

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS,

REPORTS FROM MR. FENTON, R.M., AS TO NATIVE AFFAIRS
IN THE WAIKATO DISTRICT.

(IN CONTINUATION OF PAPERS PRESENTED ON THE 31ST AUGUST, 1860.)

Presented to both Houses of the General Assembly.

NATIVE AFFAIRS.

REPORT FROM MR. FENTON, R.M., AS TO NATIVE AFFAIRS IN THE WAIKATO DISTRICT.

I know not whether my official position has sufficient of the political character appertaining to it, to justify me in communicating with His Excellency on the state of events around me, and the nature of the ideas that are spreading among the aborigines of this country.

There are times in the history of every people, when the popular mind, excited by some benefit coveted, or inflamed by some present hardship suffered, or future evil apprehended, is in a state of restless and abnormal agitation. The records of the past prove that a movement of this nature tends to permanent good, and develops itself in rapid and successful social progress, or becomes the source of discontent and retarded civilization, according as it is guided by the intelligence, or neglected by the supineness, of the governing power. Nor is a ready apprehension of the need of action with a judicious discrimination of the course to be pursued, whilst contemplating movements of this nature, of more grave necessity than promptness in commencing, and decision in conducting the plans decided on, when once it has been determined that the directing hand of Government shall be interposed. The delay of a brief period in the action of Government may allow the agitation to have grown beyond control, or may cause the objects sought to be obtained thereby to have become of an antagonistic character.

When I prepared my previous minute on the advantages which would be derived by the Government, and the benefits which would accrue to the Maories, by concentration of the population and fixity of residence, to be obtained by the establishment of villages with a permanent system of agriculture, and a settled plan of administration of law for their own municipal purposes, it seemed to me probable that there would be no necessity for the Government to take any further step, until by some perseverance in the course laid down, and practical experience of the benefits resulting therefrom, the Maories had gained confidence in the new system of things, and had begun to feel that further development was necessary to provide for newly discovered wants. It was with this expectation that I remarked that provision for the adjustment of intertribal matters could be arranged hereafter, when the Maori Magistrate or Warden had become partially educated in the administration of law by the practice of settling disputes in his own tribe, and had been taught to consider the principles of law, by the necessity of making rules for the good order of his own village.

I was not, therefore, prepared to recognize as a fact, that a large proportion of the aboriginal population of this country—including the numerous tribes comprehended under the general name of "Waikato"—have already advanced in their desires for the establishment of law, beyond a mere provision for the internal Government of each tribe, and are now actively engaged in devising some means by which the whole of the extensive district peopled by them may be brought under the control of a number of officers of their own race, whose duty it shall be to administer the few simple laws which they, as a people, propose to make for the protection of their persons and property. Having, however, ascertained by personal attendance at several of their numerous meetings, and attentive consideration of their debates, that this movement is not a fugitive desire, the result of temporary excitement, but a fixed determination to discover and establish among themselves, a system of order and combination, which may enable them to advance in the social scale, and preserve them from the ultimate fate of total subserviency to their European brethren, it seemed to me proper to communicate for the information of His Excellency the Governor:—

I. An accurate account of the feelings and movements before alluded to;

II. An explanation of the plans proposed by them to effectuate their desires; and

III. I propose, with great submission, to add a few remarks stating the conclusions at which I have arrived, and the course which it seems to me advantageous to pursue, in the present position of events.

I refrain from commenting on the long course of "*laissez faire*" policy, and the other causes which have induced these conditions, as I have stated them with some fullness in the minute before referred to, though I must admit that the development of the state of feeling resulting from those causes has been more rapid, and seems to have effected a more speedy combination, than I once thought probable.

It is further to be noticed that statements and opinions contained in this paper are only intended to apply to that portion of the Maori population known as "the Waikato tribes"; though, as the four large tribes which now occupy the banks of the Thames resided formerly, for a long period, in the upper districts of Waikato, are sprung from the same stock,* and still retain a close and constant connexion with the tribes still resident in the district, it is probable that similar impulses are now actuating them. However, the question of extent of country, and numbers and importance of tribes concerned, is merely one of time, for similar causes, under similar conditions, will ultimately produce similar results.

I. The feelings and desires of the Maori population with respect to their present social and political position may be succinctly stated, as they are entertained almost with unanimity, although

* Marutuahu, from Kawhia, is the ancestor of the Thames tribes, and his name is often used to designate that people.

the plans by which these desires are proposed to be effectuated are various and conflicting. Recognizing generally the advantages derived from the European connexion, they are still conscious that they are gradually *losing ground before* the greater individual energy, and more complete *social organization* of the whites; and they are anxious to arrest their downward progress before the disproportion of the races shall render the attempt hopeless. They observe that the Government of the country is more anxious to obtain possession of their lands for the augmentation of the intruding body, than to elevate the present possessors, and admit them amongst themselves as a component part of one people, and they desire therefore to devise measures which shall tend to advance them in civilization, and entitle them, at some future period, to demand the rights of citizenship on terms of equality. They perceive that Government is unable or unwilling to elaborate and prosecute any scheme by which law and order may be introduced and *enforced* in their villages, and they now seek, by their own intelligence and activity, to discover some means by which these desirable objects may be attained. They observe that, though they have followed the injunctions of their rulers, to live peaceably and cultivate the habits of industry, yet they have made little social progress, and their political status is daily becoming of less consideration. They rejoice that the old Maori "ture," severe in its penalties and unjust in its application, has fallen into disuse, but lament that the superior intelligence of their governors has devised nothing to replace it. They remember the constant interchange of politeness and diplomatic courtesy that has taken place between the chiefs and each successive Governor, and they recall these attentions with satisfaction, but they also ask what mean these good offices from the Representative of the Queen.*

They know that when an assault is made, or a murder committed, a reprehensive article is written in the *Maori Messenger*, or a letter is despatched from the Native Department pointing out the sin of what has been done, and urging the Maories not to do so again; but they have failed to observe that punishment follows guilt with more frequency than reward accompanies virtue. Finally, believing that the cause of the regular success, and the origin of the imposing position of the the European body, exists in a perfect concentration of action resulting from order and organization, † they have resolved to use their utmost efforts to introduce these prime requisites amongst themselves.

II. The plans proposed for effectuating these desires are various and conflicting.

The original movement commenced, it appears, in the South, and has during the past year been gaining proselytes at assemblies held in different parts of the country, but principally in the central districts. The original conception, according to the intentions expressed by the people of Whanganui and elsewhere, appears to have been a mixture of folly and rashness, alike treasonable and impracticable. But few supporters were found in the Northern Province. The desigu advocated at the great Taupo meeting by the southern representatives, of driving "the Pakeha into the sea" and having New Zealand for the New Zealanders, could not be maintained before the more sober and rational arguments of the men of the north. ‡ The meeting seems to have separated without producing any effect upon the political aspect of affairs here beyond impressing upon the tribes from this Province who attended it a confirmation of their previously formed convictions and a fixed determination to commence their work in earnest. And now unexpected difficulties presented themselves. Although meetings were held at each settlement, occasionally, as often as twice a week, yet when their discussions advanced beyond mere theory, and their ideas had to be put into form for *practice*, they found that the task they had undertaken was too hard for them,—that "the path was not light;" and they are now in that state of doubt and enquiry in which it is competent for Government by a timely interposition to direct them into a course which shall result in incalculable good to both races, or by injudicious inertness or timidity to allow them to wander astray until they have gone too far to be recalled.

The following are the principal plans which are entertained and advocated in the Waikato district:—

"1. That an assemblage or parliament should be formed to be composed of men deputed from each tribe, and that Te Whero Whero shall be made King of New Zealand."

I have been present at several of their meetings but have never heard this plan advocated, though I have often heard it condemned. That it has advocates, however, and powerful ones, may be learnt from the following letter, which I obtained at the settlement of Ngatihaua. Copies had been sent to the chiefs of Waikato, and the answers would be instructive if they could be obtained.

* On the 9th March, at a meeting at Whatawhata, Tarahawaiki, a teina, or cousin, of Te Wherowhero, spoke as follows:—"This is what we are doing. When the Europeans first came, the Governor said "tena koutou," and made friends with us, and we said "tena koe, e Kawana," and made friends with him. The second Governor came, and said "tena koutou, e hoa ma," and made friends with us, and we did to him as we did to the first. All the Governors said "tena koutou," and we said "tena koe." Then this Governor came, and we said "tena koe," and he said "tena koutou" to us. And now we are seeking to discover what it means. When we have found out, then we shall know.

† Heke, a man in advance of his age, was the first who tried to complete an organization. He attacked the symbol of British supremacy, and having achieved his object, he was merely defensive during the war that ensued. The symbol still lies prostrate, a warning if not a reproach.

