the Natives to abandon their industrial pursuits?—Yes; since then the cultivations have been much less.

1371. Do you attribute that to the excitement?—Yes; I have heard that as general; that they could not talk all night and work all day.

1372. Were you aware what were the general topics of conversation among the Natives?—They are usually trials; the usual subject of trials being adultery.

1373. Did they inflict fines in some cases?—Yes.

1374. Do you know how those fines were applied?—I think in most cases the injured party would receive them.

1375. Were Mr. Fenton's proceedings considered judicious by yourself and other settlers on the Waikato?—They were not by myself or by the few settlers I have conversed with on the subject. Mr. Fenton was considered to be the exponent of the views of a portion of the missionary body, who thought that the country would be better ruled by supplanting the authority of the old Chiefs by young men.

1376. Was Mr. Fenton instrumental in encouraging party feelings amongst the Natives?—He tried to divide by a marked demarcation into two parties, the King and Queen.

1377. Did that result in a bad feeling between the two parties in accusations against each other for example?—It did. I speak generally.

1378. Did his residence in Waikato diminish or increase the opposition of the King party?—I considered it increased while he was there.

1379. Would his having remained have proved beneficial or otherwise to the Natives?—I think it would have hastened the collision which I believed to be inevitable. I may mention that four years ago I went to His Excellency and told him that the King movement in my opinion was becoming so formidable that I thought it my duty to tell him that, in my judgment, a collision was inevitable, and with his permission I would suggest what would be the best way of meeting it.

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1380. Do you still entertain similar views as to the state of the Native mind?—Yes; I do.

\* \* \* \* \*

1381. Were those Natives with whom Mr. Fenton acted sincere in their loyalty, or do you consider they were merely influenced by mercenary motives in professing attachment?—By a love of novelty, excitement, and money motives.

1382. Would the Queen's party expect aid from the Government, while carrying out the new system of Law, in the event of a collision with the King party?—Undoubtedly.

1383. If such aid were refused, what opinion would they form of the Government?—A bad opinion.

1384. In the event of such collision, would the lives of the settlers be endangered?—They would.

1385. Did the Natives associated with Mr. Fenton form a majority or minority of the Waikato tribes?—A small minority.

1386. Did those who favoured them properly include any Chiefs of rank or real influence in settling questions of magnitude, such as peace or war?—Te Awaitaia (Wiremu Nera) is a Chief,

*Capt. J. C. Johnstone* and Waata Kukutai is another. Tioriori was a doubtful supporter. Besides these I can name no others.

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1387. Will you be good enough to name other Chiefs, opposed to Mr. Fenton, of equal rank to those you have named?—I first name Potatau, of whose position Mr. Fenton does not appear to have been aware, as he speaks of him as of little consequence; Hone Papita, Te Pakaru, and Te Kamua, of Kawhia, Tarapipipi, Te Karaka Tomo, Ruihana, and so many others that I think it scarcely possible to enumerate them.

1388. As regards those who were associated with Mr. Fenton, you cannot name more than Wiremu Nera, Waata Kukutai, decided supporters, and Tioriori, doubtful?—Not as influential Chiefs.

1389. Do you think that any new system of law could be carried out satisfactorily in Waikato, while opposed by so many influential Chiefs as those you described?—I think not.

1390. Are you aware whether Mr. Fenton attempted to conciliate the King party?—I am not aware that he did so. On the contrary, he established a Queen's flag in opposition to the King's flag.

1391. Were his acts calculated to uphold or destroy the influence of the old Chiefs?—To destroy; he states so in his Report.

1392. Upon whom could the greatest reliance be placed, upon the old or young Chiefs?—There is no reliance to be placed, generally, on the young Chiefs.

1393. Do you think that the Government could carry on its operations, in connexion with the Natives, in opposition to the old Chiefs?—I think not.

1394. If the young Chiefs were invested with power, would they be inclined to act rashly?—I have already said that no dependence could be placed upon them.

1395. In your opinion was the removal of Mr. Fenton a judicious or injudicious act, considering the state of the country at the time?—I was not in the country at the time he was removed; but I have no hesitation in saying that it was judicious, from what I had observed previously to leaving the Colony, in November, 1857.

1396. Did his absence cause any of the Natives to join the King party?—I cannot answer that question.

1397. Do you believe that the Government could have acted independently of Potatau, in carrying out a system of law, in Waikato or Waipa?—No.

1398. Did you hear any Natives express dissatisfaction with the new measures proposed by Mr. Fenton being undertaken without Potatau's concurrence?—I have heard dissatisfaction expressed, but without any reference to Potatau.

1399. In carrying out Mr. Fenton's system of law at Waikato, do you know if it occasioned any bad feeling between the parties supposed to be favorable to it, or among themselves?—Two of the Whaingaroa Chiefs expressed themselves hurt at having been passed over by Mr. Fenton in his appointments, and I recommended one of them to Mr. McLean two years ago as a man of good conduct and great influence.

1400. Are you aware of a case that happened at Waipa when a Native was apprehended to be brought into Auckland?—I heard something about it, but I do not know the particulars. The Natives said they had taken him there.

1401. Were you at Raglan when Mr. Fenton was Magistrate there?—I was.

1402. Were his proceedings generally satisfactory at Raglan?—He was so little there that I can say but little about his proceedings; but I may mention that in one case in which he issued a summons against a Native, neither defendant nor Magistrate were present on the day named in the summons.

1403. *Chairman, at the suggestion of Mr. Fenton.* Did you reside in the Waikato district during the time Mr. Fenton was operating there?—I resided at Whaingaroa, but I frequently went down the Waikato.

1404. Did you go down the Waikato more than once between June and November, 1857?—Yes; I cannot say how many times; I went several times while Mr. Fenton was there.

1405. Was Mr. Fenton more than six weeks in the Waikato altogether during the above-mentioned period?—I do not know how many weeks Mr. Fenton was there.

1406. Have there been differences between you and Mr. Fenton?—The only words I had with Mr. Fenton were with regard to his conduct as a Magistrate, but I believe I incurred his displeasure by assisting Mr. Armitage.

1407. You said that the system of Runangas introduced by Mr. Fenton had been injurious; what reason have you for saying that this system was introduced by Mr. Fenton?—I never heard of it before Mr. Fenton's advent, and the Natives speak of it as his system.

1408. Are you aware that it was one of the demands made by the Natives on the Governor before Mr. Fenton was appointed?—I am not.

1409. Are you aware that it was openly talked about in Waikato in 1856?—I was not aware, but possibly it may have been. The system emanated from some of the deeper statesmen. I do not think the idea originated with Mr. Fenton.

1410. Previously to Mr. Fenton's appointment you say you never heard the term "*Runanga*," the old word was "*Komiti*"; will you inform the Committee what the old word was for redress for injuries, and what was its nature?—A "*taua*" was the old mode of redress. A party armed or unarmed, according to circumstances (in former years armed) went to the door of the aggressor, who himself, or by the assistance of his friends, made payment. Since I have been in the country it has fallen into disuse.



1411. You have said that Mr. Fenton's Report is full of misstatements: will you specify them? *Capt. C. J. Johnstone.*  
 —Yes. Take page 11: "personal character now carries more influence than high blood." The four lines commencing "When Karaka Te Wira died" down to the word "disposed," is a tissue of misstatements. When Karaka te Wira died no meeting was held to appoint a successor: his brother Tomo, a man whom I have often heard called in derision a dumb person, succeeded as a matter of course. When Wiremu Ngatikahu was killed, his son Paul succeeded, and the hapu is not dispersed. Neither does Mr. Fenton appear to be aware that they are a branch of the Ngatipo, under the Chief Te Karaka Tomo. Further on Mr. Fenton says, "The Chief alone has no power," which is quite a fallacy. In page 12, from the words "I have brought, &c.," down to "Native character," Mr. Fenton's ignorance of the language at that time and the small opportunity he had of becoming acquainted with the Maori habits, made it impossible that he could do more than propound the most crude theories for solving the difficulties of the Native question. In a paragraph in the same page, referring to the Missionaries, commencing at "the time will come"; the source of Mr. Fenton's information may be surmised. At page 18, "Although I have but little," &c.; the very slight mention made by Mr. Fenton of that great movement shows that he was quite ignorant of its importance. In the same page he speaks of "keeping up a perpetual but not unhealthy excitement:" no man nor body of men could live in a condition of perpetual excitement. In page 20, "In a conversation with me," &c.: Mr. Chandler was the first person from whom I heard of the King movement some six years ago, and has a great knowledge of the Waikato Natives. Page 26 he says, "There is no dependence to be placed in these old men." \* \* \*  
 In my opinion, had Europeans been encouraged to settle among the Natives and lease their land, it would have tended more to preserve the peace of the country than any such measure as indicated by Mr. Fenton. In page 27, "I find this King business a nuisance and obstruction"; this is another instance of the slight estimation in which Mr. Fenton held that movement. If I had had time I would have made a special note of all the passages from which I differ. I would especially note the disparaging tones in which the late Maori King is spoken of, and which shows that Mr. Fenton was ignorant of his history and unbounded influence in Waikato.

1412. You have referred to an alleged misstatement in p. 11 relative to the successor of Karaka te Wira; did you attend his funeral?—I was absent at the time of his funeral; but if any election had taken place I must have heard of it.

1413. You have referred to Karaka Tomo as being so stupid as to have been characterized as a dumb person: is that the same person whom you heard Mr. Marshall speak of as the great Chief of Ngatipou who opposed Mr. Fenton?—I have already stated that he is the head Chief of the Ngatipou.

1414. Did not Karaka Te Uru have a son?—Two.

1415. Why did not his eldest son succeed him?—In a matter of Chieftainship it is usually a brother who succeeds, if there is one.

1416. Did Potatau have any brothers living?—I do not think he left a full brother.

1417. Who succeeded Potatau?—A son.

1418. Did Riwai of Ngatiruru have a brother?—I think his brother died before him.

1419. Did he have a son?—Yes, a very scampish young fellow.

1420. Who succeeded Riwai?—I do not recollect: his son did not.

1421. You said that the Ngatikahuneke is not now dispersed: where did they live in Wiremu's lifetime?—At Te Ihutaroa.

1422. Where do they live now?—I cannot say, but I have seen them at the time Mr. Fenton speaks of, living among the other Ngatipou at Tuakau.

1423. You have spoken of the Natives having abandoned their industrial pursuits as one of the evils arising from the runanga: is not that attributable to the great fall in prices in the Australian markets?—I think that fall took place in 1855.

1424. You have said that Mr. Fenton's proceedings increased the opposition of the King party: to what opposition do you refer?—To the Government.

1425. You have stated that Mr. Fenton caused the distinction to be made between the parties on the Waikato, as being under the King's flag and the Queen's flag: do you mean that Mr. Fenton established a Queen's flag?—I was not present. That was my impression from what Mr. Fenton said after the meeting at Paetai, and he added he should like to give Kukutai a Union Jack.

1426. You have referred to a case in which Mr. Fenton issued a summons, and did not attend the hearing: are you not aware that Mr. Fenton stated as his reason for not adjudicating in that case that it was beyond his jurisdiction?—No, he did not.

1427. What was the amount of the summons?—The amount of the summons was £40.

1428. *Chairman.*] I understand, that in your view there is amongst the Natives, especially in the Waikato district, a distinct feeling of independence, leaning to positive hostility towards the European race, which is an absolute impediment to any remedial measures except coercion?—Oh no.

1429. Then will you be good enough to state your precise view of the character of the agitation in the native mind?—I believe the Natives will not surrender their independence without a struggle to maintain it, especially after the bad success which has attended our arms at Taranaki.

1430. You think that has emboldened them?—I have no doubt of it. That is no doubt an impediment in the way of remedial measures at present, but as soon as circumstances would admit of it, I think they should be tried.

1431. Do you think then, if the prestige of British power were re-established, the Natives would submit themselves voluntarily to a system of law recognizing the British supremacy?—When they recognize our supremacy in arms, they will recognize it in every other point.

Capt. C. J. Johnstone.

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1432. And not till then?—I think not.

1433. Before the recent war at Taranaki, were the Natives impressed with a sense of the supremacy of British power?—In arts, but not in arms. They never recognized our military supremacy.

1434. That being so, to what circumstances do you attribute the long continuance of peaceful relations between the two races?—They looked upon us as their servants, whose presence was profitable to them.

1435. Do you mean a permissive occupation?—I should rather speak of them as regarding us as tenants at will. They have for some time become alarmed at the great increase of European population. They now think we have become unruly, and think of ejecting us.

1436. You think before we can acquire the fee simple of our own lands, we must decidedly establish our military supremacy?—I do.

1437. And you think then that any attempt to introduce civil institutions recognizing the Queen as supreme, would be unsuccessful?—I do: I mean in Native districts.

1438. Are you of opinion that there are any measures of a remedial nature which could be practically applied now?—The Chiefs should be conciliated. The Governor should go among them and bestow rewards on those who can exhibit the neatest cottages and cultivations. They should be allowed to lease their lands. They should be persuaded and paid to make roads. I even think they should be encouraged to cultivate some amusement. Their present craving for excitement has been partly caused by the discouragement of all diversion among them. I believe if Government had given £100 a year to encourage racing at Rangiaowhia, it would have done more to preserve the peace of that district than their having appointed a representative from each of the learned professions as a magistrate there, which was done. Ploughing matches and prize shows would have a beneficial effect, and excitement to acquire the material comforts of life.

1439. What provision would you make to enable them to settle disputes and punish crime?—Increase the authority of the Chiefs, and, when circumstances will admit of it, magistrates of great experience and knowledge of the language and customs should visit them when requested.

1440. *Mr. Williamson.*] Are they willing now to lease their land?—I do not think they would, even if the Government would permit it.

1441. How would you propose to permit them to lease their lands?—Private individuals would be able to do that better than the Government. There would be no difficulty in obtaining land on lease.

1442. Were you present at the Ngaruawahia meeting in May last?—At part of it.

1443. Are you aware that one of the decisions come to at that meeting was that no European should be permitted to lease lands from Natives within the King's territory?—I am; but I think if private individuals were authorized to make offers to them (peace being restored) they would agree to it.

1444. When you first became acquainted with the country, what mode of settling disputes was in use among the Natives?—By talking, chiefly; occasionally by a *taua*, especially in cases of adultery.

1445. Did you ever hear them express themselves as dissatisfied at this mode of settling their disputes, and desirous of a better?—I have said that the *taua* has almost fallen into disuse. I have heard them express a desire for better social institutions. Their favorite expression is religion, law, and love.

1446. Was this before the appointment of Mr. Fenton as magistrate, or subsequently?—Before.

1447. Were you aware of any instance in which the Natives expressed their willingness to refer their disputes to the magistrate, after Mr. Fenton's appointment?—Not to Mr. Fenton personally; but runangas generally came into great favor, to my deep regret, because I believe the worst habit the Maories have, that of living in a state of communism, is fostered by the whole population of a settlement, men, women, and children passing a night in a Court-house or any other house.

1448. Do you prefer the old system of *taua* to that?—Immorality was less under that, but I could have no preference in such a matter. I consider both equally bad.

1449. I understood you to say that four years ago you considered a collision inevitable?—I did so.

1450. Do you think that no precautions of a civil nature could have averted that?—The remedial measures I have suggested might have done so, but I do not think anything would.

1451. You think, then, that the primary object of the King movement was not law and order, but was national independence?—I think it was a stand for national independence originally suggested by Europeans.

1452. Since the desire for law was so strongly put forward by some of its leaders, especially Tarapipipi, do you not think that a system giving them law and order under the Government, would have detached many of its powerful supporters from it?—Probably it might; but the first homicide of a Maori, accidentally or otherwise, would have been sufficient to reunite the tribes against us.

1453. Even though provision should have been made in this system to meet this case of homicide?—I do not think they would have submitted to it.

1454. Do you think that from the consolidation of the King party a year ago the only course for the Government to adopt was to prepare for a conflict and to provide for meeting it in the best possible manner?—Yes; but at the same time to use every possible exertion to avert it by remedial measures.

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Te Horohau called in and examined.

Te Horohau.

22 Oct. 1860.

1455. *Chairman.*] What is your name?—Te Horohau.

1456. A Chief of what tribe?—Ngatihine.

1457. In what district of Waikato?—The centre of Waikato.

1458. Do you remember the meeting at Paetai?—I do.

1459. That at which the Governor was present?—Yes.

1460. Were you present yourself?—I was present.

1461. What were the desires expressed by the Natives at that meeting to the Governor?—Their only word there was in praise of the Governor.

1462. Did they ask the Governor to have a Magistrate and law?—Their only request was to have a *Kai-whakawa* (magistrate).

1463. What did the Governor say?—The Governor said that some of their Maori young men should be appointed as *Kai-whakawas* for them.

1464. Were those at the Paetai meeting pleased or displeased at this?—They asked to have some of their number appointed as *Kai-whakawas* for them.

1465. Did the Natives generally in the Waikato approve of the appointment of an English Magistrate at Waikato?—They did not, for only four persons consented: the majority did not consent.

1466. Did the Natives at Paetai not ask for an English Magistrate?—Four persons consented.

1467. And no more?—These were all.

1468. Name the four?—Te Kereihi was the senior Chief, Hone Kingi and Waata Kukutai; the other I do not know, he was a young man.

1469. Then what the others desired was to have a Maori Magistrate?—It was.

1470. It was that, then, that the Natives were pleased at, which the Governor promised?—The Governor's word was that a Maori should be appointed as *Kai-whakawa*.

1471. Then when Mr. Fenton came as Magistrate, what did the Natives think?—When they viewed Mr. Fenton's work, they saw that it was not right.

1472. What was it in Mr. Fenton's work which was not right?—Mr. Fenton did not complete his work. Another thing, there was trouble about his work: cases of offence were not settled, nor were the payments forthcoming.

1473. Were you ever at one of Mr. Fenton's courts?—I did not go there: what I know is, the people saying that they did not approve of Mr. Fenton as Magistrate.

1474. Will you name any Chiefs who told you this?—The whole of them.

1475. Did not the Natives at the meeting at Paetai ask the Governor that they might have their runangas?—Yes, that is more like it.

1476. Did they desire to do their work by themselves, or that they should be guided by a European Magistrate?—No: by the Maories themselves, by their Maori *Kai-whakawas*.

1477. Did you then wish the work to be done according to Maori custom, or the law?—Done according to the law.

1478. How would they learn the law unless they were guided by some one who knew it?—They learnt from the book, the laws are in the book.

1479. *Suggested by Mr. McLean.*) Could a European Magistrate have carried out any decision in the Waikato, such as apprehending a prisoner?—Their runanga would have to work upon that road. If it was done through the Maori runanga, it would be done; but if it was not done through the Maori runanga, in that case it would not.

1480. If Pukewhau, Potatau, and other principal Chiefs had refused to obey a decision of the European Magistrate, could it have been enforced?—It could not.

1481. Where are you residing?—At Rangitoto, between Auckland and Tamaki: this is my ninth year there.

1482. You have not resided then at Waikato?—I continue to visit there.

1483. Are the Waikato Chiefs in the habit of visiting you here?—They visit me every week.

1484. Did you ever hear any language used by the Queen's party on the Waikato river which would be likely to affront Potatau?—But one word, that word was from Waata Kukutai: it was an expression about putting down the Maori king.

1485. What was that expression?—His only word was to suppress the King.

1486. Did you ever hear this expression, "Hoe koka," used about Potatau?—I never heard.

1487. Did Mr. Fenton's proceedings cause a division of parties at Waikato?—They did.

1488. Was it Mr. Fenton's words that caused that?—No: it was partly by Mr. Fenton's work, and partly by their King movement.

1489. Were the older Chiefs pleased or displeased at that division?—They, the men of the Queen, separated themselves. This is what my eyes have seen. What the old Chiefs wanted was, that the King party and the Queen party should be united, and mingle together. The Waikatos, as far as Ngaruawahia, voted for the *mana* that was their desire; and those to the South of that, for the King, that was theirs.

Mr. Marshall called in and further examined.

Mr. Marshall.

1490. *Chairman.*] What was the effect of Mr. Fenton's proceedings as regards the payment of debts to Europeans in the Waikato District?—The effect was this: it annihilated the expectations of getting redress by law. It is a general remark through the District that Mr. Fenton informed the Natives that he would not enforce the payment of debts incurred by the Natives to Europeans previous to his appointment.

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1491. Do you know this of your own knowledge?—I do not, I have merely heard this from Europeans.

1492. Was there a greater reluctance on the part of the Natives to pay debts to Europeans after Mr. Fenton had commenced his proceedings than before?—There was.

1493. Have you had in your own personal experience a greater difficulty in obtaining payment?—Yes.

1494. Will you mention any particular case?—Yes. Piripi of Tuakau owed me £14. I called upon him for payment and threatened to summon him before the Court. He laughed at the idea of the Court, but on reasoning with him he has paid me £3 on account, and I am in hopes that he will ultimately pay the remainder.

1495. Did he make any special reference to Mr. Fenton's Court?—He did not, but that was the only Court at the time.

1496. You said there were several instances: will you name another?—Yes. The case of Waata Taninui was a similar case. The amount due was £3 of which he has paid £1.

1497. What ground have you for attributing the delay in payment to Mr. Fenton's proceedings?—To Mr. Fenton's publicly announcing his intention not to entertain cases prior to his appointment.

1498. *Mr. Fox.*] Previously to Mr. Fenton's appointment did the Natives always pay their debts the moment they were asked for them?—Certainly not.

1499. You were trading in the district, I presume, previous to Mr. Fenton's proceedings?—Yes.

1500. What did your trade consist of?—The usual articles.

1501. Did you trade in spirits?—Certainly not. I never supplied a glass of spirits to Natives.

1502. *Mr. Domett.*] What were the usual articles?—Blankets, tobacco, knives, scissors, pipes, slates and pencils, &c.

*D. McLean, Esq.*

Donald McLean, Esq., called in and further examined.

1503. Are you prepared with the Memorandum you promised to the Committee?—I am, and I produce it. [*Witness put in the same.*]

#### MEMORANDUM.

Having again perused Mr. Fenton's Report and Journals, I have now less hesitation in expressing an opinion as to the system which is sketched out in the former, and recommended as a means of establishing among the Maori people Civil institutions adapted to their wants and capabilities.

The Report indicates considerable observation, and contains many useful suggestions; I cannot, however, resist the conviction that many of the ideas which in both the Report and Journals are attributed to the Natives, have had their origin in the writer's own mind, and, in the mouths of the former, are merely the echoes of his own suggestions. In proof of this, I would refer to the proposed new scheme, which in p. 4 is given as one devised by the Natives, but which in p. 12 is stated to be "simply a development of the ideas on the same subject contained in a previous minute."

To the theory of the proposed system, viewed simply as an experiment, and excepting the proposed constitution of runangas by popular election, and the annual district meetings of the wardens, no serious objection presents itself. The elective principle infringes too much upon the power of the older Chiefs, upon whom alone the Government can safely rely in carrying out any measures of a political character, or for maintaining peace in the country. The district meetings appear to me open to objection on the general ground that it is inexpedient to encourage combinations among the New Zealand Tribes.

Viewed practically as to the success likely to attend an attempt to establish it in a Native District, many points have to be considered; the peculiar character and circumstances of the tribes which are to be the subject of the experiment; the sentiments of the people themselves at the time; the personal qualifications of the agents employed; the way in which the undertaking is to be commenced and carried on, &c. Under favourable conditions, as regards these main points, I see no reason to anticipate failure. It must, however, be borne in mind that fundamental changes in the social organization of any community, to be effected safely, must be introduced gradually. The system under consideration involves such a change, and would be likely to produce mischievous results, unless worked with great caution, and a due regard to the previously existing institutions, which it is designed ultimately to supersede. Thus it would be necessary that the position and authority of the Native Chiefs should be recognised and respected, independently of any new powers with which they might be invested under the new system. The latter should be grafted as it were upon the old, rather than made to supplant it. As there is nothing in the proposed plan which appears to me incompatible with the course of proceeding I have indicated, I do not hesitate to express my opinion in favour of it.

With respect to the attempt to introduce this system into the Waikato district, and its results, the following statement may throw some light upon the subject.

On the occasion of the Governor's visit to Waikato in April, 1857, many of the leading Chiefs of the district, including Potatau, urged a request that the Government would assist them in the work of establishing law and order in the district, and that a European Magistrate should be appointed to instruct and guide them. Previous to this it had been proposed by some to invest the Chief Potatau with supreme authority, under the title of King, and that the administration of justice in the district should be entrusted to such officers as he might appoint for that purpose. From what took place at a large meeting at Paetai, at which the Governor was present, there appeared to His Excellency ground for hoping that the project of setting up a King would ultimately be relinquished, and that the wishes of the Waikato tribes might be met by steps being taken by the Government to provide for the administration of law in their district.

Mr. Fenton was accordingly appointed Resident Magistrate for Waikato, on the recommendation of His Excellency's Responsible Advisers, and paid his first official visit to the district in July of that year, under instructions from the Colonial Treasurer. Mr. Fenton went from Auckland *via* Manukau, but omitted to call on the principal Chief, Potatau, at Mangere, on his way. This was looked upon as a slight by the old Chief, which he did not forget. After Mr. Fenton's return from a circuit in the Waikato, occupying six weeks, it was found that considerable excitement prevailed in the district; that the people were becoming divided into two parties, as Queen's men and Maori King's men; that the Magistrate was regarded as the counsellor and prompter of the former; that a spirit of bitter opposition had sprung up between these two parties, which threatened sooner or later to bring them into mutual collision; that while one built court-houses, the other was preparing to build a house for the Maori King; that a further cause of dissension had arisen out of the proceedings of some of the so-called Queen's party, who proposed, with the assistance of the Government, to sow certain waste lands with grass seed, and to introduce sheep into the District, contrary to the wishes of many of the influential Chiefs; that the Government was supposed to identify itself with this party; and that the latter claimed the support and exclusive consideration of the Government.\* The Chief Tamati Ngapora and others, stated their opinion that Mr. Fenton's proceedings in the Waikato had been productive of much harm, and that the King movement had been greatly strengthened thereby; that much dissension and animosity had been produced in the district, and that they considered it advisable that a Magistrate should not return there for the present. The state of feeling in the Waikato during Mr. Fenton's first visit is indicated in the Journal kept by him during the period, † from which it also appears that his communications were restricted for the most part to one of the two parties. From this journal it would seem that Mr. Fenton was fully aware of what was going on, and that in giving advice on various occasions he deprecated proceedings which appeared to him likely to widen the breach. It does not, however, appear that he took any steps to conciliate the opposite party, but rather that he accepted the position of adviser of the Queen's party, which comprised few if any of the old Chiefs.‡

*D. McLean, Esq.*

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\* *Vide* Mr. Fenton's Journal, p. 22, entry Aug. 8th.—“Heard the Maories talking about the relaxation of the powder laws. Says one, ‘Its only for us, I suppose; King's people wont get any.’ ‘Of course,’ said the other; ‘do you think the pakehas are fools?’”

Also p. 23, entry of August 10th.—“They also urged upon me the necessity of Government openly knowing their own friends and discountenancing the Queen's enemies, for that the agitators were enemies to the Queen's supremacy, whatever they might say to the contrary; that any applications for assistance from hostile tribes should be refused; and that the white men managing their mills, &c., should be recalled.”

† *Vide* Mr. Fenton's Journal, p. 24, entry Aug. 11th.—“Found Tarahawaiki and the whole of Whakapaku assembled with Takerei and his people, discussing about their cattle, the separation of settlements, and ultimately the sowing of grass. The King party here are doing all they can to discourage this movement, but they will not succeed. They said they had heard that sheep were to be given by the Governor; that that was bad, and was merely to make the Maories tame; that the system of credit was good; that if the wool was sold to repay the money, the bodies of the sheep would not be discharged from the debt; that the name of the Queen would stick to all the land covered with grass; that they would not have the name of Queen in Waikato; that Taupiri (a central mountain) would go, and a great deal of nonsense of that sort.”

Also *ib.*, entry Aug. 14th.—“Met a Ngatimahuta, who informed me that Paratene and the other old men of Te Whakapaku had written to Hoani Papia and Ngatihinetu, asking them to send 200 men at once to build the house for Potatau at Ngaruawahia.”

Also p. 25, entry Aug. 15th.—“As it is, we have arrayed with us and the law the most numerous and intelligent body of men, who are sincerely attached to us, and whose pride is now interested in securing success to our views. The difficulty now is, not to stir them up but to restrain them. If left to themselves now, bad blood would arise between themselves, for every body is much in earnest, or the other alternative, the loyal men would in a body join the agitators, and carry with them feelings of indignation against us.”

Also p. 26, entry Aug. 17th.—“Paringaringa has just called, hearing that I wanted a place to build a house on; offers me any that I like. Told him I was as yet unaware where I should ultimately fix myself. He told me that he and the other owners of Ngaruawahia would not consent to the proposed arrangement, that they would allow no one to dispose of their land without their consent, that they were annoyed with the King party for proclaiming that all the friends of the Queen must leave their lands, and settle on the territory of their sovereign; that if anything active is done to compel such an arrangement, it would be resisted. \* \* \* Paringaringa's plan of solution was short and decisive. He said Ngaruawahia belongs to ‘myself, Konewhanewha, Ngatimahanga and Ngatihourua. Now I will build a house and you shall live there. We will hoist the Queen's flag, and defend it.’ \* \* \* They say ‘what you say is true; but if they were to commence with force to carry out their threats, what then? Shall we resist? If we protect the Governor's dignity, will he protect us? Which offers us the best chance of quiet? If we join the King, we know the Governor will make no difference in his behaviour to us, but if we join the Queen, we are not certain the other party will not.’”

‡ *Vide* Mr. Fenton's Journal, p. 22, Aug. 9th.—“In the evening there was a meeting of 9 ‘hapus,’ about establishing a new settlement where law and order can be carried out without interruption from the Kingites. I thought it better not to attend, but I heard them talking far into the morning.”

Aug. 10th, Monday.—“Was asked at an early hour to attend the meeting. Takerei said they all expected me to speak, so I told them the usual things; and that if their relatives persisted in forbidding the entrance of law into Te Whakapaku, there was no other course to be taken but leaving the place to them, and establishing a new settlement; that if the word went forth to kill the dogs, and only part obeyed, what good would be done; if a man was judged by a Magistrate for trespass, and did not obey, we should all fall together; that it must be understood that there was no ill-feeling in it, but a matter of pure necessity, &c. In the early days of Christianity it constantly happened that the Christian party was obliged to leave a settlement and separate themselves, but gradually the Maori party joined them until the old pa was abandoned. So it must be now in extreme cases like this. I then advised them, as they were establishing a new place, to be careful in selecting a good one, and to lay out the village in a regular way, build all the houses of the same size, in a row, with intervals between each, garden, &c. They wished me to take the entire management of it, as they put themselves quite into my hands, but they wished to settle where we then were, at Karakariki. We then went over the land, and I disapproved of the place; land not very good, no firewood, &c. So we got into canoes and landed at several places, none of which seemed to combine every advantage. At last we came to the Maka, a splendid flat of several hundred acres—fern and koromiko—fine soil, surrounded by

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Under the circumstances detailed above, the Native Secretary felt it to be his duty to warn the Government against sanctioning the further prosecution of a scheme, as then carried out, which had an apparent tendency to destroy the existing social organization among the Waikato tribes, while unprepared to substitute and fully support a better, and one likely to be permanent.

Mr. Fenton visited the Waikato again in the early part of 1858. During the interval, the excitement in a great measure subsided, but the visit of the Magistrate appeared to revive it again. It was then recommended that the Magistrate should be withdrawn for a time, and Mr. Fenton accepted another appointment under the Government in September, 1858.

As some of the above remarks may appear to imply a censure of Mr. Fenton's proceedings in the Waikato, or to represent him as having brought about the state of things which made it necessary to suspend for a time the attempt to introduce law and order into the district, it will be proper to explain that they are not so intended. It has been my object to give a simple statement of fact.

Whether similar results would or would not have followed the appointment of any other officer of equal ability and zeal, is a question upon which it is unnecessary to offer an opinion here. The peculiar circumstances of the Waikato district at the time of Mr. Fenton's appointment were such as to render problematical the success of any steps which might be taken by the Government for the purpose of directing the movement then in course of development. It would appear that the course which commended itself to Mr. Fenton's judgment was to organize an opposition. It may have been found that a course of diplomatic conciliation would have been attended with better success in effecting the desired object without endangering the peace of the district. The question, however, under present consideration, respects the policy recommended to and pursued by the Government under the circumstances actually existing. It may be urged that the Government should not have abandoned the party which professed itself loyal, and opposed one whose principles implied disaffection, but that the former should have been encouraged to maintain the ground they had taken. To this it is replied that the Government was not in a position to afford anything beyond moral support to its professed friends. That if it encouraged the Queen's party up to the point of collision, it could not then honourably withdraw. That the appointment of a Magistrate and the proffer of assistance in establishing a system of law and order under the authority of the Government were made at the urgent request of a united community, and might have been continued had the results proved generally beneficial, and the community remained united in their sentiments; but that when it appeared that the steps taken to secure peace and order were likely to produce only strife and disorder, it behoved the Government to pause. If the new system proved but an apple of discord, prudence suggested that it should be withheld, or at least that the attempt to introduce changes should be deferred until unanimity were again restored. Had the task been undertaken otherwise than at the request of a united people, the case might have been different. It was reasonable that the Government should make unanimity a condition upon which its sanction and co-operation would be given to the carrying out of any new system.

It was an opinion shared by many, and expressed by Tamati Ngapora to the Governor, that the promoters of Mr. Fenton's system in the Waikato, most of them young men, were not to be relied on for stability: that they were carried away with the novelty for a time, and might while their enthusiasm lasted, be led into rash acts involving serious consequences, but that they would not be able to carry out their plans in opposition to the older Chiefs who had taken umbrage at their proceedings, and who, it would be found in the event of a trial of strength between the parties, still held the real power over the people.

There is also reason to believe that the part taken by Takerei in connection with the new system was prompted more by personal ambition than by a simple desire to benefit the people; and that his design was to supplant his relative Potatau in the consideration of the Government. It is certain that he proposed at an interview with his Excellency that he should be made the sole medium of communication with the Queen's party in the Waikato, and a sort of President over all the Native Assessors in the district.

Although the withdrawal of the European Magistrate for a time was recommended by the Native Office, the promise made to the Waikato tribes that a Magistrate should visit and direct them, whenever they were unanimous in desiring it, was not lost sight of.

Tamati Ngapora was consulted on the subject by the Governor on several occasions during the six months following Mr. Fenton's removal. His replies to his Excellency's enquiries as to the sentiments prevailing in the Waikato on the subject of a Magistrate, were to the effect that the time had not yet come when the visits of a Magistrate would be likely to do good: that the party feeling, though much less strong, had not wholly died out, and might easily be revived. He was himself desirous that a Magistrate should be sent so soon as this could be done without provoking a renewal of the opposition previously manifested.

forest containing all sorts of wood. I agreed to that place, marked out the line for the houses, and the distance between each, directed the Court-house and Church to be placed in the centre, patakas and stores in the rear, doors facing the river, with a verandah, &c."

Also p. 24, entry Aug. 11th.—"They seemed vexed at my not having called in on my way up the river, but I asked them what was the use of my calling when they opposed Takerei in the erection of a Court-house, and said that King's law should be administered there, of which I knew nothing. The origin of all this I take to be jealousy at the position and influence Takerei has lately gained by the part he has taken."

Also p. 31, entry March 1st.—"Ngatihourua have built a house a few rods in front of the King's house at Ngaruawahia—an opposition house. Another tribe have built another. There is some talk of not allowing the flagstaff to stand. The great meeting is to be held in April, the Whanganui people from the South and others are to come. In the meantime the party of order are again increasing. If they are allowed to organize themselves, the other would cease to exist. At present the European Magistrate is the only bond of union."

In April 1859, about six months after Mr. Fenton's removal, Mr. Turton was appointed a Resident Magistrate, and it was recommended that he should be instructed to visit the Waikato for the purpose of ascertaining the state of the Native mind on the subject of a Magistrate. Special instructions were given to him to the accompanying effect, from which, as embodying the views of the Native Office at that time, the attention of the Committee is requested.

Mr. Turton's report being favourable, steps were immediately taken to fill the vacant appointment. Mr. Halse, Assistant Native Secretary at New Plymouth, was selected and appointed to the district. This gentleman has paid several visits to the Waikato, and has been generally well received.

Considering the Native question generally, I would here observe in conclusion that theories may be easily propounded, which at first sight may appear more or less plausible. The real difficulty, however, lies not in devising schemes, but in carrying any one into practical operation.

DONALD McLEAN.

TIOS. H. SMITH.

*Extract from Instructions to H. H. Turton, Esq., R. M.*

\*\*\*\*With reference to the Waikato, I am directed to state that the present object of the Government in causing it to be visited by an European Magistrate is mainly to obtain accurate information as to the state of the Native mind with reference to the intervention of the Government for the purpose of establishing and administering English Law in the District. Your mission, viewed in connection with this object, is one of a peculiar and delicate nature, and will require the exercise of much judgment and prudence in the conduct of your proceedings, in order to secure a beneficial result. The Natives in this district are divided into two parties; one professing loyalty to the Government and a desire for the establishment of law under its auspices; the other assuming a position of independence. Several causes have operated to breed discussion and animosity between the tribes taking these opposite views. Circumstances have appeared to some extent to involve the Government as a party to their differences, and an impression to that effect has been produced in the Native mind.

A recent attempt to provide for the administration of law by the appointment of a Magistrate to hold Circuit Courts in the District has met with unexpected obstruction from causes arising from this source. You will readily perceive that any recognition by the Government of the existence of these rival parties must serve to widen the breach between them, and to furnish a fresh field for the display of mutual opposition. Previously to this appointment there appeared an almost unanimous desire on the part of the Waikato tribes for the establishment of law and order, and a disposition to avail of the assistance of the Government for the accomplishment of this object. Both parties united in the request that the Governor would appoint a Resident Magistrate to direct them. Subsequently however to this appointment, the separation of the two parties became more decided. The authority of the Magistrate was acknowledged by one party. The other shewed decided indications of hostility towards him. His Excellency under all the circumstances deemed it advisable to suspend, at all events for a time, the maintenance of a Resident Magistrate in the district. The Resident Magistrate has been accordingly withdrawn, and no new appointment has taken place.

The disaffected party reside principally on the Waipa and Upper Waikato, and profess to acknowledge Potatau Te Whero Whero as their Sovereign chief. They are also endeavouring to combine with other tribes in a league to prevent the sale of land to the Government; at the same time, for the most part, professing a desire to maintain friendly relations. The other party call themselves adherents of the Government, and reside principally on the Lower Waikato. It is believed that the strong party-feeling above referred to has now in some degree subsided. His Excellency is anxious to satisfy himself whether it would now be prudent or desirable to re-appoint a Resident Magistrate, and whether such re-appointment could take place without risk of reviving party-feeling. The object of the Government is to unite rather than to divide; to heal rather than to widen the breach. It will be your duty, by careful observation and judicious inquiry, to collect such information as may enable the Government to form a valid opinion as to whether the attainment of this object may be reasonably anticipated, or is likely to follow the renewal of the attempt to introduce English Law into the district. You will endeavour to arrive at the real sentiments of the people by familiar intercourse with them rather than by direct enquiry; and in this way acquire such information as may enable you to form an opinion as to how far the Waikato as a whole or in part is prepared for bringing into operation the Native District Regulation and Circuit Courts Acts, 1858. It will be desirable that as soon as possible after entering the district you should communicate with the chief Potatau Te Whero Whero, and acquaint him with the object of your visit, assuring him of his Excellency's friendly disposition towards him. Where called upon to do so, you will hold courts for the settlement of cases of dispute under the Resident Magistrates' Ordinance; but it is desirable that your visit should, on this occasion, be rather of a friendly than of an official character. \* \* \* \*

1504. This memorandum signed by yourself and Mr. Smith, expresses your general views upon this question?—It does.

1505. Then the Committee understand from this that in your opinion no serious objection presents itself to the theory of the system proposed by Mr. Fenton, viewed simply as an experiment, and excepting the proposed constitution of *runangas* by popular election and annual district meetings of wardens?—Yes.

1506. The proper application of that theory to any particular district would, as the Committee understands, very much depend upon the circumstances of the case to which it should



*D. McLean, Esq.* be applied?—That is my opinion; and also upon the manner in which the undertakings were carried out.

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1507. You state that the peculiar circumstances of the Waikato district, at the time of Mr. Fenton's appointment, were such as to render problematical the success of any such attempt?—Yes; quite so.

1508. And you add, that it would appear that the course which commended itself to Mr. Fenton's judgment was to organize an opposition, and that it may have been found that a course of diplomatic conciliation would have been attended with better success; you have stated in the former part of your evidence that you were cognizant of Mr. Fenton's appointment, but that you did not expressly approve or disapprove of it?—As far as I was concerned, I acquiesced in the appointment, but I had nothing whatever to do with the control of the officer; it was a matter which had been settled between the Governor and the Ministers. I did not consider it an appointment advised by myself.

1509. The controul of Mr. Fenton's operations was left under Responsible Ministers?—Yes. I did consider that the Waikato at that particular time was not, so far the Natives were concerned, quite ripe for the introduction of civil institutions; and I had some misgivings as to their success; which I mentioned to the Governor at the time. I may have stated the same thing to Mr. Richmond. But I did not wish to throw any obstacles in the way of trying the experiment. I did, however, suggest, that it should be first tried in a district where it was more likely to succeed than in the Waikato. The districts which I pointed out were the Bay of Islands and Hokianga, where the Natives had had longer intercourse with the Europeans, and whence, if successful, they might have been extended to other parts.

1510. Did you consider it to be not within your province (the matter having been determined on) to offer suggestions or advice as to the manner in which it should be carried out?—At the time that the question was under consideration, I was suddenly called away to another province, and deprived of an opportunity of making such suggestions.

1511. Were you absent, then, at the time that Mr. Fenton proceeded on his first visit?—I was.

1512. Mr. Smith acted for you in your absence?—Yes.

1513. Speaking of your department, should you have considered that it was the business of your department to offer suggestions as to the manner in which such an experiment should be carried out?—The department has never withheld opinions or advice on any subject referred to it.

1514. But on so important a question as that of the policy to be adopted towards the older Chiefs, would you not consider that it would have properly come within the duties of your department to offer such suggestions?—Yes, decidedly, if an opportunity were afforded of offering them.

1515. Do you mean that in the present case no such opportunity was afforded?—I have stated in my previous evidence that no opportunity was afforded; that Mr. Fenton received his instructions from the Colonial Treasurer. I should state that I did not see his instructions; I was not aware that the necessary precautions with respect to the old Chiefs had not been taken.

1516. Then I suppose that up to the time of the departmental change by which Mr. Fenton was placed in direct relation with the Native Office, you did not consider it to be within your province to offer suggestions as to his course of proceeding?—I considered, of course, that it was my duty to offer suggestions with respect to the management of affairs in a Native district, whenever the opportunity was afforded to me.

1517. At what period was it that you first became acquainted with the supposed omission on Mr. Fenton's part to conciliate the elder Chiefs and Potatau in particular?—I do not exactly recollect the date; it was after my return to Auckland, a few months after his appointment.

1518. From what quarter did you first hear of this?—I heard it first from certain Natives who had come down the Waikato River; Wiremu Nera was one of the Chiefs who complained to me.

1519. Will you state his complaint?—It was that some of Mr. Fenton's proceedings in the Waikato were too rash; that a Native who, as he expressed it, fortunately belonged to his own tribe, was apprehended upon some charge (I forget what the charge was exactly) and brought to Auckland as a prisoner: that had he belonged to any other tribe than his, a collision would have been the result of such interference, in the state of the Natives at that particular time; and that the great majority of the Chiefs had determined that they would not allow any of their people to be made prisoners. Many other Chiefs made similar representations to me, not in particular cases, but generally as to the feeling in Waikato. They objected to any of their people being apprehended as prisoners. Wiremu Nera felt aggrieved that he, as a loyal Chief, had not been consulted in the matter: and he said it was imprudent to take such rash steps in the district.

1520. The particular matter of complaint then was, that a Native had been taken to Auckland and imprisoned without the sanction of the Chief of his tribe?—Yes.

1521. I understand that at this time you were pursuing your route homeward from Napier by Waikato?—No; I had returned from Hawke's Bay, not by Waikato but by sea. Nera made that statement to me in Auckland.

1522. Was that the first occasion on which you had heard indications of objections to Mr. Fenton's proceedings?—No; I had on several occasions heard complaints from Natives at Mangere and elsewhere, who were in constant communication with the Waikato.

1523. Had you previously heard from Potatau; previously I mean to the interview with Nera?—I cannot recollect that; I rather think Nera's complaint was subsequent to what I had



heard of Potatau's discontent. I should state also that that was the only complaint I heard Nera make on the subject.

1524. Did Wiremu Nera express himself as otherwise satisfied with Mr. Fenton's proceedings?—He did not express a general opinion. He told me we must be cautious in future, and that it was fortunate the man who had been apprehended was one of his tribe. It was a general caution not to take similar steps in future, without some consultation with the Chiefs.

1525. Do you remember the first occasion on which you conversed with Potatau on the subject?—I had heard from several other quarters of signs of discontent, and I rode to Mangere to see Potatau. I was not aware till then that Potatau had not been referred to on the matter of the appointment of the Magistrate.

1526. Will you state as nearly as you can recollect the substance of your conversation with Potatau?—Potatau commenced the conversation himself, and said he was going up the Waikato to live. I said I was sorry for that, as the Government up to the present time had always relied upon him as a Chief in whom confidence could be placed; that land had been set apart for him by Government on the understanding that he was to occupy it, and that I hoped he would reconsider the matter and not go up the Waikato. I said it was very desirable that he should remain in the position in which he had always been, that of a medium of communication between the Europeans and the Waikato Natives. He stated that he had previously, on frequent occasions, been invited to go up the Waikato, but that he had always declined to do so, and had preferred living quietly at Mangere among the Europeans. He then asked me some questions about the proceedings of the younger men at Waikato, stating that he was not consulted now as he had formerly been; that recently his advice had not been sought with reference to the affairs of his district. He went on to state, that the Government were acting in the present instance with the younger members of the tribes, and carrying out certain changes in the district without his concurrence. He was a man particularly sensitive on the point of his dignity and position, and I perceived by his manner that there was a coolness springing up which I could not then account for. I asked him if anything had been done really to annoy him, as there was no intention on the part of Government to overlook or annoy him; and he said, "What are these communications with respect to the subdivision of territory?" He alluded also to the distribution of grass seed and the importation of sheep into Waikato. I forget exactly his expression, but he intimated that it was an interference with his rights and prerogative, to sow grass seed on a piece of land which he was attached to and regarded as his property. The piece of land in question was a *wahi tapu*. He complained that inferior Natives were asserting rights which he conceived belonged to persons of his class. I remarked that this had been done (the grass seed and sheep) for the good of his people, and that the Government had no ultimate object in view with respect to the land, which he appeared to suspect; but that I would represent to the Governor that in anything that might be done he should be consulted, and that if an error had been committed in not consulting him, I was sure the Governor would always consult with him in future in whatever related to his district.

1527. Did Potatau express himself satisfied with these assurances?—Even after these assurances he expressed a more decided determination to go up the Waikato. He had repeatedly declined to accept the office of King before this.

1528. By going up the Waikato, did you understand a disposition on his part to secede to a certain extent from his close relations with the Government?—Yes; that was the indication afforded by his removing from the place appointed for him by the Government. He did not express this in terms. Either at that time or at another visit I said I hoped he only intended a visit to Waikato, and not permanently to reside there; he shook his head as much as to signify that he had formed some resolution to reside there.

1529. Did you consider the prospect of such a change of residence on his part undesirable?—Most undesirable. I considered that while he remained at Mangere, Auckland was perfectly safe from invasion from any part of Waikato; and that while his name was associated with that of the Government, few tribes would have attempted to interfere with the settlement. This was evident during the war with Hone Heke in the North, when he assured Sir George Grey that he would undertake the defence of the place if any attempt were made to cut down the flagstaff here.

1530. Was any reference made in this conversation specifically to the question of Mr. Fenton continuing as Magistrate in Waikato, either by you or by Potatau?—There was a reference made, but I can't say at what particular interview, for I was frequently in the habit of going over to Mangere to see the old Chief.

