

You, Tawhiao, tell me that when fighting broke out in the Waikato you steadfastly adhered to the injunctions of your father, and have done so to this day, though your people have fought against the Queen; and you say, "We are now considering by what means we can live in the former state of peace and friendly feeling."

It is right that, when terms are proposed, you should consider the people equally with yourself; and in this matter I think you have acted with magnanimity and unselfishness, and with a sincere desire to promote the welfare of your race. It is my desire that whatever may be done in the future shall be for the welfare of the whole people rather than for the aggrandisement of individuals.

At the present moment permanent peace has been established between the Government and the tribes of New Zealand. The difficulties remaining do not amount to any great principle, but are matters of detail which can be arranged amicably by conference between the Native Minister and the representatives of the various tribes.

I speak in the name of almost all the tribes, when I say that they are not opposed to the surveys or the Native Land Court, but, on the contrary, it is by their wish that the Land Court is held to establish the right of the people to their land. When, therefore, I uphold the Land Court I am only giving effect to the deliberate will of the people expressed through their chiefs again and again. Do not be offended when I say that I think you are wrong in preventing the people from trying to establish their tribal, their hapu, and their individual rights to the land. You think it best for the people that there should be no Courts. I think it best for the people that there should be Courts. Who, then, shall decide between us? My answer is, Let the people who own the land decide.

Your request for the establishment of a Council for all the chiefs of the island is a subject of so much importance that, as I intimated to you at Alexandra, I have submitted it for the consideration of the Cabinet. Ministers think that the power to call such a Council together has passed from the Queen to the Parliament of New Zealand, and must be sought for by a Bill.

Ministers consider also the time has passed when they could as a Government adopt the proposal, and in support of this I will quote a portion of section 71 of the Constitution Act:—

And whereas it may be expedient that the laws, customs, and usages of the aboriginal or native inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity, should *for the present* be maintained for the government of themselves in all their relations to and dealings with each other.

It shall be lawful for Her Majesty, in and by any Letters Patent to be issued under the Great Seal of the United Kingdom, from time to time to make provision for the purposes aforesaid, &c.

It seems clear from this that the Councils referred to were only to be of a temporary nature, and though they might have been applicable to the state of affairs in 1852, they would not be so in 1886. It was not intended by this provision that they should be permanent institutions; and to introduce them now, after the lapse of thirty-four years, would be acting directly contrary to the spirit of the Constitution Act itself.

Ministers, moreover, are of opinion that, so far from uniting the two races and enabling them to live together as one people, the proposal would tend to estrange them and set up two Governments, each possessing independent authority, leading to innumerable difficulties, which might be attended with disaster to the Maori people.

Your motives in seeking this measures to promote the welfare of the Maori people we do not question, but we are compelled to look at the results which would probably follow, rather than to well-intentioned motives which might end in evil.

The duty of the Governor and his Ministers is to carry out the Queen's word, which you have referred to in your letter—namely, "To watch over the interests and promote the advancement of Her subjects, without distinction of race." It appears to Ministers that, so far from the interests of the Maori people being advanced by the measure, a distinction of race would be drawn which would be injurious alike to Maoris and Europeans.

It is not necessary, after what has been said, to answer in detail the portion of your letter relating to the powers which might be intrusted to the Council you propose to establish, though it would be easy to show that, even were it advisable to create such a Council to do certain things, the powers which you would intrust to it are so excessive and so contrary to the interests of both races, that its establishment would be attended with great evil to the Maoris themselves.

As the Government, therefore, are bound to consider what is best for the Maoris as well as for the Europeans, they cannot agree to adopt a course which might lead to trouble hardly less disastrous than any which has yet come upon the Maori people, and which might end in lasting bitterness and complication between the two races.

In thus freely and unreservedly expressing the opinion of Ministers upon the subject, there is no wish to impeach your good faith or sincerity in desiring to do that which is best for the Maori people.

While Ministers, therefore, after careful consideration, are of opinion, for the reasons I have here stated that such a measure would be injurious to both Natives and Europeans, and cannot be introduced into Parliament by me, yet I am prepared to give you the utmost facility to introduce such a Bill without expense or delay, and if you accept the offer I made at Alexandra you can yourself make your appeal to Parliament on the subject.

In conclusion, I wish to say to you that, although my colleagues and myself cannot agree with you as to the Council, we earnestly desire to have your valuable assistance in arriving at what may be for the good of your people, and trust that you may still carry out your intention, and work cordially with the Government to that end.

From your friend,
J. BALLANCE.