‡ During a night debate, held in the large house erected for the purpose, when one of the Southern orators was advocating the total expulsion of the Europeans from the country, Tarahawaiki arose, and passing round the house blew out, one after another, all the candles, and resumed his seat without a remark. The orator, understanding the allusion, said "I think you had better light the candles again," to which Tarahawaiki replied, "It was foolish to blow them out."

“ Year 1857, February 21.

“ To all Waikato.

“ This is the agreement of Ngatihaua for Potatau to be King of New Zealand.

FRIENDS,—Our eagerness is great that Potatau should be constituted this year. Do not procrastinate. Hasten the assembling of the Councils. Hasten the establishment of the arrangement, and when it is completed the documents will be collected, and a day will be named when he will be instituted. Be quick. Write to the remote tribes that they may hear.

“ From

“ WILLIAM TARAPIPIPI,

“ And all Ngatihaua:

“ To Waikato, Kerehi, Pukewhau, Harapata, Tomo, Ruihana, Waata Tengatete.

“ Use dispatch.”*

Tarapiripi, the writer of this despatch, is better known by his English name of Thompson. He is a magistrate appointed by Government, and chief of the tribe Ngatihaua. This tribe was the most famous in the old fighting days for enterprise and resolution, and still, from its numbers and the extent of its conquests, possesses more influence perhaps than any other single clan. It inhabits the country between the Thames and the Horotiu, and has several villages on the Waipa plains.

Copies of this letter have been sent to every eminent chief in the district. The answers, I believe, are generally unfavourable to the writer's views, though several chiefs have expressed themselves as anxious to cooperate with him. The grounds upon which the dissentients have formed their opinions, are such as to cause me to infer that the Maoris perfectly understand the bearings and the consequences of the act proposed for their sanction. They are of opinion that the appointment of a King would be a matter of offence to the Queen and to the Europeans generally—that, if appointed, Potatau would have no funds, either to support his own dignity, or to pay his officers—that they could furnish no men of sufficient education and intelligence to act as his secretaries—and that he himself is perfectly incompetent to discharge the duties of the proposed office—that the use of the term “ King of New Zealand” is futile and injudicious, inasmuch as although the tribes in the South had consented to recognize Potatau as their lord, yet the Northern tribes, the proud and victorious Ngapuhi, would never submit to the authority of a man who had often fled before them, but would on the contrary be highly irritated at any such proposal—that, therefore, at the most, Potatau could only be King of Waikato; and that, in fine, a union founded on a scheme of this nature, would not be strength, but, on the contrary, a source of weakness. I believe that Potatau himself, *ostensibly*, affords no countenance to these proceedings of Ngatihaua, but I place little importance on this fact, for, if the public feeling plainly demanded such a step as that sought by the agitators, and Potatau declined the office, they would, according to their national custom, immediately select some one else.

It does not seem then that this project requires from me any further notice, and I will therefore merely remark that the whole design, instead of being viewed as a treasonable act demonstrative of infidelity to the Crown, should be regarded simply as a crude expedient devised by a body of ignorant men who, feeling discontented and unhappy at their position and prospects, have caught at the first plan which suggested any possibility of relief. At the same time, I submit, that the wise politician omits no opportunity of ascertaining from events however trifling, the state of the public mind, and endeavours, in the education of a barbarian race, to be rather before than behind the necessity of the day:—he watches events, as the pilot watches the straw. To treat with supercilious contempt a movement in which many thousand reflecting minds are engaged, and for the objects of which as many active bodies are disposable, is scarcely the part of a prudent statesman. If dissatisfaction at some real or imaginary present evil, or desire for some possible future good, has excited discontent, or inflamed uneasiness in the minds of a large body of men, an accidental* occurrence, or the guile of one individual, may convert an idea into a fact, and exhibit the development of a completed organization, where common observers merely perceived an impossible phantasm. That Ngatihau, Ngatitoto, or Ngatiawa, should not merely consent, but actually propose, to receive a lord from Waikato, proves that old hatreds and jealousies are becoming

* Ki a Waika'o katoa.

Tau 1857, Pepuere 12.

Ko te whakaetanga tenei a Ngatihaua mo Potatau he kingi mo Niu Tirene.

E hoama. E nui to matou hiahia kia whakaturia a Potatau i tenei tau ano. Kia kana e whakaroa kia hohoro te runanga o nga Runanga. Kia hohoro te takoto te tikanga, a ka oti ka huhiua nga pukapuka ka karangatia te ra e whakaturia ai. Kia hohoro. Ma koutou e tuhituhi au ki nga iwi o tawhiti kia rongo ai ratou. Heoi ano.

NA WIREMU TARAPIPIPI,

me Ngatihaua katoa,

Kia Waikato, kia Te Kerehi, kia Pukewhau, kia Arama Karaka, kia Haropata, kia Tomo, kia Ruihana, kia Waata Te Ngatete.

Kia hohoro.

* “ Accident” is perhaps an improper expression to characterize a class of events which *must necessarily happen* in the ordinary course of things where a civilized and uncivilized race are in daily intercourse. The irruption of 300 armed men of Ngatipaoa into Auckland, so admirably repelled by the decision of Governor Sir G. Grey, was brought about by an “ accident.” The uneasy crisis, which attended the trial and execution of Marsden for the murder of the Ngatiwhakaue woman, and the agitation of the whole of the Waikato tribes by the death of the Tainui man were “ accidents” in the sense in which I have used the term. The Taranaki war, and the capture of Kororareka were the result of “ accidents.” The battle of Te Ihutaroa, in which 40 lives were lost, was brought on by an “ accident,” when the Missionaries who had assembled to avert bloodshed, had left the ground, thinking all danger of collision over.

merged in stronger passions, and that a facility of combination exists which should "bid us pause." *Obsta principiis* is a maxim always safe, and rarely difficult.

(2.) There is a second class who suppose that the substitution of the title "Governor" for that of King, would avoid most of the objections connected with the former, and might possibly meet with the approval and support of His Excellency. Their idea is, that a Maori Chief should be named by them, and, having been instituted into office by the European authorities, should be a sort of second consul, specially charged with the supervision of the Maori interests—that he and his secretaries should be supported by the revenues of the country, alleging as a ground for this claim to support, that the Maoris are large contributors thereto—that he should have power to summon a "runanga resembling the General Assembly which meets annually to adjust the European interests, which "runanga" should, with his consent, make laws and appoint officers—that he should be charged with the peace of the country, and the execution of justice therein—and that when he died, or became incapable to act, his successor should be appointed according to their custom, by the voices of an assembly of themselves.

The number of Maori politicians attached to this creed is few, and may be easily enlisted either amongst number 1 or number 3. Wiremu, the old fighting chief of this place, professed himself a partial adherent, but hearing that it was objectionable, and would not meet with the approbation of the Governor, he abandoned it, and transferred his support to class 3. In fact, the few individuals who entertain these opinions, state them with doubt, and abandon them (apparently) without defence. The Maoris seem aware that there is no middle course between the total recognition and the entire disavowal of the British sovereignty.

(3.) The third class appears to me to comprise the great bulk of the community; and I attach so much importance to the ideas which compose this political creed, that I shall venture to state them at some length. The active part of the agitation is principally in the hands of the most intelligent of the middle-aged men, though the old chiefs, without much actual interference, lend their influence, and approve of the proceedings.

The plan is, to establish in each large village, by popular election, a "runanga," or council, consisting of about 12 men, the duties of which council shall be to make laws for the government of the village. These laws will touch the Maori race only, and will deal with such subjects as women, cattle, trespass, fencing, growth of noxious weeds, adultery, theft, slander, pigs, canoes, tauas, tauman, and spirituous liquors. When some simple regulations are made by the "runanga," the whole village is to be assembled, the laws explained, and their sanction obtained. In case any individual refuses to consent to the regulations, he is to be denied the benefit of their interference in case he suffers an injury. The "runanga" then select two or three of their own number to act as magistrates or wardens, whose duty it will be to assess damages by trespass, &c., to make awards between litigant parties, and generally to settle disputes, and direct the internal economy of the village. If their award is not obeyed, they propose that obedience shall be enforced after the European fashion. If no sufficient personal property is possessed by a defendant to satisfy a judgment, they propose to transfer a portion of his land, or to diminish his tribal right of commonage; and if he has no land, or interest in land, they propose to take him to the prison in Auckland. In cases of difficulty, they wish the European magistrate to assist them and direct their judgment; and they propose that this officer, instead of remaining stationary and merely holding periodical courts, shall make circuits, and visit each village at frequent stated periods, and after adjudicating on the matters that may be awaiting his arrival, shall instruct them in law, and advise with them on the general affairs of the village. For intertribal matters, an assessor or warden from each tribe is to hear and determine, with a European magistrate presiding, if one can be obtained. If a law proves to be insufficient or unjust in its operation, the "runanga" is to be assembled by the wardens and a new law made.