1531. What was the nature of the reference?—To the best of my recollection it was to this effect, that the Government were foolish in carrying on operations that had not the general concurrence of the people. He put it on the people, but I considered he had principally reference to himself. His remark was, "You are listening too much to young people, who are trying to impose upon you." I gathered from the tenor of his conversations, that he believed that the proceedings in Waikato (not so much of Mr. Fenton personally as of the Queen's party) had the sanction of Government; indeed, he asked distinctly whether they had. He said they were creating an unnecessary excitement among the Natives. I asked him what he was particularly annoyed at; and he stated that the Government had sent a Magistrate to the district and were taking measures that interfered with the rights of his people, without his consent.

1532. But did he express a desire that Mr. Fenton should be removed, or did you suggest his being removed?—I asked him what he was so dark (*pouri*) about; he said that he was dissatisfied with what was going on. He suggested that all those proceedings should be stopped; which involved the withdrawal of Mr. Fenton.

*D. McLean, Esq.*

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*D. McLean, Esq.*

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1533. Did you remind him of the desire expressed at the meeting at Paetai for the establishment of a magistrate and law?—To the best of my recollection I did, and told him the appointment of a magistrate and giving the people a code of laws, was his own desire. He did not dispute that; it appeared to me that what he was annoyed at was, the manner in which it was done. I had heard, also, that the Queen party had been taunting the old Chief, and had been rather disposed to resist his authority, which, no doubt, had also an influence upon his determination to take up a position at Waikato.

1534. *Mr. Bell.*] Do you consider that the removal of Potatau to Waikato had any sensible influence on the progress of the King movement?—Decidedly so.

1535. Do you consider that the increase of the King movement operated on his mind to induce him to change his residence?—That I cannot say.

1536. *Chairman.*] Having had this conversation with Potatau, did you, on your return to Auckland, communicate the substance of it to the Governor?—Yes; I think there was a memorandum of it in writing.

1537. Will you, if you can, refer to it?—Yes; if not already before the Committee, I will furnish it.

1538. Will you state the general purport of that memorandum?—I believe one of the recommendations it contained was the temporary withdrawal of Mr. Fenton from the district.

1539. Will you allow me to ask whether you are aware of any communication having been made to Mr. Fenton of these complaints?—Yes; I believe he was in Auckland at the time, and I intimated to him personally that I had heard of the existence of the complaints, and told him I should recommend the temporary cessation of his operations. I cannot say this was strictly official, not having been in writing. Mr. Fenton was present at two or three Executive Councils when the Waikato question generally was discussed.

1540. The question then arises, whether it would not have been wiser, instead of withdrawing Mr. Fenton, to have given him such instructions as to the manner of his proceedings as would have tended to conciliate the older Chiefs?—I recollect that instructions were framed, but I cannot recollect whether they were communicated to Mr. Fenton. There was a Memorandum recommending that Mr. Fenton should be instructed to confine himself strictly to his magisterial duties. I considered it would certainly not have been wiser to give him such instructions rather than to withdraw him. Each party had taken such a stand that it would have been calculated rather to keep up the difference between them; and the counter-irritation of the Queen party would have greatly increased that of the King party, and in all probability rendered the successful introduction of Civil institutions a matter of great doubt for a long period of time. I might state that it is the result of my experience in all parts of New Zealand, that when Natives have once ranged themselves into opposite parties, it is a matter of exceeding difficulty to reunite them again, or to carry out through the agency of a small minority any permanent measures.

1541. *Mr. Fox.*] You stated a short time ago that you did not interfere with Mr. Fenton because he was under the control of the Colonial Treasurer and not yours: you then said you had drawn up certain instructions for him; had he then changed his relations with the Departments?—He was still under the Colonial Treasurer.

1542. If he was still under the Colonial Treasurer when these instructions were drafted, why could not similar instructions have been given him before?—Well, in the second case, a distinct necessity had arisen for such instructions, when the consequences were seen of Mr. Fenton having taken action in questions not strictly belonging to his magisterial duties. The emergency, and Native statements, demanded that I should take some step: which was not so much the case in the first instance.

1543. *Chairman.*] You have spoken of the withdrawal as being, in your opinion, a wiser course than a more careful prosecution of the work; has not the effect of that withdrawal been to cause a large secession of hitherto well-affected Natives to the King party?—I do not think it has caused the secession of one single Native who was at all sincere in his professions of attachment to British rule.

1544. Do you think then that the great bulk of those who formed what is called the Queen party had in fact strong sympathies with the King party?—I will instance one case: the only old Chief of particular influence who was associated with the Queen party, in consequence of his being a relative of Waata Kukutai's, admitted, in my presence at a public meeting, that his sympathies were in reality with his relative, Potatau, from the beginning. This was Te Kereihi, since dead.

1545. But do you not think that those who took part with Mr. Fenton were sincerely bent on establishing the new institutions?—I believe that a few of them were sincere; they regarded it very much as a matter of novelty for the time; they had some hope of distinction and preferment before them; the leader of the party, Waata Kukutai, had some old grudge against Potatau's party, which, no doubt, stimulated very much his desire to take an opposite course.

1546. But was there not generally among the Natives, and those of this district in particular, a very strong desire for the establishment of better institutions than their old Maori customs?—I do not believe the desire was at all strong. I thought it was taken up as the natives often take up such questions; more for talk than anything else; but that, when the rules laid down came to be enforced among them, and they happened to be dissatisfied with any of them, there is good reason for supposing that they would have thrown aside the subject altogether.

1547. Are there any institutions deserving the character of law in operation amongst the Natives, under their old system?—Yes, there are. There is the *Tapu*: this is an institution that has had the force of law among them as a people.

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1548. Will you describe the *Tapu*?—This institution existed before their first arrival in the country. By it a Chief or *Ariki* was able to exercise a very great influence over his people. Canoes, land, and other property were made sacred by the use of one single word, sometimes preceded by some incantation; and any infringement of the *Tapu*, within the district where the Chief pronouncing it exercised authority, was sometimes punishable with death.

1549. Did the *Tapu* depend on the arbitrary power of the Chief?—Of the Chief, the *Ariki*, and the *Tohunga*. The Chief was the man who held the highest rank as a warrior or councillor; the *Ariki* was the man of the highest hereditary family rank; and the *Tohunga* was the priest. But all these functions were sometimes combined in one man; as, for instance, in the late Te Heu Heu.

1550. Is there not a strong desire among the Natives to supersede these old customs by a system founded on principles of English law?—I think that in districts where Europeans are much intermixed with Natives, where Natives have ceded the territory, and conceive that with that cession they have given up their old customs, there is a very great desire to conform to English law and usages. There have been indications of a similar tendency among the Natives of a portion of the Lower Waikato; but I do not believe the feeling there was, except as an outburst for the time being, very strong or durable. As long as some of the Assessors could carry out laws very much in their own way, and without restraint, it would be popular with those invested with such a power; but, in cases where they exceeded their jurisdiction (which they were naturally very apt to do), if they received any check for so doing, the chances were that, unless they were in receipt of a good salary, they would throw up the office in disgust. I may state one case in proof of this: while Waata Kukutai was acting as magistrate at Waikato, a case arose which I referred to the Government: he was advised not to act in future in such matters on his own responsibility, at which he seemed very much offended, and indicated, if he did not exactly state, that he would give up his office altogether.

1551. But would it not be in your opinion beneficial to stimulate among the Natives the desire for an improved system?—Most certainly it would.

1552. And whenever such a movement was commenced, would it not necessarily have to encounter the difficulties which you have described?—Certainly not. If the movement were general, having the sanction of the people who had the power to carry it out, it might, in conjunction with other measures, be found very advisable to introduce a system of law and order.

1553. Now will you be good enough to state to the Committee the practical steps you would now take (assuming the country to be in a state of peace) for originating a proper system of institutions of law for the Natives?—As any statement that I should have to make would in all probability be brought before the Natives, I do not feel myself at liberty to state what my particular plan, although I am prepared with one, would be. I think it most undesirable to place before the minds of the Natives any theories upon such subjects, until such time as the Government are prepared really to carry out in a practical and permanent shape such system as might be determined upon.

1554. Could you point to any case which has been tried which would lead to an idea of the plan which you would desire to adopt: have the views you refer to ever been brought into practical operation in any part of New Zealand?—Only partially so.

1555. Have these views of yours been already expressed in any definite form to the Government?—They have not been fully expressed to the Government. I might add with respect to this, that I have felt that a system of general management was necessary, but owing to the limited resources which were from time to time placed at my disposal, I was obliged in carrying out my duties to act in each separate case as it came before me, upon its merits.

1556. You mean that you have not had funds placed at your disposal sufficient for any large or general operations?—That is my meaning; I also felt that propounding any theory might raise the expectations of the Natives, and that it would be much better not to propound such theories than to raise expectations without having the means of fulfilling them.

1557. *Mr. Bell.*] But how could those who had to provide the means for some such large and general operations do so, unless the plan of such operations were laid before them?—I do not doubt the liberality of the Assembly, but I have found occasionally that small sums were not granted, and I could not feel sure that if small sums were refused any large vote would have been granted.

1558. But could you assume from what took place while the Assembly were ignorant of the existence of some comprehensive plan of the kind, that they would be unwilling to provide the money if such a plan had ever been presented to them?—Up to the present time I do not think that the Assembly has had its mind really alive to the magnitude of the Native question, or to the many difficulties attending it, or to the funds that would really be required for any large and comprehensive scheme.

1559. *Mr. Fox.*] Then supposing that the Native question had not assumed its present pre-eminence, would not your diffidence in that particular have prevented you ever bringing your plan before the Assembly?—I must decline answering that question: and I consider the inference in the question unfair. Independently of the present circumstances, I have always had in view the adoption of a plan for the management of Native Affairs.

1560. *Mr. Williamson.*] Of course it would not be your business to have submitted any such plan directly to the Assembly?—Of course not: it would have been done through the Governor.

1561. With regard to the Conference at Kohimarama: with whom did that idea originate?—I believe it originated with myself; it was part of a scheme which I stated to the Governor.

1562. How long ago did you first make the proposition?—I think it was about two years ago.

1563. Did you suggest it at all with reference to the King movement, and with any view to abate that movement?—I suggested it as a thing likely to be very popular with the Natives, and gradually to absorb all feelings of disaffection that might exist. I may state also that I mentioned

*D. McLean, Esq.* it to the Governor while at Canterbury, before the late outbreak, as a step that might be wisely carried into effect, and his Excellency concurred in my opinion.

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1564. Are you at liberty to state any reason to the Committee for the postponement of such a Conference?—The chief reason was the want of funds: the Committee are aware that there is only a sum of £7000 for all Native purposes.

1565. *Mr. Fox.*] Did not that objection exist at the time the Conference was held?—Yes, but there had then arisen a pressing emergency, in consideration of which funds were provided by the Government.

1566. Can you give the Committee some further explanation of your reasons for not furnishing to the Committee the comprehensive plan you have referred to?—My hesitation in furnishing it has no reference to the Governor or the Assembly, nor does it arise from any desire of my own to withhold cognizance of my plan, but rests on political grounds. The promulgation of any scheme by me which might not be carried out, would have an injurious effect with the Natives.

1567. Reverting to your answer to a former question, that it would be your duty to communicate your plan to the Governor and not the Assembly, have you officially brought that scheme before the Governor?—I have not. I have discussed the Native question generally with his Excellency in its various aspects, but I have not laid a particular scheme before him in a specific form.

1568. *Chairman.*] Would such a scheme as you have in your mind involve not so much a settled plan of institutions as a large discretionary action on the part of the Government?—It would require both.

1569. Did you consider yourself at liberty to propose any particular scheme for the Governor without being first invited to do so?—I might be at liberty to suggest a plan, but it would of course rest with the Governor to adopt or reject it.

1570. *Mr. Forsaith.*] Do you consider yourself justified for the reasons you have already given, in withholding your plan for the better government of the Natives?—I think the reasons I have already given for not promulgating a specific plan are sufficient.

1571. *Chairman.*] Is it true that Captain Johnston proclaimed Martial Law of his own authority at Raglan?—I heard he was solicited by the settlers at Raglan, in a time of panic when an invasion of Waikato was expected, to take command. I heard he issued such a proclamation, but do not know it myself.

1572. *Mr. Brown.*] Mr. Marshall has said that Mr. Fenton stated at Paetai that he would not enforce the recovery of debts incurred before his arrival: do you think it would have been prudent to have enforced payment of such debts?—I consider that as an incentive to honesty it was the duty of the Magistrate to enforce the carrying out of obligations, whether incurred prior or subsequent to his arrival.

1573. Did not Mr. Fenton also decline to take cognizance of other offences which had occurred previous to his appointment as a Magistrate?—I have no doubt he did.

1574. *Chairman.*] Is not one of the difficulties which we have to meet on the Native question this: that the older Chiefs who have become attached to us are passing away, and a new generation springing up over whom the older Chiefs have lost much of their influence, and who are left to expend their energies without any proper direction?—I don't think the older Chiefs have lost their influence to the extent generally supposed: they still exercise a great authority on all matters of great importance, and in questions of peace and war their authority is as paramount as it ever was. I think that one of the causes of the state of anarchy existing among the Natives, arises from the emancipation of many of the slaves and the subsequent re-establishment of them in districts formerly owned by them (such as Taranaki) where they feel themselves removed from the controul of Chieftainship. This extends also to other districts in New Zealand, such as the East Coast and Poverty Bay.

1575. Is there not in fact at this present time among the Natives a turbulent element, arising from the growing up of a younger class of energetic and unrestrained persons?—There is to some extent, but it is only in those districts where they have been liberated from the influence of Chieftainship that such a class is capable of giving much trouble. The Chiefs still hold very considerable sway over their tribes, in those districts of New Zealand which have not been subjected by conquest; such for instance as the Ngapuhi, the Waikato, and the Wanganui tribes.

1576. Do you mean that the authority of the chiefs among these tribes is sufficient of itself to keep these younger classes under the restraint of law and order?—No, I do not think it is entirely so: it is to some extent. Not law and order in our acceptation of the term, but generally to maintain tranquillity.

1577. Do you not think it necessary that there should be some settled institutions of law either independent of or auxiliary to the authority of the chiefs, to keep such classes in restraint?—I think law alone would do very little to keep them under restraint; as auxiliary to the influence of chiefs, and to other measures, it would unquestionably have a very good effect.

1578. Is it likely that peaceful relations between the two races will be preserved unless these irregular energies of the younger men are kept under restraint by some system of law, by civil institutions?—I believe that the authority of the chiefs is the first thing to be considered, and any action taken in conjunction with them would be likely to restrain the younger men from acts of violence.

1579. Then do you not think it would be desirable that some action should be taken by the Government in conjunction with the chiefs for the establishment of settled institutions?—I think so certainly.

1580. *Mr. Williamson.*] Have you observed among the older chiefs any desire for another system of ruling their people?—Yes, I have heard the older chiefs express such a desire so long as they have a part in carrying it out.

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1581. Have you noticed that they are accustomed to pay any respect to young Chiefs who may have been instructed in the industrial schools?—Yes, I have observed that they have taken an interest in them.

1582. *Mr. Fox.*] In working out any practical scheme, such as Mr. Fenton's for instance, would not the younger Chiefs, by reason of their greater intelligence, be more efficient co-adjutors than the old ones?—I think not; they have generally neither the influence nor the stability of character necessary for the purpose. I find in any transactions I have with them that the influence of the younger men is very insignificant. No doubt some of them have the practical ability requisite, but they are not possessed of the necessary influence.

1583. *Mr. Williamson.*] You said that the old Chiefs do appreciate the information the young men receive at the industrial schools: would they not, seeing the young men would thereby be well qualified to assist in establishing such institutions, be disposed to confide in them for that purpose?—The old Chiefs would of course put a good deal of confidence in such young people, while they acted with prudence and consulted with them.

1584. Now would you not look rather to these young and comparatively educated men as being the moving power in the introduction of any new system, regard being of course had and due recognition given to the authority of the older Chiefs?—Very much would depend on their character and judgment. The principal moving power must always be the Chiefs who had attained age and position.

1585. Do you think it would be possible to introduce new institutions merely by the authority of the older Chiefs, without the active co-operation of the younger men?—I think the old Chiefs would ensure the co-operation of the young men.

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TUESDAY, THE 23RD DAY OF OCTOBER, 1860.

## PRESENT:

Mr. Donnett,  
Mr. Forsaith,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown,  
Mr. King,

Mr. Sewell in the Chair.

Mr. Strauss called in and examined.

*Mr. Strauss.*

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1586. *Chairman.*] The Committee understand that you are prepared to give them some specific information as to some of the proceedings at the meeting of Natives at Waikato, and as to some of the proceedings at Mr. Fenton's Courts?—I can only answer specific questions as far as my knowledge goes. Besides I wish to mention that my first acquaintance with Mr. Fenton was at a trial for a libel at which Mr. Fenton fined me £12. If Mr. Fenton should consider me biased in my mind I should rather decline giving evidence.

1587. What is your name?—Charles Henry Strauss. I have been a settler in the Waikato for the last 15 years in the lower Waipa, about 25 miles above Mr. Ashwell's.

1588. Have you been present at any meetings of the Kingites?—I was present at the first large meeting at Ngaruawahia.

1589. Were you present at the meeting at Paetai in 1857?—I was not.

1590. At what time of the year did the meeting of Ngaruawahia take place?—I cannot recollect.

1591. Did you hear any sentiments expressed at that meeting as regards Mr. Fenton or his proceedings?—No, I did not hear any mention made of Mr. Fenton at that meeting either in the public speeches or privately.

1592. Did you hear anything at that meeting about the establishment of a European Magistrate in that district?—I having placed myself in a very conspicuous place at that meeting with pen and paper to take notes, the Natives were ashamed of making any speeches; besides the weather was very unfavourable.

1593. Then do you know anything of the sentiments of the Natives expressed at that meeting?—I do not.

1594. Did you hear any sentiment expressed privately at the time of that meeting by Chiefs of importance?—Yes; by Tarahawaiki, Potatau's brother, with reference to a Resident Magistrate.

1595. Was this in conversation with you?—It was in conversation with me at my own house.

1596. What did he say?—He was speaking of the Maori King and his arrangements, and he made an observation to me that a Resident Magistrate would not be recognised by them, and that a nephew of his, of the name of Honana, would be made a King by the King party.

1597. Did he make any other remarks of importance as regards the Magistrates?—No, he did not.

1598. What he meant was, that they would have law administered by their own Native Magistrates, and not under the authority of the Queen?—Yes.

1599. Is there any other point within your own knowledge which you think it material for the Committee to know?—In one instance I believe Mr. Fenton could not or would not do justice as between two Natives, and the consequence was that large numbers of Natives joined the King movement by exasperation against Mr. Fenton. The case was between Noa and Powhero on the one part, and

*Mr. Strauss.*

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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.

WEDNESDAY, THE 24TH DAY OF OCTOBER, 1860.

24 Oct. 1860.

## PRESENT:

Mr. Domett,  
Mr. Forsaith,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown,  
Mr. King,

Mr. Sewell in the Chair.

[The Chairman put in two documents received from the Government: same read as follows.]

MR. FENTON TO NATIVE SECRETARY, 7TH NOVEMBER, 1857.

Auckland, November 7, 1857.

SIR,—

I have the honor to request that you will express to His Excellency my feeling that my duty requires my immediate presence in my district, and that in accordance with this feeling, I am anxious to postpone the completion of the Laws until I have made a short circuit.

I also beg you to call the attention of His Excellency to the length of time which has elapsed since the delivery of the civil part of the laws, and to express my desire to settle it with the Attorney-General before my proposed departure.

I have the honor to be, Sir,

Your very obedient servant,

The Native Secretary.

F. D. FENTON, R.M.

MEMORANDUM OF NATIVE SECRETARY, 16TH NOVEMBER, 1857, ON PRECEDING LETTER.

Recommended, as Mr. Fenton states that his presence is urgently required in the Waikato, that he be allowed to return to that district under instructions from His Excellency, through the Native Secretary. By these instructions he should be distinctly directed to abstain from any interference in Native matters beyond the performance of his magisterial duties.

From a perusal of Mr. Fenton's diary, I find that schemes have been propounded and attempts made to introduce among the Natives on the Waikato, a system involving important and fundamental changes in their present social organization. Admitting the value of some of Mr. Fenton's suggestions, viewed merely as suggestions, I still feel it my duty to warn the Government against committing itself to any immature scheme the prosecution of which would involve the too sudden destruction of the existing social fabric, however defective. I submit before doing so that the Government should be prepared to substitute in its place and fully support one likely to prove of a beneficial and permanent character: Mr. Fenton's plans I am not prepared to recommend for the adoption of the Government. For these reasons I consider it necessary that he should be instructed to abstain from conferring with the Natives on any matter not specially pertaining to his office as arbitrator of disputes referred to him as Resident Magistrate under the Resident Magistrates' Ordinance.

DONALD McLEAN.

November 16th, 1857.

MINUTE OF COLONIAL SECRETARY, 18TH NOVEMBER, 1857, ON NATIVE SECRETARY'S MEMORANDUM.

Mr. Fenton was specially stationed in the Waikato to initiate a system carefully considered and jointly recommended and agreed on by the Governor and his Responsible Advisers, as calculated to improve the condition of the Maori race, secure the peace of the country, and counteract the desire for a Maori King, which has grown out of their dislike of the continued anarchy which they have long experienced, and are now tired of. To discontinue the measures which have been initiated would greatly lay the Government open to the accusation of bad faith, or "humbugging," and could not but tend largely to increase and justify the Native King party. If the Native Secretary would point out any special or particular acts which were, in his opinion, a violation as to the practice initiated in the Waikato, they might be separately considered, and, if thought necessary, abandoned for the future;—but to receive a general denouncement of a system (while it is at the same time admitted that a new system is necessary, as the old one—as is palpable—cannot last, and is universally condemned) so carefully considered and approved as that directed to be instituted gradually in the Waikato, is neither courteous to the authors of it, nor can it carry that weight which would rightfully belong to well reasoned objections. The memorandum of the Governor and His Excellency's Advisers on this subject, and the letter of instructions to Mr. Fenton, are herewith attached.

E. W. STAFFORD.

GOVERNOR'S ORDER, 19TH NOVEMBER, 1857, ON PRECEDING MINUTES.

Mr. Fenton must remain in Auckland until the work for which he was recalled is completed. When he returns to the Waikato special instructions will be given.

T. G. B.

D. McLean, Esq.

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

24 Oct. 1860.

[Witness handed in a paper relating to divisions of Kaiapoi reserves at Canterbury.]

(See Appendix.)

1616. *Chairman.*] In these papers I observe that the last in date is a letter from Mr. Buller to the Native Secretary, dated 25th May 1860; has any communication taken place since that date?—No, Mr. Buller was withdrawn shortly afterwards from Canterbury.

1617. Has anything been done towards following up Mr. Buller's recommendations?—It was not contemplated to do anything for twelve months from that time, as stated in his instructions to Mr. Buller. The expense of survey was not to be undertaken till the Natives had, during the period of a year, fully agreed among themselves as to the subdivision of properties, then arranged between them and Mr. Buller.

1618. Has Mr. Buller's Report been published in the *Maori Messenger*?—No: some of the ideas contained in it have.

1619. You spoke of runangas as being in your opinion objectionable: the expression in your memorandum is that, "excepting the proposed constitution of the runanga by popular election no serious objection presents itself to Mr. Fenton's theory:" do you mean by that that you entertain serious objections to the system of runangas?—Yes, on the elective principle.

1620. Do you mean that you object to runangas being constituted by election?—Yes: I think I explained in my evidence yesterday that the election was likely to excite much ill-feeling among the Natives, which for some time to come it would be much better to avoid. If every Native in New Zealand held his land under Crown tenure, the principle might then be acted upon without risk.

1621. Will you state how in point of fact these runangas which formed part of Mr. Fenton's system, were constituted, how they were composed?—I think Mr. Fenton details that in his own Report.

1622. But would you state your own view as to how those runangas were formed?—My reply was, that this was pointed out in Mr. Fenton's Report.

1623. *Mr. Fox.*] Would you point out the passage?—To give a particular answer, I should require to go through the Report.

1624. Were those runangas in fact open conferences of tribes or people, or were they select bodies constituted by election?—I believe that Mr. Fenton has explained so fully his own proceedings that it is not necessary to put that question to me.

1625. *Mr. Dillon Bell.*] Do you know of your knowledge how those runangas were constituted?—I only know from communications with Natives of the Waikato District that they looked forward to the elective principle as one which was entertained and spoken of.

1626. *Mr. Fox.*] But that does not give a definite reply to the question how, in fact, were those runangas constituted?—I think I have given as definite a reply to that question as I can.

1627. *Chairman.*] Supposing that, in fact, these runangas were simple conferences or meetings, in the nature of village meetings, would your objection equally apply to runangas of that nature?—My objection to runangas generally amounts to this; that I should not like to encourage too many of such meetings among the Natives, fearing the tendency to leading them into habits of idleness and idle gossip, without producing any good or permanent results, except when called for a particular purpose, or to carry out a special object.

1628. Your objection then is to the too great frequency of such meetings?—It is.

1629. Not to the meetings themselves?—I think the frequency of such meetings, except for some special object, should not be encouraged.

1630. But are not the Natives in the constant habit of holding such village councils among themselves?—Not in the constant habit.

1631. Are they not a kind of recognised institution among them?—They do hold them; but these constant meetings are of recent occurrence. Two or three years ago there were hardly any meetings of the kind at Waikato: a large meeting was occasionally held, but after the work was done it dispersed.

1632. One witness before the Committee has described them as having formerly had another name, *kōmiti*; is that word an adaptation of the English word "Committee"?—It is.

1633. Were these *kōmitis* confined to the Waikato district, or were they general?—They had *kōmitis* or runangas in various parts of New Zealand. I mean to say broadly this; that, in my opinion, these should not be encouraged to a great extent.

1634. *Chairman.*] Is not the term "Runanga" a pure Maori term?—It is, meaning an Assembly or Council.

1635. Was it not the custom of the Natives to transact their important affairs in the runangas?—I believe that the runanga was a very ancient institution of the New Zealanders, even existing before they migrated to these islands; but it had fallen very much into disuse among them during various periods of their history in this country. They may have had deliberations about war or peace, but those did not generally occupy very much of their time, and were not taken part in by the tribe generally, but were confined to the Chiefs of the tribe.

1636. You have spoken of there being great differences in various parts of the country in respect of the popular influence: where the popular influence had more force, and that of the Chiefs less, would not the runanga be the ordinary form of ascertaining the popular will?—I believe that the runanga has been much more resorted to as a means of ascertaining the popular will among some of the tribes within the last few years.

1637. *Mr. Dillon Bell.*] Is it owing to the decrease in the influence of chieftainship since the establishment of British sovereignty that you trace the growth in late years of the runangas?—I may



say that I think it has arisen from imitation of European customs as much as anything. For instance, at Nelson they proposed to elect a Superintendent for themselves on the same plan as the European Superintendent.

*D. McLean, Esq.*

24 Oct. 1860.

1638. Was not there a similar proposal made by the Natives at Wellington?—Not exactly to appoint a Superintendent. I think there was an agitation of the kind at Otaki about two years ago, when a Native named Te Rei wanted to be appointed a Magistrate in opposition to Matene Te Whiwhi.

1639. What course did that agitation take?—The object was the election by the Natives of Te Rei in opposition to Matene, and as nearly as I recollect the result was that Te Rei had about 40 or 50 votes (or what in their estimation represented votes), and Matene had the express suffrages and sympathy of several hundreds as a recognised Chief among the tribes. Te Rei desired to set himself up in order to destroy Matene's influence.

1640. *Mr. Fox.*] Were the proceedings then conducted decorously and orderly?—I heard in letters there was some excitement and a disposition to come to blows, but it never came to anything serious.

1641. *Mr. Dillon Bell.*] I observe in the proceedings of the Kohimarama Conference that Tamihana Te Rauparaha said that you had some years ago proposed to hold similar Conferences; can you give the Committee the particulars of that (page 19 of *Maori Messenger*, August 3, 1860)?—It is about three years ago that I endeavoured to gather from the more intelligent Chiefs of the country their views with reference to the holding of such Conferences once in each year or every two years, as a means of making known their general wants, requirements, and grievances, and affording the Government opportunities of receiving suggestions from them for carrying out any measures for their permanent good, and for reconciling them as much as possible to the existing state of government in the Colony.

1642. Then that was, in your opinion, the best way of obtaining, in a recognised form, the expression of the desires of the several tribes?—I considered that a selection of the leading and influential men from the various districts of New Zealand, without reference to their party feelings, would be the best means of ascertaining the true sentiments of the various tribes inhabiting different parts of the island.

1643. You remember the Governor's message on the subject of individualizing Native Title; did not the Natives at the Conference express a desire to consider the matter carefully after they had retired to their houses?—They did.

1644. In order that their consideration of so important a subject should have some result that could be recognized by the Government, would it not, in your opinion, be desirable that their decision should be ascertained in some way in which the opinion of the sections of the tribes should be represented *inter se*?—I think it would.

1645. If it was so desirable to ascertain the general opinion of the tribes by a Conference of representatives from them all, would it not be equally desirable that the opinion of the sections of the tribes should be obtained in a similar way by deputies from those sections to a tribal runanga?—I think that it does not require a very great exertion on the part of the Government to ascertain, without any particular reference to runangas, who are the persons really qualified, by birth, position, and ability, to represent the tribe.

1646. But the runanga being an institution familiar to the Native mind and habits, would it not be better to obtain the opinion of the various tribes through that medium, in the first instance, in order that the opinions of the various runangas should be brought together before the General Conference in some general shape?—There seems to be some confusion of ideas here: there are several kinds of runangas; the name of runanga may be given to half-a-dozen people collected together; but the general term by which a meeting of tribes would be designated, at which an opinion of the tribes would be expressed, is "*hui*." The *hui* is a larger meeting than a runanga.

1647. *Mr. Williamson.*] But a *hui* is a promiscuous gathering where the opinions of all present would not be given; would they not select their influential men for purposes of deliberation?—No selection would be necessary, because there are among them persons thoroughly recognised as entitled to take the lead in deliberations, and who assume their position as a matter of right.

1648. *Mr. Fox.*] You have said that you considered a selection of leading and influential men, without reference to party feeling, would be the best means of ascertaining the Native opinion generally; where there are differences of opinion in a tribe on important subjects, how could they fairly be represented without reference to party feeling?—Each tribe in the country has its acknowledged Chief. I conceive that while his conduct is good he should be, as far as possible, recognised by the Government in the selection; and when that course is followed, I am satisfied that the tribe would not foster to any extent party feeling against the selection. If the tribe were divided in opinion, as to the confidence to be reposed in the Chief selected, it would be quite fair to recognise their right to nominate some other person, being also a Chief, to represent their views.

1649. Is the Government in a position to execute the delicate office of selection implied in your last answer, among the numerous tribes of New Zealand?—I do not consider that it is a matter attended with very much difficulty. I think the Government is quite in a position to make the necessary selection.

1650. *Mr. Brown.*] What the Committee understand is that you advocate the principle of selection by Government rather than election by the tribe itself, in a runanga or conference?—Yes, selection by Government with a due regard to the wishes and feelings of the tribe.

*D. McLean, Esq.*

24 Oct. 1860.

1651. *Mr. Williamson.*] I think you stated on a former occasion that the influence of the older Chiefs is still very great; have you observed any recent proof of this, and, if so, will you state the particulars?—I consider that the safety of the Colony depends very much on the position taken by the older Chiefs. I may state from reliable information gathered on the spot, that recently, if it had not been for the old Chief at Orakei (Kawau), and Tamati Ngapora at Mangere, \* \* \* \* \* An old Chief of the party appealed to them and said, "Look to the old Chief at Orakei, and look to the old Chief at Mangere, and look to Te Tiki at Pukaki, and give up all such ideas." These Chiefs have throughout exercised a greater amount of influence for the safety of Auckland than is generally known, or sufficiently appreciated. At the great meeting at Ngaruawahia, the old Chief Kawau, who lives near Auckland, had given orders to his tribe to be prepared to defend Auckland from any Native attack. I could mention other instances in illustration, if it would not take up the time of the Committee: these are recent. The words of Potatau were also very much the cause of the Waikato proper not joining in the war at Taranaki:—"Kaua te aha, kaua te aha; kia atawhai ki te pakeha (Let nothing be done against the Europeans; treat them kindly)."

1652. Prior to your tendering advice to the Governor to suspend the proceedings of Mr. Fenton in Waikato, had any intimation been made to you by other persons besides Potatau (Native Chiefs or Europeans) that his proceedings were calculated to lead to dangerous consequences?—Yes; I can say in reply to that question that very many representations were made to me at that time, by Natives from the Waikato, some of whom favoured Mr. Fenton's proceedings very much; and I gathered from them, as well as from those opposed to his proceedings, the actual state of the Waikato. I did so also from Europeans coming in from Waikato. The names of the Natives are particularly Hetaraka, Wiremu Nera te Awaitaia, and Ta Kerei te Rau: these are the leading men; there were others of the Ngatimahuta tribe; and I can produce letters to the Committee showing the state of party feeling existing at Waikato at the time. (*See below.*)

1653. *Mr. Sewell.*] Do the Committee understand that the Chiefs you have named recommended Mr. Fenton's withdrawal?—They only stated the excitement existing to me: they said nothing of Mr. Fenton's withdrawal. But the people at Mangere did; they are not actually in the Waikato, but they represented at that time the entire feeling of the majority of the Waikato people.

1654. Do you recollect a letter having been addressed to you, as Native Secretary, by the Rev. Mr. Riemenschneider, dated 24th September 1855, directing attention to a strong suspicion existing in the Native mind, especially in the Taranaki district, as to designs of the Europeans to obtain possession of their lands?—I had several very valuable communications with Mr. Riemenschneider both at that time and subsequently. I requested him to furnish me with information as to the state of the Native mind in the Taranaki district. I cannot be certain I have the particular letter referred to in my possession: but I will look for it and endeavour to produce it.

1655. *Mr. Domett.*] Was Mr. Fenton ever instructed by you, or from your office, to endeavour to conciliate the old Chiefs, and so gain their co-operation in his proceedings?—I cannot recollect exactly whether any instructions of that kind were ever given him from my office; but at the time he was stationed at Waikato he was instructed by the Colonial Treasurer.

1656. Are you aware whether the Governor ever gave him such advice?—I believe the Governor did give such advice, and that Mr. Fenton was aware that the Native Department, of which he was a member himself at one time, made it a principle that the old Chiefs should be conciliated on all occasions.

1657. Was he ever advised to prepare the Native mind for the attainment of the objects he proposed, by adopting the principle of nomination by Government instead of popular election?—I think that is already replied to.

1658. Are there any other documents you wish to put in?—I wish to put in an extract of a Despatch of the Governor's, dated 13th June, 1859; a Memorandum of the Native Secretary's, dated 16th September, 1857, and Acting Native Secretary, dated 8th March, 1856; and Extract from Report of Mr. Turton.

[*Witness produced these documents: same read as follows.*]

EXTRACT FROM DESPATCH FROM HIS EXCELLENCY GOVERNOR GORE BROWNE, TO THE SECRETARY OF STATE, DATED 13TH JUNE, 1859.

"When I visited the Waikato district about two years ago, the agitation for the election of a King was commencing there. I went up the Waikato in a war canoe belonging to Potatau, which was steered by his son. I had interviews with the Natives described in my despatch No. 40 of 9th May, 1857, and Potatau gave me an assurance that he would control the then probable movement: that he had no desire to be a King, and that he would always be a faithful subject of Her Majesty; and I have every reason to believe that he has adhered to his promise.

At the time alluded to I appointed Mr. Fenton to be Magistrate of that district, this officer being enthusiastic in his desire to introduce law amongst the Natives. It soon, however, appeared that the tribes of the Waikato were divided into two parties; the one chose Potatau as their head, and were composed of all the old and important Chiefs; the other consisted of young men, who called themselves the Queen's party, and desired to be assimilated to the English. I will not assert that Mr. Fenton's indiscretion was the cause of this formation of two distinct parties in his district, because it is possible that this movement was beyond his control, but he unwisely allied himself to the latter party.

Potatau complained that his position as the great Chief of the Waikato had been recognized by all Governors, but that now young men were encouraged to disregard his authority, and that some slights had been put upon him. I soon found that if Potatau had chosen to assume the position his followers desired to thrust upon him, all the Chiefs of importance in the South would join him, (an opinion in which I am fully confirmed by my recent tour); and I had strong reason to believe that many of the leading men on the other side only waited to see if he really would establish a national party, when they would also join him.

As soon as this came to my knowledge, I declared that I would recognize no parties at all: that Her Majesty was the only Sovereign of New Zealand, but that I fully acknowledged Potatau (as all my predecessors have done) as the great Chief of the Waikato. This tranquillised affairs, but I was accused of putting an extinguisher upon the Queen's party, who were alone thought deserving of consideration.

In 1858 Mr. Fenton was appointed Assistant Law Officer, and removed from the Waikato. I soon afterwards sent for a Native Clergyman, Te Ngapora, a near relative of Potatau, whose character is unblemished, and whose truth has never been questioned, and asked him how another Magistrate would be received, if I sent one to succeed Mr. Fenton. His reply was that Potatau and his friends had long declined to communicate with Mr. Fenton, and he thought the irritation had not yet subsided; but, he added, "it will do so in a short time, and then we shall be glad to have a judicious person to act as Magistrate among us." On this advice I have acted, and about a month ago I directed Mr. Turton, a gentleman well acquainted with the Natives, and recently a Wesleyan Missionary, to make a tour on other business, and to return through the Waikato district, reporting to me upon the subject. Should he report favourably, I shall send a Magistrate to that district without delay; but until I learn that such a functionary will be well received, I shall remain unmoved in my determination."

*D. McLean, Esq.*

24 Oct. 1860.

#### MEMORANDUM BY THE COLONIAL SECRETARY.

Auckland, September 11, 1857.

With reference to that portion of an interview which the Colonial Treasurer had yesterday the honour to hold with His Excellency, in presence of the Native Secretary and Mr. Fenton, which referred to the circumstance that grass seed had been sent to certain Natives of the Waikato, the Colonial Secretary understood the Native Secretary to state, in effect, with His Excellency's concurrence:

First—That Te Wherowhero was displeased at grass seed having been sent to the Waikato district.

Secondly—That his (Te Wherowhero's) consent should first have been obtained before grass seed was sent there.

Thirdly—That if the communication of the 24th July from Mr. Fenton, upon this subject, had been addressed to the Native Secretary's Department, instead of to the Colonial Treasurer, that Department would have obtained Te Wherowhero's consent.

The Colonial Secretary believes the above to have been the substance of what was stated by the Native Secretary on this subject; but with a view to any further action which may appear necessary with respect to it, he is desirous of ascertaining whether he has correctly represented the opinion of the Native Secretary, in which the Colonial Secretary at the same time understood His Excellency to concur.

E. W. STAFFORD.

#### MEMORANDUM.

Referring to the Colonial Secretary's Memorandum of the 11th instant, on the subject of an interview with His Excellency, at which the Native Secretary and Mr. Fenton were present; I have to offer the following remarks on the points referred to in that communication.

The first and second statements made by the Colonial Secretary are correct: with the exception that they were made on previous days, before the Executive Council, and only incidentally referred to on the 10th, the date of this interview.

With reference to the third point; that if the communication of the 24th July had been addressed to the Native Secretary's Department, instead of the Colonial Treasurer, that Department would have obtained Te Wherowhero's consent;

The Native Secretary begs to remark on this head, that his observations were not directed to any particular letter or correspondence, so much as to the fact, in general terms, that *various measures* were being initiated in the Waikato district, without reference in the first instance to the Native Secretary's Department, as to the effect they might produce among the Natives.

As an instance of the consequence of such a proceeding, the Native Secretary observed that Te Wherowhero was much annoyed at the recent proceedings of the Government Agent up the Waikato: not only in reference to the grass seed in question, but in offering to send sheep to some of the Chiefs of Waikato, more especially to those opposed to the King movement up that river.

Te Wherowhero and his people complained that this was a new course of proceeding on the part of the Government. Hitherto, he had invariably been consulted as the head Chief of Waikato, on all subjects relating to that district; now, the Government were adopting a different policy, and were attempting to destroy his influence by breaking up his tribe into political parties; that his confidence in the Government, which was hitherto great, was recently, in consequence of these proceedings, becoming very much shaken.

The Governor did refer to the particular letter, but as his information came from the Native Secretary it is evident he was mistaken in so doing.

The Colonial Secretary is not aware to what measures the Native Secretary refers, and would wish them to be stated.  
E. W. S.  
September 23, 1857.

Mr. Fenton stated at the interview that he had made no promise of sheep.  
E. W. S.

Native Secretary's Office,  
Auckland, September 16, 1857.

DONALD MCLEAN,  
Native Secretary.

D. McLean, Esq.

24 Oct. 1860.

The Native Secretary refers to what is called a new experimental policy on the Waikato, the initiation of which has already occasioned much uncalled for contention among the tribes on that river.

The result of this new policy was, that one section, the Queenites as they are designated, talked of nothing but law, the erection of Court-houses, and the obtaining of appointments and pay from the Government as Assessors.

The other section in opposition to this movement, revived the King question, designating themselves Kingites; they talked of setting up King-houses, separate laws and jurisdiction, the tendency of which would soon very seriously embarrass the Government.

My opinion is, that the introduction of all new theories among the Natives, especially in a district like the Waikato, must be introduced with great caution. What is really required therefore is to teach the Natives to cultivate the soil to better advantage, and to have a prudent person among them to arbitrate in cases of dispute, when voluntarily called upon by the parties concerned to do so.

This appears to be of much more importance, both to the Natives and the Colonists, than the adoption of untried theories, which may end in perplexity and confusion. It would be wiser, in my opinion, to abstain from all interference with the Waikato, than to resort to new projects the ultimate results of which are altogether problematical, more especially in a district where a strong vein of nationality and disloyalty to the English Government secretly exists.

DONALD MCLEAN.

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EXTRACT FROM REPORT OF MR. TURTON OF HIS VISIT TO THE BAY OF PLENTY AND WAIKATO.

"2nd, Confidence in the Government.

"Considering the counter influences which are at work, the strength of this spirit is rather surprising. In the Bay of Plenty it is all but universal, and even in Waikato (except on the subject of land) it is still remarkably apparent. From several European sources I heard a different report; but I met with nothing in my converse with the people, which need excite any great apprehension, so long as their wants and condition are well enquired after, and their desires or prejudices respected. They know our strength, and they appreciate our kindness, and a greater mutual intercourse is all that is required to retain their confidence in the Government as their natural protectors. They still acknowledge that they are but children, and require the wisdom of the parent for their support and guidance, and I believe it can only be by some great mismanagement, that their affections, as a body, can be alienated from us. Potatau Te Wherowhero was very strong in some of his remarks on this subject, in the conversations which I held with him at your Excellency's direction.

3rd, That convention of a few of the Native tribes to which the term "*Maori King*" has been unmeaningly attached, is neither more nor less than a league among themselves for the prevention of any further sales of land; whatever other indefinite ideas they may have had in connexion with the movement, having so far been allowed to lapse, through inability to carry them out, notwithstanding their original boast that they would prevent any further bloodshed amongst the Native race by an armed interference, their mere advice and opinion have been repeatedly treated with disrespect, even by such small tribes as those of Tauranga; and beyond the offer of counsel and arbitration, they have none of them as yet dared to presume. It is not three weeks ago since a despatch arrived from a few of the disaffected at the South, demanding that three hundred of the "King's soldiers" should be sent down, to cause the Waitotara and Whanganui Natives to restore to the Government the first instalment of £500, which they had just received for their lands at the former place. The inability of the league to send thirty, or even three men, to such a district on such an errand, will, I trust, not only expose the weakness of the Association, but also convince themselves of the folly of having put forth such boastful and unmeaning pretensions. I think the leaders would gladly retrace their steps, as regards other tribes, if they could do so without shame; being afraid of the excitement they have raised in distant quarters, and themselves wondering to what end it will grow. But in their own district they will still remain energetic, after their own way, and produce division until such time as a Government officer is appointed, who will be ready to assume the lead in all things without respect of party, and cause the entire people, almost unenquiringly, to follow after, and join in promoting beneficial purposes.

Still, I do not look upon the movement, even at present, as being altogether devoid of danger, simply because its possible results are but matter of conjecture; this should rather, I imagine, be the means of producing a healthy apprehension and vigilant oversight. But I am convinced, at the same time, from all I have seen and heard (except through the statements of interested individuals) that the people of Waikato are none the worse, but a great deal better, for the position which the Government have lately assumed towards them, and their obstructive pretensions. They now see that the general business of the Colony has very little reference to themselves, that everything goes on quietly without them, and that the desire of the foreigner to interfere in their mere local affairs is not quite so great as their own importance suggested. And from this lesson, so painfully taught them, I believe that much benefit will be derived in their future management, especially if the New Zealand press will but cease to take such prominent notice of their concerns, since it will only tend to inflate the restless, and make them, at last, ungovernable. I would remark that throughout the Bay of Plenty the people are opposed to the Waikato movement, believing themselves capable of dealing with their own property, and having the right to do so. \* \* \* Even in the Waikato, many cases were referred to me for judgment which they were themselves unable to settle; and at Te Wherowhero's own place, at Ngaruawahia, I was requested to return, and afford them general instruction."

The Hon. C. W. Richmond, Minister for Native Affairs, further examined.

Hon. C. W. Richmond.

1659. *Mr. Brown.*] Messrs. McLean and Smith have stated in writing that Mr. Fenton's omission to visit Potatau at Mangere, on his first visit to Waikato, was looked upon by that old Chief as a personal slight: had Mr. Fenton any instructions to visit Potatau?—Not to my knowledge.

24 Oct. 1860.

1660. After Mr. Fenton had omitted to visit Potatau, did he receive orders from the Government to return and visit Potatau, or in any way to make amends for that slight?—Not that I am aware of.

1661. The omission having been made in the first instance to gain the co-operation of Potatau in establishing law in the Waikato, was any attempt made afterwards to remedy that oversight and gain his co-operation?—I think not. It was well known that the Government was desirous of conciliating the support of the influential Chiefs; but the Responsible Ministers, having no medium of communication except the Native Secretary's Office, were powerless in the matter.

1662. When Mr. Fenton's proceedings were observed to be arousing a degree of excitement in Waikato, which was held by the Native Secretary's department to be dangerous, did Mr. Fenton receive any fresh instructions, any advice or warning, to that effect?—I do not think that he received any fresh instructions; but I believe that it was intimated to Mr. Fenton in various ways by the Native Department, that the course he was taking was dangerous, as tending to alienate the old Chiefs.

[*The Chairman produced a Memorandum received from the Colonial Secretary: same read as follows:—*

PRIVATE MEMORANDUM (ABOUT THE END OF 1857) BY MR. FENTON.

*Designs of the Kingmakers.*

The class of Kingmakers embraces many diverse and sometimes conflicting elements. I arrange them according to their importance.

1. Those who have observed that Government have always temporized, have allowed Native quarrels to proceed unnoticed, have introduced no law or protection for life or property: in fine, have not governed. This section merely requires the establishment of law and order.

2. Those who are alarmed at the European advance, and wish to organize a nationality distinct and partially independent.

3. Those who are actuated by the latter feeling, and also by a sentiment of decided hostility to the white race and Government. This class is small, but would receive great accessions of strength if imprudent measures were taken by Government.

4. Those who care nothing about politics or progress, but join any affair that promises excitement. N.B. All have strong feelings about land.

*Numbers of each side.*

I estimate the population of Waikato at 10,000, and believe about half of these tribes to be thoroughly loyal. I know nothing that can be relied upon of the sentiments of the Southern tribes.

*Present position of matters.*

\_\_\_\_\_ has proved treacherous and encouraged the agitation. One half of the population support him, the other half do not. In the loyal districts court houses have been erected, and all the preliminary steps taken to introduce law, in conjunction with material improvement.

\_\_\_\_\_ and \_\_\_\_\_ are anxious to retard civilization, and retain the people in barbarism.

*Events that will in all probability happen.*

An independent flag will be erected, and a King's house built. Potatau will leave Auckland and settle at the junction of the rivers. A meeting of as many tribes as can be assembled will then be held and the new dynasty inaugurated.

*Courses now open for adoption.*

1. The proceeding may be denounced as treasonable, and be made a *casus belli*.

2. The whole district, including loyal and disloyal, may be abandoned; European residents withdrawn, commercial intercourse stopped, and the Natives told that they will not be again recognized until they have pulled down the flag.

3. The loyal Natives may be directed to oppose the movement, the erection of a house and hoisting of the flag, by every means.

