

*D. McLean, Esq.*

29 Sept. 1860.

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.