They further propose that one of the Wardens from each village shall be deputed to attend a general meeting to be held once a year, where the laws of each village shall be discussed, and made to assimilate through the whole district, except such as are purely local, as for example a law regulating an eel-pond, or a pig run. Over this greater assembly is to preside one man, chosen by themselves, but what are to be his functions, they scarcely seem to know, "Kai whakahaere tikanga" (one who makes things go) has been suggested as a name for this officer, and it partly explains his duties, but their idea seems simply to be, a person who may be regarded as an embodiment of the "mana" or sovereignty of the people.

When they understand the English language, and are sufficiently advanced in other respects, they propose to enter the European assembly, and in all respects identify themselves with the white people.

Such is a general sketch of the plan of government which the Maoris have invented, and to the accomplishment of which they are now devoting every energy. The traveller meets frequent horsemen on his road, and is struck with the universal answer, "I am going to the runanga." These assemblies are being held constantly, to-day at this settlement, to-morrow at another, and the union of both at a fresh village on the third. I have attended several, and have everywhere observed the utmost decorum and regularity. Always solicited to assist them in the work they had undertaken, and direct the proceedings, I have given but one answer, that I had no instructions from the Governor on the subject, but that I would communicate to His Excellency what their wishes were, adding at the same time a few general remarks on the advantages of law, and explaining the leading principles of the English system.

The better to enable His Excellency to realize the exact character of the movement, I will briefly advert to the proceedings that take place at the meetings. At one place I found written in a book, as a sort of record, a memorandum of which the following is a translation;—

“ 27th February, 1857.

“ This is the day on which we assembled to discuss the laws. That about plantations was completed previously. We agree to this undertaking, that the arrangements for everything may be satisfactorily made.

“ The law for theft.

“ The law for slander.

“ The law for witchcraft* viz., for any man who says he is a wizard, or for any man who accuses another of witchcraft.

“ The law for women.

“ The law for a horse eating wheat.

“ The law for pigs.

“ The law for spirits.

“ The law for any one who startles another on horseback whereby he causes him to fall.

“ The law for any one shaking grain out of wheat.

“ The law about mares in foal.

“ The law for the killing of a horse.

“ The law for the killing of a cow.

“ The law for the unfenced stack of wheat.

“ The law for the man who remains outside the laws ; no payment for his crops, although they are devoured. Of what consequence is it, for he is not fenced by the law.”

Here is the copy of another paper, the heading of a meeting.

“ March 2, 1857.

“ An assembly at Whatawhata on the subject of the laws of the Queen. Let the arrangement for everything be established—for wheat, for corn, for potatoes, for adultery, for theft, for slander, for assault, for all things. Let the assembly discuss, and seek a plan, that the system may be settled.”

Addressed to myself was written—“ This is our address to you. Make us a speech that we may hear about the law—the principles of the laws for theft, adultery, slander, for the man with two wives. Give us a speech about the laws such as you gave to Waata, to Takerei,† to Tioriori and others. Do the same here.”

The following notice was posted on the door of the Assembly House, at the same village :—

“ NOTICE.

“ March, 1857.

“ The men for the assembly of Whatawhata have been established ; they are fifteen in number. These men will seek for the laws. When they have completed them, they will be announced to the multitude.”

The meeting at Whatawhata advertised for March 2, (see above) commenced at 10 a.m., and lasted until midnight. I was present during the whole of the sitting, and took notes of the proceedings, but the paper got so wet in my return journey, that I cannot decipher the writing. It is therefore only in my power to express my admiration of the conduct of the speakers, and of the judgment and foresight which they brought to bear on every subject under discussion. Some of them were of no ordinary difficulty. For example, it chanced that two of the number were men who had two wives. The discussion relating to the law affecting them was instructive, and went far to convince me, by the moderation and good temper, combined with acuteness and judicious apprehension of consequences displayed on all sides, that the assembly was qualified for the task it had undertaken. The ultimate decision was that no protective law should be made for such a case, but that in the event of adultery of either of two wives the husband should be left without a remedy. As the whole community would oppose the exertion of anything like force, of course it would never be attempted. To show the practical effect of the establishment of laws amongst them, with which they are acquainted, of which they approve, and to which they are consenting parties, I may mention one fact. When I passed through Whatawhata on my journey to

* I doubt whether a law on this subject can be carried out *effectually* for many years to come. No superstition retains so powerful a hold on the human mind.

† This alludes to an interview that took place at Pepepe between myself and a large body of Maoris. I held a Court at that place, and as the case to be tried was one which had excited some interest, natives assembled from far and near, including many of the leading men of the river, such as Takerei, Kapihana, Karaka Hiko, Karaka Te Ao, Taneti, &c. After the Court was over, they demanded information from me as to what steps the Governor was taking to introduce law for them. I replied that a book was being written for instructing them in the English law—further than that I knew not. They said that was good, but not sufficient. They added that they were acquainted with the meetings of the General Assembly, and that the speakers there made laws for the whole country, why were they not admitted? That interpreters were abundant; that the Maories generally were talking about this; and that many were beginning to entertain evil thoughts, and if any one said they were not, none but a ‘kuare,’ a stupid person, would believe them; that they themselves were only engaged in seeking law; that the promise was made to the Maories that they should not be treated as an inferior people, but that they should walk on a parallel road with the Europeans (illustrating the idea.) When the Governor allowed the Europeans to deliberate for their good, why did he not allow the Maories; that they had lately begun to assist themselves, but hoped that the Governor would come, and shew them the road, for it was difficult, and they were blind, &c., &c. They then proceeded to ask me to explain the principles of the law, and its mode of administration, and demanded my assistance in modifying the laws to suit their own circumstances. I replied, that at present, I could do nothing more than explain to them the laws.

The next day they tried and sentenced a Maori. The offence was slander. The sentence—a written apology.

Whaingaroa, not one wheat stack was fenced; on my return to try an adjourned case, they were all surrounded by substantial fences 6 feet high.

At the conclusion of the meeting, three men were appointed to act as wardens or magistrates (kai whakariterite). They were separately proposed, and agreed to by acclamation. It is a fact worthy of remark, as evidencing the spirit of the times, that neither the son of the recently deceased chief of the tribe, nor the cousin who succeeded him in his dignity, were amongst the number selected, although they were both present in the assembly. The farming establishment at Kohanga was frequently alluded to, and hopes were expressed that an enterprise of the same sort may be undertaken by themselves, observing, however, that it would be advisable before commencing material improvements of that description, thoroughly to establish their laws and to overcome the first difficulties of initiating them.* Throughout the whole of the deliberations there was the constant expression of an earnest hope that the Governor and the authorities would assist in the work, as "they were seeking a dark road and had none to enlighten them."

Some days afterwards a combined meeting of Whatawhata and Whaingaroa, with some individuals from Rangiriri and Kaitotehe, took place. The principal men present were Mohi, Te Reweti, Takerei, Kibirini, Paora Tirua (Kawhia) Taneti, Karaka Hiko, Heta Tarawhiti, Paratene, Tarahawaiki, Waikato, Pouaka, Enoka, William Naylor, Hakopa, Parauria, &c., &c. His Excellency will gather from the following remarks of Tarahawaiki the general tone of ideas which characterised the speeches. "In old times the Maories were very wicked, but they were independent. Then the missionaries came; they came underground; then they erected themselves, and finally took their station alongside of us, the same height, but no higher. We helped them and they helped us. They taught us the Gospel, and we now help them to preach it. We were not enslaved, and it was very good. Then the multitude of the white man came, the Governor and the magistrates. They came underground too, until they approached us; then they stood erect and spoke soft words to us, but they grew higher and higher, and now they are far higher than we are. The soft words remain, but we are sad. What is to be the end of this? Let the Governor help us to discover a plan. If we seek a path by ourselves, we shall go astray. Let the magistrates consider this, for I who speak am not a young man nor a mean person." The tribes present in a body, or represented by a few individuals, at this meeting were Ngatimahanga, Ngatiruru, Te Ngaungau, Ngatimahuta, Ngatingamuri, Ngatihourua, Ngatihine, Ngatiwhauroa. There may have been others, with which I have been unacquainted.

A subsequent meeting was arranged to be held in April at William Naylor's settlement at Whaingaroa, when all the Waipa tribes, including Ngatihaua, are to be present. Another large meeting is to be shortly held at Rangiriri, in the centre of the district of Lower Waikato; and the lamentations over Epiha at Ihumatao, about the end of April, will afford the occasion for a third, which will be largely attended.