4. The agitators may be told that their efforts to obtain order are ill-directed and will fail, the hoisting of the flag remain unopposed and unnoticed, the meeting not attended by Government officers or loyal Natives. \* \* \* 's pension stopped then, not now, but notice be now given to him that it will be stopped as soon as he leaves Auckland; that the Resident Magistrate and the loyal party proceed quietly and decidedly with their work, not noticing the agitators either with opposition or ridicule, and adherents received as they express their desire to join.

5. To recognize the movement, and confirm Potatau's appointment under another name such as controller, &c.

*Remarks on these courses.*

1. Not to be entertained. The movement should be looked at with Maori eyes. They do not entertain hostile notions, as a body.

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2. Punishing the innocent with the guilty can never be honest and rarely politic. If this course be taken the loyal Natives will at once attack the agitators, or otherwise, join them with the bitterest feeling against us. It is the pursuit of such policy ("fight it out, it is a Native quarrel,") that has contributed such strength to the movement. If we directly or indirectly encourage our loyal Natives to fight, we are bound in honor and also in policy to stand by them.

3. Not so objectionable as the last because more honest and open, but not to be entertained.

4. I prefer this to No. 5 or any other course. I do not think the thing will be stable and we must scramble through the interval as best as we may. By this course we do not desert our friends, and we do not irritate the agitators. During the time that the new system has been in operation, half the population has rallied round it, and our numbers will perpetually increase, and of course the other side diminish. If hostilities ever happen the loyal Natives will be on the attacked side, which is always a great moral advantage in Native quarrels. The less notice we take of ——— the better. His influence has always been employed to retard civilization and progress. If his own people reject him, surely the European Government may disregard him. Still he should not be made a martyr of. Fix an overt Act for the stoppage of his pension; give him notice of it; such as the leaving Auckland to settle in Waikato.

At the same time notice should be given to the Natives that as they had complained much of the conduct of Europeans resident amongst them, none would, in future, be allowed to reside on Native land without a license, and the Native Land Purchase Ordinance should (so far) be put into action. If, ultimately, matters take a wrong turn, and contrary to expectation, stronger measures are necessary against the Kingites, we shall, by this plan preserve and consolidate a large body of friendly Natives who will always be able to keep the enemy in check, or to assist in enforcing a Native Offender's Bill.

I think we may rely upon them, for their pride is enlisted with us. If we fail they are humiliated, if we succeed they are exalted.

But in one matter we must be decided. So long as the owners of land wish to lay down their land in grass, we should not be deterred by Potatau from giving every encouragement. He only spoke to Mr. McLean as instructed by Ruta and Paratene of Wakapaku, who have already been defeated and silenced (in their own neighbourhood) by Takerei and the intelligent advocates of progress.

Potatau's objection to the grass, or as Mr. McLean called it, his "grievance," could not have actuated him to treachery, for his letter was written at least a month before he heard of the grass; Government were informed by me of my advice to the Natives, and if the Native department thought Potatau's consent necessary, it was their business to get it.

Above all, I would advise that no hasty determination is made. Several powerful and intelligent Maories are coming to town, and the Governor should see them and judge for himself. There is no need of haste in a decision. The Maories will do nothing more for several months. Letters are coming to me from the leading men of the Kingites, of the contents of which I am ignorant. If these letters (from Ngatihaua) contain a request to me to visit them, the flag will never be hoisted.

F. D. FENTON.

F. D. Fenton, Esq.

F. D. Fenton, Esq., called in and further examined.

1663. *Chairman.*] You wish to make an observation about Archdeacon Maunsell?—I beg to call the attention of the Committee to the preface to the second edition of Archdeacon Maunsell's grammar, about to be published, containing the following remarks: "The author begs to express his acknowledgment to his friend Mr. Fenton, late Resident Magistrate of Waikato, and one of the few who have studied the language grammatically, for carrying the present work through the press."

1664. It has been stated in evidence that on your first visit to Waikato as Resident Magistrate, you omitted on your way to pay a visit to Potatau: had you any instructions from the Government on the subject?—I had no such instructions; he was not in the district.

1665. Where was he at that time?—At Mangere.

1666. Was Mangere on your way to the Waikato?—No.

1667. How much out of your way would it have been?—It was altogether a different road.

1668. Then were your instructions from the Government to proceed to Waikato without any reference to paying a visit to Potatau?—Yes; Potatau had been stationed at Mangere by Sir G. Grey as a sort of agent for the Government with reference to Native matters in that district. I considered that his relations were specially with the Governor and the Native Department. It did occur to me that it might be beneficial for me to pay Potatau a visit, but on consideration I did not do so, fearing that my visit might be construed into an unauthorized interference. Previously to this, in May, when he was at the Waikato, I did see him. He was then attending the first King meeting. This was after the arrangement between him and the Governor, at which institutions were promised for Waikato. I used to go in the evenings and spend hours with him in a friendly way. We talked about pulling down the King's flag, and he instructed Momaori to do so. He was aware at that time of the intention to send me as a Magistrate. His general talk was of Maori traditions, and especially about Kahutea, a *meri* or ancient greenstone, which had recently been dug up near Onehunga.

1669. Have you ever talked to him about the introduction of laws into his district?—Yes, but only in a general way.

1670. Did he express his assent?—Yes.

1671. Did he ever express his wish as to the mode of introduction?—No; he was very old, and his ideas were very vague.

1672. You never saw him after the time when you went as a Magistrate?—He then returned to Mangere, and when I left the Upper Waikato permanently, I met him on the river going to reside at Ngaruawhia. This was about June, 1858. I merely saluted him as I passed. I never saw him again. F. D. Fenton, Esq.  
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1673. Have you any knowledge of Potatau's sentiments beyond what you have heard from other quarters?—I put in Potatau's speech, made at Paetai in April, 1857, taken down by myself. In all my communications to the Natives I explained that I had come in consequence of the arrangement between Potatau and the Governor, and always put that arrangement forward as the basis of my proceedings. I have fortunately a report of a speech made by him to the Natives after the first king meeting at Paetai in May, 1857, which I put in as an example of my mode of treating this question.

1674. Have you any other papers illustrating your mode of proceeding with respect to the older Chiefs?—I put in an account from the *Southern Cross* of June 5th, 1857, written by me, and inserted with the consent of the Governor, containing an account of a native meeting at Paetai, held on 11th May preceding. I also put in the dates and durations of my several circuits. [*Paper put in.*]

1675. Speaking generally, can you state positively whether at the time you commenced your work, there was any opposition to your work by the older Chiefs?—There was not.

1676. Did any such opposition manifest itself to your work at any time afterwards?—The only people who showed any opposition were the men whom I call here the Chiefs of Te Wakapaku, Paratene, and Tarahawaiki, cousins of Potatau, and that was a friendly opposition. Te Whakapaku is on the Waipa.

1677. What do you mean by a friendly opposition?—I will illustrate my meaning. After the meeting mentioned in my journal, in which Takerei, myself, and others had a long discussion with three old Chiefs about grass, the introduction of which into Waikato they had opposed, Paratene stood up and said, "This fight of ours is a very good one. It is nothing more than the babe kicking in the womb of its mother" (meaning that the struggle was amongst ourselves; strangers were not concerned in it.)

1678. It has been said that your proceedings produced party divisions among the Natives; did you observe any such effects resulting from them?—I did not. Upon looking at my journal, I think it possible that impressions may be produced which would not correspond with the reality. My object in writing the journal was to paint in a fair light the whole of the difficulties as well as the favourable circumstances of my position.

1679. Were the divisions between the King and the Queen parties made at all acrimonious by your proceedings?—I do not think they were.

1680. Do you recollect any instance whatever in which an actual dispute arose between the King and Queen parties through your proceedings?—I am not aware of any.

1681. *Mr. Brown.*] In the Governor's despatch, No. 41, laid before us to-day by the Native Secretary, it is said "that he (Mr. Fenton) unwisely allied himself to the latter party," which latter party had previously been characterised as "young men who called themselves the Queen party, and desired to be assimilated to the English;" did you receive from the Governor, from the Minister for Native Affairs, or from the Native Secretary, written or verbal warning to alter and amend that line of conduct?—I cannot admit the assumption. I made no distinction between the parties. I went no where unless the people asked for me, and wherever they asked for me I went. Supporters of the King and supporters of the Queen came to my Court alike as plaintiffs and defendants, and alike obeyed my judgments. I may mention that at the last Court I held on the Waipa the young magistrates, called the King's magistrates at Te Wakapaku, the residence of the old Chiefs to whom I have alluded, came and asked to sit with me; another came from Tiraki in the Horotiu. There were three of our own magistrates and myself, and we sat hearing cases for two days, and the subject of King or Queen was never mentioned. There is a speech of Ruia at p. 40 of my report, which expresses the Maori ideas upon the subject. With regard to instructions, I never received any written instructions whatever as to my adopting any particular course of proceedings. The Governor used to say I was too enthusiastic; that I went too fast, and Mr. McLean too slow. Mr. Richmond said he had great difficulty in consequence of inter-departmental jealousies.

1682. *Chairman.*] It has been said that, had you continued your proceedings, there was risk of disturbances in the District: have you ever perceived any indications of that kind in consequence of your operations?—No, I never did. There was another matter which caused me anxiety; that was the avowed determination of the King party to hand over all the lands of the district to the King. That I did not interfere with at all, though I noticed it in my journal as a matter for the information of the Government.

1683. Would you state what you understood to be the handing over those lands to the King?—To render them inalienable. The land is their only bulwark of independence, and consequently they attached great political importance to the retention of it. My idea was, and is, that, if they found their political status sufficiently secured by institutions, they would cease to regard the possession of unnecessary land as a matter of vital consequence.

1684. Then you think institutions absolutely necessary to settle the proper relations between the races?—I do. I think you cannot govern the Natives without them.

1685. *Mr. Domett.*] Was there no danger, do you think, of the loss of political status by the old and hereditary Chiefs involved in the principle of elective runangas?—I contemplate the existence of 3 classes of runangas; first, the village runanga, which would comprise every adult of the village, and would be presided over by the old Chiefs; second, the District Council, which would consist of the old Chiefs and elected Native Assessors of a district presided over by the



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Circuit European Magistrate of the district; third, a central runanga for the whole island, which would consist of selections from the old Chiefs and Assessors, meeting where and when the Governor thought fit to convene them, but they ought to meet in Native districts and not in Auckland. By this system it will be perceived that the old Chiefs will still be the principal officers, and the only elected officers are the Native Assessors above alluded to. When you come practically to work you find that you must have those officers elective, as you want the best men of the tribe. The old Chiefs often declared themselves unfitted for this work, and requested that younger and more intelligent men should be chosen, men more acquainted with the pakeha "tikanga." Wiremu Nera's expression to the Governor was, "we, meaning the old Chiefs, will support the Magistrates and they must do the work." (*Ma matou e tino whak akaha i nga kai-whakawa.*)

1686. Then of course you contemplated that the Chiefs of hereditary rank or influence would be nominated by the Governor to the central Council, as well as, where necessary, the men whose influence arose from natural ability?—Certainly. It was from this mixture that we got our strength, and no system can work which does not combine the two influences.

1687. Did you make the old Chiefs fully understand this as your intention?—Yes; they did fully understand it. I put in a paper containing a list of all the old Chiefs in my district, distinguishing those favourable and unfavourable. The district over which my operations extended stretched from Waikato Heads to Whatawhata on the Waipa, and across to Aotea on the West Coast; that is including the lower and middle Waikato. Their sentiments we ascertained by speeches, letters (which I produce), and conversations. All were favourable except the Chiefs of Wakapaku, and Huirama of Tauranga, Koura who opposed, and Harepata who had no opinions on the subject. These are all the old Chiefs of the District referred to.

1688. If you had been permitted to prosecute your work, can you speak with any confidence as to the prospect of your ultimate success?—I have no doubt in my mind about it; I had the hearty co-operation of the Missionary body, and of all the Native Teachers; I mean if the Government authorities had not interfered with me, that is the Native Department.

1689. How do you account for the impression on the mind of the Government that you were going too fast?—Mr. McLean put it there. The Governor told me so. When Mr. McLean was away I found no difficulty.

1690. Mr. Brown.] Te Horohau, in speaking of your Courts, states that when offences were committed *utu* was not forthcoming: have you any remark to make on that statement?—It is untrue. I do not remember an instance of a plaintiff who, having recovered judgment and having subsequently complained to the Court that he could not get the money, did not obtain it.

1691. Do you think that a system such as yours could now be introduced at the Waikato?—I think it would not be prudent at present. It would be a great mistake to commence working under unfavourable conditions.

J. Williamson, Esq.

His Honor John Williamson Esq., Superintendent of Auckland, examined.

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1692. Chairman.] The Committee understand that you wish to make a statement on the subject of the issue of a bush License?—I do. In the Despatch, under date May 9th, 1857, from His Excellency the Governor to the Secretary of State for the Colonies, which has been read before the Committee, I observe the following passage. "I need not call your attention to the difficulty which attends the management of what must be called an *imperium in imperio*—at the present moment I have no power to authorize the establishment of a Pound in Native Districts, as by so doing I should be interfering with the jurisdiction of the Superintendent of the Province. This functionary has also the power of granting licenses to keep a Bush Inn, and sell spirits, without in any way consulting me; and, as an example of how this power has been used, I need only say that a man named Cowell, (the Supercargo of the brig "Elizabeth" when the dreadful atrocities, described in Sir George Gipp's Despatch, were perpetrated) has a license to keep one at Turoree. This man's account of his own share in that dreadful affair makes his conduct appear in a more atrocious light than has been as yet reported." I wish to explain to the Committee the action of the Superintendent and the Provincial Executive towards His Excellency's Government in the matters specially referred to by the Governor. The "Licensing Amendment Ordinance 1844" of the Legislative Council, is that under the authority of which the Governor in Council, and in certain cases two Justices of the Peace, can issue what are commonly called Bush Licenses. "The Transfer of Powers Act" conveys to the Superintendent of this Province the power vested in the Governor in respect to the Licensing Ordinance. As at the time when the Despatch was written I was Superintendent of this Province, I think it necessary to state that no license to Mr. Cowell has been issued by me. On reference to the records of the Executive Council I find that in March 1855, a license was granted to Cowell by Mr. William Brown, and in 1856 the issue of Bush Licenses to P. Brosnan, Rangiawhia, J. V. Cowell, Waipa, and Joseph Graham, Whaingaroa, was authorized by the Executive Council two or three days previously to the resignation of his office, by my immediate predecessor, Dr. Campbell. The license to Cowell, although thus authorized, I declined to issue, so that His Excellency appears to have been under a misapprehension in stating, that, at the date of his Despatch, Cowell had a license. Fully sensible of the injury which the granting of Bush Licenses in Native Districts might bring upon the Maories, and feeling that already a greater number of Bush Licenses had been issued than the real wants of travellers required, I determined to limit their issue as far as practicable, and that, in Native Districts, no license should be granted except, at the request, or with the concurrence, of the General Government. An arrangement to this effect was entered into with the Colonial Treasurer at a personal interview, which I sought for the



express purpose, and that arrangement, as will be evident from the correspondence on the subject *J. Williamson, Esq.* which I now beg to produce for the information of the Committee, has never been departed from. I beg to lay before the Committee a circular Letter addressed by me to the holders of Bush Licenses, shortly after my election to the office of Superintendent, from which the Committee will perceive the precautions with special reference to Natives, I desired to take for the proper management of houses of accommodation, for which such licenses might be granted. I would also wish to put in a list of New Provisional Bush Licenses issued by the Provincial Government since my election in November, 1856.

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[*The Chairman laid on the table a Letter from Rev. Mr. Morgan : same read as follows :—* *Rev. J. Morgan.*  
Otagahao, Oct. 9th, 1860.

SIR,—I received your letter of the 28th ult., together with Mr. Fenton's Report, by the last mail. I much regret that a press of duties, occasioned partly by the assembling of portions of various Waikato tribes under arms, at the several Maori villages around my station, on their way to Taranaki, prevents my writing fully on the several important questions submitted to me by the Select Committee of the House of Representatives. I will, however, reply briefly to the several points brought forward in your letter. (*See page 7.*)

I. Question—"The true causes of the origin and progress of the King movement, its present aspect, its future direction?"

First. "The origin of the King movement." 1st. A land league to prevent the sale of land by aboriginal tribes or owners to the Government; or the private sale of such lands to individuals of the European or "pakeha" race. 2nd. A desire to stop the rapid advance of European colonization. 3rd. A desire to introduce a code of laws suited to their own state and requirements. 4th. And chiefly, a desire to establish, first in the Waikato, and afterwards gradually in all Maori districts, an independent sovereignty over all Maori and European residents in such districts. Many of the aborigines saw with fear the rapid advance of European colonization, and the earnest desire of the Pakeha to obtain possession of their lands. They also noticed what they considered the confined bounds to which some tribes who had sold land were reduced. As the promoters of this league knew there were many tribes favourably disposed to the sale of land and European colonization, they felt that their league would be powerless unless they could unite the various tribes of Waikato, and afterwards other districts, under one Chief or King, whose flag, when received, even by the minority of any tribe in any district, should cover and prohibit the sale to Europeans of all lands in such district.

2nd. The aborigines feared, as their own numbers were being so rapidly diminished by death, that, unless European colonization could be arrested, that the white settlers would in a few years greatly outnumber them, and that then the Treaty of Waitangi would be set aside, and their lands seized by the English Government.

3rd. The desire of the Maories to introduce and establish a code of laws amongst themselves. They saw and felt the evils of their Maori customs, and the advantages of law and order. A period of 16 or 17 years had elapsed without scarcely any effort being made to supply this pressing want; and this circumstance alienated from the Government, and centred around the King movement, the feelings of numerous Natives who would at an earlier period have gladly united to carry out a simple code of laws, framed to meet their own peculiar wants.

4th. The desire on the part of certain natives to establish in New Zealand an independent sovereignty in Maori districts, over all Native and European residents therein. This feeling ran high in the Maori mind,—and hence the chief feature of the speeches at the great meeting of the Maori Kingites, at Rangiaowahia: "The Queen on her piece, and the King on his piece, and God over all." There is in the Maories generally a strong love of independence, and an unwillingness to be placed altogether under British rule, without a voice either in the framing or administration of laws affecting especially their own race. Many of the Maori Kingites carried this feeling to extremes, and while willing to accept English law as a basis for a Maori code, they desired that the administration of such laws should be entirely in their own hands, and that no European magistrate or other agent appointed by the Government should be permitted to itinerate in the Maori districts.

Second. "Progress of the King movement."—It was far more rapid than expected, even by its most sanguine promoters. It has spread to nearly every place on the Western coast, south of Auckland. Nearly every inland tribe, in whole or in part, bows to the supremacy of the Maori King; and it has also been received at Ahuriri, on the Eastern coast; and it is fully expected that it will be received this summer by all the tribes residing on that coast between Tauranga and Ahuriri. Several new King flags are now about to be sent from Waikato to distant tribes; report states that four are being taken for Western coast by the Kingites now here on their way to the South, and that five are to be sent to the Eastern coast. I had no idea myself that its progress could have been so rapid.

Third. "Present aspect of the King movement."—The present aspect of the King movement in Upper Waikato is warlike—not that the Kingites wish for war for the sake of war, for they rather wish for peace, but they desire to be allowed quietly to carry out their plans; and there is on their part a determination to establish and uphold in all Maori districts an independent sovereignty over all Maories and Europeans resident therein, to the utter exclusion of any interference on the part of the Government; or, in other words, the vital question with the Maori Kingites now is, whether the King or the Queen shall possess the "*mana*" of New Zealand. Hence the frequent expressions of the Waikatans now in arms, "We are going to fight for New Zealand. We sent them (*i.e.*, to Taranaki) the flags, and it is our duty to follow the King's flag. We are fighting for the "*mana*" of our island." The Maori King movement is the strength of the Taranaki war. I must, however, remind the Select Committee of what I stated on the second page of this letter; the fears entertained by many of the aborigines

Rev. J. Morgan.

that, as soon as the white settlers outnumber them, the Treaty of Waitangi will be laid aside, and their lands seized by the Government.

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Fourth. "Its probable direction."—This entirely depends on the issue of the present war, which, on the part of the Waikato, is a struggle for the "*mana*" of the Maori King, and not for the small piece of land sold by Te Teira at Waitara. They only considered that small block of land as it refers to the *mana* of the King over all lands on which his flag has been planted; or, in other words, the Waikatos would resign that particular spot, if Wm. King would also do the same: provided that the Governor would promise not in future to purchase lands in any district in which the King's flag had been hoisted.

In concluding this portion of the subject, I would remark that I do not consider that the Maori King movement was originated entirely by the Maories.

II. Question.—"The practical effect of Mr. Fenton's operations on the Waikato, and the cause which led to their discontinuance."—Mr. Fenton's movement on the Waikato was the first real step in a right direction, an attempt to frame a code of laws suited to some of the peculiar wants of the Maori, and to introduce the blessing of law and order into the Maori villages. Mr. Fenton was rather late in the field, for the Maori King movement had already commenced; but, had the active measures introduced by him into the Waikato been persevered in, it is more than probable that the Maori King movement would have been checked by the superior administration of law by a well qualified European Magistrate, assisted by properly instructed Maori Assessors. The Act in reference to Maori Assessors was, I believe, introduced by Sir George Grey; but an outline of English law was not translated for their guidance, when appointed; neither were any steps taken, at least in Waikato, to carry the law into all the Maori villages.

I am not acquainted with the causes which led to Mr. Fenton's removal from Waikato.

III. Question.—"The probable result of repeating the experiment in Waikato or elsewhere."—At present it would not be tolerated by the King party in Waikato; but, when peace is made, not a moment should be lost in re-introducing the experiment into the Waikato. We ought not to wait until the aborigines as a body ask for law, but seek at the earliest possible period to introduce it, and allow it to work its way. The introduction of law ought not to be permissive but imperative. Many other Maori districts will be effected by the state of affairs in Waikato. One or two efficient European Magistrates, assisted by their Native Assessors, would soon effect a change in the state of feeling in the Waikato. In reference to other places, I would recommend the introduction of law as soon as possible. Without law and order the aborigines cannot advance in civilization.

IV. Question.—"The general capacity of the Natives for Civil Government?"—Very fair, if guided by discreet Europeans. Justice would not be administered as a general rule by Maori Assessors unless they were instructed, watched over, and supported by the European Magistrate. Maori Assessors, acting alone, would often fail from a feeling of partiality towards their friends, or of severity towards others.

"The kind of institutions adapted to their circumstances, and the best practicable mode of introducing such institutions amongst them, in order to bring them within the pale of the law, and to re-establish the Queen's authority amongst them."—I would recommend the Native policy of 1858, *i.e.*, the carrying out of the Bills passed by the General Assembly at their last meeting. In order, however, to secure the concurrence of the Natives in carrying out the law, it is necessary that they should have a voice in the framing of laws specially affecting their own race, and hence such meetings as the Kohimarama Conference could be made invaluable. As I before remarked, the reception of law should be imperative and not optional.

In reference to "the best practical mode of introducing such institutions amongst the aborigines, in order to bring them within the pale of the law, and to re-establish the Queen's authority amongst them," I remark, during the present state of war, while the Maori Kingites utterly repudiate the idea of the Queen's sovereignty over the Maori race, no law now in existence would in my opinion bring them to a proper state of feeling. But when the Maories are convinced of European superiority, and begin to feel that laws framed partly by themselves, and partly by a just and honourable nation, wiser and more powerful than themselves, for the mutual benefit of both races, must be respected and obeyed, they will then become reconciled to the supremacy of British law. The Magistrate should be resident at a central situation in the district in which he is appointed to itinerate. This would be necessary,—1st, for the convenience of his people; 2nd for his Maori Assessors, who should resort to him for instruction in the law. The Queen's authority and the peace of the Colony will not be secured until law and order are established in the Maori districts.

I should here remark that great difficulty must be experienced in carrying out these plans, unless Central Schools under efficient European Masters are established and supported in the centre of every large Maori district. Young men educated and trained in such Schools would, after the lapse of a few years, go forth to the surrounding villages, not only as religious teachers, but also as schoolmasters, and this would at once be the happiest way of ensuring the future peace of the country, the loyalty of the aborigines, and the prosperity of both races.

The Chairman of the Select Committee.

I am, &c.,  
JOHN MORGAN.

Rev. J. A. Wilson.

Being on a visit at Waikato at the Rev. Mr. Morgan's, he has shown me a letter addressed to him by H. Sewell, Esq., (Chairman of the Waikato Committee) containing certain questions relative to Native Affairs, and which, with himself, I have carefully considered. I hope, therefore, I shall be excused the liberty I have taken in attaching my approval to, and in subscribing the above answers.

October 10th, 1860.

J. ALEXANDER WILSON,  
Missionary of the District of Auckland.

TUESDAY, THE 30TH DAY OF OCTOBER, 1860.

Takerei.

30 Oct. 1860.

PRESENT:

Mr. Domett,  
Mr. Forsaith,  
Mr. Dillon Bell,  
Mr. Williamson,

Mr. Heale,  
Mr. Fox,  
Mr. Hunter Brown,  
Mr. King,

Mr. Sewell in the Chair.

Takerei called in and examined.

1693. *Chairman.*] What is your name?—Takerei te Rau.

1694. What is your tribe?—The Ngatimahuta of Waikato.

1695. Will you state to the Committee all you think as to Mr. Fenton's proceedings as a Magistrate in the Waikato?—At the time of Mr. Fenton's appointment as Magistrate I was appointed an Assessor by Governor Grey. Dr. Harsant was Magistrate for Rangiaohia and Waikato, and Mr. Fenton for Whaingaroa. At the time of Governor Browne's visit, a meeting was held at Paetai, Potatau being present. The elder Chiefs were Kereihi, Pene te Wharepu, Waikato, Te Kereihi's son, Te Herewini (here present), his son Wiremu te Where, Te Wharepu's son, Te Porurui, and Te Kapehana. This was the word of Te Kereihi: "Welcome, O Governor: Bring us love, bestow upon us the runanga, bestow upon us the law, give us the press, and a person to set things straight, namely Mr. Fenton." All the talk of the old men was to the same effect, as was also that of the young men. Then the Governor went South. I was up at Waipa at this time, and by the time that he reached my place I had left. The Governor remained at Te Awamutu, he went to the house of Mr. Buddle the Minister, and wrote a letter to me; I came away on horseback. Five persons accompanied me, I being the sixth. I was informed of the *korero* of the runanga at Paetai. Upon hearing of that *korero* I said: The person that I wish for is Mr. Fenton, as he speaks the Maori language; he speaks the same language as I do. I do not approve of the Doctor (Dr. Harsant) because I do not understand his talk." It was said, "Mr. Fenton has been appointed for Whaingaroa." I said, "Let the Doctor be for Whaingaroa, as he has an interpreter to explain what he says. When he speaks to me, his words are altered; they are turned by the interpreter. The person in my thoughts is Mr. Fenton, so that my ears may be able to hear his words, that mine may be similar to his, as our languages are the same." This was all upon this. The Governor consented that Mr. Fenton should be appointed to Waikato. After this conversation Mr. Fenton went to Mr. Ashwell's house, and wrote a letter to me; this was about an offence committed by Heneri, and we two investigated the matter. After that there was another offence which was investigated, and after that another, which was likewise investigated. In all the many cases which were investigated, I could perceive no fault in Mr. Fenton's work. At the meeting at Paetai, the (names of) men were written down. It was not Mr. Fenton who wrote them. The names written were those of the men who adhered to the Queen. The person who commenced the writing was Waata Kukutai, with all the other *hapus*. It was written on the outside of the pa, it was not written in the midst of the runanga, who were in favour of the King; it was written to one side. Mr. Fenton's plans were quite clear. These two systems were both looked at (by the people) and the two became opposed—that of the Queen and that of the King. The men then turned, the back of one to the back of the other. Mr. Fenton came here to Auckland, returned again, and properly administered justice. Mr. Fenton came away again, and again returned. He returned three times, without my seeing any fault. Mr. Fenton went towards the South, to Hopa's place (Tuaahu is the name of his place). When Mr. Fenton came back, I said to him, "Go to Auckland and return again." It was arranged between us that he should stay three weeks in Auckland. On his arrival here, he was detained by the Governor. This was the error. I never saw any fault in Mr. Fenton.

1696. Was there any mischief produced by the state of parties which you describe as the people being divided "shoulder to shoulder"?—That was the Maories doing; it was not caused by the Pakeha.

1697. Was it not likely to produce quarrels?—Mere lip quarrels, mouth and mouth.

1698. How would it have ended?—That would have rested with us. The meaning of the word "back to back" is this. Their words that caused us to turn were, "Where are the men who are to be judged by you?" We replied, "You yourselves, and crime." They said, "We will not have it, you had better administer justice among those tribes that are for the Queen; let the King judge his own people." I said, "Who will adjudicate for them?" They replied, "The runanga will."

1699. Would not Potatau and the older Chiefs have been greatly displeased if Mr. Fenton had continued his work?—They would not have been displeased.

1700. Do you know that Potatau objected to Mr. Fenton?—I do not know about that; what I heard was this. When Mr. McLean went to Mangere, Potatau said, "It was Takerei and Mr. Fenton who divided the people." This was the word that I heard, that word was in reference to the writing in the paper at Paetai, the names of the men of the Queen, and the tribe that were joined to the Queen.

1701. Then was the ground of Potatau's objection the separation of the tribes?—He did not object. It was the people that caused the separation.

1702. If Potatau had seen the good results of Mr. Fenton's work, supposing it had been continued, would his objections have ceased?—I never knew that Potatau objected, what Potatau wished for was, Law, Religion, and Love.

*Takerei.*

30 Oct. 1860.

1703. Did you yourself go to Mangere?—I said to Mr. Fenton “I am going to Mangere;” when I arrived at Mangere I did not hear him say a word imputing blame to Mr. Fenton.

1704. What then was your conversation with Potatau?—Why should I tell you of that conversation?

1705. Did Potatau tell you what Mr. McLean had said to him?—He did not tell me that, that is concluded. Now commences another subject. After Mr. Fenton’s detention by the Governor, Mr. Turton was sent as Magistrate for Waikato. When the people all heard, they did not approve of Mr. Turton, because his work was different. At the time of his first coming to New Zealand, his work was preaching the Gospel to all the people. He left the people he had been instructing in the work of the Gospel, in the works that save both body and soul, and took up a different work, that of Magistrate. We do not approve of Mr. Turton as Magistrate for us. Let him come in the performance of his own duty to teach the men, the women, and the children, the old men and the young men. We do not approve of Mr. Turton as Magistrate for Waikato, for all the tribes of the West, East, and South, and throughout all its boundaries.

1706. What would the feelings of the Waikato people be now, with respect to the introducing of a European Magistrate and the establishment of Law in the district?—They would object.

1707. Why would they object?—Because of the Governor, because of the detention of the first Magistrate agreed to by the Governor for Waikato.

1708. Would they continue still to object to a Magistrate?—Yes.

1709. Then how would they purpose to establish laws for themselves?—It would be for them to search carefully.

1710. When peace is made, would there be the same objection?—Has there not been an error in the first instance, and afterwards a second in regard to Mr. Turton, and then a third in regard to Mr. Halse? The fault in the word was at the commencement in holding Mr. Fenton.

WEDNESDAY, THE 31ST DAY OF OCTOBER, 1860.

## PRESENT :

Mr. Hunter Brown,  
Mr. Fox,  
Mr. Heale,  
Mr. Williamson,

Mr. Dillon Bell,  
Mr. Domett,  
Mr. King,  
Mr. Forsaith,

Mr. Sewell in the Chair.

Reweti called in and examined.

*Reweti.*

1711. *Chairman.*] What is your name and tribe?—Reweti, of Ngatiruru.

1712. You heard the evidence given by Takerei yesterday: do you agree with him?—My thoughts are the same as Takerei’s.

1713. Are you an Assessor?—I am: I was appointed by the Government.

1714. Have you any other statements to make?—This that Takerei has already stated.

Taneti called in and examined.

*Taneti.*

1715. What is your name and tribe?—Taneti, of Ngatimahuta.

1716. Do you agree to the statements made by Takerei?—I agree with what he has said. If I speak, it will only be to repeat the same thing.

1717. Are you an Assessor?—I am: I was appointed by the Government.

Hopa called in and examined.

*Hopa.*

1718. What is your name and tribe?—Hopā. I am of two tribes: the Ngatimaniapota and Ngatimatakore. Tūāahu is the name of my place.

1719. You heard what Takerei said yesterday: do you agree in it?—Yes: our thoughts are the same as Takerei’s.

Takerei called in and further examined.

*Takerei.*

1720. Will you now make the further statement you desired to make yesterday?—Yes, but my statement will be long. I will not hide my own faults, nor will I conceal the faults of you Pakehas. I will commence with my thoughts of times past. In the old system there were no elder brothers or younger brothers, no children no parents. Their saying was, “The nephew stands on the other side of the stream.”\* This proverb was used in time of war. On the introduction of Christianity we were instructed by the Ministers, and then we learned that God made the earth, man, and the sea. We were shewn in the Scriptures that this world was for the body, and the other for the soul. After Christianity had gained ground, Governor Hobson arrived. We heard

\* Meaning, that in time of war, relative fought against relative.

this word, that he had been sent as a Protector for New Zealand and for the Maories. In Governor FitzRoy's time, troubles arose. In Governor Grey's time, matters were made clear to the Maori people. His word was that, the Maories should acquire ploughs and horses, for the cultivation of the soil. In Governor Browne's time, the law was given to us. I was engaged upon the system of the law, upon matters relating to the body, to the people, and to crime; and in carefully seeking plans for good. I could see no fault in the law because it was a light over the Maori people and over the Pakehas. It would consume much time for me to speak these thoughts, for I have seen the trouble in this island of New Zealand. This thought of mine was to make these statements before you, the great Runanga of Auckland. This is all upon this subject. This is a word upon the faults of the Maories, and the faults of the Pakehas. There are respectable Pakehas whose thoughts are good, in accordance with their views, and there are low Pakehas who think upon evil. There are also Maori Chiefs whose thoughts are upon good plans, and there are common persons who are arrogant in their behaviour, like those low Pakehas. There are also Pakehas who are conceited, and who without provocation speak contemptuously to the Maories; and there are also conceited Maories who speak contemptuously to the respectable Pakehas, without provocation. The thought is that the low Pakehas mean murder (that they wish to produce mischief). It will be well for you to look into this matter, for the law is old to you, with us it is a child, and because the thoughts of the Maories have not been much given to the system of the law. Those low Pakehas therefore constantly err. It will be for you the great Runanga, to look to it. Enough.

1721. Can you tell us anything of the origin of the King Movement in Waikato?—Formerly, we were not possessed of knowledge. The Gospel came, and we sought out precepts in the Scriptures. The people then sought a Protector for themselves similar to yours. You have a Protector. They proposed to elect a King for themselves, to protect them, to be a *mana* over them and over the land, over the portions in their possession. Their idea was this—the Queen should be a *mana* over the Pakeha and over the land which you have acquired. The same with respect to the Maori King. There should be no interference with the portions of land which had been acquired by the Queen; but only with the land which was under the Maories of New Zealand. A single individual should not presume to sell land, whether in the West or in the East, in the North or in the South. It should not be yielded to the control of one man. But if the great Runanga of all the tribes consented, then only would it be right, but for one man to sell his land would not be right; although the land was his own it should lie with the great Runanga either to agree or object to the disposal of it. The reason for this was, lest trouble should arise in the midst of us Maories and the Pakehas. This is the law that has been laid down for the land held by the Maories of New Zealand. This, that I now make known to you, is the thought of the people, that of all the Chiefs of Waikato, of Ngatihaua, Ngatihinetu, Ngatiapakura, Ngatimaniapoto, Ngatitawharetoa, of Ngatirahungaru, and of Tauranga. This was the cause of the Maori King being set up, it was for a *mana* over the people and over the land.

*Takerei.*

21 Oct. 1860.

(For Proceedings of Committee see ante.)

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A—No. 1.

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H. LABOUCHERE, M.P.

Appendix A.

No. 40.  
Miscellaneous.

Government House,  
Auckland, New Zealand,  
9th May, 1857.

Governor's Despatch,  
9 May, 1857.

SIR,

I have the honor to inform you that on the 13th April I left Auckland, accompanied by one of my Responsible Advisers and the Native Secretary, for the purpose of being present at a large meeting of Natives expected to take place at Rangiriri, on the Waikato River, for the avowed object of electing a King.

2. I reached Rangiriri on the 16th, having been previously joined by a son of the Chief Te Whero Whero, but finding the intended meeting had been postponed, I continued my journey to the Mission station of Otawhao, and thence to Rangiaohia, where a meeting for a similar purpose had recently been held.

3. At Otawhao I had an interview with the Chief Te Heu Heu, who was on his way from Taupo to attend the intended assembly at Rangiriri. He commenced by speaking respectfully of Her Majesty, and giving a welcome to myself, but soon worked himself up to a considerable state of excitement. He said that if the lowest Englishman chose to visit the Maories, he was welcome, and received all the hospitality in their power to afford, sharing their own food and shelter; but that if a Chief of the highest rank visited Auckland, he was refused admittance, and neglected by all except the Governor and one or two of the Officers of Government; that Englishmen living among the Natives were often men of desperate character, that they got drunk and ill-treated both men and women, that their cattle trespassed on Native lands, and that instead of compensation they received abuse in language which, by Maori custom, ought to be punished with death; and that for all this they could get no redress; that the English were, by degrees, obtaining the best of their lands, and that they would soon be "eaten up and cease to be;" that for these reasons they were determined to have a King of their own and assemblies of their own; that they would not interfere with the English in the settlements, but that the laws they intended to make should be binding on all who chose to reside among the Natives; that in this they had been advised by one of our own people (probably alluding to Mr. Grace, who is the only European residing at Taupo, in reference to whose conduct *vide* my Despatch of 2nd March last, No. 24). I replied that no society could exist without laws, but that hitherto the Maories had refused to obey any law at all; that I was glad they had found the want of laws, and would willingly aid them in forming such a Code as should be binding on both races; that when an Englishman committed an offence it was sufficient to send a single constable to take him, because no one abetted him, but that such was not the case when a Maori committed a crime. I instanced the execution of Marsden for the murder of a Native woman. After other remarks, which it is needless to repeat, I said that I was not elected by the English, but appointed by Her Majesty; and that though I should always be glad to consult with Te Whero Whero, whom he had indicated as the future King, I could not consent to any such election, and that I was sure he (Te Whero Whero) would not do so.

4. After this I rode to Rangiaohia, the largest Native village in this part of the Island. At the entrance I was saluted by a discharge of fire-arms, and received an address, a translation of which, with my reply, are annexed. From thence I was conducted to a Native's house, where an abundant repast had been prepared for me and my followers, who by this time were numerous. In the evening three of the most important Chiefs dined with me at Father Garavel's, the Roman Catholic priest, whose influence is always used in support of the Government and most beneficially for his congregation. After dinner one of the Chiefs inquired what view I took of the intended election of a King, which was discussed at length in the most courteous terms. It was evident that the subject was uppermost in the thoughts of all with whom I conversed during my journey, and I learned that the tribes, from Otaki near Wellington to Mangere near Auckland, were united in their views and opinions.

5. It was, however, clear that they did not understand the term "King" in the sense we use it; but though they constantly professed loyalty to the Queen, attachment to myself, and a desire for the amalgamation of the races, they did mean to maintain their separate nationality, and desired to have a Chief of their own election, who should protect them from any possible encroachment on their rights, and uphold such of their customs as they were disinclined to relinquish. This was impressed upon me everywhere; but only on one occasion, at Waipa, did any one presume to speak of their intended King as a Sovereign, having similar rank and power with Her Majesty; and this speaker I cut short, leaving him in the midst of his oration.

6. I enclose a translation of one proposed Code of Laws which I received at a village on the river; it gives a good indication of their views generally. This, like all the others I saw or heard of, gives prominence to the Ten Commandments and the precepts of Christianity.

7. On my return, I arrived at Rangiriri (where the meeting is to take place) simultaneously with Te Whero Whero, the intended King. I had two long interviews with him, and in a speech addressed to those of the Natives who had arrived (among whom were some Chiefs), he declared his intention to be guided entirely by my advice, and said that he was a dying man, and should bequeath his people to my care.

Enclosure No. 1,  
Address.

Enclosure No. 2,  
Reply.

Enclosure No. 3,  
Code of Laws.

## Appendix A.

Governor's Despatch,  
9 May, 1857.

Enclosure No. 4,  
Memo. by Governor,  
28th April.

Enclosure No. 5,  
Minute by Respon-  
sible Advisers,  
6th May.

Enclosure No. 6,  
Memo. by Governor,  
9th May.

8. I promised to send an European Magistrate to reside on the Waikato, who should visit the Native settlements, and, in conjunction with the Assessors, administer justice periodically. I added that we would frame a code of laws which should be applicable to their circumstances, and when agreed on, they should be made binding on all parties.

9. I trust, therefore, the movement which I have endeavoured to describe will be turned to good instead of evil. I enclose two Memoranda which I sent to my Responsible Advisers on my return to Auckland, and their Minute in reply to the former.

10. I need not call your attention to the difficulty which attends the management of what must be called an *imperium in imperio*. At the present moment I have no power to authorise the establishment even of a pound in Native districts, as by so doing I should be interfering with the jurisdiction of the Superintendent of the Province. This functionary has also the power of granting licenses to keep a bush inn and sell spirits, without in any way consulting me, and, as an example of how this power has been used, I need only say that a man named Cowell (the supercargo of the brig "Elizabeth," when the dreadful atrocities described in Sir George Gipps' Despatch were perpetrated,) has a license to keep one at Turoree. This man's account of his own share in that dreadful affair makes his conduct appear in a more atrocious light than has been as yet reported.

11. There will of course be very great difficulty in preparing and obtaining the sanction of the Assembly to such a code of laws as will be suited to the present condition of the Maori race, and yet be binding on Europeans dwelling among them. Among other difficulties I may specify that of dealing with cases of adultery, seduction, drunkenness, and swearing, in the manner alluded to by Te Heu Heu. For these offences at present there is practically no redress, which is of course incomprehensible to a savage.

12. Hitherto, although English law has been nominally in force throughout New Zealand, we have found it impossible to enforce it in Native districts, even in cases of murder, unless one of the parties has been an Englishman; this has not escaped the observation of the Maories, who feel that the time has arrived when some law must replace their own barbarous customs, which are no longer tolerable even to themselves.

13. In conclusion I would observe that though the 71st clause of the Constitution Act provides for the possible expediency of maintaining the laws and customs of the Aborigines in certain districts, set apart, it does not provide for the establishment of any other law. Nor is there any power conferred by the Constitution Act on Her Majesty enabling her to enact laws differing from but not repugnant to English laws, yet such alone are suited to the present condition and civilization of the Maori race.

I have, &c.,

T. GORE BROWNE.

The Right Hon.

Henry Labouchere, Esq.,  
&c., &c., &c.

### Enclosure 1 in No. 1.

Address of Chiefs.

ADDRESS TO HIS EXCELLENCY THE GOVERNOR OF NEW ZEALAND.

Welcome your Excellency! Welcome to this place. Welcome the Representative of Her Majesty the Queen to Rangiaohia, for which place she has had such great affection.

Continue to us the protection and friendship we have experienced from your predecessors. The seeds they have spread amongst us are beginning to bud; your presence will cherish them till they arrive at maturity, and bring forth fruit. The advantages we have experienced from the European can no more be concealed than the sun's light at noon; it is manifest to the eyes of the great and humble. The young and old appreciate them, for the heaviest burden is become light by the use of the cart; and by the horse the long and rough ways are made short and easy for the traveller.

For all these benefits we are indebted to the Queen and her Governors. The plough has diminished the labour of our hands in tilling the land, and the spring of our riches is overflowing by the mill.

These are the benefits we receive from you. It is said with reason that God has given rulers to love and protect the people, which is proved by your presence amongst us.

Welcome then your Excellency! Welcome amongst us. Welcome to Rangiaohia.

### Enclosure 2 in No. 1.

Governor's Reply.

THE GOVERNOR'S REPLY.

MY FRIENDS,

I thank you for the address you have presented to me, and for the friendly sentiments it contains.

I came here to see you, to make personal acquaintance with your Chiefs; to hear all that you desire to tell me, and to assure you that I feel the deepest interest in your welfare.

Our gracious Queen has instructed me, as she has instructed the Governors who came before me and will instruct those who come after me, to see that all her subjects are treated with justice and impartiality. Her Majesty knows no distinction of race or colour among her subjects, and loves the dark and the pale face equally. She desires to learn that they all obey the precepts of Christianity,—that they live in peace,—that they have their children taught in the schools,—that the Maories have learned from their white brethren how to cultivate the land in the best manner,—that they have flocks and herds, increasing and multiplying,—that it is made to yield its utmost increase,—that all her people are prosperous and happy, worshipping God with all their hearts, honouring Her Majesty, and obeying laws made for the security of the good, and the punishment of the wicked.

My friends,—It is my duty and my pleasure to promote these objects by every means in my power, and I invite the Chiefs to aid me in it; telling me frankly what they think and desire at all times, either personally or by letter, and assisting me to repress wickedness and crime.

If the Chiefs will do so, I shall be able to tell Her Majesty, before the time comes that I must go elsewhere, that New Zealand contains but one people, and that they are prosperous, happy, and dutiful subjects.

T. GORE BROWNE,  
Governor of New Zealand.

*Appendix A.*

*Governor's Despatch.*  
9 May, 1857.

*Reply to Address of Chiefs.*

### Enclosure 3 in No. 1.

#### PROPOSED CODE OF LAWS.

*Proposed Native Code of Laws.*

On April, 1859, the assembly of Ngatimahuta commenced to talk about the new law which shall make right and good that which concerns the people.

It commenced at the first Commandment of God; which says, "Thou shalt have no Gods but one." Laws or rules 2, 3, 4, 5, 6, 7, 8, 9, 10. If other Gods are worshipped, payment must be given. If adultery be committed, payment must be given; the amount of which will rest with the husband; that is, the Magistrate will decide. Payment must be given for stealing; and payment for false accusation.

Second Regulation.—In regard to spirituous liquors, we say, let them not be drunk. If they should be drunk, payment must be given.

Third Regulation.—Regarding food eaten by beasts. If one root of maize be eaten, one root shall be given in return; and if one foot of wheat be destroyed, one foot of wheat shall be given.

Fourth Regulation.—The friend of Takerei, or Assistant, who is approved by the Assembly, is Taneti.

Fifth Regulation.—The people are to live peaceably in their towns.

Sixth Regulation.—The widow, and those that are single, are to please themselves as to whether they will change their circumstances; but they are to marry in their own tribe.

Seventh Regulation.—The sick shall be taken care of by the men, or the husband and the parents.

Eighth Regulation.—The man who has a wife, if he shall do evil to a widow or single woman, we say that this is a great sin, and he must pay for it.

These are the Regulations discussed in this month.

By the Sanhedrim of Ngatimahuta, of Whakapaku.

### Enclosure 4 in No. 1.

#### MEMORANDUM BY THE GOVERNOR.

28th April, 1857.

*Governor's Minute to Ministers.*  
28 April, 1857.

Ministers will be informed by the Colonial Treasurer of the conversations held by the Governor with the different Chiefs whom he saw during his late visit to the Waikato.

Referring all matters of detail to the Colonial Treasurer, the Governor will restrict his present observations to such as have been forced upon him most prominently, and which will require immediate consideration.

There is every reason to believe that the determination to elect a King, which seems to have been general in the districts between Otaki, Taupo, and those bordering on the Waikato, will now be given up.

The Natives however require a code of laws adapted to their present condition which shall be made binding on both races residing in native districts.

The points specially requiring consideration, are:—

Adultery and Criminal conversation.

Trespass.

*Appendix A.*

*Governor's Minute,*  
28 April, 1857.

Betrothal of women without consent of the parties concerned.

The responsibility of relatives for offences committed by individuals without their knowledge or consent.

Drunkenness and violence by Europeans.

Illegal squatting.

Use of that peculiar form of swearing considered so heinous by the Natives.

Prohibition of punishment for witchcraft.

Prohibition of Tapu, except in very special cases.

The Governor has directed Mr. Fenton to prepare a rough draft of a code embracing the above cases, in as concise a form as possible, which shall be forwarded to Ministers for their consideration and amendment. When completed the Natives should be advised to accept it, which they would probably do at one of their large Assemblies.

The Governor acceded to the earnest request of the Natives that a European Magistrate should be stationed on the banks of the Waikato, and that he should make periodical visits to the settlements within his reach. He thinks Mr. Parris would be an eligible person, and if his services are not available, Mr. Fenton. A list of the present Assessors is absolutely necessary, and some addition to the number will probably be required in order to include persons who would otherwise use their influence in opposition to the Government. They should be divided into three classes, two of whom only should be paid; the second class receiving but a very small amount, but having a prospect of removal to the higher one.

The Magistrate should hold a session on certain days in the month at each settlement, and should then be assisted by the Assessors of the district.

The chief Assessors should receive two police batons each which they might entrust to the constable whose duty it may be to act under their instructions. The constable receiving the staff to be paid specially for the duty performed, but not to receive a salary.

Fines to be accounted for to the Government.

The power of issuing Bush Licenses has been abused and ought to rest absolutely with the Governor.

Europeans choosing to reside in Native districts ought to be required to obtain a permit for so doing, to be renewed every two years, or on change of residence. It appears that this may be done under an Ordinance still in force.

The Arms and Ammunition Ordinance might be so far relaxed as to permit the sale of gunpowder and shot by licensed persons, who should be required to make a return of the quantities sold and the persons purchasing it, with their place of residence.

A further relaxation might be combined with another measure which appears to the Governor very advisable; viz., the enrollment of a Native militia, not to be called out unless unforeseen circumstances should arise, but framed on the model of our own Militia, all composing it being Natives with exception of the Lieutenant-Colonel. Men belonging to the Militia might be permitted to have registered arms of whatever description they like.

Finally some steps should be taken to prevent Natives from involving themselves inextricably in debt to Europeans, which is often a cause of much trouble to the Government.

T. GORE BROWNE.

Government House,  
28th April, 1857.

A paper is attached which was presented to the Governor while visiting the Waikato by some Chiefs of the Ngatimahuta of Whakapaku.

### Enclosure 5 in No. 1.

MINUTE BY MINISTERS.

May 6th, 1857.

*Ministers' Minute,*  
6 May, 1857.

With reference to your Excellency's late Memorandum on Native Affairs, dated 28th April, 1857, the Responsible Advisers of the Crown in New Zealand have the honour to indicate their views on the general subject treated of by that Memorandum; views which, it will be seen, are generally co-incidental with those taken by your Excellency.

2. That an important crisis in the relations of the Native Race with the British Government is now occurring, is a fact recognized by all who have any acquaintance with Native affairs.

3. The peculiar feature of the time is the tendency to self-organization, now being exhibited by a large section of the Maori people. The numerous meetings in course of being held throughout the country; the recent attempts at legislation which have taken place at the Villages of the Waikato Tribes, and the agitation for the appointment of a Native King, are the signs of this movement.

4. With some amongst the Natives there is reason to think that social organization is sought chiefly, if not wholly, as a means to the ulterior end of counteracting the growing predominance of the European, of preventing the further alienation of territory, and of maintaining the national

independence. Another class appears purely to desire the establishment of law and order, and to be at the same time sensible that this benefit is only to be attained by the co-operation of the British Government. Between these extremes there are probably many shades of opinion.

5. There is, however, little reason to doubt that, should the British Government wisely and timely afford its countenance to the establishment amongst the Maories of civil institutions suited to their wants, the more loyal and intelligent opinion will speedily become prevalent.

6. As to the ultimate end to which the British Government in these Islands is bound to shape its Native policy, there can be no difference of opinion. Successive Governors have promised, in the name of the British Crown, that the Colonists and the Maories should form but one people, under one equal law; and no effort must be spared to redeem that pledge.

7. The difficulties in the way of the fulfilment of that engagement are, however, immense; it being an essential condition that the Natives themselves should be capable of, and consenting to, the promised union; and it is no disparagement to the efforts of former Governments to declare that there has, as yet, been made no sensible advance towards such a consummation.

8. Hitherto the dominant political ideas in the treatment of the Natives have been, that they should for the present be left politically to themselves; and that their own advancing civilization, consequent upon the efforts made for their individual improvement, and upon their extending intercourse with Europeans, would gradually but surely lead to their voluntary adoption of British Law, grounded upon practical experience of its superiority to their own usages.

9. In accordance with these ideas, no attempt has been made to extend to Native Districts a social organization suited to their actual condition. Indeed, special legislation of this kind has by some been reprobated as inconsistent with the promise of the Natives of a national unity with the British settlers; the appointment of Magistrates and Native Assessors in a few districts under Sir George Grey's Resident Magistrates' Ordinance, and some trifling modifications of British law which the same Ordinance effects in Native cases, scarcely constitute an exception to the foregoing remark. That Ordinance, which is the only one on the Colonial Statute Book directed to the great end of the fusion of the two races, accords in its main principle with the theory of Native treatment above stated. It merely affects procedure. The law to be administered by the Tribunals it establishes, is British Law; and the only change is in the mode of administration.

10. But it is not reasonable to expect that a barbarous race should be able to adopt, *per saltum*, the complex institutions of a free British Colony. A transition state must occur, requiring special treatment; and it may reasonably be objected to the theory of Native treatment above stated, that the civilization which is expected to lead to the adoption of British Law can itself only be attained through the medium of fitting institutions; institutions which, taking the actual condition of the Aboriginal population as the point of departure, provide for its present necessities and for its transition state, and are capable of expanding, in their ultimate development, into the full measure of British liberty. Nor should the letter of promises made to the Natives be pleaded in bar of measures conceived in the spirit of those promises, and directed towards their practical fulfilment. Actual progress towards a real identity of laws is essentially more just, as well as more expedient, than the maintenance of the fiction of an identity which it is notorious does not exist.

11. In the preceding observations there is no intention to reflect upon the past conduct of Native Affairs, as a whole. A certain amount of trust has been inspired in the friendliness and the fidelity of the British Government, which alone is much. The Natives would have been apt to look with suspicion on measures which they had not themselves suggested. It is a new and remarkable feature of the present time, that the wish for better Government has originated with the Natives: they are tiring of anarchy. No such opportunity for an advance as now seems to be opened has been presented to any former administration.

12. There is great reason to believe that the Maories are fully capable of institutions of the character above described; of institutions, that is, containing the germ of British freedom. They are, to an extent surprising in an uncivilised people, habitually influenced by reason rather than by passion; are naturally venerationers of law, and uneasy when contravening recognised obligations; are without the spirit of caste, there being no sharp line of demarkation between chiefs and people; and have at all times been used to the free discussion of their affairs in public assemblies of the tribes. To these essential qualities are joined an enterprising spirit, a strong passion for gain, and a growing taste for European comforts and luxuries. Such a people, impossible to govern by any external force, promise to become readily amenable to laws enacted with their own consent.

13. The foregoing considerations induce us to recommend it as expedient that measures should be taken as early as possible for giving the support of the Crown, and the sanction of law, to the efforts now making by the Maori people towards the establishment of law and order amongst themselves. In dealing with a question so difficult and delicate, we are, however, fully sensible of the necessity of proceeding with the utmost caution, and desire to see the measures of Government moulded, as far as possible, by actual progressive experience of the wishes and wants of the Native people; and it fortunately happens that their habit of public discussion will greatly facilitate such a policy.

14. The simple measures suggested by your Excellency, of directing the Resident Magistrates to hold Circuit Courts, will, we think, not merely greatly increase the efficiency of those officers, but, in a way to which we shall presently advert, will afford a safe basis for important changes. We entirely concur in that suggestion.

15. It was the announced intention of Sir George Grey that the institution of Native Assessors should serve as introductory to that of the Jury. We think a further step should at once be made

Appendix A.

Ministers' Minute,  
6 May, 1857.

*Appendix A.*  
*Ministers' Minute,*  
*6 May, 1857.*

in that direction, by considerably increasing the number of Assessors. This, indeed, is involved in the establishment of Circuit Courts; as Assessors must be provided in each village. It would be inexpedient to admit the principle of direct popular election to this office. Great care should, however, be taken that the Assessors possess the confidence of their respective tribes; and for this purpose, the Magistrate on Circuit should be instructed to ascertain what persons the inhabitants of each village desire to see appointed to this office; when, if no special objection appear, the popular wish should be complied with.

16. While seeking a broad popular basis for this institution, it will be necessary to avoid anything which might have the effect of alienating the Chiefs, who should be consulted upon any appointment. We concur in your Excellency's suggestion for the classification of the Assessors, and think such classification may be made the means for avoiding the offence to men of rank, which might otherwise possibly arise from associating them in the office of Assessor with their inferiors.

17. The Assessors of the first class should consist exclusively of the higher Chiefs, and should receive from £20 to £50 per annum. They should be considered as having a distinct jurisdiction over all the settlements of their tribe. Assessors of the second class should receive from £5 to £20 per annum, and their jurisdiction should be over their own villages. There should be a general class of probationers without pay. Regular Commissions under the Colonial Seal should be issued to the permanent Assessors, on parchment, or paper, according to the class. All should be sworn in to the execution of their duties with some public solemnity.

18. Following out the notion of subjecting by degrees the whole social economy of the race, (so far as it is not repugnant to the principles of humanity, or to the fundamental principles of British law,) to fixed and reasonable rules, and of bringing it within the cognizance of regular tribunals, it is to be looked forward to, that the Circuit Court will ultimately assume jurisdiction over cases where territorial rights are in dispute between members of a tribe, decisions being given according to Native usage. Inter-tribal differences may also prove susceptible of similar adjustment, until such time as the extinction of Native tenure shall have done away with questions of that kind. As to the proper course to be taken on these difficult subjects the experience of the Circuit jurisdiction may, it is hoped, throw some light.

19. It does not appear immediately advisable that any regular Native Constabulary should be organised; the Magistrate should be empowered to remunerate occasional services of this nature out of the fines received by him. We agree that Constables' batons should be provided for the Assessors, who would place them in the hands of the persons temporarily acting as Constables. Such symbols of authority have a real influence on a primitive race; and it is of moment to create a distinction between the execution of a distress warrant and a Native Taua, and to impress upon the Native mind a sense that the executive authority exercised is derived from the Crown.

20. As already pointed out, it is not enough to provide a judicature commanding the confidence of the Native people; there must also be some provision to secure that the law there administered meets their wants, and has received their consent. The concession of direct legislative power to Native Assemblies would be premature. The actual requirements of the case may probably be met without venturing on such an experiment. The proposed Circuit Courts would be the natural occasions of popular assemblages, when subjects of political interest, such as those enumerated by your Excellency in the minute above referred to, would come under discussion, and the public feeling thereon be ascertained. In this manner many objectionable customs might be got rid of, the good sense of the Native Meeting being guided by a British Magistrate. We advert particularly to such usages as those mentioned by your Excellency, of Taumau (or betrothal); of making Tauas upon the innocent relatives of an offender; of punishing the imaginary crime of witchcraft; and of the Tapu. These need nothing to their abolition but the general consent of the Maories themselves; and, this once obtained, acts of violence attempted by individuals in pursuance of such customs might be repressed and punished.

21. Other resolutions of such meetings would be upon subjects of police, municipal and rural; and we consider that to all such resolutions, being of a reasonable character, legal sanction should from time to time be given. For this purpose, we propose at the next Session of the Assembly to introduce a measure enabling the Governor in Council to put in force local bye-laws of this character in Native districts, to be defined for the purpose. By means of this machinery, a virtual legislative power, for local purposes, will be vested in the village Assemblies, without the introduction of a complicated apparatus unsuited to their simple wants.

22. The subjects of Adultery and Seduction, adverted to by your Excellency as proper to be provided for in a special code adapted to Native wants, raise a great difficulty. One of the highest judicial authorities in England has lately declared in open Court, that our own Law on these matters is a disgrace to our civilization. We concur in this sentiment, and feel satisfied that the English rules cannot be recommended for Native adoption. We are inclined to consider that amongst Maories adultery and seduction should be treated criminally; but legislation, to be effectual, must accord with Native ideas, and we look to the meetings as likely to indicate the right mode of meeting this difficult question, which is complicated by the Native practice of polygamy.

23. We doubt the policy of encouraging larger gatherings of the Native population than such as would take place at the Circuit Courts, or at Courts which may hereafter be held for the adjustment of inter-tribal differences. Where, however, such larger meetings are held, it is evidently wise to give them a beneficial direction.

24. We agree that the Waikato country is the proper field for the first trial of the new system. Probably Tuakau, Rangiriri, Kirikiriroa, Whakapaku, and Watawata, would be the proper places for holding the first Circuit Courts; but we propose to leave this in a great measure to the discretion of the Magistrate.

We propose Mr. Fenton as the person best fitted for the performance of this service.

25. On the important subjects of the restrictions imposed on the sale to Natives of Arms, Gunpowder, and Warlike Stores, and of the constitution of a Native Militia, we propose to state our views in a separate Memorandum.

E. W. STAFFORD.

Appendix A.

Ministers' Minute,  
6 May, 1857.

### Enclosure 6 in No. 1.

#### MEMORANDUM BY THE GOVERNOR.

9th May, 1857.

Governor's Minute,  
9 May, 1857.

The Governor agrees essentially with the views of his Advisers expressed in their Minute of 6th May, 1857.

He approves the appointment of Mr. Fenton, and desires to urge on his Advisers the importance of giving him instructions without delay.

The present moment is (as they observe) a critical one, and if the Government does not take the lead and direction of the Native movement into its own hands, the time will pass when it will be possible to do so.

The subject in question is probably much discussed at the meeting now going on at Rangiriri, and will be so again at the more important one expected to take place at Mangere. The influence of orators and perhaps evil counsel, aided by the natural excitement of the Natives, may induce them to frame laws of their own at these meetings, and thus add to the present difficulty; but they will probably refrain from so doing if they see that Government is actually doing what they wish.

Mr. Fenton's able Minute, which the Governor has perused with great satisfaction, confirms these views and opinions, and enlarges on the danger of delay.

The thanks of Government, expressed in strong terms, should be conveyed to Mr. Fenton for his zeal and ability, and the value of his information.

(Signed)

T. GORE BROWNE.

### A.—No. 2.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE C.B., TO THE RIGHT HON.

H. LABOUCHERE, M.P.

No. 50. *Miscellaneous.*

Government House,  
Auckland, New Zealand,  
12th June, 1857.

Governor's Despatch,  
9 June, 1857.

SIR,

In continuation of my Despatch No. 40, of 9th May last, I have the honor to forward an account of a Meeting of Natives on the Waikato River, as reported in the *Southern Cross* newspaper. Another meeting was held at Ihumatao, near Auckland, during the last week in May, where the same subjects were discussed; but many of the Chiefs used language differing greatly from the assurances given to me during my visit to the Waikato.

*Southern Cross*,  
5th June, 1857.

2. Our information generally is very imperfect, and opinions, even among the few who are intimately acquainted with the Maories and their habits, vary materially. I think it my duty, however, to make you acquainted with events as they occur, and the opinions I arrive at from the information I possess.

3. It appears that for the present the attempt to elect a King has failed; though the failure has not been such as to dishearten those who desire it; on the other hand, I learn that the wish to assert and maintain a distinct nationality—of which the election of a King was but a symptom—has taken deep root, and is not of recent growth.

4. Satisfied with the friendliness of the Maories towards the Europeans, none of my predecessors have thought it wise to attempt to exact obedience to our laws in any of the remote parts of the Island, nor would it have been in their power to enforce it. In many districts, therefore, the Queen's supremacy has never been acknowledged; nor have our Courts taken cognizance of crimes committed outside the English settlements, unless when Europeans have been concerned.

5. The more enlightened Maories now, for the first time, complain that, though the Governor interferes for the protection of the Europeans, he leaves unnoticed, or only expresses dissatisfaction at, outrages when committed by Maories amongst themselves. When reminded that submission to our Courts and the adoption of our laws would put an end to the grievance, they observe that such submission would entail the loss of distinct nationality, and that many of our laws are unsuited to their wants. Public opinion is also much influenced by the old Chiefs, many of whom still remain heathens, and desire to retain or revert to the customs of their youth; and by the ambition of younger Christians, who long for some means of emulating the distinction gained by their fathers as Chiefs and leaders of the people.

6. These feelings and opinions have assumed various forms, of which the election of a King is one; but the far more serious one is referred to in the letter (Enclosure No. 2) which comes from the Chiefs upon whose friendship we mainly depend. Since I received this letter, the Chief of

Native Letter, 10th  
June, 1857.

Governor's Despatch,  
12 June, 1857.

Whaingaroa, and most of those who are friendly to us, as well as Te Heu Heu our opponent, have visited me, and in all their conversations have insisted on the maintenance of a distinct nationality. All have evinced jealousy of the Assembly, and a strong desire for an Assembly of their own, while at the same time they profess the greatest friendliness to us as a race. The friendly party desire to have their own Assembly and the Governor; the others their own Assembly and a King; but all insist on the maintenance of a distinct nationality.

7. I trust the movement is for the present arrested; but I cannot conceal from you that it is too deeply rooted to be eradicated by argument or persuasion; in the latter of which, I have opponents among the ill-disposed and indiscreet of our own people.

8. A Memorandum and a Minute (marked 3 and 4) will explain my views for the present emergency.

9. A short explanation of English law has been prepared, and is now under consideration by my Advisers: who, however, have a natural disinclination to declare or define anything on a subject upon which even the Judges entertain different opinions. I cannot but think, nevertheless, that it would be more advisable to prepare an imperfect exposition of our laws, than to admit to savages that we cannot explain it to them. Alterations which can only be made by the General Assembly will also be necessary; but what view that body may take of the subject is uncertain, especially as the extension of English law over the Maori race (which would probably follow on its being established on the Waikato) must entail a much larger expenditure than has yet been contemplated. Magistrates, Assessors, and Constables must necessarily be paid, if law is to be administered, and Chiefs must be pensioned, if peace is to be secured and maintained.

10. I should inform you that the party who desire to elect a King proposed to remove Potatau to the delta between the Waikato and the Waipa, and there to erect his flag; and that they dwelt especially on the right of judging according to Maori law Europeans who may in future offend against it. The importance of uniting, in the event of any outrage being committed by an European, was strongly insisted on, and some wild conversation was indulged in on this head.

11. The unprotected state of all our settlements, frequent rumours that the Troops will be diminished in number or withdrawn, and the entire absence of any Naval protection, give confidence to the agitators, and are enlarged on by those who encourage discontent.

12. I apprehend no sort of danger from the present movement; but it is evident that the establishment of a distinct nationality by the Maories in any form or shape, if persevered in, would end sooner or later in collision.

I have, &c.,

T. GORE BROWNE.

### Enclosure 1 in No. 2.

#### REPORT OF NATIVE MEETING IN "SOUTHERN CROSS," OF 5TH JUNE, 1857.

##### *The Native Question.*

We have kept back our further observations on the Native question, and suggestions for a solution of the difficulty, until we should be fully informed of the result of the meeting of the Waikato tribes convened by Ngatihaua for the purpose of instituting Te Whero Whero into his office, as Maori King.

The King's flag, for the present, has been struck to that of the Queen. But the idea is far from being yet abandoned. The movement still goes on; while the propriety, the thoughtfulness, and the caution with which it is conducted, render it only the more serious in nature. When we add to this that they have already shown a greater aptitude for *combination* than had been expected of them, we touch upon the vital point, at present, of European supremacy.

It is becoming more and more evident, even to the most incredulous, that a crisis in Native affairs is coming on. We do not, indeed, believe that a King will be actually made; but it is clear that a great change is approaching, either for good or for evil, in the relations between the races. The Natives thoroughly understand what they want, and it is not a plaything that they seek. They are resolved upon making an effort to preserve their existence, not only as a race, but as they understand it, a nation, before they shall be overnumbered, and therefore out-mas-tered by the whites. The majority of them are most desirous of living in amity with us; they are fully sensible of the advantages to be derived from the spread of civilization; their feeling towards the Queen is still most loyal, although they manifest some jealousy of the Assembly; but they insist upon being enabled to see further into the future than they are enabled to do as yet. They look back upon sixteen years of European rule, and observe that of all the successive Governments, not one has presented a fixed or even consistent line of policy, that it is impossible to foretell, from the course pursued by Government under a prior condition of events, the course that would be adopted under the like circumstances on a new occasion.

We fear that in Auckland, excepting among a few who are better informed than the generality, these matters are not yet rated at their due importance; while in Wellington the existence in the country of a powerful body of men, courageous and intelligent, who might easily be converted into one united mass of enemies, seems to be entirely ignored.

It cannot be too often repeated, that the coming change is either for good or for ill; that it

Report of Native  
Meeting at Paetui,  
12 May, 1857.



cannot be indifferent. It is for us to take the tide at the full. The opportunity is fairly presented, if we know how to use it: we may easily *guide* that which is already in motion, while our utmost efforts would fail to move it as an inert mass. All depends upon the strength being applied in the right direction. But let us disabuse ourselves at once of the idea that the Maori is to be any longer controlled through articles in the native newspaper, by good advice from magistrates, or even missionaries. Governor Grey's palliatives, the humiliating "flour and sugar system," are of none avail. The *principles* upon which the relations between the races shall be henceforth carried on are demanded. If the European does not lay them down, the Maori will.

In our present number we confine ourselves to recounting what took place on the occasion of the rival flags being displayed; with the intention of continuing the subject in subsequent numbers.

The place of meeting was Rangiriri, the centre of Waikato; and the occasion was the feast given by the tribes of Lower Waikato to their brethren of Waipa and Horotiu when they met to lament the death of Wetere.

The guests were mustering for several days at Kaumatuku, and on the Thursday, May the 9th, the last detachment arrived. These were the Ngatimaniapoto, the large tribe resident about Mokau. On Friday, the whole body started down the river to Rangiriri, a distance of twelve miles, tearing away down the river at a tremendous pace the whole distance. There were about fifty canoes containing the visitors, and about fifty had already arrived conveying the *tangata whenua*. Several Europeans accompanied the expedition.

After the usual reception, Ngatihaua formed four deep. Proceeding into the centre of a large open space, cleared for the occasion, they planted the flag of the new dynasty. His Majesty's color was a white flag with a red border, and two red crosses, (as a symbol, we believe, of Christianity); upon it the words, "Potatau, King of New Zealand."

The next day was devoted to eating and talking. The following is an account of the amount of food provided:

Bullocks .....	15
Sharks .....	20,000.
Eels, fresh .....	20 baskets.
Eels, dried .....	100,000
Patiki and Mataitai .....	50 baskets.
Sugar .....	30 bags.
Potatoes and Kumeras .....	8,000 kits.
Tobacco .....	1,500 lbs.

Besides flour, and other things the amount of which could not be ascertained.

On the Saturday afternoon, Mr. Ashwell, the clergyman, and Mr. Fenton, the magistrate, came down the river. The former returned on Monday morning.

Sunday was devoted to worship; three denominations were represented, but the Church of England had a great majority. Indeed the Wesleyans seemed to be united with that body.

On Monday, the 11th ultimo—the anniversary of the great Native feast at Remuera, thirteen years ago, and, so far as regards the settlement of the Native question, thirteen years thrown away,—the business commenced. Our informant proceeded along the temporary town, and endeavoured to count the numbers present. The tents and houses extended for about three-fourths of a mile. As nearly as he could ascertain, the number present was about 2,200.

On Monday, at about 10 o'clock, the large open space began to fill. The Maories were clothed almost entirely in blankets and Native garments. It had been previously arranged that this day should be devoted to a reconciliation of old hostilities. The great men from the different tribes sang songs to each other, and finally all ancient hatreds and the remembrance of former battles were, by common consent, buried in oblivion. They thus prepared the way for a complete union on the important question that was to be discussed on the morrow. The war hatchet was buried, and a solemn compact made that if ever dug up again, it should not be employed against any of the tribes present.

On the Tuesday, at about ten o'clock, a long line of Maories, dressed in black cloth suits, black neck-kerchiefs, &c., were to be seen, presenting a surprising contrast to the Maori assembly of the previous day. They defiled from the southern end of the town, headed by Ngatihaua, bearing the flag of the new king. They advanced to the open space, planted the flag in the ground, and sat down, arranged in long rows, occupying one side of the square. The leaders and principal speakers took up their position in the centre, each man with his paper and pencil, to take notes of the proceedings. They seemingly did not anticipate much opposition. There they sat for half an hour; a bystander would have thought that the Queen was not going to be represented at all. But at last a Union Jack was seen displayed on a little hill about a quarter of a mile off. Another soon appeared a short distance inland. Shortly afterwards a procession advanced from the hill, headed by Waata Kukutai, bearing the Jack, and occupied the side of the square opposite to that taken by the King party: immediately after which another body advanced bearing the Union Jack No. 2, and took possession of the ground to the left of the other party, when both Jacks were planted in the ground opposite to the white flag with the red cross. The principal men, and the magistrate, mustered in the centre. The large body thus arrayed, and the organization that seemed to exist, was the first, but a very significant indication that the Government had not been asleep. The third side of the square was filled with Maories who did not appear to have joined either party; sitters upon the "cross benches." At the fourth side appeared the Native teachers, headed by Hoera and Heta.

Proceedings now commenced. Heta read prayers, including the prayer for the Queen, and Hoera delivered a short address on moderation and temper.

## Appendix A.

Native Meeting at  
Paetai.

After the customary pause, Te Kereihi, from the loyal side, rose and said—"Commence your talking." Then Hoera, who, as a teacher of religion, occupied a sort of moderator position, said—"The talk will be about the flags; let them be disposed of; direct all the speeches to that end."

To give a full report of all the speeches, in our limited space, is obviously impossible. The most remarkable were the following, of which the main points have been carefully preserved:

PAORA: God is good; Israel were his people; they had a king; I see no reason why any nation should not have a king if they wish for one. The Gospel does not say that we are not to have a king. It says "Honor the King—Love the brotherhood." Why should the Queen be angry? we shall be in alliance with her, and friendship (whakahoa) will be preserved. The Governor does not stop murders and fights among us. A king will be able to do that. Let us have order, so that we may grow as the pakehas grow. Why should we disappear from the country? New Zealand is ours; I love it.

TAKEREI TE RAU: The first Governor came and gave the word "friendship" (whakahoa): so did the second—the third—and so does Governor Browne. The source of this word is God. It came in the Gospel; and now there is added the law (te ture); what more do we want? I think this is the open road; the new one is overgrown (ururua) and dark. I will not walk in it. Friendship to the Governor is the road to the Queen. Go on this road; it is the road to good. Let us go on this road.

TAKIRAU: That is the road—that word "friendship." But it applies to both sides. Our king will be friendly with the Queen. Their flags will be tied together. (Hoists the king's flag and ties it to the Jack). I say, let us be like all other lands who have kings, and glory, and honor. That is a clear road. Let us be strong to fasten on this. Let the blessing of God, which rests on other lands and their kings, rest on us. If I asked the Queen to leave her throne I should be wrong; but all I ask is that the dignity which now rests on her should rest on our king; so that this land may be in peace, and be honoured. Let the Queen and the pakehas occupy the sea-coast and be a fence (taiepa) around us.

WIREMU TE WHEORO: I agree to what Takerei says—friendship—alliance (whakakotahitanga.) I know that road; I don't know any other. (Pointing to the new flag)—Let that flag go down; I don't like it. Let its old honor (mana) remain, but don't seek any fresh dignity.

MOHI: This is my word. Don't wander about. Wash out (horoia) the writing on the new flag. I don't like it. It frightens me. Wash out the writing, and let the staff help to support the Queen's flag. Lean to it, its ancient honor (mana) The honor of old, of old, of old.

PAORA: Give me some soap to wash it out (*i.e.*, Give me a reason).

MOHI: Why did you write those words? The new flag must kill the old; not the old one the new. What is the wrong of the old flag?

PAORA: The gospel came. Then came the Queen. At that time we were foolish and ignorant; now we know. At first the missionaries said, make a king to keep convicts and bad *pakehas* away. But we did wrong, we agreed to the Queen. Now, we are grown up—we are no longer children—we can walk alone. We are fit for a king. You can't find any where in the Bible, that the Queen should have the only honor. Shew me where, that I may know. We cannot be always in childhood.

TARAHAWAIKI: Let me speak. Don't say, why should we add fresh honor to Potatau? Remember, the honor conferred upon him will belong to us all. What is the use of eyes, arms, and body, without a head?

TAKIRAU: (Many quotations from Scripture.)

HETA (Native teacher): Leave out the Scriptures. Don't bring them in here. If you bring in these quotations we shall wander about (marama noa atu), for they are inapplicable, and you do not understand the context. Scripture is a very sacred thing, and should not be used lightly. I shall be angry with you if you persist.

WIREMU TE AWAITAI: I am a small man, and a fool. I am ignorant of these Scripture quotations. Ngatihaua, don't be dark. Waikato, listen. Taupo, attend. My name has been heard of in the old day, and sometimes it is still mentioned. I am going to speak mildly, like a father. My word is this: I promised the first Governor, when he came to see me, and I promised all the rest, that I would stick (piri) to him, and be a subject of the Queen. I intend to keep my promise, for they have kept theirs. They have taken no land. Mine was the desire to sell, and they gave me money. Why do you bring that new flag here? There is trouble (raruraru) in it. I can't see my way clear. But I know that there is trouble in that flag. I am content with the old one. It is seen all over the world, and it belongs to me. I get some of its honor! What honor can I get from your flag? It is like a fountain without water. Don't trouble me. You say we are slaves. If acknowledging that flag makes me a slave, I am a slave. Let me alone. Don't bring your bother here. Go back to the mountains. Let us alone in peace. I and the Governor will take our own course. That's all. (Silence for half an hour followed this speech, which made a deep impression, for no man present was so renowned as a warrior chief as Wiremu.)

WIREMU TAMIHANA TARAPIPIPI: I am sorry my father has spoken so strongly. He has killed me. I love New Zealand. I want order and laws. The king could give us these better than the Governor; for the Governor has never done anything except when a *pakeha* is killed; he lets us kill each other and fight. A king would stop these evils. However, if you don't like the king, pull down the flag. Let Rewi pull it down if you wish it.

REWI, chief of Ngatimaniapoto, stepped forward, said nothing, but in anger took the king's flag and threw it down at the foot of the Jack, and sat down without speaking. He intended, apparently, to show the Maories the state of utter subjugation to which they were consenting.

MOHI: That's right. But let the staff stand up without the flag.

TARAHAWAIKI (considerably excited, took the prostrate flag and rehoisted it): I love New

Zealand. It shall not lie down in this way. Let it look at the sun, and we will support it.

WAATA KUKUTAI: Let the flag stand; but wash out the writing on it. Let us not talk like children; but find out some real good for ourselves. We cannot do it by ourselves. The white men have the money, the knowledge—everything. I shall remain a subject of the Queen, and look up to this flag (the Jack) as my flag for ever and ever and ever. If it is dishonored, I shall be; if it is honored, so shall I be. I accept fully the arrangement made between the Governor and Potatau—laws, a director, and the assembly. I don't want to talk, for my mind is made up. I shall begin to work on the basis of that agreement. You may go on talking; and when you have done we will let you join us. For if you follow your road you will be benighted, get in a swamp, and either stick there or come out covered with mud.

TARAHAWAIKI got up again, rather angry, and the meeting was becoming a little excited, which the Native teachers, assembled in a body, observing, Hoera called out "Let us pray." Silence reigned. He read the prayers—"Lighten our darkness"—and "In all the changes and chances," &c.—and proceedings ended for that day: the flag still down.

On the Wednesday, stations were taken as before; but the loyal party seemed to look upon the matter as settled, and did not present that appearance of arrangement which characterized the former day's proceedings. Potatau now appeared, surrounded by about ten or twenty of his friends, and took his station on the fourth side of the square. The King's flag was again planted, but it was now rigged European fashion, on a running line, so that it could be lowered without removing the staff. The proceedings of this day seem to have been little more than a recognition by Potatau of yesterday's work.

After prayer—

A CHIEF of the Wherukoko: Our motto is love to New Zealand. (A Native song.)

POTATAU: Wash me, my friends, I am covered with mud. Love, Gospel, and friendship. Ngatihaua, work, continue your work. The kotuku sits upon a stump, and eats the small fish; when he sees one, he stoops down and catches it; lifts up his head, and swallows it. That is his constant work. William, you understand your work. When the sun shines we see him. (A song.)

HOANI PAPITA: Fresh water is lost when it mingles with the salt. (A song.)

TE WIKIHA: Song for the land, that it should be retained; joined in chorus by the whole two thousand.

TE KEREIHI: I shall stick to the Governor; I remember his talk with Potatau at this place. I asked him for laws—for a director, for an assembly. He agreed to it. I am holding fast to this. I keep this firm. It shall be buried with me, but my children will perpetuate it. (Recounted the whole of the Governor's words). I will listen to no new things. That is the only road that conducts to prosperity. I have seen their friendship with these eyes. The remembrance remains. Don't bother us, for we have work to do; we are too busy to talk.

TE HEUHEU, of Taupo, spoke violently, stating the causes of quarrel the Maories have with the Europeans; the indignities shown to the chiefs by the lower order of Europeans, when they visited the town; their women debauched; the men made drunk; the chiefs called "bloody Maories," &c., &c. He advocated the total separation of races, and the ultimate expulsion, by force, of the Europeans.

WIREMU TE AWAITAIA and WAATA KUKUTAI stopped him, and, after some conversation, made him sit down.

HEMI PUTINI (nephew of Te Awaitaia) went into the centre, and addressing Potatau, said, Declare yourself about the flags, you have heard our views.

PAORA moved the King's flag to the Jack, and tied them together. They were about a yard asunder. He then marked a ring in the ground, round each. Rewi came forward and deepened the ring. Kukuena, uncle of Potatau, came forward, and, amid a dead silence, lowered the flag half mast, and tied it to the English flag; then sat down.

TIPENE: Don't you be sad, (to the Kingites) and don't you be joyful, (to the loyal party) for remember, though the flag is down, the writing remains.

After some speeches as to retaining the land, and several songs, the meeting separated.

WAATA KUKUTAI then paraded the English flag, rang a great bell, and proclaimed that all who acknowledged allegiance to, and intended to support that flag, should follow him. (He brought three flags to the meeting.) All lower Waikato and the sea coast to Kawhia mustered. They moved in procession over the hill, passed resolutions, and embodied them in a letter to the Governor.

On the following day the King's flag was despatched to the tribes in the South of New Zealand, to convene a larger meeting, and induce Potatau to accept the office, or to appoint some one else. In the meanwhile, the tribes of lower Waikato seem active, and decided in following the course sanctioned by the Governor.

## Appendix A.

Native Meeting at  
Paetai.

## Enclosure 2 in No. 2.

### LETTER OF HOANI PAPITA AND OTHERS TO THE NEW ZEALAND GOVERNMENT.

Rangiaohia, June 10th, 1857.

Hearken, the Assembly of the Crown at Auckland! We Maories now for the first time write to you, that you may know our thoughts. We have received the newspaper containing Governor

Letter of Waikato  
Chiefs,  
10 June, 1857.

*Appendix A.*

*Letter of Waikato  
Chiefs,  
10 June, 1857.*

Browne's kind words to us, and an account of his visit to, and return from, Rangiaohia. His words were these,—“I take this opportunity of calling upon all the New Zealand Chiefs to assist me in this work. I wish them to give me their opinion, and also to express their wishes : let them do this in my hearing, and also by letter. Chiefs of New Zealand, let us unite in suppressing the evil, and the sin of this land. If this is done, I shall then be enabled to send a favourable account to the Queen.” This, O Europeans, was the cause why, we, the Assembly of Hoani Papita at Rangiaohia, agreed to write to you. We said, Let us write, and let the Assembly of the Pakehas know all the proceedings of the Maori Assembly, whether right or wrong, good or evil, what matters it ? Let us send an account before the Europeans.

Listen, O Europeans ! Formerly we were in ignorance, one tribe at war with another, and also eating one another. This ceased upon the introduction of Christianity, but evil returned, on account of the land. That you have seen, as in the case of Taurangaruru, and Te Ihutaroa, but have also seen the good conduct of the Maories, as evinced when the Powder-store of the Queen was plundered by Te Kouarehua. It was in expressing our thoughts, that we perceived the evil of quarrelling and fighting among ourselves ; but it was not long before good thoughts entered our minds, and the result is the present assembly, to enable us to carry out the laws of God, as delivered to Moses : “Thou shalt do no murder ; Thou shalt not commit adultery ; Thou shalt not steal ; Thou shalt not bear false witness against thy neighbour,—Exodus xx, 13-16. Our desire, O Governor, sprung from this, to have laws enacted for this Island of New Zealand at present lying in ignorance, in order that the blessing of God may light upon us, and save us from our sins. We are now assembled for the purpose of appointing an Assembly for each and every tribe in New Zealand, for the purpose of examining into the good and the evil, with their Magistrates appointed for each, to carry out the principles of Christianity, that we may be one flesh. As St. Paul says, “Who hath made both one, and hath broken down the middle wall of partition between us (2 Eph. v. 14-15.) This is all upon this subject.

The next concerns the King. O, the Government in Auckland ! We are here assembled for the purpose of appointing a King to check the evils amongst us : for Paul says, “For he is a minister of God to thee for good ; but if thou do that which is evil, be afraid, for he beareth not the sword in vain ; for he is the Minister of God, an avenger to execute wrath upon him that doeth evil” (Rom. xiii. 4). Also, “Submit yourself to every ordinance of man for the Lord's sake, whether it be King as supreme, or unto Governors, as unto them that are sent by him for the punishment of evil-doers, and for the praise of them that do well” (1 Pet. ii. 13, 14). All the other Islands have Kings, and England has a Queen (king) to give power to her people, and to give them good thoughts. On this account we say, Let New Zealand do so also. We have heard, friends, that you blame us, and say that we have done wrong in electing a King for New Zealand : do you explain to us the evil of the laws of God. Are we required to be holy, or to be cannibals ? Tell us, that we may thoroughly understand the wrong we have done in electing a King. We see only what proceeds from God : it was he who gave the kingdom to Saul, to David, and to Solomon ; after which Christ came. What is wrong in his words, “Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost, teaching them to observe all things, whatsoever I have commanded you.” (Mat. xxviii. 19, 20) ? Paul also says to the Corinthians (1 Cor. iv. 8), “I would ye did reign, that we also might reign with you.” Then again (Rom. xiii. 1), “Let every soul be subject unto the higher powers, for there is no power but of God.” It is from what we have heard that we say, “If we trample upon His word, we shall be cast down by Him to the death, even as the Jews were given to destruction.”

Friends, we have heard that you will not yield to our wishes in this matter. Perhaps you think that the Maori King will be separated from the Queen : not so, but it will be better for them to be friendly. O, Bishop, and you Ministers of the Governor, let us work together with respect to the regulations concerning our King, that they may be properly carried out, lest there be strife between them, lest one should clash with the other. It will be better for the one to be friendly with the other, and let the law of God govern both, that is, (the law of) love. But, as you live near us, you can instruct us. We have heard it said by some person, that you are displeased with Charles Davis ; you think that it was through that European that we thought of electing a King. Now this is utterly incorrect, and unjust to that European ; but it was because each Island had a King. Be pleased or displeased at this, as you like. We hear it said of us by some persons, Charles Davis is to be killed (or persecuted) by you. If this is true, then these words are false : “Think not that I have come to destroy the law and the prophets, but to fulfil them.”

Friends, it is now ten years since the Maori Chiefs first talked about a King for themselves. It was commenced by Te Heu Heu, who proposed it to Potatau ; afterwards by Hoani ; and after that by Wiremu Tamihana Te Waharoa. If you disapprove of this (act) of God's, take back the Gospel also : let it not rest upon us, and let this Island remain a heap of dirt. This is all upon this.

This is for the Press : O Governor, our reasons for purchasing a Press are, that we may unite in friendship with you, that our words may reach you, as yours do us. The Gospel comes from the press, from which we derive all good. Let these words be printed in the newspapers, that our European and Maori friends may see them ; and also that they may go to England, that the Queen may see our words, whether right or wrong. If these words are not put into a newspaper, for all the world to see, we shall then say, it is quite true, what the people say, that Charles Davis has been expelled from their Assembly by the Europeans. Let everything be clear. Hitherto you have done well in instructing us in the good things appertaining to God : therefore we say, let Potatau be a King for us, the same as the Queen, whose word has power with all her people, who obey her voice.

The Europeans say that the Maories err in making Potatau a King, as he is a Chief already. To whom, then, are we to give this name—to a common person, or to a slave ? I should say it should be

given to the race of Chiefs only, the ancient race. I will not conceal my words, whether right or wrong.

*Appendix A.*

From the Assembly of HOANI PAPITA.

*Letter from Waikato  
Chiefs.  
10 June, 1857.*

Enclosure 3 in No. 2.

MEMORANDUM BY THE GOVERNOR.

2nd June, 1857.

*Governor's Minute,  
2 June, 1857.*

If the report of the recent meeting of Natives (at the Chief Waitere's) is correct, most of the Chiefs, including Potatau, have unsaid what they said to me during my visit to Waikato. On the other hand, many friendly Chiefs have written, assuring me of their friendship, and their disapproval of the election of a King. These last, however, desire to have laws of their own, and seem to claim power similar to that exercised by the Assembly.

Should the Waikato Chiefs proceed to elect a King, and Potatau consents to accept the office, the example will be followed elsewhere. It seems clear that the King will not be permitted to enjoy any of the privileges of the office. He will have neither power nor money; nor would he be permitted to sell even the portion of land he occupies, although his joint or tribal right to it might be acknowledged. It would soon appear that except in matters of no import, his power among his own people would be but very little greater than that which any other important Chief now enjoys.

In reference to Europeans, however, the case would be different. It is very probable that the King would endeavour to obtain, at their expense, the renown which savages value above all things, and which under present circumstances would be essential to his supremacy. In old times Chieftainship was attained and maintained by prowess in war among themselves, but this road to distinction is no longer open.

Natives who may have committed offences against Europeans would, however, naturally look to their King or Chief as their only protector, and the power and renown of the King would be most easily shown and recognised in affording protection at all risks. Such difficulties would secure an otherwise doubtful allegiance.

Again, in the event of a crime or offence committed by an European residing on Native land, there can be no doubt the King would judge and punish him according to Native custom, which would probably be very contrary to ours.

I assume then that it would not be safe tacitly to permit the election of a King, and the next question is, what steps should be taken to render such an election either unsuccessful or nugatory?

A code of laws, adapted as much as possible to the present wants and condition of the Maories, should be prepared at once, leaving for future consideration those subjects on which serious alteration from the English law is required.

This code should be printed in Maori and circulated among the influential Chiefs. A meeting of Chiefs should be then convened, and they should be informed that when any tribe is willing to adopt this code, and at the same time agree to surrender to our Courts all persons accused of capital crimes, and to abolish certain customs repugnant to these laws, Magistrates and paid Assessors shall be appointed and required to hold sessions throughout the district.

The possibility of failure in our object requires careful consideration. It is also necessary to remember that our best-laid plans would be endangered if any untoward offence were to be committed by an European during the present excitement. Several of the Chiefs have avowed their desire to be united under one Chief, in order that they might act energetically in the event of such an occurrence, and others have at various times asserted the right to punish Europeans offending against Maories, on the plea that they surrender Maories offending against Europeans.

Taking all these matters into consideration, it appears to me that the time is critical, and that much good or evil must result from the manner in which we now act or neglect to act.

T. GORE BROWNE.

Enclosure 4 in No. 2.

MINUTE BY THE GOVERNOR.

4th June, 1857.

*Governor's Minute,  
4 June, 1857.*

For obvious reasons, which it is unnecessary to detail, the Governor considers it highly important that the European population should not be more than necessarily isolated: he therefore desires that instructions be given to the Land Purchase Commissioners to use their utmost endeavours to connect and consolidate Crown lands, and not to commence negotiations for the purchase of land not adjacent to and connected with Crown lands, without special reference to himself.

Instructions to this effect should be sent by the "Wonga Wonga."

T. GORE BROWNE.

## Appendix A.

## A—No. 3.

Governor's Despatch,  
23 Sept. 1857.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE RIGHT HONBLE.  
H. LABOUCHERE, M.P.

Government House, Auckland, New Zealand,  
23rd September, 1857.

SIR,

I have the honor to forward a copy of some correspondence on the subject of creating a King in the Waikato district.

2. The first letter is from Te Whero Whero accepting the Sovereignty offered to him. This Chief was pensioned and brought to live near Auckland as a sort of Protector, by Sir George Grey; and as I stated in my Despatch of 9th May, No. 40, (par. 7), he very recently assured me of his determination to refuse the offer and check the movement. He acknowledges the letter, but still professes attachment to the Queen.

3. The second letter is from an important Chief residing near Rangiaohia; and the third, which is written in such allegorical language as to admit of various interpretations, is from Charles Davis, lately First Interpreter in the Native Secretary's Office, and is doubtless intended to encourage the movement. I learn that he corresponds with many of the Chiefs in this manner.

4. Although this question of electing a King is undoubtedly a matter for grave consideration and watchfulness, I apprehend no immediate danger from it. I attach an extract from the Native Secretary's report, and have determined to take no steps, for the present, beyond that of publishing a moderate disapproval in the "Maori Messenger." Direct opposition would rather accelerate than impede the movement, and unless some unforeseen cause of irritation should arise, I trust it will wear itself out and cease for want of provocation.

5. If however, contrary to my expectations, this agitation be persisted in, it will resolve into a conflict of races, and become the greatest political difficulty we have had to contend with, since the establishment of the British Government in these Islands.

I have, &c.,

T. GORE BROWNE.

The Right Honorable  
H. Labouchere, M.P.

&c., &c., &c.

## Enclosure 1 in No. 3.

Mangere, Huri 14th, 1857.

Potatau's Letter,  
14 July, 1857.

E HOA MA,

Tena koutou, kua tae mai ta koutou kupu ki au, kua whakaaro au ki ta koutou; i mua kaore au i pai ki ta koutou kupu, inaianei me noho au ki runga ki ta korua ko to Tamaiti. Ko Wiremu Tamihana nana ka he, e pai ana, ka tika, e pai ana, na koutou te tikanga; kaore hoki he whakaaro aranga, engari kia tika te hapai i te parau, kia tika te raina.

He waiata aroha:

Te ao paraki kia mihi ai au;  
Koio te ahua i te kaiapo;  
Mai he rahui ki taku tahe nei tu ai.  
Whano au ka rere te ripa ki te Haunui.  
Kai wakapakaru te hei au te kakekake.  
Koe hau kawe nui ki te tau ia.  
Ka te turaki ianei, e te hoa.  
Me tuku atu ki a koe te mea ia au.  
Kei te mai e kau ana.

NA POTATAU.

[TRANSLATION.]

Mangere, July 14th, 1857.

FRIENDS,

Salutations to you. Your word has reached me, and I have considered your proposition. Formerly I did not approve of your word; now I will abide upon your's, Tamati's, and Wiremu Tamihana's. If wrong, it will be well; and, if right, it will be well: the plan is yours. There is no consideration. But guide aright the plough; let the line be straight.

A love song of mine:

Let daylight dawn, that I may weep;  
The resemblance has in secret gone,  
A sacred mark at my side to stand.  
Soon shall I fly beyond Haunui.  
I am breaking up, and therefore cannot climb.  
Come, thou O wind, and bear me to my love.  
I am leaning towards thee now, O friend.  
Let what I have been given to thee:  
'Tis now in the water swimming.

## Enclosure 2, in No. 3.

Appendix A.

Rangiaohia, Akuhata 5, 1857.

Hoani Papita's Letter,  
5 Aug., 1857.

Whakarongo mai e te runanga i te Iaia. Ko te take o tenei Waiata, o enei kupu he tono naku ara he mea tuhituhi; na ka kite nei tatou i aua kupu. He mea atu tenei kia koutou e te runanga, kia kaha ki te hapai i to tatou kingi, kia tu ia hei pehi mo a tatou kino, kia tika ai ta tatou whakapono. E ko ma, kei whakarere koutou i a maua ko Tuhikitia. Heoi. Mo ta Hare Rewiti tenei: i ki mai ai ki nga runanga kia hanga he whare mo nga runanga kia nui kia roa kia pai, whakairo rawa, puhipuhi rawa ki te kereru; te ingoa mo taua whare ko Aotearoa. Na kua pai au ki taua whare kia mahia ki Ngaruawahia, kei nga runanga katoa he pou, ka taraia au i tetahi pou maku. Kua tuhituhi au ki a Ngatihaua, kei nga runanga katoa te marama hei aranga; kei te rima kei te aha ranei: kei te kaha o nga runanga te tikanga.

Heoi ano Na HOANI PAPITA.

[TRANSLATION.]

Rangiaohia, August 5th, 1857.