III. I have thus briefly stated the objects which the Maories are desiring to achieve, and the plans they propose in order to effect these objects. It is not needful to refer to the causes which have operated to produce such results, as I have already adverted to them in my previous minute. And now I trust that His Excellency will allow me to place before him my views as to the course to be pursued under this phase in the aspect of native affairs.

If the details that I have given are true, the importance of the events cannot be over-estimated. It must be received as a "great fact." That a whole people should be engaged in the elaboration of one idea is sufficiently striking; and when that people is one placed by Divine Providence under our own control, with whose progress in civilization our interests are engaged, from whose advancement in material prosperity we shall derive equal benefit, on whose contentment our peaceful supremacy depends, and for *whose welfare our most sacred pledges have been recorded*, it becomes then not a matter for quiescent observation, but a point of duty as well as of interest, to come forward and offer sympathy and assistance, if the objects sought are right, and every opposition that can be effectual, if the designs entertained are wrong. It is not a small matter with the Maories whether they succeed or fail in their efforts. The moment is regarded by them as of vital interest, their first spontaneous effort to create a new civilization, the turning point of their importance as a people. A deprecatory article in the *Maori Messenger*, or a letter from the Native Department exhorting to virtue, will not suffice to banish from their imagination the idea that they have before them a *practical* good, which may be attained by a vigorous pursuit.

The doctrine of Non-interference in the internal affairs of the colored portion of the population of this country has been adopted and acted upon as not only convenient but absolutely necessary; but only, so far as I understand it, in these cases where an effectual discharge of the duty devolving upon Government, would require the intervention of an executive force. But this is not a case of remedying a wrong, or obtaining satisfaction for an insult, or redress for an injury, but touches rather the legislative function, and is simply and purely the perfecting of a scheme for establishing a machinery by whose action wrongs shall be made to cease, or be remedied by the ordinary operation of law. Surely the motto which forms the abbreviated creed of our Maori politics, is not one so recommended by its dignity, or so convenient in its results that we should resolutely maintain it, when the opportunity presents itself of acting on an honorable principle, one alike consistent with our obligations and beneficial to our interests. There are occasions in the history of nations, as of individuals, when to do nothing is not only less dignified but more dangerous than action. The motto now on our shield cannot be maintained there for ever. The time will come when it must be erased. "In politics," says Chateaubriand, "finality is impossible. It is an absolute necessity to advance along with the human intellect."

* "Of what use would a farm be," said one, "if our next neighbour could cover it with dock?"

I presume then that the Government will use its influence, and interpose its guiding hand, if a course can be pointed out, which, with a fair promise of good result, presents no appearance of difficulty or chance of failure beyond such as attend every human enterprise.

And now must be considered the end to be gained by such interposition, or, in other words, is it just and expedient that all or any of the ideas which the Maories entertain should be encouraged and fashioned into practical form. The Christian philosopher, in meditating on this proposition, would simply enquire what justice required, and would not allow the question of expediency to obscure his judgment. But the politician having informed himself of the pledges given, having learnt the obligations undertaken, and having examined all the collateral and contingent consequences implied in or flowing from these pledges and obligations, is compelled to ask himself how many of these it is possible to perform, and how many it is expedient to forget?

The treaty of Waitangi testified the cession of the sovereignty of these islands to Her Majesty, and Her Majesty, by that instrument and by a subsequent proclamation granted the rights of British subjects to the whole Maori race. "There exist between the sovereign and the people the mutual duties of protection and subjection."—(Blackstone's Com.) The one has hitherto been as imperfect as the other. "The laws of England are the birthright of the people thereof."—(12 & 13 Wil. III, cap 2.) The Maories have been for 16 years British subjects, and perhaps one-fourth of them are natural-born British subjects, and they yet know as little of their rights as they do of their obligations. This contract of subjection and protection has been, by a tacit consent, allowed to lie dormant. The Crown has not exacted obedience, nor has it rendered protection. This position of relations cannot endure for ever, and the Government will doubtless seize the first opportunity offered by events for the abandonment of a line of policy, or rather negation of policy, which is at once unproductive and humiliating.

Every Englishman has a jealous regard for the honour and dignity of the Crown, and while he is ready to defend it from the insult of others he is watchful that every pledge entered into by the Crown itself shall be amply redeemed. Hence the class of politicians who demand that the whole Maori people shall be at once admitted to the exercise of their full privileges even before they are qualified to undertake the corresponding obligations, is neither few in numbers nor unimportant in position.* Nor are the Maories themselves inclined to allow these rights to be altogether abandoned by them. After the trial of Marsden, some of the Ngatiwhakau chiefs declared that they would not submit to another criminal trial, where a Maori was concerned, unless some of their own race were on the jury. Is the declaration of the Ngatiwhakau chiefs already forgotten? or do we await the time when some grave complication having arisen overpowering necessity will compel attention to it? Our judgment will not be quickened by the pressure of terror, though *vis inertiae* may be overcome by its force. And how great is the disadvantage under which an arrangement is undertaken when one side is inflamed by passion, and the other is impelled by dread. "Reason is but a weak antagonist when headlong passion dictates. Those who attempt to reason us out of our follies begin at the wrong end, since the attempt naturally presupposes us capable of reason, but to be capable of this is one great point of the cure."—(Goldsmith.)

The recent movement in the South, taken by a large body of natives who have placed themselves on the electoral roll, is pregnant with matter for reflection. The law cannot arrest it, for, although the native ownership of land being of the nature of a common,† a sort of incorporeal hereditament springing out of land held under no title recognized by the law, can confer no sustainable claim to vote, yet there are but few Maories who have not, as occupiers, a valid and indefeasible title to the franchise. I do not speak of occupancy as conferring a title, on the maxim of the old Roman law: "*Quod nullius est id ratione naturali occupanti conceditur,*" but simply as of a tenancy.

If this be true, are the European authorities to remain inactive spectators of a movement the ultimate result of which may be that the civilized portion of the community shall be overwhelmed in the elections by an ignorant majority, who render no actual allegiance to the laws whose privileges they are exercising?

I take for granted that Government have no intention (without entering into the legal question of *right*) to abrogate, by any express act, the privileges already conceded to the Maories, but would rather see them properly appreciated and intelligently exercised, at the same time that the obedience and subjection implied in the great civil contract is duly rendered. It being admitted that the Maories are *theoretically* entitled, but are *actually* not qualified to exercise these privileges, the inference follows that for the present they should be induced to forego the exercise of them, and that in the meantime they should be suffered to exercise political privileges of a more primary character; that is, that they should be encouraged to undertake the institution of law in their own villages, assisted to make such bye-laws as their peculiar wants require, allowed to nominate men to carry these laws into execution, and permitted to assemble periodically for the purpose of discussing the actions of the past, and providing for the needs of the future. Thus will a continued progress be made in their political education;—their thoughts will be occupied, their minds elevated, and their ambition satisfied.

* *Vide* the evidence taken before the Board of Enquiry under the head "Juries." Also the scheme proposed by Mr. Busby, a gentleman whose abilities and long experience render his opinion second to none in value, also his correspondence with late Chief Justice Martin on the subject, appended to the evidence.

† "Such an enactment must be based upon the principle that uncivilized tribes, not having an individual right of property in the soil, but only a right analogous to that of commonage, cannot either by sale or lease, &c."—Governor Gipps to Lieutenant-Governor Hobson, March 6th, 1841, on opinion of Attorney-General of New South Wales.

Objection will be raised to the granting of permission to make these bye-laws, on the ground that the power of holding meetings for the purpose of considering laws would be a proceeding fraught with danger, an *imperium in imperio*. This objection will be made with the loudest voice by that class of politicians who, whilst asserting the existence and supremacy of the English law, and protesting against any action being taken on the seventy-first clause of the Constitution Act, are ever ready to display the motto on the shield, "Non interference." Now, either law exists and operates, or there is no law at all. Law is described by Blackstone as "the rule of action," and if it does not rule human action, it is no law. It is a mere myth, a spirit whose existence is believed in, but cannot be felt. It is useless to pretend a belief in the reception of law by the Maories. There exists a void and this void, the persons principally interested are anxious to fill. The English power, having failed to induce the adoption of law in a *direct manner*, through the means of English magistrates, is now offered the opportunity of thoroughly instituting all the ordinary laws, as far as they can be made applicable, by the simple and constitutional plan of initiating them through the intervention of the people themselves. For, in fact, the movement will if properly guided, result in nothing more than the permanent establishment of a powerful machine, the motive power and *the direction of which will remain with the Government*. When the Maories express their anxiety to make laws, they also pray that the Governor will cause them to be instructed as to what laws they are to make. In fact, their views, divested of maoriisms of thought and expression, are simply that the law of England may be introduced amongst them, with such modifications as their circumstances require. And that some modifications are necessary, no one acquainted with the character and habits of this people can deny. It is impossible that the laws of an ancient and most elaborate civilization, which have gradually approached perfection through long ages of experience and amendment, can be applicable to the conditions of the moral and social position of a people recently removed from the lowest grade of barbarism. What is the use to them of the right of divorce by Bill through Parliament, or *de mensa et thoro*? How can the Statute of Distributions regulate the disposal of the effects of a deceased Maori chief? How may the English law define the title to an eel pa, or protect the rights of the owners of a pipi bed? Above all, how can English law operate upon the deep-rooted superstition of "Makutu," or eradicate that most evil and disastrous custom of "taumau"?* It seems to be a necessity that the law should be made as suitable as possible to the circumstances of the population who have to live under its operation; and this necessity may be easily satisfied by means of the discussions of the Maories themselves, assisted by the presence of a skilful officer of Government instructing their ignorance, and directing their deliberations.