Hearken, O the Runanga at Te Iaia. The root of this song, and of these words, is a request of mine, that is, it was written; now we see those words. This is to tell you, O Runanga, Be strong to lift up our King, that he may stand up to suppress our badness, that our belief may be right (so that our conduct as Christians may be consistent). Friends, let not Tuhikitia's and mine be relinquished. Enough. This is on account of what Mr. Charles Davis said to the Runangas—to make a house for the Runangas, to be large, long, and good, carved and ornamented with pigeon feathers,—the name for that house to be Aotearoa (New Zealand). I am in favour of that house being built, at Ngaruawahia. All the Runangas will supply posts; I will dress a post for myself. I have written to the Ngatihaua. All the Runangas to name the month in which it is to be erected—in the 5th, or what other. The energy of the Runangas will decide that. Enough.

From HOANI PAPITA.

## Enclosure 3 in No. 3.

COPY OF LETTER ADDRESSED BY C. O. DAVIS TO POIHIPI TUKAIRANGI.

Auckland, June 23rd, 1857.

Mr. C. O. Davis's  
Letter.  
23 June, 1857.

Go away, my letter, with the love of a younger brother to my friend, to Poihipi Tukairangi.

O Father, salutation to you and to your people, in the mercy of God. O Father, there is no other wealth in the world save religion, and hence I say let that be held fast by you; adhere to God, even as he adheres to you. Here is the second, it is property—the great treasure Aotearoa (the Maori name for New Zealand). Should you ask as to this kind of treasure, it is a Pounamu (green stone) and is transparent; its children are Light, Thought, Right, and their younger brother.

O Father, these are two things, let them be held fast by you. Friend, if you see the correctness of what I now state to you, let it be held firm in your heart; if you see the wrong, cast it away, for this reason, you and I must always follow the right, that which is wrong leave to other men.

O Father, salutations to you and Governor Grey. There rises the vapour at Ohinemutu. Ah, let me weep. Who shall say when we may be separated? Let me my heart's love pour forth in tears now welling from my eyelids. What is the Tapu that is so feared? it is but a name borne on a gentle breeze; now that the time for thought has come the canoe, is on the skid, and I am left encumbered.

Ere I am well aware of my circumstances, the time for remedying them has passed, and I cannot help myself.

O Father, salutations to you. So ends my word.

From the loving friend of the Maori people,

HARE REWITI (CHARLES O. DAVIS.)

## Enclosure 4 in No. 3.

MEMORANDUM BY THE NATIVE SECRETARY.

Native Secretary's  
Minute.  
7 Sept., 1857.

The present movement on the part of the Waikato tribes to elect a King of their own is not likely to be attended with any important or serious consequences, if the Government abstain from interfering in the matter.

The course which I would recommend for the adoption of the Government, in reference to the "King question," is decidedly one of non-interference, unless the movement assume more of a hostile character and tendency than it does at present.

*Appendix A.*

*Native Secretary's  
Minute.  
7 Sept., 1857.*

It is true that the Natives feel that their Chieftainship and distinctive nationality are on the decline; and the present is only one of various other movements, made at different times, to establish some form of Government of their own that might be the means of preserving, not permanently but temporarily (as none of them expect that a separate Native Government could last many years), their independence of English power and authority.

The Chiefs who have hitherto been most active in devising those schemes of self-government, have advocated them more with a view to their own personal aggrandizement and power, than from any higher or more disinterested ideas of patriotism that might be engendered from a feeling either that their race was suffering oppression, or that, as the English increased in numbers, they stood in danger of being subjected to slavery or entire extinction: a fate which they are aware has already befallen other aboriginal races.

The ambitious projects of those Chiefs, however plausibly advanced, could not long escape the keen scrutiny of their own jealous and discerning countrymen: their professions were viewed with that distrust which forms such a marked feature in the Maori character; their ancient rivalries would not admit of any individual of their own race being placed in a position to hold predominant sway over the rest; and indeed I may say that it has been to a great extent already practically discovered by the Natives themselves, that they do not possess those elements of combination that are essential to the construction of an independent Government.

I therefore submit that the "King movement," like the "Anti Land-selling League" and other similar confederations that have come to nothing, should be allowed to undergo its experimental stages, in order that its failure, when it does take place, may be the more signal, and that it may act as a warning against the periodical revival of future combinations of a similar tendency.

At the same time, the Government should diligently watch all Native proceedings in the Waikato during the next few months, and be prepared to act in the event of any substantial indication of a hostile nature.

My own impression is that the feeling even of those Natives who take the most active part in the "King movement" is not so much one of hostility as an imitation of European customs, that may elevate the Chiefs to some greater distinction; and I believe that the whole combination may gradually be broken up by prudent and discreet management.

In the process of time, and as circumstances may suggest, it may be found requisite to advise Te Whero Whero, that the adoption of any title beyond that of being the principal Chief and representative of the several tribes who may unanimously express a desire to confer additional dignity upon him, cannot be recognised by the Government; and that the erection of a separate flag would be construed as evincing a disposition on his part to withdraw from his loyalty and frequently expressed attachment to Her Majesty the Queen, and her Representatives in these Islands: none of whom have ever given him cause for such a course of proceeding.

The withdrawal of Te Whero Whero's pension, unless he openly avows opposition to the Government, would not be attended with any good result.

The most distant recognition by the Government of any adverse party to Te Whero Whero in his own district, would be attended with results more injurious to the real interests of the Europeans than any other step that could be taken: not only from its giving an undue prominence and appearance of stability to the position he proposes to assume, but from the paucity of the numbers and subordinate character and position of those tribes which would alone follow such a course; in which, moreover, they could be retained only by influences of a mercenary nature.

DONALD McLEAN,  
Native Secretary.

Auckland, 7th September, 1857.

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A—No. 4.

*Governor's Despatch.  
9 Nov., 1857.*

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE RIGHT HON.  
H. LABOUCHERE, M.P.

No. 95.  
*Miscellaneous.*  
SIR,

Government House, Auckland, New Zealand,  
9th November, 1857.

In continuance of my Despatch No. 81 of the 23rd September last, I have the honor to inform you that the course I have pursued in reference to the agitation among the Natives on the subject of a King appears to have been successful. I learn that the emissaries sent to the South have met with but a lukewarm reception, and that in the North the Natives have declined to join the movement.

2. I have also seen the adviser of the Chief Potatau, who was the King designate. In the course of a long interview he assured me of the loyalty of Potatau, and his desire to meet my wishes. He said that nothing but the earnest solicitation of his tribe would have induced Potatau to write the letter referred to in my former Despatch, that he, Potatau, was a very infirm man, and could not live long; and that his constant injunctions to his people were to live in friendship with the English, and adopt their laws and customs as far as possible. On the other hand, he complained that our laws were not suited to them at present, that the English could not enforce them in Native districts, and that the



Natives wanted some authority to put a stop to wars and violence among themselves. He complained much that, contrary to the earnest wish of all respectable Maories, the English insisted on selling spirituous liquors, as well as guns and gunpowder, to the Natives, and that their people were debauched in various ways, and he wished to know if the people might take the law into their own hands, and act summarily. Finally, he added that Englishmen were at the bottom of the agitation for the election of a Native King, and that but for them it would have subsided long ere this. I am assured that the above may be depended on as being the real views and opinions of this Chief, who is not unlikely to succeed Potatau as the great Chief of the Waikato tribes.

3. For the present, therefore, I have every reason to be well satisfied, but I look with some anxiety to the great meetings which will take place soon after Christmas. In the meantime it is my intention to visit and communicate with the friendly and powerful tribes in the North, and, if possible, to go from thence to Hawke's Bay, where the feud between two neighbouring tribes still continues.

4. It may be right that I should inform you that an epitome or abstract of English law is now in course of preparation, and will be translated into the Maori language. That it cannot be at present adapted to the wants of the Maories I am well aware, but it is my intention to submit to the Assembly an Act to empower the Governor to declare certain districts within which laws may be made by the Governor and his Executive Council, as far as possible in accordance with the feelings and wishes of the Natives.

5. I shall also propose another Act to enable the Governor to confirm Natives in possession of lands to which they may be able to prove individual title, without previous cession to the Crown, a power not given by the Native Reserves Act of 1856. At the present moment I am aware that but very few Natives will be able to take advantage of such an Act, but I have reason to hope that ere long some communities will agree among themselves to divide their land, and I am well satisfied that the possession of individual titles will do more towards civilizing the Natives than any other measure it is in our power to adopt.

6. I shall endeavour to take from Superintendents the right to grant licenses for the sale of spirituous liquors in Native Districts, which they now possess exclusively. As an example of conflicting legislation, I lately received from the Resident Magistrate at Hawke's Bay, an Ordinance passed by the Provincial Council of Wellington, called the Dog Nuisance Act, which had been printed in the Maori language, and sent to be enforced in his district. Any attempt to enforce such an Act in a Maori population would be most impolitic; but at Hawke's Bay success would not merely be impossible, but the attempt would provoke the hostility so much deprecated, and to provide against which the European inhabitants have been petitioning for military protection. This Act, however, having been once allowed, the Governor has no power to suspend it, but the Superintendent of Wellington has been written to, and should Dr. Featherston be re-elected (which is not yet certain) I have little doubt that my suggestion will be attended to.

7. In conclusion I beg to say that we have been very successful in purchasing land in all the three Provinces of this Island, and that enormous tracts are still under negotiation. I have called for a return to be made up to the 31st of December next, giving full information as to the quantity of land recently purchased and previously in possession, and will forward it for your information without delay.

I have &c.,

T. GORE BROWNE.

The Right Hon. Henry Labouchere, M.P.

&c., &c., &c.

#### A—No. 5.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE C.B., TO THE RIGHT HON.  
LORD STANLEY, M.P.

Governor's Despatch,  
17 June, 1857.

No. 49.

Miscellaneous.

Government House, Auckland, New Zealand,  
17th June, 1858.

MY LORD,

I have the honour to forward an extract from a Newspaper, containing an account of the meeting to which I have often referred as likely to take place on the Waikato. I learn that about 2000 persons were present, but they were divided in opinion: the majority were anxious only for the recognition of Potatau as the head chief or parent of the Waikato tribes, while the remainder desired to have him acknowledged as an independent King. The former acted with great discretion, and were to a certain extent advised by the Rev. Mr. Burrows, of the Church Missionary Society, who attended the meeting at my request. These men returned to the Lower Waikato where the meeting broke up, and the Chief Tamati Ngapora (whom Potatau has declared his successor) accompanied them, and soon afterwards came to visit me, and report what had occurred.

The remainder took the old Chief Potatau (who is almost in his dotage) higher up the river, where there is little doubt they will declare him King, with certain demonstrations; but this, as far as can be at present perceived, is not likely to effect any material change in our relations with the Natives.

I have, &c.,

T. GORE BROWNE.

The Right Honorable

Lord Stanley, M.P.,

&c., &c., &c.

Extract from *Southern Cross*, 11th June.

## Appendix A.

## A—No. 6.

Governor's Despatch,  
19 August, 1858.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE RIGHT HON.  
LORD STANLEY, M.P.

No. 70.  
*Miscellaneous.*

Government House, Auckland, New Zealand,  
19th August, 1858.

MY LORD,

Native Chief Rangiahia to W. Kingi,  
New Plymouth, 21st  
June, 1858.

Rev. C. H. Schnackenberg, Kawhia, 21st  
July.

Report—D. McLean,  
14th August.

I have the honour to forward for your Lordship's information the latest accounts which have reached me relative to the so-called Kingdom established in certain Native districts, together with a report on the subject from the Native Secretary.

2. These accounts are far from satisfactory, but I trust that time and absolute indifference and neglect on the part of the Government will teach the Natives the folly of proceedings undertaken only at the promptings of vanity, and instigated by disaffected advisers.

3. In the entire absence of naval protection, and the expected reduction of the military force, no other course is open to me, even should my anticipations prove incorrect.

I have, &c.,

T. GORE BROWNE,

The Right Honorable  
Lord Stanley, M.P.,  
&c., &c., &c.

## A—No. 7.

Governor's Despatch,  
25 Jan., 1859.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO THE RIGHT HONOURABLE  
SIR E. BULWER LYTTON, BART.

No. 7.  
*Miscellaneous.*

Government House, Auckland, New Zealand,  
25th January, 1859.

No. 1.

Native to Governor,  
Kawhia, 16th October,  
1858.

SIR,—

In order to keep you acquainted with the course of events among the Native Race in this Colony, I have the honour to forward two documents (noted in the margin), showing that attempts have been made by Natives at Kawhia to levy contributions from Europeans in the name of the Maori King, and that serious disturbances have broken out among themselves at Wanganui.

No. 2.

Resident Magistrate,  
Whaingaroa,  
8th January, 1859.

I regret also to state that I am about to withdraw the European Magistrate from the Bay of Plenty, on the East Coast, owing to the disaffection evinced by the Natives in that district.

Although these reports are far from satisfactory, as showing the unsettled state of certain districts, I apprehend no serious consequences, and trust that time and the supreme indifference manifested towards the restless agitators who foment these troubles, will produce the desired effect.

The condition of the North of the Island, which was formerly the most hostile to Her Majesty's Government, is now most satisfactory, and I trust that ere long I shall be able to inform you that the several Native Bills passed during the last Session of the Assembly have been successfully introduced into that part of New Zealand.

I purpose visiting Wanganui and the Southern districts of this Island in the course of next month.

I have, &c.,

(Signed) T. GORE BROWNE.

The Right Honourable  
Sir E. Bulwer Lytton, Bart.

## Enclosure in No. 7.

Kawhia, Oketopa 16, 1858.

Tapihana's Letter,  
16 Oct., 1858.

E PA E KAWANA,

Tena ra koe i roto i te atawhai o te Atua i tiakina ai tatou katoa; heoi aku kupu mihi atu ki a koe, whakarongo mai he kupu ano tenei. Kia rongo koe, ko nga Pakeha e noho noa ana i runga i te pihi a te Kingi, kua tangohia e au te hawhe o nga taonga, he hawhe ki nga Pakeha, he hawhe ki te Kingi: ki te kore te Pakeha e hawhe i ona taonga ka whakahokia atu ki runga i te pihi a Kuini. Heoi tena kupu, he kupu ano tenei: Ka tokorua wahine Maori o Kawhia ka mate i te waipiro; e Pa, he kai kino tenei, he kai whakamate tangata: e hoa weheia nga utu o nga rama e hoea ana mai i runga i te kaipuke, hawhe kia Kuini hawhe ki te Kingi. Ki te kore e hawhe, e Pa ka tangohia e matou ka whakahokia ki te Kawanatanga. Ka pouri koe tuhi mai, ka marama tuhi mai. Heoi ano.

Na to hoa aroha,

NA TE TAPIHANA,

Kai whakaako o Kawhia.

Kia Te Kawana, Akarana.

[TRANSLATION.]

Kawhia, October 16, 1858.

Appendix A

Tapihana's Letter,  
16 Oct., 1858.

FRIEND, THE GOVERNOR,—

Salutations to you, in the grace of God which protects us all. Enough of my words of regard for you. Harken! This is another word, do you listen:—I have taken away half of the property of those Pakehas who are living, without payment, on the King's land—half is to be for the Pakehas, and half for the King; if the Pakehas do not divide the property, they shall be sent back on to the Queen's land. Enough of that word. Here is another word:—Two Maori women of Kawhia have died from the effects of spirits. Father! that is bad drink; it causes men's death. Friend! Let the payment of the rum brought here in vessels be divided, half to the Queen and half to the King. If it is not divided, we will send it back to the Government. If you are dark at this, write to me, or if you are light write to me. Enough.

From your loving friend,

TE TAPIHANA,  
Teacher at Kawhia.

To His Excellency the Governor, Auckland.

## A—No. 8.

EXTRACTS FROM A MEMORANDUM BY MR. RICHMOND, DATED AUCKLAND, 29TH SEPT., 1858.

Mr. Richmond's  
Memorandum,  
29 Sept., 1858.

## 1.—General Principles of Native Policy.

3. The Policy of the British Government in relation to the Aborigines of these Islands, might, on the first settlement of the country, have assumed either of two shapes. It might have addressed itself to the maintenance of the Natives as a separate race under distinct institutions and a Government wholly or in great measure independent of the ordinary Colonial Government; or, on the other hand, it might have been directed to promote the eventual absorption of the Maories into the European population.

4. Under the former policy it might naturally have been sought rather to maintain than to obliterate such Native customs as were not repugnant to humanity; and it would have been essential to set up, and rigidly to guard, a territorial division between the Races. The neglect of this latter precaution has for ever rendered such a policy impossible in New Zealand. All the principal Maritime Ports of the Colony are in the hands of the Settlers, who, year by year, extending themselves towards the interior from twenty different centres, come in contact with the Natives at fresh points; so that there no longer remains any other alternative than the extinction of the Maori Race, or its union under one Government with the European Settlers. However difficult, therefore, the latter enterprise, the mode in which the country has been colonized leaves no choice but to attempt it.

5. There are some who, considering what a chasm intervenes between Civilization and Barbarism, and how impassable the boundaries of Race have generally proved, are of opinion that the fusion of the two peoples is a moral and natural impossibility. These persons refer to the Statistics of Population, which, according to the most accurate Estimates hitherto made, show a decrease in the numbers of the Natives at the rate of about twenty per cent. in every period of fourteen years. They point to the relative paucity of Maori females, and to the abnormal mortality of the Race, especially amongst the children, as facts which make certain its extinction within a short period. Such considerations induce to the abandonment of the work of civilization as hopeless, and favour the adoption of a merely temporising policy. The Race, it is said, is irredeemably savage. It is also moribund. All that it is wise, or safe, to attempt, is to pacify and amuse them until they die out, until the inscrutable physical law at work amongst them shall relieve the country from the incubus of a barbarous population; or at least, shall render it practicable to reduce them to the condition, for which nature has intended them, of hewers of wood and drawers of water. An exclusive reliance on the personal influence with the Natives of particular individuals, and on the effect of gifts and flattery upon the more powerful or more turbulent Chiefs, would be natural features of such a policy; which by its demoralizing influence would realize the expectations of its advocates, and render the annihilation of the Maori Race both certain and speedy.

6. To the present Advisers of the Crown in New Zealand such a Policy appears false, cowardly, and immoral. In common with the whole intelligence of the community whose opinions they represent, they believe it to be at once the interest and the duty of the Colonists to preserve and civilize the Native people. Though not blind to the indications of physical decay which the Race exhibits, nor to the great difficulties in the way of a Policy of Fusion, they do not permit themselves to despair. And they believe that the true course—a course which, however small the prospect of success, the British Government would still in honor and conscience be bound to pursue—is to take all possible measures for bringing the Aborigines as speedily as may be under British Institutions.

7. In order to the correct apprehension of the position of the Native question, it ought to be fully understood that the British Government in New Zealand has no reliable means but those of moral persuasion for the government of the Aborigines. It is powerless to prevent the commission by Natives against Natives of the most glaring crimes. Within the last twelve-month blood has

## Appendix A.

Mr. Richmond's  
Memorandum,  
29 Sept., 1858.

been spilt in Native quarrels in at least four different places in the Northern Island,—at New Plymouth,—the Bay of Plenty,—Hawke's Bay,—and the Whanganui River; in one instance, within the limits of a British Settlement. In the cases, which happily are not numerous, in which aggressions are committed by Natives against Settlers, the Government is compelled to descend to negotiation with the Native Chiefs for the surrender of the offender. The development of the material resources of the extensive wilderness still in the hands of the Natives, which comprises nearly three-fourths of the total area, and some of the most fertile portions, of the Northern Island, depends absolutely on their will. Without their consent it is impossible to survey, or even to traverse the country. Much less could the Government undertake the execution of roads, bridges, or other public works, in Native territory. Considerable difficulty was lately experienced in the establishment of a mail route between Auckland and Napier, though the mail bags are carried by Maories. And it was very recently represented, by the chief permanent officer of the Native Department, that it would be inexpedient, and even dangerous, for the Government to make a gift to certain Waikato Natives of a few bags of clover seed, lest the present should give rise to disputes respecting the ownership of land, and the Government be blamed by the Natives for having introduced among them a cause of dissension. These instances may serve to illustrate the nature of the present relations of the Colonial Government with the Natives.

8. Whether a Government reduced to such timid shifts, and with nothing beyond a moral hold upon the allegiance of a self-willed, suspicious, and warlike race, can succeed in subjecting that race to the salutary restraints of law, and in preserving it from the destruction which must result from a continuance of its own barbarous usages, is a problem which remains to be solved. There can be no doubt that the presence of an increased Military and Naval Force of sufficient strength to command respect for the British power, now very lightly esteemed by the New Zealanders, would greatly forward any efforts for the permanent amelioration of their condition. In the legislative measures proposed and carried by the present Government it has, however, been assumed as a condition, and steadily kept in view, that the Colony will remain practically destitute of any Force available for the maintenance of law and order amongst the Natives, and that reliance must be placed solely on the good sense of the people, and their innate capacity, under wise guidance, for self-government.

9. Accordingly, nothing more has been attempted than to facilitate the voluntary acceptance by the Natives of English Institutions. And, fortunately, many Maories are sufficiently intelligent and far-sighted to perceive the necessity for promptly taking advantage of such a facility. The old Maori *régime* is fast falling into decay, whilst a substitute is naturally sought in a spontaneous imitation of British usages. Native Chiefs in various places affect to administer justice with the forms which they have observed to be used in the Police Courts of the Colony, and attempts have been made at many Native Villages to enact, and put in force, local regulations on various subjects. The leaders in these movements are mostly young men of standing, educated at the Mission Schools; who, though they appear destitute of the requisite knowledge, judgment, influence, and force of purpose to effect, unaided, the needed reforms, may yet, it is hoped, be counted upon to second the endeavours of an European Magistrate.

10. The Policy of the British Government in New Zealand has generally been identical in its main purpose with what is now proposed. It seems, however, to have been expected that the Natives in the neighbourhood of the European Settlements would naturally aggregate themselves about these centres as so many *nuclei* of civilization, adopting the laws and usages of the Settlers, and resorting to the European tribunals for the settlement of their differences. This expectation, if such there were, has been in great measure disappointed; and the social organization of the two Races remains as distinct as ever, even in the immediate vicinity of the towns. In a few cases Magistrates have been stationed in purely Native Districts. But placed there independently of the will of the people, and utterly without power to enforce their own decisions, their position has been a false one; and they have done nothing to supply the needed reconstitution of Maori society. It appears to the present Advisers of the Crown that there has been no proper adaptation of British Institutions to the present condition of the Aborigines. It is unreasonable to expect that they should accept our laws without those local modifications of detail which even British citizens require. It is now therefore proposed to attempt to operate from Native centres, by means of Institutions, English in their spirit if not absolutely in their form, devised to supply the peculiar necessities of the Native Tribes, and to secure their confidence and support.

#### 11.—Proposed Legislative Arrangements, "Native Districts Regulation Act."

11. The first step in this system was to provide the machinery of a simple local legislation, such as was indicated in Ministers' Memorandum on Native Affairs of the 6th May, 1857. This object is accomplished by the "Native Districts Regulation Act," which vests in the Governor in Council the power of making local regulations for Native Districts on various subjects. It is intended that the Natives in their several Villages should themselves initiate legislation upon the different subjects to which the Act extends; the Government practically confining itself to suggestion, and to reducing to shape and consistency the propositions of the irregular Native meetings known as Runangas, which are already being held in many parts of the country.

12. The Act enables District Bye-Laws to be made for the prevention of cattle-trespass; for the impounding of cattle; for regulating party fences; for preventing disease amongst sheep; for

the landing of cattle; for the suppression of nuisances; for the promotion of the health, cleanliness, and convenience of the inhabitants of Native Villages; for the prevention of drunkenness; and for the regulation of the sale of spirits; together with other regulations upon Police subjects. Matters of this kind in New Zealand are now left, it may be observed, as regards the European population, entirely to the Provincial Legislatures. But these bodies have (with trifling, if any, exceptions) properly confined themselves to legislation suited to the wants of the Settlers; leaving the care of the Natives, as a matter in which the whole Colony is concerned, to the General Assembly. The Act under consideration also enables the enactment of Regulations "for the suppression of injurious Native customs, and for the substitution of legal remedies and punishments for injuries in cases in which compensation is now sought by means of such customs." Under this clause it is hoped that the Native Taua or robbing party, which is constantly resorted to for the redress of real or fancied injuries, more particularly in cases of dispute respecting women, and which pillages indiscriminately the supposed offender and his innocent relations, may be superseded, and fall into disuse. The clause relating to the regulation of the sale of spirits will, it is expected, be taken advantage of in some neighbourhoods to render more stringent and effectual the existing prohibition against the supply of intoxicating liquors to Natives. The Act also contains a provision under which it is hoped that petty differences between Members of a Tribe respecting the occupation of common property may be adjusted.

13. It will be at once apparent how essential to any advancement in civilization it is, that some suitable law should exist upon many of the subjects just enumerated. A Native has no inducement to raise his condition by erecting a house, by cultivation of the land, or by acquiring property in live stock, if the customs of his people afford him no protection; if his neighbours' horses and pigs consume his growing corn, and the half-wild dogs, which swarm in every Pa, worry his sheep; or, what is by far the worst evil, if a Native Taua, under pretext of some real or pretended injury committed by some of his relations, is allowed, at one swoop, to dispossess him of all his acquisitions.

### III.—*Proposed Judicial Arrangements, "Native Circuit Courts Act."*

14. The new judicial arrangements which appear requisite are effected by the "Native Circuit Courts Act, 1858." This Act establishes itinerant Courts of a new description as a substitute, in Native Districts, for the summary jurisdiction of Justices of the Peace. Justice will be thereby rendered more easily accessible; and the institution of Native Juries, with functions resembling those of the Leet Jury, will tend to inspire a confidence in the administration of justice which has never yet existed. A great point will have been gained, if, in the more serious criminal cases, the Natives, after a preliminary investigation before the Circuit Court, corresponding to the examination before trial conducted by Justices of the Peace, can be induced to make presentment of the offences, and to forward the offenders for trial before the Supreme Court. A Resident Magistrate specially commissioned by the Governor is to preside over the Court, assisted, as in the present Resident Magistrate's Court, by Native Assessors. The support of the Native Chiefs is to be conciliated by considerably increasing the number of these Assessors, who will receive a small annual payment. In order to check the excessive severity into which the first zeal of the Natives is apt to hurry them, a veto upon every determination of the Court is given to the European Magistrate.

### IV.—*Treatment of Mixed Districts, "Bay of Islands Settlement Bill."*

15. The two measures just referred to are intended to be put in operation in parts of the country which may be described as progressive Maori Districts. Districts over the whole of which the Maori Territorial right subsists, and in which there has latterly existed (as has been fully reported to Her Majesty's Government) a marked political activity, accompanied by a disposition to resist the further extension of European settlement. There are other Native Districts still too little advanced for any measure of the kind. On the other hand, there are localities in which the population is already so much intermixed as to require a distinct treatment.

16. The "Bay of Islands Settlement Bill" is intended to meet the case of a district of the latter class. Under the operation of the Acts for the settlement of the old Land Claims of the North, and by purchase from the Natives, the Government already is, or shortly will be, in possession of considerable detached portions of land on the Western, or mainland, side of the Bay. The Bill enables the Government to take possession of certain adjacent lands in the hands of Europeans, compensating the owners for the loss of their property. It is contemplated to increase the tract of land thus acquired by further purchases from the Natives. Upon this territory it is intended to establish a new settlement. Notwithstanding that the anchorage of Kororareka, or Russell, is the best in the Bay, that town can never become the outlet of the district. It is cut off from all communication with the mainland. Its site on a rugged peninsula is inconveniently confined, and, as a military position, it is indefensible. After a careful inspection of the district, the North-Western arm of the Bay, into which the Kerikeri falls, has been decided upon as the best site for the Port Town of the intended Settlement. The inhabitants of the Bay District, European and Native, are almost without exception desirous of seeing the Government provided with the necessary powers for undertaking the systematic colonization of this part of the country; to which, although it contains the oldest of the British settlements, a regular stream of emigration has never yet been directed. It is part of the scheme, to dispose of a considerable proportion of the sections in the new settlement to Natives, either gratuitously, or in exchange for their inland possessions. The proceeds of the remainder will be devoted to Immigration and Public Works.

*Appendix A.*

Mr. Richmond's  
Memorandum  
29 Sept., 1858.

*Appendix A.*

*Mr. Richmond's  
Memorandum  
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17. The Ngapuhi, who inhabit this part of New Zealand, are perhaps the finest of its Tribes. They have been longer and more closely in contact with Europeans than any other, and are at the present time more loyally disposed, and more anxious to promote European settlement. It is hoped that the present scheme may induce them to ascend another step in the social scale, by acquiring separate holdings in an European community, the local affairs of which will be administered by old and experienced settlers, individually known to the Natives for a long series of years, and possessing a thorough knowledge of their character.

*v.—Individualization of Native Title, "Native Territorial Rights Bill."*

*Remarks by the Governor—  
Vide my Despatch, No.  
103 of 15th Oct., which  
covers this Bill.*

18. The "Native Territorial Rights Bill" affects the most difficult and delicate question with which the British Government in New Zealand has to deal; and the Legislature in touching on it has shewn a corresponding caution.

19. The subject has two aspects: the one relating to the civilization of the Natives, the other to the promotion of the settlement of the country by Europeans. Ministers hold that these two objects, truly viewed, are ultimately inseparable. The purpose of the measure is, however, to place in the hands of the Government a new and powerful instrument for the civilization of the Natives, and by no means to increase the immediate facilities for the acquisition of land by Europeans.

20. It is notorious that the most frequent and bloody Maori feuds arise, and have always arisen, from disputed title to land. The four existing quarrels which have been referred to have all this origin, and others that could be mentioned, are at this moment smouldering. It is equally indisputable that the communistic habits of the Aborigines are the chief bar to their advancement. Separate landed holdings are indispensable to the further progress of this people. Chastity, decency, and thrift cannot exist amidst the waste, filth, and moral contamination of the Pas.

21. In order to strike at the root of these evils, the Bill provides,—first, for the ascertainment and registry of Tribal Title; secondly, for the issue of Crown Grants to individual Natives of lands ceded for the purpose by their respective Tribes.

22. The propriety of making at least an attempt to provide means for the extrication of Native Title from its present entanglement, for reducing it to fixed rules, and for subjecting it to the jurisdiction of regular Tribunals, can hardly admit of a doubt. Even if it appeared that such an attempt might involve a certain amount of risk, that, surely, ought not to deter a great Christian Power from some effort to avert the shame and the sin of remaining, what Her Majesty's Representative in these Islands is at this moment, the passive witness of murderous affrays between Her Majesty's subjects, almost under the guns of her garrisons.

23. But no such risk is really incurred. The interference of the Executive Government to adjust land disputes remains under the Bill purely optional. The Bill throughout all its provisions is permissive, and the plan must by no means be confounded with the compulsory Registration of Native Title provided for by the Royal instructions of 1846. Ministers are aware that good can only be effected by proceeding with the greatest caution. They desire nevertheless to make a timely step in advance, as being not only the justest, but the safest, course—as the surest means of avoiding future complications. This is a case in which it would be found that "a forward retention of Custom is as turbulent a thing as an innovation."

24. The Grants to individual Natives will effect a gratuitous transmutation of the Native Title of occupancy into an English fee-simple. It is a difficult question whether lands so granted should, or should not, be alienable to Europeans. Perhaps no general rule can be laid down. In some cases it might be desirable to secure the heirs of a spendthrift Chief against the effects of his extravagance. In other cases no sufficient reason might exist for withholding the full powers of ownership. It has, therefore, been left discretionary with the Government to impose restrictions on alienation. Occasionally it is probable that the power of restraining alienation might be usefully employed to prohibit acquisitions of land by Europeans in remote districts. At all events, it will be seen that under the provisions of the Bill, the Government retains, undiminished, its present power of checking dispersed settlement of the country by Europeans.

25. Although the measure was not framed with any direct view to colonizing objects, it cannot be doubted that the proposed Registration of Native Title, (too long neglected,) would facilitate the operations of the Land Purchase Department, and the acquisition, by cession from the Tribes, of fresh territory. At present there are no fixed rules whatever as to what shall be recognised as valid claims to share in the money paid for the surrender of the Native right. Absurd and vexatious disputes constantly attend the negotiations of the Department, and are only settled by a large expenditure of Colonial Funds.

26. Under the second division of the Bill, a small extent of land might come into European hands by purchase from the Native Donees. Upon all such transactions the XI. Section imposes a tax of ten shillings per acre, payable by the purchaser. The fund thence accruing, it is provided, shall be expended in public works and improvements on the land, or in its neighbourhood. Ministers consider that it is by no means desirable that such purchases should become at present the favourite mode for the acquisition of land by European settlers; and the amount of the proposed tax is designedly placed sufficiently high to prevent many such transactions taking place. Ten shillings per acre is the ordinary price of Waste Land in all the Provinces of the North Island, and the amount of the Tax will consequently operate, differentially, in favour of the ordinary mode of purchase.

27. So long as the loan for the extinction of Native Title holds out, and it is possible to obtain the cession of Tribal rights over considerable tracts of country, through the operations of the Land

*Remarks by the Governor—  
See remarks by Native  
Secretary, p. 45.*

*The last purchase of 3 of  
a million of acres averaged  
1s. 6½d. per acre.*

*The effect of this would  
be to induce Europeans  
to select coveted plots of  
land and to leave in the  
hands of the Maories large  
tracts—the alienation or  
retention of which is sup-  
posed to convey or retain  
a right of sovereignty.*

*Remarks by the Governor—  
The Constitution Act  
made provision for the*

Purchase Department, it appears preferable that the European settler should purchase of Government, rather than of Natives holding Crown Grants. At the present rate of expenditure the Loan will not, however, last for more than five or six years, and an immense area will be left still subject to the Native Title. It therefore behoves those who direct the affairs of the country to look forward and consider of a substitute for the present system, which at the expiration of that period may be capable of being worked on an extensive scale, and may supply the two essentials—Land and a Land-fund. The best plan which has suggested itself to the present Advisers of the Crown is, that the Native Title, being first carefully ascertained by proper Officers, should be gradually commuted into English fee-simple. That the land should remain unburthened whilst in Native hands, but that a Tax should be paid by the European purchaser, and that its proceeds should be devoted to the improvement of the country. The present measure, in its secondary aspect of a colonizing measure, may be regarded as a cautious experiment of such a plan on a very small scale. If found to work well, the principle might, in future years, be extensively acted upon.

C. W. RICHMOND.

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purchase of Native lands, and a loan was by no means indispensable, though very advantageous. So long as lands are bought at an average of 1s. 6<sup>3</sup>/<sub>4</sub>d. per acre, and never resold at less than 10s., it will not be difficult to obtain funds for their acquisition. Provision is also made for a sinking fund for this purpose by the Land Revenue Appropriation Act of this Session.—*Vide* Mr. Stafford's Memorandum, par. 67, enclosed in my Despatch No. 99, of 11th October, 1858.

## APPENDIX B.

## No. 1.

MINUTE BY MR. FENTON IN REFERENCE TO NATIVE AFFAIRS.

As the recent changes in the machinery of the Department for the management of Native Affairs necessitates my retirement from the office which I now hold, and it is possible that for the future I may not have the opportunity of officially communicating with His Excellency on the subject of the government of the Aboriginal race, and the measures to be pursued to induce their obedience to the British authority, and secure their advancement in civilization; I am anxious now to call his attention to the consideration of a plan which I conceive to be calculated to insure the object above referred to, and which has already been partially discussed between myself and the tribe of Natives whom I propose to His Excellency for the initiation of the experiment.

It will be well before proceeding to enlarge upon the objects sought to be accomplished, and the means I propose for this end, to advert briefly to the present state of the Maori mind—politically and socially—with respect to the British authority and governmental administration in these Islands; and to enquire into the justice or fallacy of the position which the most reflecting Maories are now beginning to take. I use the words "most reflecting Maories" from a conviction that, with rare exceptions, the prestige formerly attached amongst them to hereditary rank and ancestral fame, is rapidly disappearing, and the *real* direction of political negotiation and the formation of public opinion amongst them, is falling into the hands of those whom natural faculties of a higher order, or greater intercourse with white men, point out to the tribes as the leaders in whom confidence is to be placed in what they conceive to be the actual crisis of their existence as a people. The feelings of the Aborigines (as a people) with respect to the British authority and governmental administration in these Islands, whilst not calculated to cause immediate alarm, are worthy of the gravest consideration. It is only within the last few years that they have been led to think deeply on this subject, and to endeavour to reflect upon the position to which the quick course of events is rapidly taking them. In the early days of the Colony, the arrival of Europeans was warmly welcomed, and at later times individual settlers were most gladly received amongst the tribes, and were immediately placed upon the choicest land they might have at disposal. But this latter feeling is vanishing. When gold was discovered at Coromandel, Major Nugent, then Native Secretary, commenced negotiations with the Native owners and asked the question, "Don't you wish to have white men with you?" The answer was, "No: take back those who are here already." But, without alluding to the more immediate neighbourhood of Auckland, it may be sufficient to mention the extensive district of Waikato, where a general desire seems to prevail that the white settlers there should return to their own people. Many causes co-operate to create this feeling, (an index at least of an unwholesome state of the political mind,) amongst which, perhaps, may be mentioned, as most important, the utter absence of protection by Government from continued trespass of Europeans' cattle.

Until recently, the Natives were accustomed to attribute the acts of generosity towards them by the Government to a feeling of kindness, (atawhai,) which, utterly foreign to their ideas, they could only partially understand, by imagining the Governor to be discharging the functions of a parent to his children. It is an unhappy fact, that they have now learned to regard even benefactions of this character with suspicion, varying in intensity with the character of the tribe; and a pension given to a Chief for no services rendered, but because, being of an ambitious disposition and of considerable influence, he has power to be troublesome, has come to be regarded as a premium on turbulence and an acknowledgment of weakness in the governing power.

The Maories, naturally of a shrewd and suspicious disposition, have observed that all benefits (schools excepted) bestowed upon them by European authorities, have a mere temporary effect in ameliorating their condition; and even extend this argument to the untenable length of remarking that, whilst the payments they received for their land rapidly disappear from amongst them and again return to the European, the land which they transfer is fixed property, and remains permanently with the encroaching race.

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## Remarks by the Governor—

The account of the Maories in the first part of this Minute is valuable, and corroborates what I have heard from other sources of information. The plan of advancing money for agricultural purposes has been carried out to some extent almost exactly as described at Otaki and ought to be extended to the Waikato Tribe as here recommended. I have always thought the appointment of Native Magistrates, as described, very desirable and am prevented from making such appointments only by want of funds, I think, and have always thought, presents objectionable as a system: but it is one which it would be very inexpedient to abolish and which in some cases cannot be safely dispensed with.—T. G. B., Oct. 20.

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The observation has become general amongst the flour-producing tribes that, though they have observed the precepts of the European authorities, and have obtained ploughs and horses, and engaged industriously in the cultivation of wheat, still the advancement they have made is slight, and the increase of their personal comforts imperceptible.

The almost entire destruction of the old Maori law has been caused by the contact with the superior race, and the void left has not been supplied. No rule of conduct has been afforded to individuals; no system of Government has been tried or suggested for tribes or communities. The English law, which should gradually have supplied the void left by the inanition of the Maori law, is little known and scarcely respected, and can, under the most favorable circumstances, be with difficulty applied. Nor has Government taken any steps to increase this knowledge. (some recent efforts in the *Maori Messenger* excepted,) or to create the respect which can only follow on knowledge.

Exceptions must be made, from this assertion of ignorance of our most ordinary laws, with respect to the prohibitory laws on the sale of arms and spirits, which are generally known. But this exceptional knowledge only affords a melancholy proof of the facility with which they can break laws that are disagreeable to them, and of the power of faithful combination which they are capable of systematically carrying out, to secure impunity to those who wilfully and constantly disregard known enactments, if they consider the consequences of the breach to be agreeable or beneficial to themselves. The Maories have been constantly told, and at one time partially believed, that it was the wish of the Europeans to raise them to their own level, and that the object of Government was, by well-concerted measures, gradually to amalgamate the two races into one. This belief is still held, though in a very different sense, and the interpretation now placed upon these assertions is one deeply humiliating to their pride as a people, and discouraging to each man as an individual. The European traveller, if known to be of rank or intelligence, is engaged in conversation by the Chiefs, the constant burden of which is the utterance of the deep-rooted conviction that the Maori is gradually disappearing before the white man, and that some step must be taken to arrest this rapid displacement. Of this class, Waikato furnishes numerous examples. Individuals, however, are occasionally met with who, thoroughly accepting as a truth the ultimate disappearance of the Maori race before the slowly but constantly advancing body of whites, have resigned themselves to a species of indolent despair, which almost causes their conduct to be governed by the maxim, "Let us eat and drink, for to-morrow we die." Ngatiapa, of Oruawhara, may be named as an instance of this latter class. But among the tribes generally, the amalgamation of the races is now construed to mean the local union of the Maories with the Europeans, founded on the supremacy of the one, and the reduction of the other to the class of hewers of wood and drawers of water. Though satisfied that this ultimate result will not occur during the time of the existing generation, yet they believe that their children will live to witness it, unless some definite and generally recognised plan of action can be discovered, which, extensively adopted by the tribes, may be the means of indefinitely postponing, if not of finally preventing, this apprehended event.

It is remarkable that a deeper object than we are used to recognise is attributed to Hone Heke's rebellion, by the Northern tribes who remained friendly during the contest. They affirm that the ruling idea of that astute leader was the establishment and consolidation of an extensive coalition, which, recognising him as its head, might treat with the British power on terms of equality. The wound which Hone Heke received early in the war, and which disabled him from taking further part either in action or council, caused the original object to be gradually lost sight of, and with the actuating motive perished also the desire to continue the contest.

The sum, then, of the preceding observations is the entire recognition by the Aboriginal race, of the certainty of their gradual decadence, the sure prospect of the Europeans gradually gaining the supreme authority, involving their own subjugation and reduction to the class of workmen for the dominant race, (though accomplished in a peaceful manner,) and a thorough conviction that all our acts of generosity towards them, whether under the name of gratuities or pensions to chiefs, are merely bribes to induce a period of quietness and to lull suspicion, until the Europeans are strong enough to take what they now endeavour to purchase, and to compel where they now negotiate.

They have not failed to observe that the Government policy has been directed with a pertinacity which, at the same time that it has excited marvel in their minds, has caused this deep apprehension, to the transfer of the possession of the soil of the country from its ancient possessors into the hands of a new and more powerful people. They have failed to observe that the largesses and assistance of Government have been bestowed upon, or extended towards them, except in a manner calculated to increase the production of New Zealand produce, or to facilitate the consumption of imported commodities, and, thereby, still further to augment the wealth and resources of the already more powerful body.

And now it may be proper for me to remark, that the Natives are generally aware that the Government of the country pursues no fixed line of policy;—that it is impossible to foretell, under a given condition of events, what will be the course to be pursued by the authorities. Previous decisions form no precedent: antecedent lines of conduct form no guarantee for similar policy under the recurrence of similar events. I do not say that this plan, or want of plan, of action can at once be avoided, but the constant relegation of the solution of difficulties into the elastic region of temporary expediency has created a feeling of doubt and insecurity, which must sooner or later operate prejudicially to both the parties concerned.



2. Having thus briefly adverted to the existing political and social state of the Maori mind with respect to the administration of the Government of this Colony, I will now notice the position which the most reflecting Maories are beginning to take. And here, it will be necessary to separate the Aborigines of this Province into two distinct divisions, representing two distinct characters of resolutions for future guidance. A geographical boundary affords the best line of demarkation, and has already been fixed by the Maories themselves. A line from the mouth of the river Waikato, running up its centre to its junction with the Wanga-Marino, thence ascending this river to near its source, and thence to the Wairoa river and the Hauraki gulf, forms the separating boundary. The population to the North of this line, although participating in some or all of the political feelings before alluded to, have as yet, partly from the moral effect of the late war, in which they were deeply engaged, either as allies or enemies, and partly from their division into numerous clans formerly in a state of active hostility to each other, arrived at no definite or generally accepted rule of conduct for the future.

To the South of this line of demarkation, however, a resolution has been adopted to sell no land to the Government; and although it is probable that this determination will be broken through in isolated cases, yet in the main it will be adhered to, and the blocks purchased will be necessarily small. This resolution was conceived as the only means of stopping the onward progress of the Europeans. The Chiefs have added to the original importance attached to the possession of land, with which is connected all their old ideas of chieftainship, the newly-formed conviction that, with the cession of their territory, will also depart their importance as a people, and their freedom as individuals. They have therefore resolved to retain the soil of the country, as the only bulwark left to them, behind which to make a stand for their dignity and independence.

Nor can it be doubted that this plan, consistently persevered in, will have the effect of seriously retarding the progress of colonization. The cry for land is loud; and if the great efforts now being made by Government fail to achieve the desired object, the consequences to the prosperity of this country cannot be contemplated without apprehension, especially when it is remembered, that the struggle is a final one, and cannot be attempted on a similar scale for a long time to come, unless unforeseen events, such as the discovery of a gold-field, should give an unexpected stimulus to the resources of the Colony.

I now respectfully record my opinion that the alarm and dissatisfaction which I have previously referred to, and the resolution consequent thereon, cannot be effectually obviated, until the causes which give rise to this state of feeling are carefully removed. Nor do I think the task is a laborious one, for most of the elements of difficulty, which ordinarily impede a civilized power in its attempts to elevate an inferior race, are here wanting. "In dealing with bodies of uncivilized or half civilized men," says a writer in the *Dublin University Magazine*, "whether in our own Islands here at home, or in distant lands, among people called savages, it must always be borne in mind that they do not understand or believe in your mercy or forbearance, unless they are fully aware of your power to destroy, and of your resolution to exercise it, if compelled to do so. ....When the New Zealanders are compared with negroes or any other colored race, there is this difference, that the capacity of the New Zealanders already exists and can be at once trained and utilised, while that of the other colored races must be greatly increased by a training of several generations, gradually breeding a superior race, before it can be placed on the same footing."—(Review of Earl Grey's Colonial Policy).

No one can doubt that the Maori people, who are savages, though of a superior order, are in reality thoroughly impressed with a sense of the power of the Queen of England, and are fully acquainted with the inexhaustible numbers of the British people. They are therefore perfectly prepared to recognize in all the acts of the Government, an intention of forbearance and more, of generosity and kindness, *if the effects of these acts answer the promises made, or the expectations held out*, at the time of the performance of them. It is to *results* they look, and disaffection always attends disappointment of encouraged expectations. It is on this account, that the temporising policy of the Government has failed to produce a decidedly ameliorating effect upon the social habits of the aborigines. The existence of no settled principle of action, and the absence of any easily perceived tangible benefit of a permanent character resulting from Government measures, have not tended to increase the confidence of the Natives in the Governmental administration, or their respect for the judgment which prompted measures productive of mere temporary advantage.

I must here state that the facts stated, and the arguments used, apply to the past and long recognized system of Government pursued in this country, and have been perceived, or brought into notice by the enquiries instituted by His Excellency into the whole of this subject.

The maxim of this policy seems to be, "Temporize for a few years, until the Europeans become numerous, and the Maories few, and then."—I have not heard stated the course then to be pursued, and am unwilling to suppose that the Government of this country will, at the doubtful period alluded to, adopt any course that will be unjust to the diminished race, or inconsistent with the engagements which we have made with them. But does not policy suggest the attempt to accomplish some scheme of action, by which we may convert these people into Colonists themselves, the producing part of our population, rather than wait for an event, which, at the least, is remote, and which, at the present rate of emigration and immigration, may be said to be, a doubtful contingency. It appears not only to be inconsistent, but unwise, to proceed, advisedly and of determination aforethought, without principles, and without any definite aim, until the action of a recognized law of nature, that the colored must recede before the white race, shall accomplish a result which we profess to be endeavouring to avoid, and to allow law to remain in abeyance, as concerns the major part of the population of this realm, until some event arises which will place

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the Government in a defensive position, beyond which it cannot recede without entirely abdicating its functions.

In a previous part of this minute, in noticing the merely temporary nature of the benefactions bestowed on the Maories, I have excepted from the category the schools which are supported mainly by the Government. But here, also, reflection will bring to notice the remarkable fact, that the utility of these institutions is to a great extent neutralized by the entire absence of any provision for the future establishment of the youth of both sexes who leave the schools, a comparatively educated class, accustomed to civilization, and trained in orderly habits. The impression made upon the general character and social customs of the Maori population, by the infusion amongst them of these examples of a superior condition, has been slight, almost imperceptible. Nor can a different result be expected. One, amongst many, the school-Native finds himself, on his return to his home, an isolated being; he good, which he has spent years in acquiring, rapidly disappears amidst the circumstances of evil by which he is on all sides surrounded.