Having thus presented to His Excellency the aspect of a new people agonizing in the birth-throes of order, and having adverted to the solemn obligations under which the British power is held by previous contract, and the duties which its position and Providence have called upon it to perform, let me now briefly allude to the practical and permanent benefits which would result to both races, if the designs now proposed are carried out and meet with the success which I venture to predict.

I will first notice the improved state of society which must inevitably result from the habit of self-control caused by the constant presence of a superior power teaching restraint by fear of punishment, and encouraging virtue by the approbation of an enlightened tone of public opinion. "Few inclinations," says Dr. Johnson, "are so strong as to grow up into habits when they must struggle with the constant opposition of settled form and established customs. Many have no other test of actions than general opinion; and all are so far influenced by a sense of reputation, that they are often restrained by fear of reproach, or excited by hope of honour, when other principles have lost their power." The missionaries converted the people to Christianity, and there their functions ended. The divine law was their duty, the human or social law is the charge of Government. And when this question has been properly solved, and the Maories are engaged *with* the constituted authorities in enforcing obedience to the law instead of negotiating for terms when an "accident" has caused an overpowering necessity for governmental interference, the complicated difficulties of administering the affairs of New Zealand will be at an end. For this purpose their sympathies must be enlisted with us, and not allowed to run astray in an opposing direction. Opportunities for gratifying ambition must be afforded, which will estrange their thoughts from constantly dwelling on the idea of a lost independence. "In all cases we should arm one passion against another. It is with the human mind as with nature, from the mixture of two opposites the result is most frequently neutral tranquility."

Regarded as a means of increasing the material wealth of the country and developing its resources, the question is one of equal moment. The Auckland province has simply fertile soil in moderate quantity, with timber and mineral wealth, and is altogether wanting in those rich gifts of nature, which characterise some of the Southern provinces and offer a source of rapid prosperity to the colonist, with little labour and less anxiety. Every article of export from Auckland is the product of labour, and almost entirely of Maori labour. And now that our markets have failed, men begin to cast about for some staple article of export, which not being liable to the fluctuations so peculiarly characteristic of colonial markets, may offer a constant and increasing source of income to the Colony. Wool is generally admitted to be this desideratum, and to the encouraging of its growth the attention of men is being gradually directed. The quantity of cultivated land

* The betrothal of girls when children. No other custom or usage exercises so strong an effect in retaining the Maories in a low moral condition.

annually allowed by the Maories to return to a state of nature, or to become occupied by a lamentable crop of noxious weeds, cannot be estimated at less than 5000 acres. If, instead of this abandonment they were instructed to sow grass seed and introduce sheep, who can tell how soon the plains of Waipa would be a vast meadow, increasing the happiness of the owners, and adding to the resources of the Colony. At present, when spoken to on the subject of the melancholy extent to which the dock is overspreading the country, and when exhorted to commence sheepbreeding, and the sowing of grass seed on the abandoned lands, the universal answer is, "How can I keep sheep. Look at all those dogs. If there was a law about dogs, then I could begin."

Will any one oppose to me as an argument, that if the Maories are thus taught to use their land, they will never sell to the European? I cannot believe that a principle, so shallow in itself, so contrary to all honourable aspirations, so heedless of the duties entrusted to us by Providence, and so inconsistent with engagements voluntarily undertaken, will be advocated or even entertained. There surely cannot be any necessity for me to combat such a doctrine, even if it were grounded on something better than a fallacy.

In the event of the commission of a grave crime, or in case of one of the 'accidents' before alluded to, the Maori authorities, accustomed to the exercise of their functions, will call for the assistance of the European magistrate,* and the matter, deprived of its character *as a question of nationality*, will be disposed of, without excitement on the Native side and without apprehension on the part of Government. In towns, where the European element will continue to preponderate, some of the existing jealousy will probably continue for years, but even that will gradually be dissipated. At present, the criminal retires to his people, and regards himself as in a city of refuge. If the Government undertakes a course of humiliating diplomacy, and engages the assistance of the Missionaries,† the result will, probably, be the surrender of the culprit, and the elevation of the chief of the tribe to honour. But surely any opportunity which offers a prospect of terminating these unsatisfactory complications, should be eagerly embraced.

The paternal care of Government has enacted laws intended to restrain the Maories from indulgence in intoxicating drinks. How utterly ineffectual these laws are, may be gathered from the fact that this was the *only* question on which the thirty-three gentlemen who gave evidence before the Board of Inquiry were unanimous. The universal opinion was, that they were so consistently broken, as to be nearly inoperative, and many urged their repeal on that ground. It is useless to place laws on the statute book at variance with the universal instincts of the human heart, thus tempting men to continual evasion, unless such laws originate amongst the people affected thereby, through a deliberate sense of overwhelming necessity. When imposed by a conquering or intruding race they have too much the appearance of partial penal laws, a tyrannical distinction of caste, to be regarded with favour by the inferior people, or to engage for their observance any power from public opinion, (*vide* evidence Board of Enquiry.) The pride of the whole nation overlooks the sin of the few, and sees only its own humiliation. But the matter becomes different when they are solicited to consider the question, and make regulations for restraining the evil *themselves*. Waata Kukutai, the president of the farming institution at Kohanga, has stopped the use of spirits amongst his tribe, by a firm administration of a law which they made themselves. And amongst the subject matters for the consideration of the meeting at Whatawhata, it will be remembered that "the law about spirits" was one.

The Maories generally, I believe, are anxious to arrest the vice of drunkenness, and, if empowered, they can and will do so.

In perusing the evidence taken by the Board of Enquiry, I was much struck with the fact, that those amongst the witnesses, who apprehended that sooner or later, a collision between the races must happen, agreed that the immediate cause would be the use of spirits. However this may be, the importance of the subject cannot be denied.

The establishment of law and order would also rapidly tend to secure those prime requisites of civilization on which I enlarged in my previous minute;—fixity of residence, and thickening of the population. Cognate tribes would assemble in the neighbourhood of the village‡ where the greatest tranquility existed; and the quarrels and insults, which are now the fruitful origin of the dispersion of tribes, being terminated by the ready adjustment of the resident Native officer, would not be the cause of a subsequent separation. Moreover, these bye-laws will require plantations to be well fenced, and houses to be decently built, and the owners will hesitate to leave a property that has become valuable, especially if the partially exhausted lands are laid down in grass. It is unnecessary again to allude to the civilizing influences of a large population permanently settled in one place. When the people are thinly scattered over the country public opinion cannot have an existence, for there is no public; and no social check to negligence and sin can have any force, for there is no society." "In

* The Resident Magistrate should, under this plan, travel about, visiting periodically every settlement. The weightier matters will then be reserved for adjudication until his arrival. He should also interest himself in the social and material advancement of each village.

† The Government owes a deep debt of gratitude to the Missionaries. Most dilemmas have been solved, more or less, by their interference. When Sutton was assaulted, the agent sent by Government to obtain the surrender of the offenders was insulted and defied. The chief, Te Katipa, who was present, declared his wish that they should be given up, and pleaded his *total want of power*. Ultimately they were surrendered through the influence of one of Mr. Maunsell's Native teachers. The powder stolen by the Manaia Natives was, I believe, returned through the agency of the Missionary clergy.

‡ Wiremu, chief of Whaingaroa, expressed his readiness to settle the greatest 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.

“the country every man is a separate and independent being; solitude flatters irregularity with the hopes of secrecy; the impulses of nature act unrestrained, and the disposition dares to show itself in its true form, without any disguise of hypocrisy, or decorations of fashion.” Amidst a fixed and large population individuality is lost, public opinion is formed, and can easily be moulded into a beneficial and productive form by the superintendence and care of the central power.

Thus also will the waste land cease to be regarded as the bulwark of independence, and the importance attached to the possession of it will be transferred to the laws. The land is now retained principally from political motives,* as explained in my previous minute. The proposal of the Maories that the land of all the tribes who join in the appointment of a king should become vested in that king, is a plan which they invented the more effectually to prevent it from passing from their race. Men whose judgment is entitled to the highest consideration,† hold the opinion that much of the difficulty attendant on the land negociations, arises from the fact that no fundamental principles have ever been laid down to regulate the practice of purchasing, nor the causes sufficiently investigated and obviated which render the Maories unwilling to sell. When they cease to fear for their independence and have observed that their importance and position is properly recognized and protected, they will cease to regard the possession of the land as a matter of such deep interest to them.

By the process of collecting the scattered population to a few well defined central positions many out-districts such as Whaingaroa will be abandoned to the whites, and the numerous harassing vexations to which the latter are now exposed, and to which any Resident Magistrate can testify, will cease to retard the progress of the European settlement. The cultivation of wheat is gradually condensing the population, and the adoption of some such scheme as the one now proposed will greatly expedite the movement. The points around which the thickening seems to be taking place are Rangiaohia, Whatawhata, Kikikiriroa, Raugiriri, and Tuakau, places averaging 25 miles asunder.

Thus have been related the principal benefits supposed to be the probable result of a timely interference on the part of the Government. No great difficulty is involved in such interference, nor can I foresee any element of evil which is likely to present itself and cause perplexing dilemmas. The interposition of the Government would not be in the nature of an obstacle to oppose the existing current, but the exercise of a gentle influence to direct it into a new channel.

I may here pause for one moment to answer an enquiry which will probably have suggested itself to His Excellency's mind; viz., how is it that he, having daily interviews with Maori chiefs, has not heard of their desires, as detailed here, or been spoken to by them about their designs. The answer is to be found in an infirmity of human nature, which not only is remarkably prominent in the Maori character, but prevails, as I have read, with equal force throughout the whole of the races inhabiting the South Pacific Islands. It is a politeness verging on hypocrisy,‡ which instigates them, when paying visits of courtesy to a man of high rank or known power, to utter nothing which may be distasteful to his feelings, or contrary to his sentiments. Dr. Johnson has written, “To him who is known to have the power of doing good or harm, nothing is shown in its natural form. The behaviour of all that approach him is regulated by his humours, their narratives are adapted to his inclinations, and their reasonings determined by his opinions; whatever can alarm suspicion or excite resentment is carefully suppressed, and nothing appears but uniformity of sentiments and ardour of affection.”

It now only remains to define the steps which I propose should be taken, and to remark on the principal objections that will be raised thereto.

I propose the advisability of His Excellency calling a meeting of the tribes of Waikato, and personally attending such meeting, and expressing his desire to cooperate with them in their endeavours to secure the establishment of law;—that he should tell them that, as this is a great and difficult work, it cannot be brought to a successful result by persons acting in haste, and without much previous reflection;—that as the Maories are at present unfit to undertake the proper solution of this momentous question, it would be advisable for them not to enter into details at that first meeting, but simply to regard it as a sanction by him of the principle of the labours which they had undertaken, and a pledge of assistance in overcoming the difficulties;—that a second meeting will be called at the expiration of a year, and that in the meantime, each village numbering 100 people or upwards, might select a number of men to lay down and institute, subject to his approval, simple rules for securing the good order of such village, and might select, and present to him for sanction, the names of two or three men of known talent and integrity to act as magistrates or wardens in carrying such bye laws into force;—that on their application, officers should be despatched to render assistance in their work, and to explain the practice and principle of law;—that for the purpose of rendering the plan as perfect as possible, it would be advisable for the population that is thinly scattered over the country to resort to some of the large villages, and permanently settle there;—and that at the expiration of a year, when some insight had been gained into the nature of law, and the difficulties attending its introduction, another meeting should be called, when further steps could be taken.

It is unnecessary to allude to preliminary details. The co-operation of Potatau, if considered of any importance, can be easily obtained, and any foreseen difficulties smoothed away.

* *Vide* evidence of Mr. Whiteley and others, before the Board of Enquiry.

† *Vide* letter of Archdeacon Hadfield to the Governor, laid with the report of the Board of Enquiry and other documents on the table of the House of Representatives, Sess. 1856.

‡ See evidence of Mr. Interpreter Davis before Board of Enquiry, as to concealment by Maories of their real sentiments.

There is one principle in the proposed plan to which I presume that objection will be raised, inasmuch as it was not acted upon when suggested in my previous minute, *i.e.*, the granting permission to the Maoris to choose their own wardens or magistrates. This objection must be grounded on one of two suppositions; either that the system of election is contrary to the custom of the Maories, or that it would be entrusting to them a dangerous power which might be used against the Government.

With reference to the first objection, I submit that instead of being contrary to the Maori usage it is directly consonant with it. Every person who has resided amongst the Maoris, must be able to recall to his recollection occasions on which tribes have met to appoint a chief in place of one recently deceased. Nor can it be alledged that these meetings are not held to elect, but merely to institute the relative next in succession into the vacant dignity, for it often occurs that several relations are passed over, and a more distant one taken. Personal character now carries more influence than high blood. It is true that the person selected is generally of the blood of the late chief, but he could scarcely be otherwise for his relations, by blood or marriage, comprise nearly the whole tribe.*

When Karaka Te Uira, chief of Ngatipo, died, a meeting was held to nominate his successor. His nearest adult relation was his brother, a man of fair ordinary ability, and held in considerable respect—so he was chosen. When Wiremu, chief of Ngatikahu, was killed, the meeting could not agree upon a successor, though he left a son: no one was appointed, and the tribe is now dispersed. When the powerful Nopera died, a meeting was held to appoint a successor, but I am unaware of the result. So at the death of Pene Tau, who so skilfully defended Owhaowhae against the British forces, this vacancy was filled by election. Kukutai was killed at the battle of Te Ihutaroa, in 1846, and the tribe appointed his second son, Waata Kukutai, to succeed him, overlooking the eldest, Erueti, simply because he was a man of weak character. Riwai te Mokerou, chief of Ngatiruru, was not succeeded by his son,—he was young, and had no influence from personal character, so Enoka, a distant relation, was appointed. Instances could be multiplied. No system of government that the world ever saw can be more democratic than that of the Maoris. The chief alone has no power. The whole tribe deliberate on every subject, not only politically on such as are of public interest, but even judicially they hold their 'komitis' on every private quarrel. In ordinary times the *vox populi* determines every matter, both internal and external. The system is a pure pantocracy, and no individual enjoys influence or exercises power, unless it originates with the mass and is expressly or tacitly conferred by them. In case of a war the old chief would be a paramount dictator: in times of peace he is an ordinary citizen. "Ma te runanga e whakatu i a au, ka tu ahau." "If the assembly constitutes me, I shall be established," is an expression I heard used by a chief of rank, and perfectly represents the public sentiment on the question. It is the non-recognition of this trait in the Maori character and usages, that has caused the partial failure of the Native Assessor system.

Nor do I apprehend that any danger can arise to the Government from the election of wardens by the Maoris themselves. At present a Native Assessor is appointed by direct executive act of the Governor, yet the sentiments of the tribe are *generally* previously ascertained, though in a private and unofficial manner. The only change will be that their opinions will be *publicly* asked, and the appointment of the officer will have the prestige of popular approval, and be strengthened by the moral force of a solemn public act. At present the mass look upon the appointment of a Native magistrate as a matter concerning the pakeha, and feel no interest in it. Moreover, if evil designs are nourished by the people, they will elect their leaders without consulting the Government. The very fact of their desiring the sanction of the European authorities, is sufficient to prove that they merely desire, having obtained the best man for the office, that he should be supported by the influence of the highest power. The present Native Assessors seldom act at all, and never with any energy or determination. I cannot avoid the conviction that this supineness results from an absence of confidence arising from an ever present feeling that their position is not founded on the only basis known to the usages of the Maoris, the *expressed* approval of the people, and that they are regarded simply as favored agents of a foreign power. It is more than probable that the majority of the men now on the list of Native Assessors are the very men who would have been chosen by the people: still the advantages which would result from reliance by the Assessor in his power, and confidence in the respect of the people which would be caused by the public declaration of this fact, are wanting.

Moreover, if any real ground for this apprehension existed on any occasion, the Governor might disallow the election, and direct another. The veto would always afford a sufficient check, and the exercise of it, being rarely required, would not be regarded by the Maories as a hardship.