It has been observed by some, that the British power, having bestowed upon the Maories every right to which a white citizen is entitled, is free from any further claim for extra assistance or special protection. But, in reality, this is a very unfair argument. When the uneducated Maori is placed side by side with the intelligent and highly cultivated member of an elaborate civilisation, he is at once subjected to an amount of competition which first astonishes and ultimately disheartens him. In the great contest for livelihood, for which every member of a civilized community is educated, and to which his energies are entirely devoted, the bewildered Maori clearly distinguishes nothing, beyond an all-absorbing eagerness to acquire property, and suspects the professions which are made to him, that the success and advancement of his own race is an object that interests every European. Unable to endure the social attrition to which he is subjected, he abandons the contest, or pursues it in a listless and indolent manner that can never result in any great measure of success. It is therefore the duty of the governing body, either to relieve him from the liabilities to which he is subject, as one of a civilised community, or by rendering him assistance which the educated member does not require, place him in a position in which the general conditions of success may be equalised.

Nor, is it more just to say that, considering the expense of the Governmental Departments rendered necessary, solely by the Maori ingredient in the population of this country, any monetary assistance, to further them in their course of civilisation, should be granted with a sparing hand. When the amount contributed by the Natives to the indirect revenue of the Colony, together with the profit realised by the Government on the re-sale of the purchased lands, is considered, a heavy balance is seen to remain in their favour. The public works, on which surplus revenue is expended, the expenses of assisted immigration, the maintenance of Provincial establishments, the sums expended for postal service, &c., &c., can scarcely be said to be other than expenditure for services solely in the white interest. The Rangiaohia road, and the Hokianga and Kororareka road, present the only instances known to myself, in which the revenue of the country has been expended in public works in purely Native districts. And in both these cases the grants were made on the solicitations of members of the European population, who largely participated in the trade, for the convenience of which the roads would serve.

Having thus glanced at the position of Native politics, it might be proper to notice the ideas which occupy men's minds, with reference to the solution of this question, which has, only in the time of the present Governor, risen to occupy its proper position, as the all-important problem of the day. But these are so numerous, differing with the various objects sought to be attained, and most of them so impracticable or ill-matured, that a desirable brevity requires that I should proceed at once to state the plan which I conceive to be calculated to effectuate many of the objects now sought to be attained by Government, and at the same time to destroy the uneasy and dangerous ideas gradually occupying the Maori mind, and to supply the "ignotu n" which they have long been seeking, but have been unable to describe.

In the preceding arguments and future explanations, I have taken as an admitted fact, that His Excellency, resolved to carry out to the utmost demands of honor, the engagements already entered into, by the British Government with the Maori people, is anxious to convert them into citizens enjoying with the whites the benefit of civilization, rather than, by slow and insidious process, to cause them gradually to recede and ultimately disappear, before the enduring energy of the encroaching race.

What then are the conditions required by natural laws affecting civilisation? "To have civilisation (writes the author of "Vestiges of Natural History of Creation") it is necessary that a people should be numerous and closely placed; that they should be fixed in their habitations, and safe from violent external and internal disturbance; that a considerable number of them should be exempt from the necessity of drudging for immediate subsistence. Feeling themselves at ease about the first necessities of their nature, including self-preservation, and daily subjected to that intellectual excitement which society produces, men begin to manifest what is called civilisation; but never when in rude and shelterless circumstances, or when widely scattered. *Fixity of residence* and *thickening of population* are perhaps the prime requisites for civilisation, and hence it will be found that all civilisations as yet known have taken place in regions physically limited." Mr. Catlin, in his work on the North American Tribes, describes a remarkable civilisation existing amongst the Mandans, a tribe, far placed amongst those which inhabit the vast region of the North West, and quite beyond the reach of any influence from the whites, and this improvement he attributes to the fact of their being a small tribe, obliged by fear of their more numerous enemies to settle in a *permanent village*.

Now these prime requisites of civilization cannot be of difficult attainment amongst a people, who have already spontaneously taken the first steps in the upward progress. The Maori, possessed of tastes eminently agricultural, and prevented, by the entire absence of animals of the chase from a tendency to predatory or roving habits, presents few or no points of resemblance to the rude hunter of the North American plains. The strong impulses of nature, which have utterly defeated all attempts at civilization amongst the one people, point out, by their original bias, the plan to be pursued, and afford the surest guarantee of success, amongst the other. Though at present the Maori cultivator is possessed of three or four small patches of land, generally removed at considerable distances from each other, amongst which his time is divided, yet the obstacle presented by this custom will not be difficult of removal. Having an object before him, with the means of attaining it, he will readily concentrate his exertions on the one spot from which the prospect of speedy and ample recompense appears most certain. Thus will be achieved a *fixity of residence*. And the success of the small body of new farmers will quickly raise up imitators, many of whom will settle in the immediate vicinity of the exemplar farm, and thus will gradually be secured the *thickening of the population*.

Admitting, then, that the physical conditions above described are those which the energies of the governing body should be devoted to arranging, the next enquiry will be, How can the establishments and the resources of the Government of this Colony suffice to introduce, and consistently carry out a scheme, which, persevered in over such an extensive field, would require a large staff for its management, and an enormous expenditure for its maintenance?

Fortunately, it is not only unnecessary, but would be positively unwise, to attempt the *introduction* of any ameliorating process of this description, on any large scale. The endeavours made on this behalf should be devoted to one tribe at most, and would be more under the guiding hand of Government, and more likely to have complete success, if the initiation were attempted with only the subdivision of a tribe (*hapu*). The efforts should be *concentrated*, and when marked success has attended the experiment in one instance, the adjoining tribes will quickly see the advantage of the new system, and will *spontaneously* hasten to adopt it. The present discursive system of benefaction, *e. g.*, a horse to one tribe, a plough and harness to another, and sum of money to a third, is ill calculated to enable any one of them to overcome the first difficulties attendant upon a civilized system of agriculture. The plan hitherto pursued, of giving instructions and exhortations, with partial and slight assistance to all the tribes, but without practical aid and teaching sufficient for the initiatory establishment of any one, has produced results which are scarcely perceptible on the vast surface over which they are spread. Mr. Morgan, when anxious to induce the Maories to build mills, shewed great discretion in devoting his attention *entirely* to one tribe. Deserting the accustomed system of explaining to all the tribes with which he held communications, the advantages to be derived from the erection of a flour mill, he confined his efforts to one, knowing that if he succeeded in one instance, the neighbouring tribes would hasten to follow the example, when they saw the benefits resulting. He succeeded, and mills sprung up in all directions.

I propose, then, that a subdivision of a tribe should be carefully selected, combining as many external conditions necessary to success, as can be found united, and that the Government should furnish them with an agricultural instructor, and with sufficient funds, to enable them to establish a farm on the European system. And, I suggest, for the commencement of this practical attempt at civilization, Ngatikaiaota, a subdivision of the tribe Ngatitipa. I am unacquainted with any tribe whose conditions offer so fair a guarantee of success. Their domains are situated at the lower part of the Waikato river, conveniently placed for the means of transit for produce to Auckland, are possessed of an excellent flour mill, and are adjacent to the residence of Mr. Maunsell, the laborious and successful master of the industrial establishment at Kohanga. Moreover, these Natives bear, and always have borne, a high character as honest industrious and reflecting men, and are themselves most anxious to receive such assistance and instruction as may enable them to overcome the first difficulties attendant upon the European system of agriculture. I may appeal, for evidence of the industrious character of this tribe, to the Europeans who have lately been connected with them in the erection of their mill.

They will enclose in a permanent fence one hundred acres or more of the best land, and, working under the instructions of the resident agriculturalist, they will divide it into the portions requisite for production of the proper proportions of grass, wheat, potatoes, &c., and as the breadth of the grass land gradually increases, they will enclose fresh land for the growth of the cereals and other crops intended for sale. Collected at one extremity of the farm, they will place their houses, built as at present with *raupo* in the Maori fashion, for, until their wealth is increased, and their social habits improved, they will have no desire to inhabit wooden houses. The inclination for better habitations and greater comforts will spontaneously arise as they gradually feel themselves more at ease, as to the first necessities of subsistence.

Though eminently a people of agricultural tastes, the Maories, in their own system of cultivation, are careless and improvident to a degree that is astonishing to any person who is acquainted with their covetous disposition. The moment a succession of crops has lessened the productive powers of land, it is abandoned, and immediately becomes covered with a prolific crop of docks and other noxious weeds, which spread their seeds into the adjoining plantations. By proper instruction in the utility of grass, this great evil will be stopped, and the country will be gradually covered with an enduring sward.

The amount of produce raised by each individual will probably be increased twenty-fold by the adoption of the proposed system, and with their economical habits of living, the profits derived from

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the sale of the surplus produce will be very considerable. I think it is not extravagant to expect that in the fourth year they will be in a condition to repay the whole, or the greater part, of the money advanced to them by the Government.

I may here remark that I do not propose to grant funds by way of complete gift, for I am persuaded that little good is produced by money or articles given for no services rendered, (hospitality excepted.) Far from feeling gratitude for the gift, the Maori suspects the motive of the giver, and tries to discover what is his object in giving, or else merely marvels at what he considers a weak proceeding. The system of lending, however, is admirable. The ever-present feeling of responsibility, acts as a stimulus to exertion, and increases rather than weakens self-respect.

I also place much stress on the necessity of causing the Maories with whom this scheme is commenced to feel the responsibility which they are undertaking, and to recognise the fact, that they are the objects of an experiment on which the attention of the Governor is anxiously fixed, and that success or failure will materially affect the ultimate position of the whole Maori race. For this purpose, they should be invested with the entire control over the funds allotted. They readily acceded to my proposition, that the management of the whole concern should be vested in themselves as a Committee, and that Mr. Maunsell should always be present at their meetings, should give his advice, but should have no power in otherwise influencing their decisions; that the resident agriculturist should also be present, so that they might receive the benefit of his experience and knowledge; that accounts should be kept of all outgoings and incomings; that copies of these accounts should be periodically furnished to Government; that each member of the community should be debited a fixed amount for each day he neglects to work, unless absent with the approbation of the Committee; and that the sale of produce, and the division or reinvestment of the profits should similarly form the subject of deliberation of the community assembled, as arranged, in Committee. Further, one of the number, who acts as accountant, will be appointed as store-keeper, the profits resulting from the store to be part of the funds of the community.

A rough estimate of the funds necessary to be advanced by Government for this experiment does not show that the effort to be made is very great, or at all commensurate with the good likely to be produced: I think that the risk of ultimate loss ought not to be taken as an item in the calculation, for in case of even utter failure, of which there is no reasonable chance, the Maories would repay the advance by a cession of territory.

*Rough Estimate for first year.*

	£	s.	d.
Resident Agriculturist, .. .. .	70	0	0
Horses, Plough, Cart, &c., .. .. .	150	0	0
Seed, .. .. .	30	0	0
Warden (hereafter explained) .. .. .	20	0	0
Store, .. .. .	40	0	0
Sundries, .. .. .	40	0	0
	<u>£350</u>	<u>0</u>	<u>0</u>

For the second year £200 perhaps will be required.

Having now briefly stated the practical part of the scheme, let me advert for a moment to the grave and difficult questions which will be affected by its accomplishment.

The subject of cattle trespass will cease to create difficulties, as farms will be properly fenced, and the cattle belonging to the Maories will be grazed on their own paddocks.

They will gradually learn that a limited piece of land, properly cultivated, is of more value to them than the vast tracts now held in a state of nature. They will thus be willing to sell their surplus lands. And adjoining tribes, anxious to adopt a system of which they have seen the *practical advantages*, will be anxious to sell land for the purpose of raising funds to enable them to commence a similar process. Thus will be destroyed the prejudicial effects of any land league.

The obnoxious custom of abandoning partially-exhausted land, to be taken possession of by weeds, will be stopped, and the Maories, possessing abundant means of feeding stock, will become breeders of cattle and growers of wool.

Communities, established as proposed, will fill the void existing, and will fitly receive the adult Maori who leaves the school, a comparatively civilised being. The female school-Maori, marrying one of a community, will find that she is capable of carrying with her the habits of order, and many of the ideas of comfort to which she has been for years accustomed. At present, she rapidly sinks to the level of the surrounding rudeness, or, unable to endure the miserable change, seeks to ameliorate her position by connection with a European, or adds another to the degraded class who minister to the appetites of our town populations.

The Maories will recognise the truth of our professions of interest in their welfare when they see the practical results of our propositions, and will regard the British authority with affection and respect, and gradually abandon the deep-rooted feeling of a distinct nationality.

The very desirable object of issuing Crown Titles may be gradually introduced, by granting the lands thus defined and fenced, either to the communities or, in a more advanced stage, to individuals.

The *real property* of the country will be increased; and, on the scheme now proposed, may be ingrafted the opposite idea, recently mentioned to me by Mr. Sewell, of making part of the payments of land in something *real*, that will not be dissipated by extravagance, but will form a permanent addition to the fixed property of the country.

The establishment of the co-operative store will gradually destroy the destructive system of incurring the debts which now furnish the Government with a constant supply of difficulties and anxiety.

Combined with the improvement of the *Maori Messenger*, and its more regular distribution, the scheme will cause the Maori to acquaint himself more regularly with the fluctuations of prices, and will insure a more equable supply of produce in the markets.

Above all, by insuring a fixity of residence, and a thickening of the population, in localities, (the first great necessities of civilisation), and by converting a very numerous body into a class of active producers and good citizens, it will enable the Government to abandon a line of policy, the whole essence of which appears to be, to avoid distinct action, and to remain in a state of syncope, until a reduction of numbers in the Aboriginal population may enable them to occupy a position which they cannot at present contemplate.

The reflection by this time will probably have occurred, that, although provision is made for the improvement of the social and physical condition of the Natives, their political status, or the formation of any system, by which law may be introduced and established amongst them, forms no part of the present consideration.

Let it, however, be remembered, that history and past experience teach the lesson, that some social advancement must be made by a people before the desire or necessity for any fixed code of laws, or machinery for the administration of them, can be entertained or recognized. No man feels the want of rules for the conservation of property, who has no property to lose; and laws for the protection of civil rights, are little esteemed by those to whom civil rights are wholly a myth. The foundation being first laid, the superstructure may be added. I venture to think, however, that an initiatory attempt to establish the germs of Civil Government may be at once made in the case now proposed, developing itself collaterally with the plan of social improvement.

And, for this purpose, I avail myself of His Excellency's valuable suggestion of the establishment of a Native Magistrate, with the difference, that instead of deriving his office by direct Executive act of the Governor, he should be previously selected by a majority of the tribe. Preparatory to this election, the names of the tribe should be enrolled in a register, and the suffrages should be taken by the Resident Magistrate of the district, or by some officer from the Native Department. When elected, the act of the electors should be recognized by the Governor's conferring upon the object of the public choice the dignity of Native Assessor. The present state of our law will not give legal validity to all these proceedings, but no objection of this nature will be taken by the subjects of the experiment, and the matter can, for its future extension, be matured by legislative enactment.

Thus will also be attained a desirable object of a complete census of the Maori male population.

The magistrate or warden, thus elected and appointed, will hear and decide all matters civil and criminal originating in his tribe, and may, with the assistance of three other residents, to be named by himself, make such bye-laws as may be found necessary for the order and good government of the community. He will not have power to deal with inter-tribal matters, though, without doubt, some extension of the system, that will include such cases, will soon be sought for by the Maories themselves. The penalties levied by the warden for offences will be applied by the Council of four as may, in their judgment, most benefit the community; a periodical account being rendered to the Government. The warden, who will probably combine all the offices previously mentioned, should receive a small salary, which will be ultimately paid out of the penalties levied. That no difficulty will attend the establishment and development of this scheme may be confidently gathered from the fact, that something of a similar nature has been spontaneously originated by the tribe whom I have proposed. Waata Kukutai a very intelligent man known to His Excellency, was the person chosen.

All communications between the Government and the tribe, or any member of it, should pass through the warden, and his opinion be taken on any subject which is brought before the Government by any of the persons who joined in his election: so that everything may tend to sustain his dignity, and induce respect from the community at large. In case of an infortuitous event, such as murder or robbery, happening in the community, if a European is a party concerned, it might be advisable for the European Magistrate to sit with the warden at the *locus in quo*. The political difficulty always attending the surrender of culprits, would thus be avoided. I have just been informed that this plan has been recently adopted in India.

Thus, viewing themselves as part of the governing body, the Maories will gradually be weaned from the idea of distinction of race, which now so constantly occupies their minds. They will cease to regard every act of obedience to law, as a humiliating concession to the "Pakeha." But, finding their rights and liabilities the same as those of the Europeans, perceiving their importance properly recognized, and their welfare duly cherished, and observing that the Government, instead of insidiously awaiting the time when diminished numbers on the one part and augmented resources on the other may justify the development of an encroaching policy, previously concealed under an appearance of apathetic indifference, have really taken active tangible measures to raise them to the European level in civilisation, and are encouraging them not only to obey but to administer law, the Maori population will abjure their suspicions, and recognize as a fact that amalgamation is more the object of the Governor's designs than subjugation.

To prove that there is nothing visionary, or even difficult, in the scheme now suggested, is surely unnecessary to those who are acquainted with the leading qualities of the Maori intellect. And that they are perfectly competent to carry out a plan of a much more intricate character, when they clearly perceive that the *result will benefit themselves*, may be seen by a reference to the admirable manner in which Penetani and Arama Karaka completed the contract which they took under the Provincial Government for the making of the Owahae Owahai road.

## Appendix B.

Mr. Fenton's First  
Minute on  
Native Affairs.  
13 October, 1856.

His Excellency having originated the idea of Native Magistrates for purposes purely Native, it will be unnecessary to draw his attention to the beneficial bearing which the establishment of such a Magistrate or Warden, possessing not only the confidence of the Governor who appointed, but also of the people who elected him, must have on the efficient carrying out of any restrictive or other laws that have been, or may be made. The recent case of *Pu Manuka v. King* for breach of the Arms Ordinance, must convince us, if any such proof were needed, of our utter incapability of obtaining obedience to laws that are distasteful to a people, if we have no allies amongst those people, beyond the few chiefs who are in receipt of eleemosynary pensions. At the same time we gather the important fact, that the man who professes, and whom the Maori believes, to be a true friend, will be shielded and protected without respect to race.

The time has now come when the absolute necessity of some speedy solution of what is emphatically called "The Maori Question," is apparent, even to the most unthinking, and men of reflection, who look to the future as well as the present, regard with apprehension the time when some collision, the accident possibly of a drunken brawl, may raise a complication, the only solution of which will perhaps be found in an appeal to arms. Every successive offence of a serious nature between European and Maori, at present, forms the subject of a diplomatic negotiation, whereof the result is always doubtful, and the necessity humiliating. If the Maori once receives the doctrine that his pride is as much concerned in securing obedience to the law, as he now believes it to be involved in disregarding the law, the great question of governing this country will be solved.

Nor should the doctrine be received without question, that the rapid increase of the white element in the population of this Colony will extricate the Government from the difficulties which the occurrences of every day more clearly point out to be surrounding them. It will be remembered that the acceptance of a thorough conviction that the future prospects of the Colony, to a great extent, depend upon the solution of this question, and that this solution appears as remote as ever, is only of recent date even in this country. And in England the question has been regarded as settled long since. A writer, in 1853, reviewing "Earl Grey's Colonial Policy of Lord John Russell's Administration," says, "It might appear at first sight that New Zealand is a mixed Colony, as we have defined that term, composed, namely, of an inferior colored race and a dominant white one. For the present, and to a certain extent, this is doubtless true. New Zealand, however, is an exception to the other mixed Colonies, because the *inferiority of the colored race will, in a short time, become nothing.*" This extract doubtless gives a fair idea of the opinion lately held in England, on the subject of the present condition of the Native ingredient in our population. But how long will such events as the continued disturbances at Taranaki, amounting in fact to intestine war, and the audacious act and amazing persistence of the Manaia Natives, fail to induce a great and decisive change in the public opinion at Home, and in the Australian Colonies, respecting the judiciousness of the choice of New Zealand as a future home? The truth is, at length, fully recognised here, and will soon, doubtless, be received and acted upon in the countries whence the supply of immigration has hitherto been drawn.

If, then, the existing policy is based upon the gradual extrication of the Government from the necessity of facing this difficult question, by the arrival of such additions to the white race as will give them a decided and preponderating influence, which cannot be resisted, what will be the result if this expectation is disappointed?

It is the conviction of the vast importance of *at once* laying down some principles for the management of the Native population, and the full recognition of the deep necessity of determining some definite end to be gained, *some special object to be achieved*, by our future policy, that has caused me to trespass at this length on His Excellency's time. And I have ventured to do so, using perhaps, occasionally, language rather argumentative than official, with the hope that the deep interest he takes in this question will induce him to overlook any error of judgment, or failure in elaboration, and regard only the motive which has actuated me in the design.

FRANCIS D. FENTON.

Auckland, October 13, 1856.

\* \* This is the Minute referred to in evidence, P. 1, Q. 3.

## B—No. 2.

F. D. Fenton, Esq.,  
10 June, 1857.

MR. FENTON TO THE COLONIAL TREASURER.

June 10, 1857.

SIR,

The action in the case referred to happened to be taken upon a letter from a Native to the Native Secretary. The papers were returned to the Native Office, mentioned upon by the Native Secretary, Colonial Treasurer, and His Excellency the Governor,

I had the honour, towards the close of last month, to receive from the Assistant Native Secretary a letter dated May 16, 1857, relative to the death of a Native woman at Kawhia, and I was by that letter requested to be good enough to proceed to Kawhia for the purpose of investigating the matter,—reporting the result of my inquiries for the information of His Excellency's Government; with a further direction that the execution of such service must not interfere with my new duties.

With respect to the subject-matter of the letter, I have the honour to inform you, that I have arranged, on the application of the Maories who appear as informants, to proceed to Kawhia with Takerei, the Native Assessor, and there judicially investigate the matter.

May I take this opportunity of inquiring whether the regulation, which I understood to have been made by His Excellency the Governor, viz., that all correspondence with the Resident Magistrates should be carried on by the Colonial Treasurer on behalf of the Government, has been abrogated?

I am strongly impressed with the certainty of the inconvenience and confusion which must arise if the officer in the out-districts has to correspond, possibly on one and the same matter, with two separate departments of the central Government, not only from the absence of any continuous record and knowledge of the proceedings in either of the latter, but from the uncertainty and doubt in which the former must constantly remain.

The Hon.  
The Colonial Treasurer.

I have, &c.,

FRANCIS D. FENTON, R.M.

Appendix B.

F. D. Fenton, Esq.,  
10 June, 1857.

and the letter was written by the Native Secretary.

I agree that all correspondence should be with one Department, and recommend that Mr. Fenton be told that the arrangement to which he refers continues in force. C. W. R., June 17, 1857.  
—Approved—T. G. B.

### B—No. 3.

UNDER-SECRETARY TO MR. FENTON.

CIRCULAR

Treasury,  
Auckland, August 10, 1857.

Under Secretary,  
10 August, 1857.

SIR,

I am directed by the Colonial Treasurer to inform you that your future official correspondence is to be addressed to the Colonial Treasurer, but that a copy of every communication on matters directly affecting Natives is to be forwarded to the Native Secretary.

I have, &c.,

The Resident Magistrate,  
Waikato.

W. GISBORNE,  
Under-Secretary.

### B—No. 4.

MR. FENTON TO THE COLONIAL TREASURER.

F. D. Fenton, Esq.,  
2 Nov., 1857.

November 2, 1857.

SIR,

In consequence of the receipt of many letters from Natives requesting my presence in my district, I feel very anxious to return there at once, and have the honour to request that His Excellency the Governor will be pleased to allow me to defer the completion of the last part of the Book of Laws until I shall have made another circuit. Knowing his great anxiety to have that treatise finished, I will endeavour not to exceed any time that may be fixed for the duration of this circuit.

I hope, however, that the "Civil part" will pass through the various offices in time to allow me to settle it with the Attorney-General before my departure.

I have, &c.,

The Hon.  
The Colonial Treasurer.

FRANCIS D. FENTON, R.M.

As there is more of this Treatise prepared by Mr. Fenton than can be immediately revised and translated, there appears to be no reason why he should continue absent from his duties as Resident Magistrate in the Waikato district, after visiting which he should return to complete the treatise.—E. W. S., Nov. 3, 1857.

MEMORANDUM.—The Governor refers to his Minute of 21 August last, and the subsequent one, on the subject of correspondence through the Native Secretary.—T. G. B., Nov. 3.

Mr. Gisborne: Inform Mr. Fenton of the terms of the Governor's Minute of 21st August last.—E. W. S.

MINUTE.—A Minute of the opinion of the Native Secretary being indispensable in all matters relating to Natives, Magistrates will divide their correspondence into two classes, namely, *European* and *Native*. When the communication relates to European affairs alone, they will forward it to the Treasurer or Under-Secretary. When it is on Native Affairs alone, to the Native Secretary.

When the correspondence is of a mixed nature, they will address both departments simultaneously; Minutes will be made in duplicate; and the answer in accordance with the Governor's decision, will be sent from the department to which the subject more particularly relates.

Government House,

Auckland, 21st August, 1857.

T. GORE BROWN.

MINUTE.—It would not be easy to afford a more conclusive proof of the inconvenience of corresponding in one office on matters requiring the consideration of another than the one cited by the Treasurer. A circular was issued to certain Magistrates on matters connected with Native Affairs, and after it had been issued, a communication was made to the Native Secretary.

Had the circular been sent first to the Native Secretary's Office, and minuted in the ordinary course, the necessity for recalling it would not have occurred. The Governor will not enter into a discussion on what may have taken place, because in the Minute of the Assistant Native Secretary the question is brought forward distinctly, viz., How ought certain correspondence to be carried on?

The reply is necessarily as distinct. In his Minute of the 28th August, 1856, the Governor states, "that all correspondence on Native Affairs should be addressed to him" (the Native Secretary); "that having matured his views, and considered the subject-matter of his correspondence, he will submit it with his opinion, if possible in writing, to that member of the Government with whom he is placed in relation."

"When a subject has been thus considered, the documents connected with it will be brought to the Governor, having on them the opinion of the Secretary for Native Affairs and that of his Responsible Advisers; both in the form of Minutes."

In the same Minute the Governor states, "that changes in the mode of communication between himself and his Advisers are very objectionable, and that no permanent relations can be established without the sanction and approval of the Secretary of State; that it will be their" (his advisers') "duty frankly to state for the information of Her Majesty's Government, what other system they consider to be preferable."

In reply to the Minute above quoted the Governor's Responsible Advisers "adopt the suggestions made by him," and add, "Your Excellency's advisers are not therefore with their present experience prepared to propose that the relations just agreed on between the Governor and his Responsible Advisers should be altered, and they recommend that these relations should be confirmed by Her Majesty."

The Governor does not consider that he is competent to alter this arrangement without the sanction of the Secretary of State, for whose approval it has been submitted, nor does he see reason to recommend him to approve of any alteration.

He therefore desires that his Minute of 21st August, 1857 (herewith returned) may be adhered to.

Government House,  
August 26th, 1857.

T. GORE BROWNE.

B—No. 5.

UNDER-SECRETARY TO MR. FENTON.

Under Secretary,  
4 Nov., 1857.

Treasury,  
Auckland, November 4, 1857.

SIR,

With reference to your letter of the 2nd instant, expressing your anxiety to return to your district at once, and requesting that His Excellency the Governor would be pleased to allow you to defer the completion of the last part of the Book of Laws, which by his direction you are now writing, until after your return, I am directed to inform you that as the Colonial Secretary was not aware of any reason why you should continue absent from your duties in the district of which you were appointed the Resident Magistrate, he submitted your letter with an intimation to that effect to His Excellency. In returning it His Excellency refers to his minute of the 21st August last and a subsequent one on the subject of correspondence through the Native Secretary, to the purport of which I am directed by the Colonial Secretary to call your attention.

His Excellency considers that a minute of the Native Secretary is indispensable in all matters relating to Natives, and that magistrates should divide their correspondence into two classes, namely, *European* and *Native*: when the communication relates to European affairs alone, they will forward it to the Colonial Treasurer or Under-Secretary; when it is on Native affairs alone, to the Native Secretary; when the correspondence is of a mixed nature, they will address both departments simultaneously. Minutes will be made in duplicate, and the answer in accordance with the Governor's decision will be sent from the Department to which the subject more particularly relates.

I have, &c.,

W. GISBORNE,  
Under-Secretary.

The Resident Magistrate,  
Waikato.

B—No. 6.

MR. FENTON TO THE COLONIAL TREASURER.

F. D. Fenton, Esq.,  
7 Nov., 1857.

Auckland, November 7, 1857.

SIR,

I have the honor to acknowledge the receipt of your letter of the 4th instant, in reply to mine of the 2nd instant, in which I request permission to defer the completion of the last part of the Book of Laws, and make an immediate though short circuit through my district; the importance of my presence there having been impressed upon me by letters which I have received, not only from Maories, but from European gentlemen whose long acquaintance with the Natives and deep interest in their welfare, combined with perfect local knowledge, has caused me to entertain much respect for their opinion.

In reply, you direct my attention to the minute of His Excellency of the 21st August last, and a subsequent one on the subject of correspondence through the Native Secretary, from which minute I learn that His Excellency considers that magistrates should divide their correspondence into two classes, namely, *European* and *Native*; that when the communication relates to European affairs alone, they should forward it to the Colonial Treasurer or Under-Secretary; that when it is on Native affairs alone to the Native Secretary; and that when the correspondence is of a mixed nature, they should address both departments simultaneously.

I am unable to gather from your letter any answer to the request which formed the subject matter of mine, and have therefore addressed the same request to the Native Secretary by a letter of even date herewith, considering that my duties being of a mixed character, though principally relating to Natives, I should, under the terms of the quoted minute, address both departments simultaneously.

I have also stated in my letter to the Native Secretary that I am anxious to have the civil part of the treatise on law returned to me for settlement with the Attorney-General.

In my letter of instructions dated May 11, 1857, I was directed by you to keep an official diary, and forward the same monthly for the information of the Government. It appearing to me more

For the Governor's information, The Colonial Secretary having already expressed an opinion to the effect that there were no reasons of which he was aware why Mr. Fenton should not assume the duties which he was appointed to perform, has no further remark to make on that portion of his letter which refers to his return to the Waikato district. Mr. Fenton's Diary was forwarded when received to the Native Secretary for remark, by whom it has not been returned, nor has the letter from the Native Assessor with Mr. Fenton's Minute thereon. —E. W. Stafford, in the absence of Mr. Richmond,



convenient, as a rule, to send in my diary at the end of each circuit, I forwarded a copy of the diary of my last circuit to you on the 5th October last. Since then I have been anxiously expecting the return of that diary to me, with such remarks as His Excellency and the Government might think proper to make thereon, in order that previously to making another circuit, and for my future guidance, I might have the advantage of learning what parts, (if any) of my conduct of public affairs in the district, under the principles established by the instructions of 11th May last, and the accompanying memoranda, meet with disapproval or doubt. I have not yet received the diary.

The Colonial Secretary did me the honor, with His Excellency's approval, of referring to me, for my remarks thereon, a letter from Tioriori respecting the alleged murder of a Maori boy. In the minute which I then made in pursuance of such reference, I stated my opinion that, as a rule, Natives should be instructed to address the Resident Magistrate of the district on all judicial matters, the Resident Magistrate forwarding any such letter (or a copy) to the central authorities, if, in his judgment, it contained matter of political import. This plan, being part of the development of the principle which has been recognized, and which is fully set forth in the before-mentioned instructions and memoranda; viz., that law shall be introduced amongst the Natives, and that they shall be encouraged to adopt the English plan of relying upon system or fixed rules rather than on personal influence, will, I hope, not remain unconsidered. I have taken the liberty of alluding to this subject now, because it seems to me a very important ingredient in the question of correspondence, on which novel instructions are inferentially conveyed in your letter.

Without expressing any concurring opinion on the general principle governing the rule laid down in your letter, I presume that it behoves me at once to act up to the spirit of His Excellency's minute, although it is conveyed to me in an unusual manner, and without the customary directions from yourself.

I have, &c.,

FRAS. D. FENTON.

The Hon.

The Colonial Treasurer.

## B—No. 7.

### NATIVE REPORT OF THE MEETING AT PAETAI.

MAY 12, 1857.

#### CHAPTER I.

Waikato.

*Native Report of  
Meeting at Paetai,  
12th May, 1857.*

This is the report of the great meeting at Waikato, or rather at Paetai.

These are the Chiefs and Tribes who approved (the appointment of the) king.

This was his speech:—

*Paora Te Ahura of Ngatihaua*: God did not say that there was to be no king for all the people; it originated in the unity of Israel. At the present day it is fitting there should be a king. All our words have been addressed to the flag standing here, that is to the king.

*Takirau of Ngatihinetu*: The path and the unity is the king. This is why I say, Let us move up higher (or take a higher standing). All other Islands have obtained great power; therefore we say let our Island ascend in the unity to God.

God made man, and so on until the Jews reached Canaan, then he gave them Saul to be king. This is why we seek for (desire) a king, and let the Queen be made one with the king.

*Wiremu Tamihana Tarapipipi*: His word was, What is there wrong in this thing, even in a king? Do you find fault with it.

*Mohi Te Kara*: There is evil.

*Wiremu Tamihana*: Have you seen the evil?

*Mohi*: Yes, I have seen the evil.

*Wiremu Tamihana*: What then shall be done about this writing?

*Mohi*: Let it be set aside (left behind), but let his authority remain with him.

*Wiremu Tamihana*: Why? Do you fear the Queen?

*Mohi*: Yes, I fear the Queen.

*Wiremu Tamihana*: But if God is our friend who shall fight against us? This is my word for you to condemn; as it is, I will give in to your opinion, but the arrangement or decision is with Rewi.

*Rewi Maniapoto* (he who threw down the flag of the king): His (word) was to subject (or cast down) the king to the Queen. But his principal reason was that he was angry with the people who approved of the measures of the Government.

*Tarahawaiki Ngatimahuta*: His was anger because of the casting down of the king's flag. He was greatly angered. He raised it up again, that it might stand. Great was the grief of that man, and the quivering of his body; his face was red with passion.

*Tioriori Ngatikoroki*: His word was, ever to keep back the land, that it should not be sold to the Europeans; but he was well disposed (approved) towards the Queen and the king.

*Heta Pouku Ngatimahuta from Mangere*: His word was that they should not extinguish the light, that is the Queen; but let the (election of the) king stand.

*Paratene Maioha, Ngatimahuta*: His word was the same,—let the king stand.

This is a report of the proceedings of those people who approve of a Maori king.

## Appendix B.

But they had improperly used the Scriptures as an authority (foundation).  
 But they were reprov'd by Heta Tarawhiti for making improper use of those sacred words. His advice was, Let us talk over our own Native words, do not use those which are sacred, because the things of God are separate from those of man.

The men who approved of (were well disposed to) the Government.

*Kereihī Tarapuhī, Ngaungau* (who was angry with the flag of the king): This is my word to you. I will put the question to you, and do all of you speak; that is, you who approve of the king.

This is my word, O Assembly. In the days of the first Governor he gave us friendship, love, and kindness. The second and third Governors the same. With the fourth came the same words, friendship, love, and kindness, to the Native people. Wherefore the path which has been opened shall not be forsaken. The path which is not trodden by man becomes tangled (overgrown) that is, this new king. For this reason I will adhere to the word of the Governor, which he shewed me.

*Wiremu Wheoro* (objecting to the king's flag): In the (days of the) first Governor he gave us love, friendship, and kindness; therefore, I say, let us follow on this course of friendship (alliance) to the Governor. Wherefore, I say, O superscription,\* you must descend lower; but let your authority of old remain with you. Rather let the Governor arrange for you.

*Taneti Paeturi Ngatimahuta* (angry with the flag): Taneti stood up, looking at the Jack, and said,—Thou name hereunto attached, we do not approve of your being affixed there. Why not descend to the Governor, or Controller of arrangements, or Chief of Assemblies. What we are willing is, that you should assume these with your authority.

*Wiremu Nera Te Awaitaia, Ngatimahanga*: This is my word. I do not wish (approve) that I should separate myself from the Queen; but I will ever enter into the measures of the Queen.

*Waata Kukutai, Ngatitipa* (angry with the flag of the king): This is my word to you,—that that flag should be lowered down, and let it remain down, because there is no foundation for this work of yours. Now, when I heard this name, great was the grief of my heart; rather let that superscription be washed out. Rather let it be united to the Governor; because with him (with the Governor) is the line of authority, by which all our councils may be strengthened.

## SECOND DAY.

These are the men who approved of the king on the second day.

*Porokoru Ngatitipa, Werokoko*: It was through love to New Zealand that our thought sprang to raise up a Native king for New Zealand; not the Queen, but rather a Native king to raise up our Island.

*Potatau*: Welcome, Friends, work out the law, work it out zealously, be courageous. He brought his own (plans, or laws?) from across the sea. That of this land, my hand (or the system I uphold) is rejected. That which is being acted upon, is religion. This was his proverb, "The small fragments of the travellers." Having done the works of that man, he threw to us religion. My hand shall not be brought back. I am a servant, I am a servant of yours, my friends, wash me, for the dirt is thick upon me. Mine shall not be forsaken. Religion, love, and unity; be strong to lift up religion.

*Hoani Papita Ngatihinetu*: This is my word, let New Zealand be kept back. The Assembly to me (according to my wishes) is the salt water; as for the fresh water, it is entirely hidden by the salt water. The king is what I desire.

*Hori Te Waru Ngatiazakura*: Give us the word of truth, give us the word of your father, that we may hear it. Song: "O mother! O mother! give me my child." You see that we still possess vitality, I am holding on to our vitality. And this song "Climb, ascend," that is, that the king should ascend.

*Kihirini Te Kauawa Tainui*: Religion, love, friendship; he was favorable to the Queen.

[Note in original.] This speech should be placed among the Chiefs favorable to the Government.

*Harepata Te Pau Ngatineho*: His speech was favorable to the king.

*Te Heuheu Taupo*: The bird is pitonga tonga, it speaks of Tongariro. Now look, this a sign of death if he does not listen to that bird. Therefore, I say, Look, that is, Raise up the king. He spoke also of other birds. Be brave, brave.

*Wharekure Maniapoto*: His word was to raise up the king on high.

*Tutere Pehipehi, Ngatihaua*: I was appealed to (patuki—to knock at a door) by this arrangement. O Tere, go to see your relative. For this reason, I approve of this thing, even of the king. Song: "It dies, it dies, it lives, it lives, this is the hairy man who caused the sun to shine."

*Wiremu Tamihana, Ngatihaua*: Yes, we will give it up to your (wish); but hereafter it will be worked (agitated) again, it will not finally end (here).

*Tioriori, Ngatikoroki*: He spoke of retaining the land. He was divided between the Queen and king.

*Wiremu Tamihana*: With you, O Huirama is the arrangement for the flag.

*Momauri Ngatimahuta* (from Mangare): He went from the presence of Potatau, and lowered down the flag, when it reaches the middle of the staff we know that it had descended upon the controller of affairs.

*Tipene Tahatika Ngatimahuta*: Do not rejoice, do not be sad; because whether it remains exalted (raised to the top) the name is the same; or down, the name is the same. It will never be forsaken. In your conceit to elect a king.

[\*The superscription on the flag "Potatau, King of New Zealand."]

[Note in original.]-This man is insane.

The king of Russia is not called a king, but an Emperor. Word has reached us, that you have been condemned (found to be wrong) because you usurped the kingdom of England.

*Appendix B.*

*Native Report of Meeting at Paetai.*

The men who approved of the Governor's measures.

*Heta Tarawhiti* : He spoke of the character of the King of Russia, Peter the Great. He said that king was ignorant, but he claved to the learning of England, and he acquired all that learning. So let us cleave to the Governor, that is to England. Now if we had been to school that we might have learned all the good things of the Europeans, then we might say to the Europeans, "Friends, stay away, we have learned the many good things of the European." But as it is, why should we be separated from the good arrangements of the Governor, which have been taught us.

*Kereihi Tarapuhi Te Ngaungau* : Religion, love, and benevolence shall not be forsaken by me.

*Wiremu Nera Awaitaia Ngatimahanga* : His word to Te Heuheu was, Have you not heard, "The descendants of Muriwhenua the man eater?" This was because Te Heuheu had said that he retained Waikato. This also, "Whence comes your authority? Did you derive your authority from that man?" Therefore Wiremu used that saying to stop Te Heuheu's mouth.—Song : "The wind is westerly that preys on my flesh," and so on. His speech was, "I am a servant of the Governor."

*Hemi Te Puke, Ngatimahanga* : He entered into the Queen (that is to her measures) and would not forsake them.

*Waata Kukutai* : He opposed the election of a king.

When it ended there was a council of those who held on to the consent of the Governor at Paetai. Many tribes and persons attended the meeting.

## B—No. 8.

SPEECH OF MR. FENTON TO THE NATIVES AT THE PAETAI MEETING, 12TH MAY, 1857,  
(DELIVERED IN THE EVENING.)

[Translation.]

My friends, I have a word to say. Do not be weary if my speech is not perfectly clear to you for I am not a perfect master of the Maori language.

My speech goes entirely upon the agreement made by the Governor with Potatau. We, the people of Waikato (proper) heard the talk of these elders, and in our opinion it was very good. It was consented to in the presence of the assembly of people—to be in perfect force.

O Assembly, this is the way for us (the people of Waikato) to go in, because we see that prosperity and order, and the advancement of the people will be attained by that way. We will not follow any other way. The way we are going on is good and clear. We know where it will take us to. As to other roads, they are obscure, and entangled, and we cannot tell where they lead to—perhaps to a steep precipice.

What is the use of multiplying words. Join together, my friends, and let us be one : then only shall we be truly strong. At present, if one pulls in one direction and another in another direction, the rope will be broken.

As to me, I am firmly fixed to the arrangements of the Governor and Potatau. I am not willing to wander about in the dark, but I prefer a straight road in the light.

One word to you two, Tamihana and Hoana Papita. My friends, you are rowing in a small canoe (kopapa) in the midst of waves. Ours is a large canoe, the wind is fair, the water smooth, the rowers are numerous, and the steerer understands his work. Get into our canoe. Here is a seat for you at the stem, and paddles for you. Get into our canoe, take hold of a paddle, and in a short time we shall reach the land. If you remain aboard your small canoe, you will be capsized, you will not arrive at the landing place.

Now remember this : if a man has to climb a mountain, he cannot jump to the top, but he must quietly take step by step until he arrives at the summit. Do not suppose that we can jump at once to the top of the hill, but gently climb it.

O Assembly, I who am now speaking, have a regard for you. All Waikato knows me. They know that what I really desire is that you may increase—that the country may be full of you, that your land may be covered with grass and with sheep.

What does the talk of Te HeuHeu matter to us. Leave that out. I am not going to beat down his talk, for I don't know how to fight the air.

As to us (Waikato and Waipa) let us be resolute ; let us be courageous in our work. All the Pakehas befriend us. The Ministers approve of your proceedings—so do the Monitors. We know the road : it is open, and by continuing on it we shall soon arrive at prosperity. Christianity will be firmly established, social comfort will be obtained, and all the people will be increased and acquire dignity.

## Appendix B.

## B—No. 9.

Waikato Tribes.

## LIST OF THE TRIBES AND HAPUS OF THE WAIKATO DISTRICT.

Tribe.	Family.	Place at which located.	Name of Principal Chief.
1. NGATIMAHANGA.	Ngatimahanga " Ngatipakura Ngatitaka Ngatiwai " Ngatikuku Ngatitohe Te Iwikairakan	Whaingaroa Waikowhai Kanewhanewha " Whatawhata Waikowhai Puketutu, Whaingaroa Whaingaroa "	Wiremu Nero Te Awaitaia Te Tana Ngatoka Pita Tuhoro Paora Hoaka Te Haeana Toiwhare Taniora Te Tumu Te Watene Waitetuna Te Waapu Rawiri Tutenga
2. NGATITAHINGA.	Ngatitahinga Tainui Ngatikura " Ngatikoata Ngatiteika Ngatiwhanga	Te Horea, Whaingaroa " " Rangikahu Maraetai Kareoi, Whaingaroa " " Kawhia	Te Warena Kiwi Kereopa Honehono Te Ao o Te Rangī Tunui Aporo Tipakopako Taukawe Pototara
3. NGATIMANIAPOTO	Ngatimaniapoto Ngatiurunumia Ngatirora Ngatihuiāo Ngatirereahu Ngatimatakore Ngatiawekaha Ngatikinohaku Ngatiwaiora Ngatitumarouru Ngatiwai Te Pairangi Ngatikaputuhi Ngatiwera Ngatipairiki Ngatiwaha Ngatitekanawa and Ngatimahuta Ngatingawai Ngatihua Ngatihikairo Ngatipuhiawe Ngatingawaero Ngatimakahori Ngatiruaroa Ngatimakino Te Rahurahu " Ngatijāia	Mokau Mania, Mokau Haurua, Waipa Mangapu Paripari Rangitoto Parianiwhaniwha Waikawau Awakino Mokau Te Karaka " Tihitu Puketutu Te Kopua, Waipa " " Kawhia " " " " " " " " Kakepuku " " " " " " Kihikihi Takapuna " "	Niutone Haupopokia Paraone Tongaporutu Taonui Hone Wetere Te Rangikaharuru Eruera Hauauru Matu te Harore Te Wetini Pakukohatu Takerei Te Rangitūataka Hone Te Aria Te Matenga Te Wahapu Takaraku Hone Wetere Te Hira Hopā Ngawhare Rawiri Te Ngon Aihe Te Moki Nikorima Taiā Piripi Tarakumea Wiremu Te Ake Kingi Kikikoi Te Warahi Tamahiki Te Taepa Hone Mahihi Hone Warahi Te Tahuna Rewi Maniapoto Raureti Paiaaka Te Waro
4. NGATITEATA.	Ngatiteata Te Urioteoro Te Uringahu Ngatikahukoka Te Iwiware	Kahuwera " " Rangiriri, Manukau " " " "	Te Katipa Te Awarahi Te Whareaukura Aihe Awhitu Hone Mangaia Ropata Rehurehu
5. NGATITEMAHO.	Waiohūa } Te Akitai } Te Uriotapa Te Aua	Pukaki Whakapaka " "	Pepene Te Tihi Poharama Manukau Mohi Te Ngu
6. NGATHINETU.	Ngathinetu Ngatirangimahora Ngatikaioata Ngatimarotana Te Urukopi Ngatikiri	Rangiaohia " " " " " " " "	Hone Papita Aperahama Te Nga Te Kapara Hongihongi Nopera Whakamau Waretini Te Ariki Whakapo
7. NGATIAPAKURA.	Ngatiapakura Ngatiraparapa Ngatiwaitapu	Rangiaohia " " " "	Hori Te Waru Tepene Te Naihi Wetere Taunaihi
8. NGATIMAHUTA.	Ngatirangi Ngatitekeriwai " Te Patukohuru Ngatipari " Ngatitamainu " " Ngatihuaki Ngatimatuta " "	Rua Te Tanewha Te Whakapaku Pirongia " " Te Kowhai Pirongia Karakariki Te Whau Karakariki Mangere Kaitotehe	Haratiera Ruora Takerei Te Rau Pehimana Te Amohau Ruta (Young people) Paringaranga Matu Eriura Haimona Te Tuhi (Young people) Hakaraia Potatau Te Koroneho

## LIST OF THE TRIBES AND HAPUS OF THE WAIKATO DISTRICT—(continued.)

Appendix B.

Tribe.	Family.	Place at which located.	Name of Principal Chief.
	Te Matetakahia	Waitutu	Pukewhau
	Ngatingawhainga	Rangiriri	(Young people) Paora Ngataru
	Ngatikaiawhi	"	Kereopa Kahu
	Ngatitapa	Horahora	Hetaraka Tairoa
	Ngatitekiriwai	Kawhia	(Young people) Wiremu Mete
	Te Kawerau	"	(Young people) Pihopa Ngahoe
	Ngatinaho	Meremere	Aripata Te Po
	"	Kaniwhanewha	(Young people) Wetere Te Aho
	"	Aotea	Mohi Te Wara
	Te Iwipoaka	Paitai	Te Kereihi
	Ngatiwhao	Kupakupa	Huirama Tiakiawa
	Ngatitupango	Te Whakapaku	Tarahawaiki
	Te Patukoko	Kihikihi	Te Katea
	Ngatinainai	"	Hemi Anaketa
	Ngatiparehachaeora	"	Epiha Te Hu
	Ngatimakirangi	Maurea	Ihakara Te Nuinga
	"	Pirongia	Te Wirihana Pahoha
	Ngatipango	Mangawara	Panapa Tawhera
	Ngatimoana	"	Pera Te Huaki
	Ngatiringatahi	Moerangi	Himiona Hutu
	Ngatikarere	Wairenga	Mahimahi
	Ngatikotara	Whaingaroa	Te Munu Te Herenga
	Ngatiparatai	Horokiuku	Mohi Tahuri
	Ngatihapi	Te Pukatea, Taupiri	Te Manihera Hohiri
	Ngatiparewehi	Takapau	Henari Manukau
	Ngatingamuri	Whatawhata	Hori Te Rongo
	Ngatikoura	Te Awamutu	Porokoru Titipa
	Ngatiwhaiakai	Ohote	Noa Te Tarewa
	Te Ngaungau	Paitai	Hone Kingi Te Wharehu
	Ngatingahia	Kawhia	Te Kihirini Te Kanawa
	"	Tuparau	Karaka Te Taniwha
	Ngatitemaoho	Ihumatao	Wetere Te Kauae
	Te Patutahora	"	Waata Te Hana
	Te Maungaunga	"	Aperahama Te Ao
	Te Ahiwaru	"	Niria Ketokiwaho
	Ngatipehi	"	Natana Hira
	Ngatirori	"	Horomona Te Naho
	Ngatikorehe	"	Matini Te Wheua
	Ngatiwhauroa	Kahumatuku	Ahimereka Kihoro
	"	Putataka	Karaka Te Ao
	Ngatimariu	Waihekura	Mahu
	Ngatireko	Aotea	Paora Tirua
	Te Patupo	"	Pingareka Kiripakoko
	Ngatitewehi	"	Aperahama Te Karu
	Ngatihurumangiangi	"	Fairama Waipa
	Ngatitu	"	Pene Wharekiriki
	Ngatikahuone	"	Tamati Pakaru
	Ngatiruhine	Karakariki	Horomona Wahanui
	Ngatimango	Te Kapa, Kupakupa	Pareta Tawhiri
9. NGATRURU.	Ngatiruru	Whatawhata	Inoka Te Haua
	Ngatihangare	"	Riwei Ngahua
	Ngatiwaenganui	Tiraki	Wiremu Puharawhara
10. NGATIHINE.	Ngatihine	Puketapu, Rangiriri	Arama Karaka Te Ngarangara
	Ngatitau	"	Nopera Mokena
	Ngatiturangarua	Waitutu	Hone Wetere Paiau
11. NGATIHUA.	Ngatipurangataua	Peria	Te Pakaroa
	Ngatitehura	Makiri	Hone Tepu
	Ngatipari	Waipahihi	Rehiana Kutia
	Ngatihaua	Tauranga	(Tamihana Tarapipipi
	Ngatingarangi	Pakarau	(Te Wiwini Whetowheto
	Ngatiwerewere	"	Hori Piritaha
	Te Ruarangi	Matamata	Iharaira Pukerahaki Te Kaihi
	Ngatiwairere	Kirikirihoa	Hoera Toanui
	Ngatikahukura	Maungatautari	Wiremu Maehe Ngakuku
	Ngatitaka	"	Wiremu Hapi Teinakore
	Ngatiteao	"	Te Kahupapa
	Ngatihourua	"	Wiremu Kingi Ngamuka
	"	Whatawhata	Kanewhanewha
	Ngatihua	Maungatautari	Rakaupango
	Ngatikoroki	"	Tioriori
	Ngatihanui	Hukanui	Aperahama Papuni
	Ngatiheke	"	Rawiri Te Kuri
	Nwatihiniuiria	Otahuhu	Paora
12. NGATIPOU.	Ngatipou	Tapahina	Karaka Tomo
	Ngatitekehon	Pirongia	Atanaia Te Atua
	Ngatitehona	Whangape	Te Tuhi
	Ngatikarawa	Opuatia	Hariru

## Appendix B.

## LIST OF THE TRIBES AND HAPUS OF THE WAIKATO DISTRICT—(continued.)

## Waikato Tribes.

Tribe.	Family.	Place at which located.	Name of Principal Chief.
	Ngatimanoki Ngatikahu Ngatiamuri Ngatitekaitutai Ngatirua Ngatihapi	Tuakau Onewhero Te Kakenga Puketapapa Te Kakenga Wangamarino	Piripi Te Aho Paora Tuhira Patoromu Whangapoua Te Katipa Paraone Te Tankawe Hori Te Kohaka
13. NGATIREWHA.	Ngatirewha Ngatitaha	Pokeno “	Piho Makarau
14. NGATTIPA.	Ngatitipa Ngatikarewa Te Watuhubi Ngatihua	Tihorewaru Ohotu Tihorewaru Wahi	Waata Kukutai Ruhiana Ngakete Ruka Rawiri Te Ura Hekaka

## APPENDIX—C.

## C—No. 1.

## Appendix C.

## NATIVE CORRESPONDENCE.

Referred to Assistant Native Secretary.

C. W. RICHMOND.  
Aug. 5, 1857.

Recommended that Mr. Fenton be authorised to expend a sum not exceeding £10, in the purchase of grass seed for distribution among the Natives of the Waikato district, upon such conditions as he may deem expedient, excepting only a gratuitous distribution.—THOS. H. SMITH, August 11.

If Mr. Fenton can obtain grass seed which can be depended on it will not be advisable to bind him to an expenditure which will not sow more than six or eight acres. Mr. Fenton is a good judge of such matters.—T. G. B., Aug. 14.

Under the impression that the Government would not be prepared to do more than supply the Natives with the means of growing seed for next year, and perhaps sprinkling a little over their abandoned plantations, the sum of £10 was mentioned. If, however, it be thought desirable to furnish the means of properly laying down extensive pastures, I think a sum of £100 may be very beneficially expended for the purpose.—THOS. H. SMITH, Aug. 14.

I think some competent person should recommend what descriptions, and what portions of the different grass seeds it will be advisable to procure; and that tenders for the supply of a quantity estimated cost not exceeding £100 should be advertised for. The seeds to be delivered at Waiuku, and supplied to Natives by Mr. Fenton by way of loan, on their undertaking to repay the value.—C. W. RICHMOND, August 14, 1857.

Nothing is so difficult to procure as grass seed of good quality that will grow. I therefore doubt the expediency of calling for tenders. Some respectable person should be dealt with; a good price paid and a guarantee required. If any delay occurs the present season will have passed and seed will be useless.—T. G. B., Aug. 14.

Fifty bushels of mixed grass seed have been purchased from Mr. Somerville at 6s 9d per bushel, and forwarded to Waiuku to Mr. Fenton's order.—THOS. H. SMITH, Sept. 7th. 1857.

Mears has a constant supply of grass seeds at the following rates—Rye Grass (Tamaki) 9s per bushel; Trefoil (New Zealand) 7s ditto; Trefoil (English cleaned) 9d per lb.; Cocksfoot (4 lb. per acre) 9d ditto; White Clover (first quality) 1s 2d ditto; Ditto (second quality) 1s ditto.

Buckland has grass seeds at present, but does not appear to keep any regular stock. His prices are—Clover (red) 1s 8d per lb.; Ditto (white) 1s ditto; Cocksfoot 1s ditto; Mixed Rye and Trefoil 6s per bushel.

The best proportions for sowing seem to be two bushels (at 20 lbs.) and 2 lbs. clover to the acre. And Mears is willing to supply to any extent in small parcels at the above rates. At Buckland's I could not get any information about such supply.

Taupari, July 24, 1857.

The Natives of sundry Settlements in this district having expressed themselves anxious at once to commence the sowing of their abandoned plantations with grass seed, I have the honor to request that you will inform me whether His Excellency the Governor will please to make any arrangement by which grass seed may be supplied to the Natives in small quantities; and whether in cases of incapacity of immediate payment, the supply will be advanced by way of loan. The amount required in each case will be small, but I think it important that the present season should not be allowed to pass away. The long continuance of low prices for agricultural produce has reduced the Maori to great poverty.

I have, &c.,

FRAS. D. FENTON, R.M.

The Honble.  
the Colonial Treasurer.

## C—No. 2.

Paetai, July 31st, 1857.

The writers may be informed that grass seed may be purchased in Auckland at about 9s per bushel, and clover seed at 1s 2d per lb. Also, that any of their party coming in to buy seed, by calling at the Native Secretary's Office will obtain any direction or assistance required to enable them to procure good seed at a fair price.—THOS. H. SMITH, Aug. 11th.

Approved—T. G. B., Aug. 12, 1857.

Mr. Baker, reply accordingly.—T. H. S., Aug. 17.

Friend the Governor,—

Salutations to you. This is our word to you respecting grass seed and clover seed; we have spoken to Mr. Fenton about this. This is our word (that we may have) 20 bags of seed, and do you see that it is good seed, and without sorrel, and let us know the price. So ends our word.

His Excellency the Governor,  
Auckland.

HORI TE PAKI,  
REIHANA,  
RAWIRI, and all the Ngatinaunau.

## C—No. 3.

Paetai Court House,  
July 31st, 1857.

## Appendix C.

## NATIVE CORRESPONDENCE.

Friend the Governor,—

Salutations to you. This is our word to you, we wish to sow our land with grass, and do you give us some seed. We wish to keep sheep, and our land is good, and Mr. Fenton has seen it. We have nine fields (or portions): do you give us 30 bags of good seed, and let it be without sorrel. So ends our words to you from us.

Recommended that the writers be informed that grass seed may be purchased in Auckland at 9s per bushel.

T. H. SMITH.  
Aug. 13th.

His Excellency the Governor,  
Auckland.

From WIREMU WHEORO,  
PENE WHAREPU,  
KEREIHI KUKUTAI,  
And all our Tribes.

Recommended.  
E. W. STAFFORD.  
Aug. 20, 1857.  
Approved—T. G. B.,  
Aug. 29.

This letter is dated July 13, and has a Minute on dated August 13, but only reached me on the 29th.—T. G. B., Aug. 29.

Memorandum for the Hon. the Colonial Secretary—The question of the Government making a present of grass seed to Waikato Natives was, as will be seen by other letters (T57, 941, herewith) on the same subject, under consideration just before, and not, I think, altogether decided when the Colonial Treasurer left. The Colonial Treasurer, I presume, kept this application until that decision was made, in order that a similar principle might be applied to these applicants. It will be seen that the writers of this letter do not ask for information as to the market price of grass seed, but solicit a present of "thirty bags of good seed.—W. GIBBORNE, 30th Aug. 1857.

Mr. Baker—Reply to writers in accordance with Minute.—T. H. SMITH, Sept. 7th.

## C—No. 4.

Taupiri, Waikato,  
August 5th, 1857.

Friend the Governor,—

Salutations to you. This is our word to you, do you listen; we wish to commence rearing sheep, and we have allotted a piece of ground for that purpose; it is an old cultivation, the fern is all dead, and it is in good order. We wish to sow our land with grass and clover, lest it be overrun with sorrel, and other noxious weeds. But we have no seed, therefore O our father, we request you to give us some seed. We wish to sow the land this year, lest the ground be overrun with evil weeds. Mr. Fenton has seen the length and breadth of the land, and he will be able to tell you more about it, as he has heard all we have to say. This is all.

Should His Excellency approve of the suggestion contained in a Minute by the Assistant Native Secretary upon a letter addressed to the Hon. the Colonial Treasurer by Mr. Fenton in connection with this subject, and that gentleman be willing to undertake the necessary arrangements, the writer may be referred to him. The reply to Takerei should express His

From TAKEREI TE RAU.  
TANETI PAETURI.

Excellency's satisfaction on hearing that the people of Waikato are turning their attention to sheep farming and the improvement of their waste lands — T. H. SMITH, Aug. 11th.

Approved—T. G. B., Aug. 14.

Mr. Baker—Reply accordingly —T. H. S., Aug. 17.

## C—No. 5.

Auckland, August 20, 1857.

Friends,—

Salutations to you. Your letter has been received by the Governor, in which you ask to be supplied with grass and clover seed to sow your land. His Excellency says that he will send word to Mr. Fenton about this matter, and if he is willing to undertake the business, then you two can apply to him.

Friends, His Excellency is very much pleased that the people of Waikato are turning their attention to this work, viz., keeping sheep and sowing the waste lands and old cultivations with grass and clover; this is a very good work in His Excellency's estimation.

From your friend,

To Takerei Te Rau and Taneti Paetuti,  
Taupiri, Waikato.

T. H. SMITH.

## C—No. 6.

Auckland, September 29, 1857.

Friend the Governor,—

Salutations to you. Do you hearken. Do you give me Fifty Pounds (£50) to purchase grass and clover (seed) to enable us to grow good grasses. These are the names of the men; I now tell them to you, Takerei, Taneti, Pukewhau, Karaka Hika Parati, Te Kereihi, Te Kau Te Kapihana, Te Ponui, Takoki, Ratima, Wiremu Te Wheoro.

It is submitted that Takerei owes the Government £210, and at the rate of his present requirements in land, grass seed, sheep, &c., his professed loyalty is becoming too expensive; more especially as it is pretty evident that it proceeds

From TAKEREI.

from mercenary motives. In this case, however, the Government appear to be more or less pledged to give assistance; I therefore submit that a sum not exceeding £10 may be advanced to Takerei to expend in the purchase of grass seed.—DONALD MCLEAN, 1st October, 1857.

Takerei was informed verbally that £10 would be advanced to him, but he never applied for the money; he complained that the sum was insufficient.—T. H. S. As the faith of the Government is pledged in this instance, it is most essential especially with reference to the present Native feeling in the Waikato district, that the promise be adhered to. Takerei's loyalty may be expensive, so is the turbulence and disloyalty of many other Natives—Te Wherowhero to wit. I am not aware that he is more mercenary than others, if the loan and present system pursued for years is to be taken as a criterion. I should like to have the particulars of the £210 debited to him.—E. W. S., October 3, 1857.

Approved—T. G. B., October 6.

TAKEREI—For a horse, Dec. 1853, £80, for plough ditto £10, for a mill Sept. 1856, £160—Total, £250. Repaid on account of first loan, £40. Balance, £210.

## Appendix C.

## C—No. 7.

Auckland, September 22, 1857.

NATIVE CORRESPONDENCE.

Friend Takerei,—

Salutations. Your letter has arrived, and has been seen by the Governor, and His Excellency's word is that he desires to see all the Tribes of New Zealand following after those things which will promote their improvement and civilization. The thing which will give him the greatest pleasure is to hear that you are advancing.

His Excellency says that it will be good that you should come to see him (as you proposed), as he also wishes to see you. From your friend.

D. McLEAN.

To Takerei Te Rau,  
Timaru, Waikato.

## C—No. 8.

Rangiawhia, September 30, 1857.

Recommended that Friend Mr. McLean,—

Wiremu Toetoe should be informed that the plan he is adopting of subdividing the land is much approved of by His Excellency—that his previous letter on the subject has been inserted in the "Maori Messenger," and that Mr. McLean will make further suggestions to him on the subject.

DONALD McLEAN.  
9th October, 1857.  
Approved—T. G. B.  
Oct. 9.

Salutations to you. Friend, I have not forgotten our conversation relative to the sale of land: one piece of land has been laid out by the meeting appointed by us to sell land at Auckland. One side of that land has been divided by me into portions for the men of Rangiaohia, as a run for our cattle and sheep. That land is to be a model for the other tribes that it may enable them to regulate the Maori land, and that there be no confusion.

I have divided the land into portions, each person to have his own piece. It is to be surveyed and mapped that it may be right. But it will remain with you, to direct us, and then we shall act right. Do you write to us. From your loving friend

WIREMU TOETOE.

To Mr. Commissioner McLean,  
Auckland.

## C—No. 9.

Horahora, Oct. 22, 1858.

Friend the Governor,—

Salutations to you. My letter now reaches you for the first time. The grass seed I have only sown this year: the cause of the delay was, I waited last year for the men for whom the seed was intended; the men have only now all turned to plant; this seed was sown on the 10th day of July. Enough upon this subject. I write that you may know that the men took credit for this seed, and they have not yet given me the money. This is all. From your loving friend.

HETARAKA MURU.

To His Excellency the Governor,  
Auckland.

## C—No. 10.

[EXTRACTS FROM ARTICLES IN "MAORI MESSENGER" ON THE SUBJECT OF CULTIVATION BY THE NATIVES.]

## THE AGRICULTURAL CAPABILITIES OF AUSTRALIA AND NEW ZEALAND.

Of late years, New Zealand has derived no small amount of wealth from the exportation of her agricultural produce to the neighbouring markets of Australia. During the present year, that export has received a most disastrous check, and the consequence has been that money has become scarce, the coasting and the colonial trades have greatly diminished, and a very general depression has prevailed.

It is our wish to investigate this question upon which the prosperity of both the natives and the colonists so immediately depends; and to see whether, by an improved and extended system of culture, New Zealand cannot become an abundant producer of the principal necessities of life, to her own great and immediate gain, and to the benefit of those neighbours who would be so ready to relieve her of her redundant supplies.

A great deal has been said of the prolific harvests that have been gathered in all parts of Australia during the past season; and from this it has been left to be inferred that New Zealand could only part with what produce she had to spare at a ruinous sacrifice to her farmers. As far as the mere article of potatoes is concerned this has unquestionably been the fact. At the best of times the commodity is a perishable one; and, in too many instances, cargoes were landed at the wharves at Melbourne in such a state of decay, that the very name of New Zealand potatoes was sufficient to scare intending purchasers. Nor was this the only objection to be urged against the commodity. Even those potatoes which had been carried across in the best condition speedily began to exhibit indications of inherent disease and decay, being sadly affected by the worm, and therefore by no means a



merchandise commodity. Under such circumstances, and with the prodigious quantities of Australian potatoes with which the markets were over-stocked, it is little to be wondered that New Zealand potatoes should during this, one of the most abundant of Australasian seasons, have proved a serious loss to the shippers. If potatoes are, at any future time, to become a source of beneficial export, the culture must be greatly improved and the seed carefully examined, since none but of sound and healthy quality will meet with purchasers.

But, if potatoes have been next to unsaleable, wheat and other grains have not been so. True that the famine prices of former years were not to be obtained, or are likely again to be obtained; still a steady market at a fair and moderate price has never been closed; and it is important to New Zealand grain growers to be assured that it is only by a fair and moderate market, which they may be prepared to supply, that the productive capabilities of New Zealand can ever be fully or beneficially developed. Our farmers may feel perfectly satisfied that it is neither one, two, or three prolific harvests in Australia that will shut out supplies of New Zealand grain. Such exclusion will depend either upon the inability of New Zealand to furnish a sufficient supply, or upon the exaction of such prices by the New Zealand growers as will lead the Australian merchants to give a preference to the less costly cargoes of Chilean and Californian wheat. Already, this has become a demonstrable fact. With all the abundance of the Australian crops, wheat has not found its way to the Sydney and Melbourne markets in anything like sufficient quantities; and the supply from Chili being limited at the moment, a temporary advance in price has naturally ensued.

Why should not New Zealand, situated within a few hundred miles of Australia, be preferred to Chili and California removed several thousands of miles? Simply because the Chileans and Californians can grow cheaply, and are content to sell cheaply, whilst the New-Zealanders, who can grow quite as cheaply, prefer to lose the great and growing trade, and the other collateral advantages which the influx of so many ships into their ports would yield them because they will not part with their produce except at a rate which the merchant can rarely afford to pay. This is a grave and a great mistake of theirs; and they cannot too soon or too seriously consider a question of such vital importance importance to their best interests.

If it be asked why Australia should be unable to supply her own wants; we may reply that she is subject to such severe and frequent droughts, that even in the richest of her grain growing districts her crops are liable to be cut off in a single night; whilst, even in an abundant season such as the present, the want of water communication, so general throughout New Zealand, the distance from whence produce has to be conveyed, the length and badness of the roads, the expense of bringing it to market, are all so many sources of expenditure as even, at a fair price, to leave the grower without any remuneration. It is very true that in the fine and fertile lands of the Hunter, the Hawkesbury, and the Illawara, the facilities of water carriage to a considerable extent are to be found; but the drought and the sirocco are there also to be found; and the husbandman (as we ourselves have been witnesses) who may go to bed rejoicing over a crop of wheat in full bloom and of the most luxuriant promise, may arise the next morning to behold it blighted and shrivelled beyond all possibility of recovery. In New South Wales, there is abundance of rich and fertile soil; but the best is in the distant interior, and the crop, when secured, is a costly article to convey to market.

The same remarks, in a modified degree may be applied to the colony of Victoria or Port Philip.

With respect to South Australia, she has proved to be the best and most successful of all the Australian colonies not merely in the growth but in the quality of her wheat. And she possesses the great advantage of having extensive, fertile, and readily cultivable plains around her principal City, Adelaide, many of the choicest farms being within seven miles of a port of shipment, and a few so remote as forty miles and these over level and easy passable roads.

Van Diemen's Land, which has been frequently styled the granary of Australia, is less subject to drought than her neighbours. In places, the soil is exceedingly fertile; but there is a sad want of water carriage; the country is a very mountainous one, and the roads, in consequence, are rugged and difficult. The finest lands are heavily timbered, and the soil is only rendered fit for the plough at a very large outlay of money. The island is but a small one, its whole extent not being equal to that of the Province of Auckland. And whilst almost all the lands of Auckland are convertible to the service of man, there is at least four-fifths of Van Diemen's Land which never can be turned to account. There is but a belt that traverses the island which may be considered habitable. Towards the West Coast, mountain towers above mountain; the intervening valleys being filled with marshes only fit for the summer pasturing of cattle, and abounding in beautiful but desolate lakes. Man cannot locate himself in such a country. Even in the choicest spots, where the soil is rich and good, the situation is so far above the level of the sea, that no crop can be brought to maturity. Hence the greatest part of Van Diemen's Land, which is really agricultural, has already been turned to the farmer's account; but it is much too small, and the climate is much too uncertain ever to entitle the island to be regarded as the granary of Australasia.

Very different is the case as respects New Zealand, and especially the Northern portion of New Zealand. One of the chief inducements for the people of England to come and cast their lot amongst the Native inhabitants was the description given of the country and climate, especially by such colonists of New South Wales and Van Diemen's Land as had been attracted to it, and were enabled to contrast its striking agricultural capabilities and its great and abounding natural facilities for the conveyance of produce to a port or ports of shipment. These are the grand characteristics of New Zealand; and with judicious concert and co-operation between the Native inhabitants and the European colonists New Zealand must speedily become a great and flourishing country. Her soil is equal, in her choice localities, to the best of any that Australia and Van Diemen's Land can produce; whilst, taken as a

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whole, it far surpasses that of any, or all, of them. But it is climate upon which New Zealand has to repose her trust. It is to the moisture of her skies,—never, as in Australia, charged with deluges, which from time to time not only sweep the land of its produce, but destroy human and animal life,—that New Zealand has to trust. She, almost invariably, enjoys the early and the latter rain, equally diffused throughout the year. No sirocco destroys the prospects of the husbandman in a single night. He that sows rarely fails to reap, and that abundantly. The great evil under which she struggles is from a want of labouring hands to convert the fern and the tea-tree wastes into the wheat paddock, and the meadow field. In the Middle Island, this want is not so much felt as in the Northern Island, because in the one grass grows naturally, and there the settlers are coining money with their sheep and wool; whilst in the North, the settlers possess comparatively but little land, and that they have to clear off the tea-tree and the fern at a great expense before either sheep, cattle, or horses can be made to increase and multiply in the numbers, and with the benefit, that they speedily must.

We have far exceeded the limits which we had proposed when we commenced this article, and we have still much to say which must be reserved for a future opportunity. Enough, however, we hope has been written to show that New Zealand, in Agricultural capabilities, far surpasses any of the Colonies around her; and that, if her Native land-owners and farmers will only act wisely and energetically, they cannot fail to become individually wealthy, or to raise their country to a point of the utmost prosperity.—[*Maori Messenger*, December, 1856.]

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The year 1856 is now come to an end, and there are circumstances connected with it which call for some consideration on the part of our Native readers.

We shall first draw attention to the necessity of marking the rapidity with which time flies away. We cannot avert its progress more than we can influence the flowing and ebbing of the tides. Night and day follow each other in rapid succession, and we should ask ourselves whether we have turned the various nights and days of the past year to good account or not. Many will admit that much of their time has been idly spent; that they have not cultivated so much land or acquired so much wealth as they might have done, if they had only been more industrious. Some might have built better houses, others might have fenced more land, and sown it with grass to feed their horses and cattle, when its strength had been exhausted by a rotation of crops. A few days spent in this way would be much more profitable, and lead to greater happiness, than to be wasting nights and days in endless discussions and talking about the prices of articles; in brooding over imaginary evils, or resenting wrongs that frequently arise from the fact that those who indulge in talking of these things, and creating such misunderstandings, are very frequently idle tattlers, who do not consider, when relating such stories, the extent of evil they may entail upon their credulous friends and relatives. The Natives and European farmers alike have suffered very much from the general depression occasioned by the fall in the price of wheat, potatoes, maize, and other farming produce. But this should not dishearten them, the high prices that have been obtained in previous years could not be expected to continue. We have already told our readers that these high prices were owing to a scarcity of food in the Australian Colonies, consequent upon the influx of a large European population, who came to those Colonies in search of gold. Many of these persons have turned their attention to the cultivation of the rich soils of Australia, instead of digging for gold, and they have now produced sufficient crops for their own subsistence. If, however, the prices of crops are low in New Zealand, there are many other articles of export for which money can be obtained; so that if one fails, attention can at once be directed to another. Our Native readers will ask, What are these articles for which we can get money? We shall enumerate some of them, such as Flax, Kauri Gum, Copper, Hinau and Towai Bark, Fish, Oil, Timber, &c. While all these resources exist, there is no fear of any depression in this Colony that will materially check the progress and advancement of New Zealand.

We cannot too frequently urge upon the Natives the necessity of doing all in their power to have their young people educated. That a knowledge of the English language may be imparted to them, so that they may have the means of acquiring and possessing the same knowledge as the Europeans; and by this means, instead of being a separated nation, with a different language and customs, the two races might become a prosperous, happy, and united people, living under the same laws, language, and religion.

We have now to bid farewell to the year 1856, and in doing so we trust we may have occasion, before the close of the year 1857, to advert to many favourable changes in the progress and advancement of the Natives of New Zealand in the arts of civilization and peace.—[*Maori Messenger*, December, 1856.]

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My friends, all the people of the islands of New Zealand. These are my words to you, that is, my sentiments respecting the actions of the Maori race.

The people of this portion of the island—the North—are not diligent in good works; they do not follow the good example of Europeans, and direct their attention to the rearing of cattle, and sheep, and to cultivating their farms according to the English system, which would prove the source of much wealth. This country is well adapted for the rearing of cattle, and when laid down to pasture for feeding sheep. You know that the feeding of cattle is very simple, for they feed upon all manner of herbage, and the young fern which springs spontaneously wherever the old has been burnt off. If the money which you now literally throw away in the purchase of horses and baubles, were taken care

of, and multiplied until a large sum were obtained,—cattle purchased, and care and attention bestowed upon them, securing for them a good and extensive run, they being great feeders,—if the Maories were to do this, much good would result therefrom. Think not that the Europeans only would profit thereby; no, its chief benefit would be to the person who entered upon this undertaking. If only a small number of cattle are kept, the returns will of course be small; if a large number, the returns will be great, though you must not anticipate any profits during the first year, it may be three or even four years before they yield a return.

Another benefit accruing from cattle is that they prepare the way for sheep. Now sheep are much more profitable than cattle, but the labour attending upon the feeding of sheep is proportionately greater; this is caused by the labour of preparing the land (this however only refers to the Northern Districts), by burning off and removing the fern, rubbish, and scrub, and casting in English seed. This is a work of great labour, but in those districts which are naturally adapted for sheep, it is otherwise; such, for instance as those places where native grass abounds, as on the Ahuriri plains. The benefit then, of first grazing cattle on the land is that they destroy the fern and cause the grass to spread, making it advisable to keep cattle first and sheep afterwards. It is not profitable to graze cattle and sheep on the same pasture, because the latter starve off the former by cropping the grass close to the ground, while the cattle feed only on the tops. The profit on sheep is derived from the wool, which sells readily in England for a good price, to be converted into cloth.

There is one disease which is very fatal to sheep, which somewhat resembles the "harehare." The cure for it is tobacco steeped in water, with which the sheep are washed, thereby preventing the disease from spreading. It occasions the wool to fall off, and the flesh is rendered unfit for food.

Now I think that if the Maories would turn their attention to this subject, their wealth and influence would alike increase. Say not, my friends, that wealth and importance will spring from foolishness and indolence. On the contrary, they are the result of intelligence and diligence. If you exert yourselves, the Natives will rank more with the European, and the European associate more with the Maori. Therefore I say, if the many acres now lying waste were but made available, how much good might be derived therefrom,—now they lie idle, and of what profit are those many acres?

My Maori friends, the Europeans would be very happy to see you following after these things.—  
[*Maori Messenger*, April, 1857.]

The present number contains an important article on Sheep, from the able pen of a true friend, pointing out to the Maori people the advantage of turning their attention to sheep farming. We think that if the inland tribes are wise, they will at once avail themselves of the suggestions and advice given; and we may next hear that their dogs are destroyed, that each tribe has its flock of sheep, and that the now barren and fern covered hills and plains are becoming rapidly clothed with European grasses. This would, indeed, be turning to good account the land now lying useless in the hands of the Maories.—[*Maori Messenger*, May, 1857.]

Men of Rotorua, men of Taupo, men of the inland country, listen to me! Let the Thames and Waikato do as they please, for they live by the side of the Pakeha, and read the *Karere Maori*; and as they see prices go up or down, they plant or leave off planting; and sell or leave off selling. When the town is *ngawari* all the canoes come paddling and sailing in. When the town is *pakeke*, Mechanics' Bay is deserted. But you up-country men, trade with England. England is the country, where wool always bears a good price; and the more wool you send, the more England will buy, because in that cold climate twenty millions of people are always crying out for warm coats and trousers.

How are we to get sheep? That is a fair question. Catch all your pigs. Let this be the last act of your dogs. And then sell the pigs and kill the dogs. Buy sheep with the money. A good sheep costs about a pound or twenty-five shillings. Appoint two or three of your best young men to take care of the flock of each tribe, and pay them, as Laban paid Jacob, with a share of the increase. Get a few good trained dogs from the English sheep owners. Buy a few bags of English grass seed to scatter over your old cuttings. The grass will spread, and instead of dock and sorrel, you will have fine pasture everywhere. Now the old cultivations are wasted by being overgrown with rank weeds. Keep two or three places for seed every year; and sow the grass all over the country. Kill your dogs. Sow English grass. Feed sheep, and you will soon have good clothes in plenty.—  
[*Maori Messenger*, May, 1857.]

Appendix C.

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*Appendix D.*CHIEF COMMISSIONER'S  
MEMORANDA.

## APPENDIX—D.

## D—No. 1.

MEMORANDUM BY THE CHIEF LAND PURCHASE COMMISSIONER, 4TH SEPT., 1856.

In reference to the Governor's Memorandum of the 29th ultimo, I have the honour to offer the following observations on the several topics adverted to by His Excellency.

*I.—Education.*

1. The sum of £7000 set apart for Native Purposes on the Civil List is at present apportioned to the Church of England, Roman Catholic, and Wesleyan Missions for Educational purposes.

2. Considerable diversity of opinion exists as to whether this outlay is productive of results adequate to the expenditure. Information on this point can be obtained by the appointment of an Educational Board, or of an Inspector of Schools, to inquire into and report upon the subject; when, I have no doubt, it will be found that many of the Schools under the management of each of these denominations have been well conducted, and that the scholars attending them have made considerable progress in the rudiments of education. At the same time it must be borne in mind that great difficulties have to be encountered in the conduct of schools of this kind; such as the want of experienced teachers to act under the Missionaries, whose time is too much taken up with religious ministrations to their scattered flocks to admit of their exercising more than an occasional supervision over the schools. The children, moreover, being totally unaccustomed to control, find it doubly irksome to be obliged to conform to the rules and restraints which are necessary in conducting a school. The natural pride of the Natives induces the parents to look upon the restraint, to which their children are subjected, and their being employed in mechanical arts, as a degradation, and they cannot foresee the advantages to be derived from a general system of Education for the People, which might induce them to force their children to attend the schools, in spite of the repugnance they naturally feel to the necessary control.

3. Notwithstanding these impediments, considerable progress has of late years been made through the zeal of the Missionaries in training the children, attending their schools, in habits of cleanliness, industry and regularity, and in overcoming the prejudices of their parents; so that the difficulties in the way of the successful establishment of a general natural system of education, are gradually, though slowly, disappearing. Thus there is reason to hope that the benefit of a regular educational system, combining a knowledge, as well of agriculture and mechanics, as of the domestic, moral, and social duties, may be extended amongst the aborigines, who may be gradually induced to contribute to its support by donations of land, produce; and by small annual pecuniary contributions.

4. The diffusion of useful knowledge amongst the Natives is a subject of such importance to the welfare of the race, that,—while fully admitting the prior claims of the three religious bodies now receiving Government aid—other denominations should not be excluded from a share of whatever public funds may be available for this purpose; if, in the progress of colonization, schools should be formed by them in European Districts, which should be opened on equal terms to the children of the aborigines.

*II.—Bridle Roads.*

5. The necessity of forming Bridle Roads to open up the Country and facilitate postal communication, is so obvious that no arguments need be adduced in favour of it.

6. The lines of road through this island which I would recommend to be opened up, are:—

First,—the route through the interior, by way of Waikato, Waipa, and Taupo, to Ahuriri; thence through the Forty Mile Bush, to Wairarapa, passing along that valley to the Rimutaka Road, already formed, and on to Wellington. The advantages of this line are that it opens up the interior of the most fertile portions of the Auckland Province; and that it passes through the most open and accessible parts of the country, with fewer natural impediments of dangerous rivers, mountains or dense forests, to encounter, than any other line that can be selected. More detailed information in reference to this line, and the stages for carrying mails, has already been furnished. The chief difficulty in carrying it through might arise from opposition on the part of the interior chiefs; but this could be overcome, and their co-operation and assistance ensured by judicious management.

The Second line is that over which the overland mail by way of Taranaki to Wellington is now carried. The chief object in continuing this line is, that it passes through the English settlements of Whangaroa, Taranaki, Whanganui, and Manawatu. The objection to it is that it opens up no available country, as the road, for the most part, lies along the sea-beach. Eighty miles of the distance between Kawhia and Taranaki is mountainous, heavily wooded, and so broken as to be impassable except to foot travellers; but even this portion may be so far improved, with the assistance of the Natives, who have offered their aid, that a moderate outlay will render it passable for travellers on horseback.

*III.—Political Agents.*

7. The employment of Political Agents, or Residents, on whom the Government could rely for authentic information, is very much required, more especially in the densely populated Native Districts of the North Island.

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8. The want of such a class of officers is now becoming more urgent than ever, in consequence of the withdrawal by the Home Societies of the Missionaries employed by them in Native Districts, who in most instances possessed great influence amongst the Natives, naturally a religious race, and strict observers of their own rites and customs previous to the introduction of Christianity. These Missionaries acted as medical men, arbitrators in cases of dispute between tribes, and in various other secular capacities; as well as in teaching the doctrines of Christianity. On these gentlemen the Government have hitherto relied for information; and their absence from the district they occupied, renders the task of governing the tribes with whom they were in communication more difficult than ever; as an evidence of which the Natives in districts deserted by the Missionaries have frequently relapsed into their previous barbarous habits and heathenish practices, and resorted to war, when it might by this intervention of an impartial mediator, be altogether averted.

I submit that the task now devolves upon the Government of making some provision, with a view to preserve by the aid of enlightened Missionaries, the religious instructions already imparted to those distant tribes; and thus maintain the influence which the religious element in the Native character affords towards the furtherance of other measures that may be devised for their Government.

9. The duties of the Political Agent should, to some extent, approximate as nearly as possible to those of the Missionary. He should possess the power of a Resident Magistrate, to enable him to determine the various cases of Native disputes that might arise in his neighbourhood; to control many of the irregularities occasioned by Europeans, who, in those remote districts, feel that they can act with impunity from being beyond the operation of English Law; and to afford summary redress in cases of cattle trespass—a most fruitful source of discontent among the Natives—to restrain which, it will be necessary to have recourse to some legislative enactment; as they have often just reason to complain that the cattle of Europeans are allowed to run at large over their lands and cultivations, frequently without a stockman to look after them, destroying the crops and doing so much damage and injury, that they often allude to this evil as one of their principal objections to the alienation of their lands to the Europeans.

10. With a view to the gradual introduction of English law into Native districts, and to the enforcement of the Magistrate's edicts, the principal Chiefs should be invited to take part in the adjudication of all cases relating to their districts, and small annuities might be granted to those who were found most energetic in carrying out these objects.

By this and other means, to which I may hereafter advert, the institution of Chieftainship, now fast mouldering away, would be recognized, and to a certain extent, upheld; thus affording a means of governing the tribes through the agency of their own Chiefs, which is evidently the most effective mode of keeping them in check and of ensuring their confidence and coöperation. A few Native policemen attached to each Political Agent, would also be found most valuable in collecting information, and generally in assisting him in carrying out his duties, and in suppressing some of the evils resulting from the violation of the laws restricting the importation and sale of contraband goods in Native districts; which, together with a stricter supervision by the Customs over the Native Coasting Trade, might prevent many of the evils that are now so justly complained of.

11. In all matters of detail each Agent should be governed by instructions suited to the peculiarities of the tribes and district to which he would be appointed.

#### IV.—*Individual Titles.*

12. The system of giving individual titles to the Natives is one that is surrounded with so many considerations and difficulties that I need not enlarge upon it in this communication. I would, however refer to my letter of the 4th June last, on the report of the Board of Enquiry on Native Affairs, an extract of which is herewith enclosed. If this system can be carried into effect; there will be less difficulty in doing so in the Middle Island, owing to the Native Population, and the nature of their terms, than in any other place. The machinery required for carrying out the plan there, would be, a Surveyor and a Native Commissioner, with four labourers, for a period probably of eighteen months.

#### V.—*Finance.*

13. His Excellency's Responsible Advisers will no doubt make provision for the funds that may be necessary for carrying out measures for the amelioration of the Native race; whose claims, as doubling the European population in number,—as possessing five-sixths of the landed property in the North Island,—as being as yet unrepresented in the Councils of the Country, although contributing a large proportion of its present available exports and revenues,—cannot fail to engage the consideration of the Government; since on the measures that may be adopted for the advancement of the Natives in their present transition state, will, in a great degree, depend their own happiness and destiny as a race, as well as the general prosperity of this Colony of New Zealand.

DONALD McLEAN,  
Chief Commissioner.

September 4th, 1856.

## Appendix D.

## D—No. 2.

CHIEF  
COMMISSIONER'S  
MEMORANDA.

EXTRACT FROM CHIEF LAND PURCHASE COMMISSIONER'S LETTER TO COLONIAL SECRETARY,  
DATED AUCKLAND, JUNE 4TH, 1860.

With regard to the recommendation of the Board—that Crown Grants should be issued in certain cases to Natives—whilst I fully agree in the opinions of the Board as to the advantages that would flow from such a system, I fear that the plan proposed in paragraphs 29 and 30 could not be carried into practice. The Natives never would consent to make the mutual concessions that would be necessary to carry out the plan. A reference to the preceding portion of the Report will show that the Natives have of themselves no original idea of a transfer or exchange of land in perpetuity,—and that this idea has only of recent years become fully intelligible to them, as a matter of bargain and sale—in which light alone can they understand the subject, and in which manner alone could they be induced to give to the Crown such a title as would enable the Crown to issue grants to individuals. But I consider it of the utmost importance that every facility should be afforded to the Natives to acquire land by purchase from the Government, as this will be the surest means of breaking up their tribal confederacies, and of inspiring greater confidence in that power from which their more secure and permanent tenure is derived. I am aware that to effect this, will be a work of time, as existing customs and the mode of living in communities, will only be gradually relinquished when the Natives—naturally a jealous race—feel an entire security not only in the present but in the eventual objects of the Europeans towards them: and nothing will tend so much to induce this confidence as the certainty that they can obtain land which they can leave with an undisputed title to their posterity. In certain cases also it may be found desirable, in making arrangements for the purchase of land, to make it a special condition of purchase that certain properties should be secured by the Crown to influential and deserving Chiefs and others. This condition would of course have to be exercised with great caution, and made applicable only to certain specific cases, requiring in every instance the approval of the Governor.

In reference to paragraph 33 of the Report, I fully concur in the opinion of the Board as to the necessity for some provision being made by enactment of the General Assembly to enable the Governor, under certain defined regulations, to issue Crown Grants to half-caste children. It is of great importance that early legislation should take place on this subject.

DONALD McLEAN.

## D—No. 3.

EXTRACTS FROM NATIVE SECRETARY'S INSTRUCTIONS TO MR. BULLER, RESPECTING KAIAPOI  
RESERVES, IN THE PROVINCE OF CANTERBURY.

Lyttelton,

February 6th, 1860.

\* \* \* \* In the event of the Natives expressing their willingness to have their Reserves subdivided in allotments for individuals, hapus, or families, you will be able to report to me on my return (from Otago) how far you consider this may be accomplished on the plan suggested when at Kaiapoi—namely, that you should go out with them to witness the boundaries of such subdivisions as may be agreed to by themselves.

It will not be necessary to engage a surveyor for this purpose until they have fixed the boundaries among themselves, and agreed to adhere to such partitions of the land as may be fixed upon by you, in conjunction with the Chiefs. A year should elapse after such partition before any survey is undertaken, and then it must be done at the expense of the Natives themselves.

I have, &c.,

DONALD McLEAN,  
Native Secretary.

W. S. Buller, Esq.,  
Christchurch.

April 4th, 1860.

With reference to your suggestion—that, in order to the final settlement of the disputes arising out of the question of title to the Native Reserve at Kaiapoi, the whole of the Reserve should be surveyed, mapped, and allotted by individual Crown Grants—I am directed to inform you that His Excellency sees no reason why the allotments should not be laid off in conformity with some plan adopted by the Natives themselves, aided by your advice and directions, as soon as funds can be raised for the purpose—which might be done by the Natives concerned making over a few acres to the Commissioner of Native Reserves for sale, if they are willing to do so.

With respect to the issue of Crown Grants to the allottees, the desired object can be obtained

through the medium of the "Native Reserves Act, 1856;" and I am directed to instruct you to obtain from the Natives a cession of the Reserves to the Crown for the purpose of bringing it under the operation of the Act. Forms of the deed of cession have been supplied to the Commissioners of Native Reserves at Canterbury.

I have also to inform you that it is His Excellency's intention to appoint you to ascertain the assent of the Natives, which will be done at the next Executive Council.

WILLIAM B. BAKER,  
Chief Clerk,  
For the Native Secretary.

Appendix D.

CHIEF  
COMMISSIONER'S  
MEMORANDA.

#### D—No. 4.

EXTRACT FROM MR. BULLER'S REPORT ON THE NATIVE SETTLEMENT OF CANTERBURY  
DATED DECEMBER 27TH, 1859.

At Kaiapoi, a prolific source of discontent and strife has been found in the unsatisfactory tenure of the Native Reserve.

When Mr. Commissioner Mantell made this reserve in 1848, it was, as usual, vested in the tribe from whom he had purchased the adjacent territory. A few years after the formation of the Canterbury Settlement, when good road communication with Kaiapoi had become established, the bush on that Reserve came into great demand, and parties desirous of availing themselves thereof made bargains with one or more individuals of the tribe for the purchase of timber on a given number of acres, and then proceeded to cut it. Some of the Natives, grasping at all within their reach, continued to sell, utterly regardless of the claims of those who held with them the bush in common. These acts soon gave rise to fierce contentions as to the extent of individual rights, and the question had become so fraught with danger that it was found necessary in April last to warn off all European surveyors, on pain of legal proceedings,—a certain period being allowed them for the removal of such timber as they had fairly paid for. This measure tended much to tranquillize the Natives, but disputes as to individual claims or shares are still of not unfrequent occurrence.

To put an end for ever to these strifes they are very desirous that the whole of their Reserve be individualized, surveyed, and mapped, and that each may have a Crown Title for the portion allotted him.

After mature consideration I have confidence in recommending that steps be taken towards the accomplishment of this object. I have conferred with the Board of Commissioners of Native Reserves and they fully concur with me as to the desirability of carrying this scheme into effect.

At a public meeting of the Kaiapoi Natives, when this subject was under discussion, I elicited their sentiments by putting forward the following suggestions, all of which met their approval, viz. :—

1. That the primary sub-division and apportionment of the land should be arranged by them in *runanga* assembled.
2. That as a fundamental condition of the Grant, the estates and interest created thereby should be entailed, in order to make them inalienable to persons of other than the Maori race.
3. That the power of leasing, if allowed, should be modified by certain conditions or limitations.
4. That the whole of the attendant expenses should be borne by them,—a sufficient portion of the land being set apart for that purpose.
5. That suitable endowments should be made for the several objects of Churches, Schools, and Hospitals; the same to be vested in Trustees duly appointed.
6. That the arrangements contemplated in the last clauses should be carried out prior to the apportionment of the land, *i.e.* whilst it is common property.
7. That in order to give effect thereto the whole of the Reserve should be ceded to Her Majesty's Commissioners of Native Reserves for the Province of Canterbury.

Without committing myself to the above, or in any way compromising the Government, I have obtained the general acquiescence of the Natives therein; and I believe that, if judiciously managed, the object in view may be safely accomplished.

The propriety of giving power to lease to Europeans admits of serious doubt. Common experience suggests the danger of opening thereby a way for the inroad of a class whose influence, far from promoting the welfare of the Natives, would rather tend to demoralize and degrade them and thus defeat the primary design of this scheme: but, in the event of this power being conceded to them, it appears to me highly desirable, as well for the protection of the Native interests as for the security of the lessee, that all negotiations of this kind should require the sanction of an officer of the Government, whose certificate of approval should be necessary to the legality thereof.

The following are among the considerations which induce me to recommend this course :—

- (1). It is my firm conviction that the individualization of this Reserve would prove a material benefit to Natives concerned, not only by putting an end to their strifes on the subject, but as affording a stimulus to industry, and as calculated to promote their social and political advancement.

*Appendix D.*

CHIEF  
COMMISSIONER'S  
MEMORANDA.

- (2). That it would facilitate the profitable disposal of several hundred acres of valuable timber, which, having been charred in the recent fires, must in a short time, unless removed, decay and perish. \* \* \*

WALTER S. BULLER.

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D—No. 5.

FURTHER REPORT FROM MR. BULLER TO THE NATIVE SECRETARY DATED CHRISTCHURCH,  
MAY 25TH, 1860.

I have the honor to acknowledge receipt of your Chief Clerk's letter of the 4th April last, which reached me per "Lord Worsley," on the 21st instant.

The only paragraph requiring a reply is that relating to the Kaiapoi Reserve.

His Excellency the Governor proposes to effect the issue of Crown Grants through the medium of the Board of Commissioners of Native Reserves; and I apprehend that this is, at present, the only practicable channel.

Unfortunately there exists among the Natives of this District a very strong prejudice against any interference by the Commissioners in reference to their lands,—so strong, indeed, as effectually to neutralize all effort on the part of the Board to promote their interests. Nevertheless I shall—immediately on receiving the appointment indicated in the concluding part of your clerk's letter,—convene a general meeting of the Natives, and use my best efforts to obtain their assent to a cession of the land in terms of "Native Reserves Act, 1856."

In the meanwhile, however, I must urge the expediency of issuing some special instructions to the Board, requiring their strict adherence, in their subsequent disposition of the land, to the subdivision and apportionment previously agreed to by the Natives (for particulars of which I beg to refer you to enclosures in my other letter of this date): for I am persuaded that unless I am in a position to give them some guarantee that their arrangements will not be disturbed by the Commissioners, without their consent, I shall be unable, under the existing prejudices, to obtain their assent.

And before concluding I would ask His Excellency's attention to the present dismembered condition of the Canterbury Board, there being but two of the Commissioners (Messrs. Cox and Hamilton) now resident in the Province.

WALTER S. BULLER.

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D—No. 6.

FURTHER REPORT OF MR. BULLER TO NATIVE SECRETARY, DATED CHRISTCHURCH,  
25TH MAY, 1860.

I do myself the honor to transmit herewith a detailed minute of the proceedings of the Kaiapoi Natives in reference to their Reserve; together with a similar document in the Maori language, signed by five Chiefs on behalf of the tribe, a duplicate of which I have given to the Natives. I hope to be in a position to forward you, per next mail, a map in illustration thereof.