It will also be remembered that even if Government refuse its sanction to the exercise of this privilege in the manner agreeable to their old national custom, it will be always in the power of the Maories, so long as the present policy exists, to act irrespectively of the ruling power, but a proceeding of this nature would, if often repeated, be so antagonistic in its tendency, and its effect upon the public mind would be of such a schismatical character, that the contingency should by all means be avoided.

In any case, there can be no possibility of an elected warden adopting a course of action more contrary to our ideas of allegiance and notions of propriety, than that indicated by the previously inserted letter of Tarapipipi, a Native Assessor appointed under the present system.

Waata Kukutai, the chief of the Kohanga farming establishment, was elected by the people as a warden, and now administers and *enforces* law, although he has received no Governmental authority. He has, I am informed, already succeeded in stopping the consumption of spirits, has prohibited

* See Pedigree of Ngatimahanga tribe, annexed at the end.

'tauas' and 'huis'—sources of much evil, and forbids all resort to a display of force. If he were now appointed Native Assessor, the principle which I advocate will be recognized.

No objection can be raised to the scheme now proposed on the ground of expense, for no public money will be required. If, after experience of the amount of labour discharged by the warden, a yearly salary of £10 or £20 should be thought requisite, the fines received would be amply sufficient to defray this charge. Kukutai exacts or did exact £5 for drunkenness. But these fines should be paid into a fund, the salary of the officer being fixed, otherwise there would exist a temptation to unjust severity.

Some, who admit the necessity of a modification of our law to suit the social conditions of the Maories, may assert that the Resident Magistrates' Ordinance constituting Native Assessors makes ample provision for the administration of these laws, when so modified. Overlooking for the moment the question of popular sanction, even this argument is fallacious, for by that Ordinance no power is conferred upon a Native Assessor to act in the absence of the European Magistrate, even in matters purely native.

I can conceive no further objections to the plan proposed. That labour and activity would be required, will not be brought forward as an objection and to answer vague imaginations, I confess myself incapable.

There is no mystery in Native affairs.

It only remains for me now in conclusion, to express my regret that my ability in describing the state of the political mind of the aborigines of this colony and my capacity in adducing arguments in support of the measures proposed in this minute, are so greatly inferior to what the importance of the subject demands, and my own earnestness would wish to supply. I have brought to the task simply observation of the Maori habits and familiarity with the Native character, combined with a deep sense of the high duties which the hand of Providence has entrusted to the British power, and an earnest desire that even in this eleventh hour some efforts may be made adequately to discharge these duties.

Every day's observation and every hour's reflection confirm me more strongly in the belief that we are entering on a new era, whether for weal or for woe, remains yet to be revealed. The race of old chiefs is passing away, having already outlived their power. The generation that succeeds will have more intelligence and less moderation.

The time has gone when many words and few pensions will suffice to postpone the necessity of resolutely facing this question. Professions lose their power when practice is long absent. The policy of postponement of remedies is a policy of accumulation of evils. The purchasing of tranquillity is the encouragement of turbulence.

I do not agree with the doctrine expressed by many men of intelligence and experience, that a collision of races *must* eventually happen. I can see nothing in the Anglo-Saxon character or in the constitution of the Maori mind which should render this an inevitable result. But no one will deny that duty as well as interest requires us to make every effort to avoid even the chance of a catastrophe so much to be deplored. And what have we hitherto done? Besides the mills, the hospitals, and the schools,* reflection brings to my mind no practical thing done, no permanent benefit supplied, no recognized principles established. All the rest has been professions of affection which produce nothing, condolences of sympathy which remedy nothing; and for the schools the principal obligations are due to the Missionary clergy.

The time will come when these Missionaries, the only efficient state police now existing in the country, will be taken by death, or rendered unable by advanced years and much labour to render that assistance to Government which has often and again been their only reliance in the time of trouble;—and we quietly await that time without an effort to supply the vacancy. When we see the great things these men achieved and the influence they have gained, without gifts of money to covetousness or offerings of power to ambition, we must admit that some secret existed in their system which would be a valuable knowledge for Government when they are no more. The secret is simple: they worked upon Maoris with Maoris, choosing talent before birth, a new energy rather than an ancient name. I am now, with an urgency that may occasionally appear unfitted for an official paper, but with a respect that I feel constantly restraining my words and weakening my expressions, asking Government to receive this secret, to adopt this motto and to place it upon the shield instead of the word which has been illustrated by no career of success, exalted by no associations of dignity.

I am told that the day is past, that amalgamation has already become an impossibility—neither my sympathies nor my judgment allow me to receive this doctrine. On the contrary, every condition of society seems now favourable for inaugurating a movement which shall result in rapid and constant progress towards civilization; but the opportunity will not last long. When desires are strong, patience is weak.

The plan proposed now is simply a development of the ideas on the same subject contained in my previous minute, precipitated by the rapid course of events. A dread of tedious length has caused me to omit many matters of detail, but the recognition of the principles involved is a previous necessity.

I have one more remark to make with reference to the policy of "*laissez faire*," and I have reserved it to the last, because I wished it to be the longest remembered. If we are told that the ideas which now agitate the Maoris, some of which may appear to contain an element of evil threatening

* On this subject *vide* previous minute.

danger, will if left unnoticed gradually fade from their minds without producing any result, is it not our duty, before consenting to such an evasion of our responsibilities, such a forgetfulness of our promises, such an abdication of our functions, to enquire whether these ideas cannot be directed to good.

In closing this minute, I must again record my apology for frequent abandonment of the ordinary grave language of official decorum. Deep interest in the subject, which ordinarily clothes ideas in a more earnest style, and a necessity of frequent resort to argument to adapt which to official language my talents do not suffice, must be pleaded as my excuse.

F. D. FENTON.

Whaingaroa, March, 1857.

No. 2.

MR. GISBORNE TO MR. FENTON.

Colonial Treasury,
Auckland, May 11th, 1857.

SIR,—

I have the honor by direction of the Colonial Treasurer to inform you that His Excellency has on the recommendation of the Colonial Treasurer been pleased to appoint you to be Resident Magistrate for the Waikato and Waipa districts.

At the same time I have to convey to you the thanks of His Excellency, and of His Excellency's Responsible Advisers, for your activity and zeal in procuring information as to the present state of Native feeling, and for the able Memorandum you have communicated on the subject.

That you may be properly apprized of the objects sought to be obtained by your appointment, I forward you a copy of a Memorandum transmitted by His Excellency to his Responsible Advisers, and of their Memorandum replying thereto, dated 6th May 1857, and approved of by His Excellency, in which those objects are fully stated, and the general policy which it is wished to pursue in Native affairs is indicated.

In conformity with the plan there laid down you are to visit periodically the Native Villages on the two rivers, or as many of them as you may find it practicable and expedient to attend for the purpose of holding Courts there, of assisting the people to devise bye-laws for the better government of their villages, and of guiding their deliberations on public matters.

You are to enter on your new duties with the least practicable delay after the receipt of this communication.

With respect to what should be the place of your residence, and the precise limits and period of your Circuit, the Government being desirous of learning your own views leaves these particulars for the present undefined. It having been arranged that Mr. Harsant should be removed to Whaingaroa, it will become essential that the important district about Rangiawhia and Otawhao should receive the frequent visits of a Magistrate, if indeed one should not rather be permanently stationed there, but for the present your attention may be confined to the villages on the rivers. It is considered that you should descend the Waikato as far as Rangiriri, and perhaps as low as Tuakau, and it is expected that you will be able to arrange to visit most of the villages at least once a month.

In no case should you attempt to include a Village in your Circuit without the general consent of the people, who should be led to view your visits as a privilege which it is not the wish of the Government to force upon the unwilling.

You will from time to time report the names of those persons whom it may appear advisable to appoint as additional Assessors, taking care (in accordance with the principles laid down in the Memorandum of Ministers) to secure the assent of both chiefs and people. When practicable it will be well to invite some of the present Assessors, or other chiefs of standing, to express their approval of the general choice by a letter. It is to be clearly understood that all such recommendations are to be subject to the Governor's approval. The Natives should be acquainted with this condition, and that all new appointments to the office of Assessor are probationary only.

You are also to report all bye-laws approved of at the meetings which may take place in your presence at the Villages where you may hold Courts, with your own opinion whether or not it would be desirable that the Governor should ratify the same, with or without amendment, under the power proposed to be vested in His Excellency for that purpose. In connexion with this subject it may be necessary to explain to the Natives that the full force of British law cannot be given to such ratified Bye-Laws so as to make them binding on both races, until the assent of the General Assembly is procured to the proposed measure for the purpose.

You will also report all resolutions abolishing objectionable Native customs, which may be agreed to at such meetings, in order that publicity may be afforded thereto in the "Maori Messenger," or otherwise, as may appear advisable.