You will observe from this record that the open land has been subdivided into small farms of definite extent, and allotted to individuals; while the Bush land has been portioned out without reference to acreage, the quality of the timber, and other considerations having determined the extent of the parcels respectively: and these lakes have been defined by marked trees representing boundary lines.

Some of these Bush parcels have been bestowed on single individuals; but most of them are allotted to associations of two or more persons; and when the latter course has obtained, the most careful regard has been given, as well to the wishes of individuals as to the opinions of the people generally.

In the peopling too of the rural blocks (as set forth in the Minute) the rule of family connection has regulated the selection; and this precaution will, it is hoped, obviate future misunderstanding or disputes.

And for the satisfaction of His Excellency the Governor I would here express my conviction that the sub-division of the Kaiapoi Reserve has been effected on the soundest basis.

Long and deliberate consultations preceded the adoption of the leading rules. With a few exceptions all the Natives interested in the land were present at the several meetings, and those few absentees were represented. The opinions of all were canvassed, and the most patient attention given to the objections of a disaffected few who at the outset opposed the scheme, but subsequently gave it their cordial support; and in the final distribution of individuals on their respective farms, according to their family relations, the feelings and wishes of every one present were consulted.

For weeks I was in constant intercourse with them, and when, afterwards, I proceeded to the



ground and superintended the fixing of the boundaries, I was accompanied and assisted by almost the whole of the Natives concerned.

At one stage of the proceedings an old standing grudge between the Ngaituahuriri and Ngaiterangi hapus found vent, and gave me some trouble, but having summoned a general meeting for its consideration, we succeeded in effecting a very satisfactory reconciliation.

Altogether, I may report that the attempt to place this valuable Reserve on the new footing of individual tenure has, so far, proved entirely successful; and to shew the unanimity of feeling that prevails, I may mention that at the last general meeting, when I submitted the accompanying Minute for adoption, only one dissentient voice was elicited, and this proceeded from Teoti Wiremu Te Hau—a man of notoriously bad character, and consequently of no influence—who had purposely absented himself from the previous meeting, and, though invited, declined to attend when the apportionment of the Bush land took place. This man now contended for a larger share of the Bush than had been allotted him, and demurred to the place assigned him amongst the farms. On the latter point his wishes were complied with.

In conclusion, it is gratifying to add the testimony of Mr. Stack, the Native Catechist, who assures me that notwithstanding the very limited time that has elapsed since the completion of the work, a marked change is visible amongst the people, in the stimulus given to the industrial occupation of fencing, ploughing, Wood-cutting, &c.

WALTER S. BULLER.

## APPENDIX—E.

### E—No. 1.

LETTER FROM TIORIORI (OF MAUNGATAUTARI) RESPECTING A FINE OF FIVE POUNDS  
INFLECTED BY HIM.

Maungatautari, September 16, 1857.

Friend Mr. Smith,—

Salutations to you, or rather to you all, in accordance with the law. Here is the word. Te Aitu has come to me, the person of whom word has been sent to you, that it was he who killed the child; he was questioned by our meeting, and he spoke, but did not find that he had done any wrong, the evil that I saw was in those who made the false accusation; the error was, we sent three times to them by the mail, but they did not come: we then said they were too late, and fined them £5. This is all.

To Thos. H. Smith, Esq.,  
Assistant Native Secretary  
Auckland

From your loving Friend,

TI ORIORI.

## Appendix D.

CHIEF COMMISSIONER'S  
MEMORANDA.

## Appendix E.

MISCELLANEOUS  
PAPERS.

Recommended that Te Oriori should be informed that his letter has been received in reference to a false accusation of child murder by Te Aitu.  
DONALD MCLEAN  
9th October, 1857.

Also recommended that this letter be referred to the Magistrate resident in the district where the murder is alleged to have occurred, as it is desirable

that the Government should be fully informed on all such matters so as to be able to explain and make accurate statements on the subject.—E. W. S., Oct. 9, 1857.

Approved—T. G. B., Oct. 9.

Referred accordingly to the Resident Magistrate (Waikato)—W. GIBBORNE, Oct. 10, 1857.

Ti Oriori, of the tribe Ngatikoroki, hapu of Ngatihaua, is a Native Magistrate, and resides at Maungatautari on the Horotiu, the eastern branch of the Waikato. He was appointed last autumn, and has had little experience in the duties of his office, and few opportunities of instruction from myself. Doubtless, this letter was written by him with the object of obtaining an expression of the opinion of His Excellency as to the propriety or otherwise of his conduct in the case which he has stated—a case which has excited a good deal of interest in the country. I respectfully suggest that opportunities of thus giving valued instruction should be carefully improved. I think that not only will the opportunity be lost, but the writer will be disappointed by a mere acknowledgment of the receipt of his letter.

2. I further think that Natives should be encouraged to communicate on all judicial matters, directly with the Resident Magistrate of the district. It is only through the local operations of this class of officers that the Natives can become really acquainted with, and obedient to law. The Native Assessors should be instructed to look up to the European Magistrate, and refer to him in all cases of doubt and difficulty. It will then be the duty of that officer, in case he sees in any subject thus referred to him matter of political import, to communicate thereon with the Government, and solicit the opinion and instructions of the Governor. If correspondence is carried on between the central Department and the Native judicial officers on judicial subjects, without any reference to, or communication with, the highest judicial authority of the district, embarrassment to that officer, and confusion in the public service, must, I submit, inevitably result. Before the enunciation of the principles contained in the recent Minutes of His Excellency and the Ministers on the subject of the government of the Natives, this subject was of little moment, but it is now of importance.

3. I have been in correspondence with Tioriori on the subject of the murder of this Maori boy. I was requested by him to go to Arikirua, and try the accused (three in number). But as the supposed murderers belonged to other tribes (Ngatiraukawa, Ngatikoura) the affair required caution, and I declined, except under certain conditions. The whole affair is still in esse. It is detailed in my journal, as far as it has yet gone.

4. One of the principal difficulties which I have experienced in introducing the new system into the Waikato district, is the tendency of the Maoris to allow the powers and duties of the judge to lapse into and be exercised by a "runanga," or assembly. Although a "runanga" is, in my opinion, a good machinery for supporting the authority of the Magistrates, and effecting the execution of their decisions, it is a very bad one for hearing and determining cases, besides being utterly subversive of order if allowed to usurp any judicial functions. The Native magistrate, from want of courage and force of character, has a strong tendency to allow the administration of justice to slip from his hands into those of a popular assembly, unless constantly supported by the presence and authority of the European magistrate. I observe by this letter that Tioriori allowed the "runanga" to try and pass judgment on three persons accused of slander.

5. The Maories hold very generally, the injurious notion that any one who infers against another, or even sues in a civil action, has, unless he gains a decision in his favour, been guilty of "slander." Although this doctrine has, to a great extent, disappeared from the lower districts of Waikato, it still obtains in the upper parts where the teacher has not been. The Maoris seem to have acted upon it in this case. I have always told them that a false accusation is not necessarily a wilful defamation, and a prosecutor is not punishable if he acts bona fide and is not instigated by pure malice.

I therefore, looking at the position of Tioriori and the abnormal state of his district, suggest that his letter should be thus answered—That in all matters touching his duties as Magistrate he should correspond immediately with the European magistrate, who will, if there is necessity, communicate with His Excellency's Government.

That in all matters of importance, he should be careful, as a rule, to ask the assistance and advice of the European magistrate. That the "runanga," to which he alludes, should not be allowed to interfere with judicial matters, but that he should be very careful to preserve his dignity and office from intrusion. That the magistrates are the only judges, and he must not recognize any assembly as a judicial tribunal.

That an action for defamation or slander does not necessarily lie against a man who has wrongfully accused another—that a man who sues or who accuses, although he may be mistaken, is not punishable, if he acts with due care, and from pure motives.

That he should communicate at once with the Resident Magistrate, and endeavour to cause the people to await their joint investigation, and abide their joint decision.—FRAS. D. FENTON, R.M., October 12th, 1857.

I entirely agree with the valuable recommendations of Mr. Fenton as to the nature of the answer which should be sent to Tioriori.—E. W. S., Oct. 12, 1857. Agreeing with Mr. Fenton as to the propriety of encouraging the Native Assessors to communicate with the European magistrate on all matters connected with their duties, I think all that is necessary in the present instance is to acknowledge Tioriori's letter, and inform him that in this and all other cases which may come before him in his capacity of Native Assessor, he should communicate with the Resident Magistrate in his district, who has been appointed by the Governor for the purpose of instructing the Native Assessors in their duties, and with their assistance to administer justice according to English law.—THOS. H. SMITH, Feb. 3, 1859.

I think Mr. Smith's recommendation embraces all that is now practically requisite.—C. W. R., Feb. 4, 1859.

## E No. 2.

*Appendix E.*MISCELLANEOUS  
PAPERS.*Hetarakā,*  
September, 1857.

## LETTER FROM HETARAKA (OF WHAINGAROA) ON THE SUBJECT OF THE MAORI KING.

Whaingaroa, September, 1857.

Friend the Governor,—

Salutations to you. This is my word. Do you hearken. Our land (the Ngaruawahia) has been named by Potatau as a place of residence for the King of New Zealand. One part is, that Potatau or the whole of the Ngatimahuta are taking our place at Ngaruawahia. This is my word: It is not well for the King to reside for nothing on our place; great has been the evil of Potatau and his people on my place. It will not be given for Potatau, because places of ours have been given to him; Tangirau, which was ours, he has; Okumara, which was ours, he has; Konomotu, he has; and this also is ours, which he wishes to take; but it will not be given up by us, because they still maintain the foolish regulations of their forefathers. Do you hearken. This place is a permanent place of residence of ours, and of our ancestors, and descended to us their heirs. These are the men who claim this place, Ngaruawahia; Wiremu Nera, Kaniwhaniwha; Tioriori, of the Ngatitainu; Tamihana, of Ngatihaurua. The Ngatitipa, Ngatitainu, Ngatikatora, Ngatihuaki, Ngatikahupokaikai—Moihi, of Ngatihaurua; Erueti, of Ngatikahupokaikai; these are the people who own this place. I write to you, that you may know that this evil will grow greater, but it is great already. We will presently assemble there, and quietly explain the laws to the men, lest evil arise. This is all.

From your loving friend,

HETARAKA.

We will investigate the case of the European who struck the wife of Grahame on the head: because the European Magistrates are long of coming, and this European may abscond, and therefore, I say, let this European be justly tried; but as to the conduct of this European, it is very bad. I have desired the Europeans to come to the Court House, that they may fully see the evil of this European, and as to whether his talk is right or wrong, and also the right or the wrong of what the three Maories say. If he persist in his evil, the wrong will light upon himself.

To His Excellency the Governor,  
Auckland.

Resident Magistrate, Dr. Harsant, who must be at Whaingaroa by this time.—DONALD McLEAN, 1st Oct., 1857.  
Recommended.—E. W. S.—Oct. 2nd, 1857.  
Approved.—T. G. B.—Oct. 3rd,

## E—No. 3.

*Chiefs at Rangiaohia,*  
August 29, 1857.

## LETTER FROM THE CHIEFS AT RANGIAOHIA RELATIVE TO SUBDIVISION OF THEIR LANDS.

Rangiaohia, August 29, 1857.

Submitted that this letter be published in the *Maori Messenger* and the writers informed accordingly.

DONALD McLEAN,  
10th Sept., 1857.Recommended,  
E. W. S.  
September 10th, 1857.Approved.—T. G. B.,  
September 11th.

Friend the Editor of the "Maori Messenger,"—

Salutations to you. Your letter has reached us and we have seen it. It is good, and our hearts are exceeding glad because you have published our notice, respecting our land having been divided into separate portions for each individual of our tribe, of Ngatiapakura.

Friend the Editor of the "Maori Messenger"—We are endeavouring to find out some European method or regulation, by which we shall advance in civilization and acquire wealth by following the European customs; it is on this account that we have divided the land into different portions, which hitherto has been allowed to lie neglected. This system will then serve as a model for the other tribes who are living in ignorance, to incite them also to seek some system for themselves.

We, the chiefs of Rangiaohia, considered the confused state in which our lands were, and therefore we determined to adopt the customs of the Europeans, in order that there should be no more confusion on account of our lands, and that each person might work quietly on his own portion, and cultivate the fruits of the earth.

Friend the Editor of the "Maori Messenger," do you hearken. We have formed a land committee, and have divided our land into separate portions for each individual of our own tribe, the Ngatiapakura. The other tribes must think for themselves; they have now been enlightened by the chiefs of Rangiaohia, how to act with respect to the Maori lands.

We think that this system is a very good one; it is one which does not cause confusion about the land; there is no evil or death connected with this system, and the end will be that the men who follow it will acquire influence and wealth in this world. It will be also for the Governor and yourself to perform your part, by instructing us, so that wisdom may grow up among us.

There are others also who have adopted this system, that is, Pohipi Takairangi, a chief of Taupo (and his people), they also have acted upon this talk. They have divided their land into portions for each individual of their own tribe, of Ngatiruarangi, Te Hikutu and Ngatiterangita.

Let this communication be published in the "Maori Messenger," that it may be seen by our Maori friends.

Friend the Editor of the "Maori Messenger." This is to convey our message to you, that you be diligent in instructing us in the customs of the Europeans every year. This is all that we have to say to you. This letter is from the chiefs of Rangiaohia,—

Wiremu Toetoe Tamohi,  
Taati Wareka Te Waru,  
Taatihou Te Huriwai,  
Tamati Te Tarahanga,  
Te Wirihana Mutu,  
Te Munu,  
Paki Whero Noho Motu,  
Te Ara Noho Motu,  
Pene Tita Te Warunga.

Turi Manu,  
Rotohiko Ngahape,  
Rotohiko Tutaku,  
Te Matenga Te Wi  
Mamuka,  
Hoani Ngarongo,  
Te Kingi Te Warangi,  
Te Wano Tarakaka,  
Te Poihipi Tukairangi, of Taupo.

Appendix E.

MISCELLANEOUS  
PAPERS.

## E—No. 4.

LETTER FROM HETARAKA (OF WHAINGAROA) CAUTIONING THE GOVERNMENT AGAINST THE  
KING PARTY.

Hetaraka,  
July 4th, 1858.

Whaingaroa, New Paramatta,  
July 4th, 1858.

FRIEND MR. FENTON,—

Make these words known to the Governor. These are the thoughts of my heart with respect to the Maori King being now set up over the Government and the laws, and trampling upon the laws. I consider that they have no resting place for their feet. Be cautious, O Governor, lest the Maori Chiefs beguile you. Look well to what their talk produces, as though it was the voice of the serpent which deceived Adam and Eve. Do you hearken. If we lived in the days of Jehovah, God would have advised you. He would have said, that is a deceitful voice.

Let not your heart be dark in seeking for these words, but look well to what their talk leads. The Maori Chiefs have two roads: one is the Queen's and the other the Maori King's. These words are true. Enough.

Referred to Native Secretary: does not appear to require special notice.  
C. W. R.  
January 20th, 1858.

Submitted that no reply to this letter is necessary.  
J. ROGAN.  
21st January, 1858.

From your loving friend,

HETARAKA.

To F. D. Fenton, Esq.,  
Resident Magistrate, Waikato.

## E—No. 5.

LETTER FROM HETARAKA NERO (OF WHAINGAROA) RELATIVE TO THE ERECTION OF A FLAGSTAFF  
AT NGARUAWAHIA.

Hetaraka Nero.  
March 8th, 1858.

Whaingaroa, March 8th, 1858.

FRIEND MR. SMITH,—

Salutations to you, this is my word. I wish to ask what the Governor has said respecting a flagstaff at Ngaruawahia. The Governor has said, so this report says, "That the flagstaff at Ngaruawahia is to be cut down and burnt"; the people are spreading this about as the Governor's word. Friend, now do you ask the Governor whether it is right, or if it be wrong write to us, because we do not approve of having two masters. My wish is that we should have one Lord, that is, Queen Victoria. Do you listen: there is soon to be a gathering of the council of those people who are going to set up a King. Now do you think over and send us some regulations for our place which is about to be settled upon by the people who are setting up a King for themselves. My opinion is that their flag should be set up on their own place, and not on that of the Queen's people. We all belong to the Queen, we have also become one body, and one people as younger and elder brothers. That is all.

From your loving friend,

HETARAKA NERO.

To T. H. Smith, Esq.,  
Assistant Native Secretary, Auckland.

Recommended that an acknowledgment of this letter will be sufficient.  
JOHN ROGAN/  
3rd May, 1858.

Recommended?  
C. W. R.  
May 6th, 1858.

Approved.—T. G. B.  
May 7th.

## E—No. 6.

LETTER FROM WAATA KUKUTAI (OF TAUPARI) RESPECTING THE COURSE TAKEN BY POTATAU.

Waata Kukutai,  
June 15th, 1858.

Taupari, Waikato, June 5th, 1858.

Friend the Governor,—

Salutations to you. I here send my love to you, because of the deceitful conduct of your friend Potatau, who is pursuing two courses. He approves of the King-making plan, and also of Maori authority. I wish to know what is the good of this work. Do you hearken to my words. I say that

Recommended that a friendly letter should be written to Waata assuring him that His Excellency

## Appendix E.

## MISCELLANEOUS PAPERS.

feels quite satisfied with the friendly feeling evinced by him, and considers that he is too wise a Chief to be led away into any folly of Maori or European creation.  
DONALD McLEAN.  
3rd July, 1858.

the Queen's authority shall never cease to be over my tribe and me. These words were spoken by my father to Governor FitzRoy long ago. He said that he would take charge of the flagstaff at Takapuna, and would never allow it to be cut down; that he himself would take care of it. I now say that I will take care of that flagstaff, because the words laid down by my father cannot be trampled upon, and I cannot lay aside the rules of kindness to Europeans and Maories pursued by my father. And now, I will never forget the laws of God and the Queen, which govern the people.

From your loving friend,

WAATA KUKUTAI,  
Assessor, Waikato.

To His Excellency the Governor,  
Auckland.

Approved—T. G. B.  
A letter was written to Waata August 29th, 1858, and afterwards partially cancelled. It was never sent to him.—Noted W. B.

## E—No. 7.

Erueti,  
25th June, 1858.

## LETTER FROM ERUETI (OF WAIHAKARI) RELATIVE TO THE CONDUCT OF CERTAIN NATIVE ASSESSORS.

Waihakari, June 25, 1858.

## FRIEND THE GOVERNOR,—

Recommended that the writers should be informed that His Excellency will not permit any unjust or deceitful act to be committed with his knowledge, and that if the Native Assessors have been guilty of a deception in this case, His Excellency will cause the matter to be examined into. I believe that this letter has reference to two Natives brought to town for a theft committed at Mr. Kissling's, and who are now in gaol awaiting their trial before the Supreme Court.

DONALD McLEAN.  
July 10th, 1858.

In order to ascertain the truth of the charge, this letter should be referred to the Resident Magistrate at Waikato for his report.

W. GIBBORNE?  
July 12th, 1858?

Wiremu Nera has seen His Excellency upon this subject, and it appears to me (as at present informed) undesirable to take further action until the Resident Magistrate at the Waikato shall have come up to Auckland, when this letter should be referred to him for his report.—C. W. R.—August 24th, 1858.

Approved.—T. G. B.

Referred to Mr. Fenton for his report.—W. GIBBORNE.—26th August, 1858.

This letter is undated, (as to the day) but from the use of the present tense in one place ["it is the intention of Mr. Fenton to send the man to gaol,"] I suppose it was written before the departure of the policeman and prisoner to Auckland. Before any attention is given to the letter, I think that the name of the writer should be ascertained, by enquiring through the Native Assessors. The signature it bears at present is, "the people who have no runanga." I do not think letters thus signed should be treated as authentic letters.

Waitakari, the place of date of the letter, is about twelve miles from the place where the prisoner was apprehended and tried. Subsequently to that event, I had a conversation with 3 old men, and 2 women who reside at Ngatimanga, when statements similar to those in the letter were made, but although I spent some time in endeavouring to alter their views, I did not consider their opinion of any importance. I told them that it was quite useless for the few to oppose the law-ward determination of the many. The subject then dropped. This conversation was about one month subsequent to the writing of the letter.—As to the injurious allegations, they are utterly false, and indeed, in some cases, the internal evidence proves this. The Native Assessors made no promises of any description, for I specially charged all the officers concerned to be cautious in this respect. The whole affair differed in no way from what would have taken place had all the parties been European. On becoming acquainted with the fact that Raharuhi was in my district, I consulted with the acting Native Assessors of the tribe, to assure myself that there was not much risk of failure, and then issued a warrant of apprehension, and tried him in the usual way. There was no secrecy, and a considerable number of the tribe attended. The relatives tendered money, which I refused. They stated that the Governor had instructed the Natives that theft could always be concealed with money. I denied this, and stated that the discretion to accept or refuse money rested with the Magistrate and not the Governor.

With respect to the recommendation of the Native Secretary, I think it very undesirable that an answer should be sent which almost admits the truth of a charge, which (if true) should render the Native Assessors and myself disqualified from holding any office of trust or honor hereafter. The statement in the proposed answer, of the general principle that the Governor will not admit fraud with his knowledge, is unnecessary, unless meant to apply to the fraud alleged and complained of in the letter. Moreover, I submit that it cannot be ascertained whether "the Native Assessors have been guilty of a deception" until the matter was inquired into. The inquiry should precede the opinion, not the opinion the inquiry.

Further, I respectfully submit that, as a principle, the Executive Government should not interfere with the Courts of Justice, until malfeasance is proved before the proper tribunal,—not merely alleged and admitted.

There is a slight inaccuracy in the latter part of the minutes of the Native Secretary.—The prisoner is not "awaiting his trial." I acted summarily, and sentenced him myself.—FRAS D. FENTON, R. M.,—Auckland. September 17th, 1858.

Recommended that the matter requires no notice.—C. W. R.—September 21st 1858.

Seen.—T. G. B.—September 23rd, 1858.

## E—No. 8.

LETTER FROM WAATA KUKUTAI (OF TAUPARI) RESPECTING THE SALE OF ARMS.

Taupari, October 20, 1858.

Friend,—

Salutations ! This is the thought that entered my heart : Let the sale of guns, powder, and caps be stopped, because I have been thinking of the Maori people, and I know that evil will ensue, as witness Ruihana's evil plans. This, therefore, is the cause of my writing. I say, let guns, powder, and caps be withheld because of Ruihana's proceedings, who holds evil out to us as a bait that is according to the law which is suspended over us. My thoughts, therefore, are to stop (the sale of) these things. I have written to the Governor to prohibit the sale of all these things.

From your loving friend,

WAATA KUKUTAI.

To F. D. Fenton, Esq.,  
Auckland.

by letters forwarded through the Native Minister, originally addressed to me. I think that the answer to Waata's letter should be that Ruihana's bad conduct is not such as to cause any apprehension, or necessitate an alteration of the law: although evil may triumph for a time, yet ultimately the success of 'the law' is certain.—F. D. F., December 13, 1858.

Recommended.—C. W. R., December 24, 1858.

Approved.—T. G. B., December 28.

## Appendix E.

MISCELLANEOUS PAPERS.

Waata Kukutai,  
October 20, 1858.

Kukutai has always objected to the relaxation of the prohibitions on the exchange of arms. We have often discussed this subject. I do not think that the ill conduct of Ruihana should affect the question. The Governor has already been made acquainted with the history and nature of Ruihana's business,

## E—No. 9.

LETTER FROM WAATA KUKUTAI (OF TAUPARI) RELATIVE TO PROPOSED RULES ABOUT CROPS.

Waata Kukutai,  
October 20, 1858.

Taupari, October 20, 1858.

Friend Mr. Fenton,—

Salutations to you who are doing the work of the laws. This is my word. Do you hearken. The Runanga is engaged upon the laws. Laws have been established relative to cultivations, horses, cattle, pigs, and dogs. The proceedings of the Runanga will be sent to be printed in the newspaper, so that other tribes may know. I am greatly pleased with what has been done by the Runanga.

This is another word to you. I wish you to tell me how to act with regard to one of my people who joined in withholding Kima when the Police came to fetch him. That man sprang forward to hold him; the Police told me of it and I was greatly annoyed; I thought of having the man apprehended by the policemen. I therefore write to you to tell me how I am to act in such a case in future. Return me an answer that my heart may be satisfied at this time.

From your loving friend,

WAATA KUKUTAI, Assessor.

Taupari, October 15, 1858.

What was decided upon by the Runanga :—

1. That horses should be tied up and taken to where there are no cultivations.
2. The regulations respecting cattle, that they should be kept within a fence lest they get out and trespass on the cultivations.
3. Pigs are to be tied up and taken to where there are no cultivations, lest they eat the food.
4. Bad dogs are to be killed; good dogs are to be left alone, but are to be killed if known to do wrong.
5. Food destroyed by horses. If wheat which has not spindled is eaten by horses, cattle, or pigs, it is not to be paid for; but if the ear is formed, and it is eaten, then it is to be paid for, if the animal is caught.
6. If crops are eaten by horses, cattle, pigs, sheep, or goats, whether potatoes, corn, or other crops, and wholly destroyed, it will be right for payment to be made; this refers to crops that are not fenced in. Fences have been made for the outside cultivations. The fences are for the horses, cattle, pigs, sheep, and goats. The cultivations are to be outside, because fences cannot be made for the crops, and if the crops are destroyed by the animals enumerated, payment is to be made; if the damage done is small, the payment is to be small; if the damage done is large, the payment is to be large.
7. If fenced crops are eaten by animals, payment is to be made; any damage done from the time of its coming up till cut and stacked, payment is to be made.

This is the work of the Runanga, which was composed of 86 members.

Recommended that Waata be informed that rules framed by a Native Runanga require the approval of the Governor and to be proclaimed by him in the Government Gazette, before they can have the force of law; but as these appear unexceptionable, they may serve as rules by which to decide cases referred to him for arbitration. He should also be referred to the Native Districts Regulation Act, as published in the Maori Messenger of September 15th, and to the remarks preceding it. I see no objection to publishing these rules in the Maori Messenger, as suggestions by Waata for the benefit of his people which may be adopted in practice. With reference to the other matter, he may be directed to consult the "Nga Ture," p. 13, § 59, and p. 12, for information as to the English law on the subject.

THOS. H. SMITH.  
Dec. 29, 1858.

Recommended.  
C. W. R.  
January 7th, 1859.

Approved.—T. G. B.,  
January 8th.

## Appendix E.

## E—No. 10.

MISCELLANEOUS  
PAPERS.

LETTER FROM HETARAKA (OF WHAINGAROA) RESPECTING ENGLISH LAW.

Hetaraka.  
September, 1857.

Whaingaroa, September, 1858.

Friend,—

Recommended that My heart rejoices at your talk—your injunction to labour in the work of the law, in order that good may alight upon the people. Your orders are being well carried out by us your faithful assistants. Attend to me. Evil for Potatau and his people has arisen about the Ngaruawahia property, which belongs to us. His tribe say that that place shall be a residence for their King. We do not consent. Let their King dwell on his own land. Our property has been assigned for him, viz, Tangirau, Okumara, and Konomutu. They are taking this property; but we do not consent to two masters. From of old was the confirmation of this estate to us, from our ancestors down to ourselves. The estate belongs to Wiremu Nera, to Kaniwhaniwha, to Tioriri, to Tamihana, to the tribe of Ngatitemainui, to Ngatihourua, to Ngatitipa, to Ngatitehuaki, to Ngatikahupokaikai, to Ngatikotara. These are the real owners of the place. Your friends Moses and Paneti are the principal owners. But soon we shall assemble at Ngaruawahia to arrange a plan for this place, lest evil grow for our people. I reflect that evil should not overcome good, but good should overcome evil, since the eyes of the law are clear to settle disputes about land, as well as personal wrongs. And the good road for the Maories has been pointed out by you, and they will dwell on your advice, and your orders to labour in the work of the law.

DONALD MCLEAN.  
22nd Sept, 1857.Seen.—E. W. S.  
Sept. 23rd.  
Referred to Colonial  
Treasurer.—E. W. S.Record and file To Mr. Fenton.  
with Mr. Fenton's cor-  
respondence.—C. W. R.—Sept. 28th, 1857.  
Approved.—T. G. B.—Sept. 23rd.From your friend,  
HETARAKA.

## E—No. 11.

Te Pahi and others. LETTER FROM H ONIKINGI TE PAKI AND OTHERS (OF WAIKATO), ASKING MR. FENTON TO  
Feb. 9th, 1859. RETURN TO WAIKATO.

Waikato, February 9th, 1859.

Recommended that Mr. Fenton be requested to pay a final visit to the Waikato district for the purpose of clearing up any business connected with his Court cases at Waikato. Enough which may require the presence of a Magistrate. The writers may be informed to this effect.

FRIEND MR. FENTON,—

Salutations to you. When will you return to Waikato to investigate the offences which you investigated before? O father, the persons who committed the offences are very sad. You had better come and finish (the investigation of) those offences. We all wish you to come soon and try all the cases at Waikato. Enough.

From

HONI KINGI TE PAKI,  
TE WIREMU PANA WAKA,  
HETARAKA MURUPAINGA.F. D. Fenton, Esq.,  
Auckland.Thos. H. SMITH.  
Feb. 12th, 1859.

Mr. Whitaker objects to this recommendation, which is scarcely consistent with the advice of the Assistant Native Secretary as to the appointment of a Magistrate. I assume that the District will be left for a time, but it is most important to encourage the well disposed Natives. Mr. Fenton's batch of Assessors is to be appointed: Waata Kukutai is to receive a salary: but though this is understood, I am not quite sure whether actual directions have been given. It should not be delayed.—C. W. R.—Feb. 25th, 1859.

## E—No. 12.

CIRCULAR FROM THE SUPERINTENDENT OF AUCKLAND TO APPLICANTS FOR BUSH LICENSES.

Superintendent's Office,  
Auckland, June 12th, 1857.

SIR,—

In reply to your letter of date requesting that the Publican's Special License may be granted to you for certain premises at the I have the honor to inform you that (in consideration of your former application having been sanctioned by the late Government) the Executive Council have granted the license on the following conditions, viz:—

- 1st. That you pay an annual fee of ten pounds.
- 2nd. That you do not sell spirits for consumption off the premises.
- 5th. That you provide sufficient accommodation for travellers.
- 6th. That you strictly prohibit gambling in your house.

With reference to the condition No. 5, I have now to intimate that no renewal of the present license will be granted unless your application for such renewal shall be accompanied by a certificate signed by the Resident Magistrate of your District or by a Justice of the Peace, or by the Inspector of Police, that the house for which the license is sought is of the following description :— A house constructed of wood, or (as the case may be) of some durable material, containing, in addition to the apartments occupied by the family of the proprietor, one sitting room, and three bedrooms, for the accommodation of Travellers.

I have, &c.,

J. WILLIAMSON,  
Superintendent.

Appendix E.

MISCELLANEOUS  
PAPERS.

E—No. 13.

LIST OF NEW PROVISIONAL (OR BUSH) LICENSES ISSUED BY THE AUCKLAND PROVINCIAL GOVERNMENT, FROM 10TH NOVEMBER, 1856, TO 31ST OCTOBER, 1860.

Date.	Name and Residence of Person licensed.	Recommended by	Remarks.
1857 June 10.	E. Insley, Mangawai	Messrs. Moir, Wynyard, and Harrison, and Colonel Wynyard.	Renewal of this license refused 3rd December, 1859, because of having been convicted of selling spirits to Natives.
1858 June 30.	B. Smith, Wairoa	W. R. Logan, Esq., J.P., and 14 settlers.	Refused in first instance. Granted subsequently on recommendation sent in:— refused and referred to Bench of Magistrates, 1860.
September 15 1859 February 1.	G. Beeson, Coromandel Wm. Chitham, Tomo (near Rangiaohia)	The Collector of Customs and C. Heaphy, J.P.	Colonial Treasurer requested that a license may be issued, 25th June, 1860.
October 3. 1860 June 21.	W. Moir, Mangawai John Smith, Ahipara	C. Heaphy, J.P. Resident Magistrate, Mongonui, and 15 settlers.	Issue approved of by Colonial Secretary. See letter 1st February, 1859. Renewal refused 9th February, 1860, on recommendation to that effect by Colonial Secretary. See letter 2nd February, 1860.
June 21.	John Sturrock, Taipa	Resident Magistrate, Mongonui, and 18 settlers.	
June 26.	J. F. Ferguson, Waipuna	Resident Magistrate of Mongonui.	
July 7. July 7.	Charles Dyer, Pakiri G. G. Walters, Mauku	C. Heaphy, J.P. Resident Magistrate, Waiuku and Drury, and 32 settlers.	Informed that in future application must be made to Bench of Magistrates of that District.

SUPPLEMENT TO APPENDIX E.

LETTER FROM WIREMU TAMIHANA TARAPIPI TO THE CHAIRMAN OF THE WAIKATO COMMITTEE. *Letter from W. T. Tarapipi, 24th January 1861.*  
(Received 4th February, 1861.)

Horotiu, 24 Hanuere, 1861.

Tena koe e te Tumuaiki o te Runanga o te Kawana.

Tena koe ; kua tae mai tau reta i tuhia mai i a Oketopa, 1860, i mea koe kia haere atu au kikonā. Tenei te waiata :—

Kikona i a koe mahuki atu ai, e kore i a hau e ngawhere ia koe ; whakarae touu au he mairē i te wao ; naku koe i tuku atu i te whitiki nei kakite ; mara koe te rohenga o te tara ; ko te tuahiwi au ki Raukawa ra ia.

Ehoa, he aha te pai kia korero taua i muri o tekino? Engari me i tuhi mai koe i te itinga e pai ana, ka haere atu au ; tena kua rakautia te kino, he aha te pai? Titiro ki te tunginga o te ahi ; i te itinga ka tinea ka mate, ka nui ekore e mate ; waihoki i te itinga o te tai ka whiti, tena kia tutuki te tai ekore e whiti ; me te po hoki, i te awatea e haere ana te tangata, tena ki te po ekore e haere ; koia ano te rite o te kupu a to taua Ariki a te Karaiti, Hoani 11, 9-10.

E mea ana koe kia haere atu ahau kia whakina atu aku whakaaro ki te aroaro o te Runanga ; nana whakarongo mai, me he mea ka tae atu tetahi rangatira ki te aroaro o te Runanga ka whakahua i te mana Maori pupuru whenua, koia tena aku mahara, ko nga take tonu tena i tu ai te Kingi ; ki te kite koe i tetahi rangatira e ahua pauaua ana tana kupu i tona taenga atu ki a te Kawana i roto

*Appendix E.*MISCELLANEOUS  
PAPERS.*Letter from*  
*W. T. Tarapipipi,*  
*24th January, 1861.*

ranei i nga whakawakanga Pakeha Maori ranei, koia taku hoa ia ; ki te puta ranei tetahi kupu a tetahi rangatira ko tona mana ake e tu nei i runga i tona pihi, naku taua whakaaro.

Kua rongo au kua tae atu a Wi Maehe Te Rangikaheke raua ko Waata Kukutai ki te Runanga Pakeha, kua whakina atu a raua tikanga ki to koutou aroaro : koia tena, whakarongo atu kia raua, ko etehi tena o nga whakaaro i tu ai te Kingi Maori. Oira, ekore e taea te whaki atu e au etehi take, tena tini, heoi ano kia iti nei te wahi e korerotia atu e ahau kia koe. Tena koa, whaki atu hei pehea? Kia kotahi te wahi e kiia atu e au ; rere, he huru hipi nga whakaaro o te Kawana, ko roto he wuruhi kai kino te ngakau. Heoi, na to mokai

NA WILLIAM THOMPSON TE WAHAROA.

Ki te Tumuaki o te Runanga.

[Translation.]

Horotiu, January 24, 1861.

Salutations to you, the Chairman of the Governor's Runanga.

I have received your letter which was written in October 1860, inviting me to come there. Here is a song :—

Continue then to strive in vain ;  
I will not be wrenched asunder by you.  
I will maintain a bold front,  
Like a Maire tree of the forest.  
It was I that loosed you from this belt,  
And now you see the boundary between us.  
I am the centre of Raukawa.

Friend, what is the good of our talking after the evil has taken place ? Had you written indeed when the evil was small, it would have been well, and I should have gone : but now that the evil has attained full growth, what is the good ? Behold the kindling of fire; when it is little, it can be put out, but after it has spread it cannot be extinguished. In like manner, when the tide is low (the creek) can be crossed, but when the tide is full, it cannot be crossed. So with the night : in the daytime men travel, but they do not go about at night. Witness the words of our Lord Jesus Christ, John 2, 9-10.

You ask me to come and make known my thoughts before the Committee. Hearken. If any Chief goes before the Governor, and names (speaks in favour of) the '*Mana Maori*' and holding land—those are (he expresses) my opinions. These are the real causes of the setting up of the King. If you see any Chief whose words seem hard when he visits the Governor, or in the Pakeha or Maori investigations, he is my friend. Or if you see a Chief who talks of his own '*mana*' being over his own piece of land, that thought is mine.

I have heard that Wi Maehe Te Rangikaheke and Waata Kukutai have been before the Pakeha Runanga, and have expressed their views before you. That is it, listen to them. It was one of those thoughts that set up the Maori King. I cannot, however, tell you all the causes; they are many. Enough, let the portion I communicate to you be small. Explain, tell me what it is to do. One part I will tell you. The Governor's thoughts are as sheep's wool, but inwardly, a ravening wolf at heart. Enough. From your slave

WILLIAM THOMPSON TE WAHAROA.



# APPENDIX B.

No. 9.

## LIST OF ALL THE PRINCIPAL OLD CHIEFS OF NOTE IN THAT DISTRICT OF WAIKATO OVER WHICH MR. FENTON EXTENDED HIS OPERATIONS.

(See Mr. Fenton's Evidence, p. 104, q. 1687.)

Name of Settlement.	Name of Tribe.	Name of Chief.	Sentiments with regard to Mr. Fenton's system.	How sentiments known.	Remarks.
Waikato Heads, Maioro Putataka, &c.	Ngatikarewa Ngatitahinga Ngatiwhauroa	Ruihana Tamahana, (young Chief) Ahimeraka	favourable " "	Speeches at meeting and at Ngaruawahia Appeared at court and spoke Speech at Kahumatuku	Turbulent Chief, under the influence of Kukutai There are no old men of note resident here Very old man
Taupari, Kohanga, &c.	Ngatitipa	Karaka Te Au Po Ruka Paraone	" " " "	Speeches and letter of Oct. 27 Speeches recorded Ditto Ditto Ditto	Since dead President Village Council Since dead
Te Kakenga, Onewhero, &c.	Ngatikahu	Te Taukawe	"	Ditto	Since dead
Tuakau - - -	Ngatimanoki	Patoromu	"	Ditto	Since dead. President Village Council.
Ditto Tapahine, &c.	Ngatipo	Piripi Te Aho	"	Ditto and letter, July 27	Surly and stupid old man. President Village Council.
Te Pungapunga - -	Ngatihua	Karaka Tomo	"	Ditto Ditto	President Village Council
Meremere " - -	Ngatinaho	Rawiri Neama Harepata	" " no opinion	Speech recorded Ditto	Was a partizan of King, but had no feeling for or against the Institutions. All his tribe were decided in favour of law, &c.
Horahora - - -	Ngatitapa	Metaraka Muru	favourable	Speeches recorded	A Probationer
Rangiriri - - -	Ngatihine	Kāpihana	"	Speeches and letter, August 19	President Village Council
Paetai, &c. - -	Te Ngaungau	Te Kau Pukewhau Te Paki Paora Tirua	" " " "	Ditto Opinion expressed in conversation	President Village Council
Waikari - - -	Ngatihine, &c.	Arama Karaka Te Ngarangara	no opinion	Letters and speeches recorded, Aug. 19	A Probationer
" - - -	Te Matetakahia	Te Kereihi	favourable	Speeches recorded and letter, Aug. 19	Since dead. President Village Council.
Taurangakoura - -	Ngatiwhao	Huirama	unfavourable		Expressed no opinion on the subject
Kahumatuku - -	Ngatimahuta Ngatiwhauroa	Karaka Te Tanewha Ahimeraka Kakaupango Paora	favourable " " "	Speech Speeches recorded Ditto Ditto	Since dead. President Village Council. Very old man
Whatawhata, &c. -	Ngatiruru	Enoka Te Reweti	" "	Conversation Speeches and letter	Strongly attached to King, but made no active opposition to us
Te Whakapaku - -	Ngatihourua Ngatimahuta	Konewhanewha Tarawahauki Paratene Ruta Nepe	" unfavourable " " "	Conversation	A snitor also
Karakariki - - -	Ngatimahuta	Takerei	favourable	Speeches, &c.	Very old man
Opuatea, &c. - -	Ngatikarewa	Minarapa, &c.	"	Suitors at Court	A Native teacher
Whaingaroa, &c. -	Ngatimahanga	William Naylor	"	Letter, July 27	Probationer
Aotea, &c. - - -	Ngatinaho	Wetere Neha	" "	Conversation Letter	Very old man
West Coast - - -	Ngatireko Ngatitahinga	Paora Tirua Te Kiwi	" "	Letter and speeches Conversations	See page 34, Report
Moerangi, &c. - -	Ngatimahuta	Te Ao-o-te-rangi All the Chiefs	" "	Speech	Since dead

N. B.—I observe a long list of old Chiefs mentioned by Tamati Ngapora as unfavourable. (See Evidence p. 45 Q. 801.) Nearly the whole of the persons mentioned by him reside far out of the District in which I operated. Many of them are unknown to me. With most of them our system never came in contact. The account which I give is a true account.

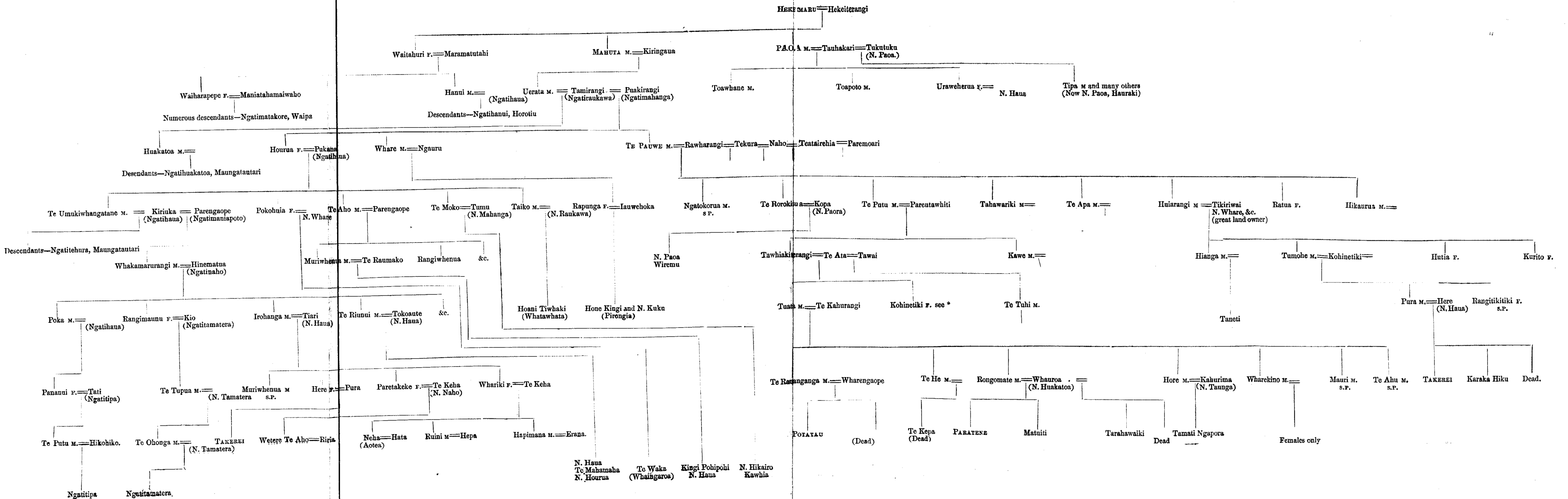
F. D. FENTON.

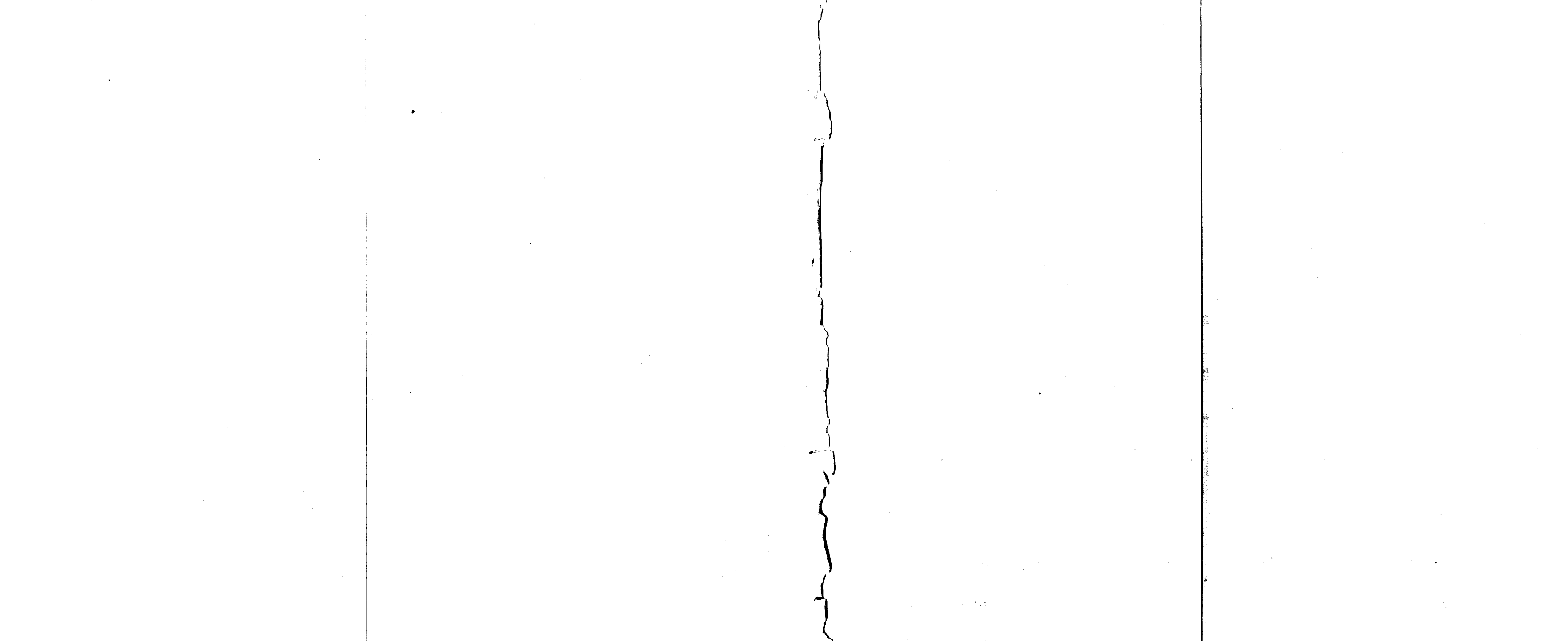


# APPENDIX B.

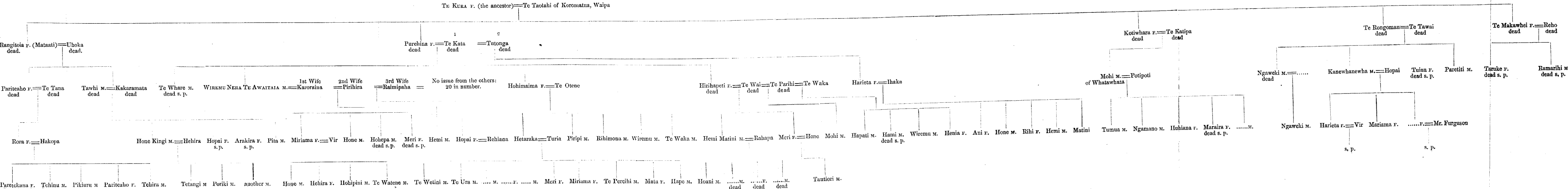
No. 10.

## PEDIGREE OF THE FAMILY OF POTATAU TE WHERE WHERE.





FAMILY OF WIREMU NERA TE AWAITAIA.



SUMMARY.

	Males.	Females.	Dead.		Without Issue.		Total in each Generation.
			Male.	Female.	Male.	Female.	
First Generation .....	1	4	1	4	0	0	5
Second ditto .....	8	6	4	6	3	2	14
Third ditto .....	21	15	2	1	18	11	36
Fourth ditto (part) .....	19	8	2	1	mostly	children.	27
							82