You are to keep an official Diary, and forward the same monthly, for the information of the Government, together with a general report on the state of the district.

All fines imposed are to be paid to you. You are authorised to undertake that a separate account shall be kept of the amount received in each village, and that any surplus after payment of the salaries of the Assessors, shall be applied for the direct benefit of the village in some manner to be hereafter agreed upon between the Government and the inhabitants.

I am finally to inform you that in consideration of the importance of the service now entrusted to you, His Excellency has been pleased on the recommendation of the Colonial Treasurer to sanction the augmentation of your salary to the sum of £300 per annum, to commence from 1st June next.

I have, &c.,

W. GISBORNE,
Under-Secretary.

F. D. Fenton, Esq.,
Whaingaroa.

No. 3.

MR. FENTON, R.M., TO COLONIAL TREASURER.

Auckland, October 5th, 1857.

SIR,—

I have the honor to enclose to you for the information of His Excellency the Governor a copy of the journal of my recent circuit, kept by me in pursuance of your instructions of the 11th May ultimo; also, reports of some of the meetings held by me at the request of certain tribes of Waikato for the purpose of discussing and accepting the new system; also, reports of some of the Courts held; also, translations of sundry letters from natives referred to in my journal; and an example of the bye-laws proposed by the Village Councils.

I will, if His Excellency permits me, defer the general report requested by you, as to the future conduct of operations, and the machinery necessary for the perfect accomplishment of the objects set forth in the respective minutes of the Governor, and the Advisers of the Crown in New Zealand, until more intimate acquaintance with the necessities of the district and the dispositions of the several tribes, shall enable me to prepare one which may be devoid of uncertainty and worthy of the confidence of His Excellency and his Government.

For the present, I have merely to state that I have adhered as nearly as possible to the spirit of the instructions conveyed to me by your letter of the 11th May last, and the minutes therein referred to, and I am encouraged to think that success beyond what could have been hoped for, has attended the operations.

I am not aware of any matters which require the special attention of the Governor, other than those mentioned in my journal, to which I do not propose now more fully to advert, unless required by you to do so. Nor do I feel any necessity, with my present knowledge and experience, of suggesting any alteration in the plan originally laid down in the above mentioned instructions and minutes.

I have, &c.,

F. D. FENTON, R.M.

The Honorable the Colonial Treasurer.

Enclosure in No. 3.

JOURNAL OF F. D. FENTON, RESIDENT MAGISTRATE OF WAIKATO, COMMENCING JULY 12, 1857.

July 12—Auckland. Sunday.

July 13, Monday—Wind blowing hard from the south, constant and heavy rain rendered movement impossible. Engaged Hunia. Weight of books, papers, ink, &c., about 200 lbs.

July, 14, Tuesday—Onehunga; wind southerly but light. Hunia in charge of papers, &c. No vessel.

July 15, Wednesday—Onehunga; fine day without wind; Sea Belle arrived at about 1, will start to-morrow, abiding a tide to discharge cargo. Saw here a party of Ngatiwhao with Huirama the chief; he says that his party (the kingites) intend to call a great meeting to induce Potatau to leave Auckland and settle at Ngaruawahia; that they are still determined he shall be King of New Zealand; that the loyal party are few in numbers and of no importance; that fights and disorders can be stopped by nothing but a king, to whom the whole people will give allegiance and support; that the Government have been tried long enough, and have failed; and that time will disclose all. He also stated that he wants a loan of £100 to purchase ironwork and stones for his mill at Wahi, but intends that Hone Kingi of Te Ngaungau shall ask for the loan, as being a loyal man and a Queen's magistrate (probationer), he will be more likely to receive attention from Government. This seems to me a more correct view of matters than we have recognized in actual practice. I have often heard Maories remark, that it is only the turbulent and powerful who meet with attention to their complaints and requests. I think it is well that they should know that loyal and orderly citizens are more likely to meet with regard and consideration at headquarters than those of an opposite behaviour.

July 16, Thursday—The vessel is lading slowly, and they talk of not sailing until to-morrow. Conversated with Mr. Buttle, a fellow traveller.

July 17, Friday—Sailed early in the morning with the first of the ebb, light wind from the south-east. At about 6 p.m. anchored at the Toro, nine miles from Waiuku. Self, native, and Mr. Williamson, pulled up to Waiuku in the dingy; arrived at 10 p.m.

July 18, Saturday—Mr. Buttle and his people having expressed an intention of remaining here until Monday, set out to obtain canoe for myself. Met a party of Ngatikahu come to sell pigs and

corn, hastened their proceedings, and embarked at twelve. At sunset, arrived at Tikirahi, the upper landing place of Kohanga. Heard during the passage of a river entering the Waikato about four miles higher up than the Awaroa, and possessing deeper water and fewer snags; it proceeds through the same forest and swamp, and reaches the firm land about three-fourths of a mile to the east of Purapura. The land journey would be half a mile longer, but the other advantages seem by the description to be worthy of notice.

[Mem.—Ascertain more certainly about this river, and cause the attention of the Superintendent to be called to it; if money is spent on this communication, it had better be spent on the right place.]

Left baggage at landing place, and walked to Kohanga, the station of Mr. Mauusell. That gentleman says the Natives are anxiously expecting me. There were a party of Ngatimaniapoto, with their chief Rewi, at the landing place; he expressed a wish that I should visit them. Told him that he must begin to build a Court house to show that his people were in earnest.

July 19, Sunday—At Kohanga.

July 20, Monday—Waata Kukutai came; gave him books, forms, papers, &c., for the Court house at Taupari. Issued three summonses for Wednesday next—one, cattle trespass; two, adultery; and one, horse case. He approved of the new forms, and seemed readily to understand them. I told him to demand 1s. fee for each summons; though I am at present inclined to think that a graduated scale would be better, as they almost always demand £20, although they may only intend to prove a very small sum. I think there should be two native magistrates for every Court house. Waata suggested Mohi as his coadjutor, and Po, as the President of the Village Council. This I approve of, as Po represents the old Maori party, who may well be gratified with that office, although it possesses no real power. Arama Karaka proposes to be lawyer, and says he will charge five shillings to any person who employs him; this is the very mania of imitation. The Court house is not yet finished, but the whole tribe have worked at it. Waata approved of imprisonment for criminal offences (which I explained to him,) but not for civil. He says poverty is no crime; if it were, the whole race might be imprisoned. I directed him to keep any fines and fees which he might receive, and account for them to me; he was anxious to devote them to the Church. Told him that, at present, he would receive no salary, that when everything was properly arranged, his pay would begin; that a uniform had been sanctioned by the Governor, and batons for the occasional police. He approved of these things, but expressed disappointment at not getting the book of the law. He said the Village Councils would begin to meet, and he wanted the book to explain law to the people. Had long conversation with Paora Titoki and Karaipu Te Kuri of Ngatikahu and Ngatitekehohou respectively, urging them to get their tribes into some sort of order. They said they had tried, but they were the most stupid people on the river. This is true; but I told them that it would not have been so, but for their inertness. They promised to do their best. Received letter from Pehimana asking my interference with the relations of a girl, who was attached to him, and whom he wanted to marry. Letter from Hohepa, asking assistance against Mr. Marshall, who, as he said, refused to pay anything for the privilege of running cattle on his land. He brought the letter himself, and in conversing with him I found that there were several owners, and Marshall denied his title. Told Hohepa that as the dispute concerned a Maori title, I could not interfere; that the law could afford him no protection until he held by a legal tenure. It is a hardship, but I think that not only law but policy requires a constant assertion by practical experience of the unmanageable nature of the Maori tenure, contrasted with the easy remedy of evils arising about land held on legal tenure. He acknowledged the truth of what I said, but observed that it was hard that one man should suffer for the stupidity of the multitude.

July 21, Tuesday—Letter from Aria asking for 300*l*. Told him that I had no expectation that the Governor would listen to it. Issued summons, Karaipu Te Kuri v. Selby for £2 10*s.*, for trespass of cattle; Saturday next at Tuakau. I have fixed the hearing at Tuakau to give Ngatipo an opportunity of embracing the new system, if they wish to do so. Colonel Russell arrived, and Mr. Ashwell sent word for me to go back in his canoe, but I cannot leave Tuakau until Saturday. Karaipu expressed a little annoyance at the neglect of Government to publish his address to the Governor, on the occasion of his visit to Kohanga, although a promise to that effect was given by the Interpreter. Nothing appears in the "Maori Messenger" that so interests the Maories as reports of their own sayings and doings.

July 22, Wednesday—Held Court at Taupari. The Court house not being yet finished, the roof was temporarily covered with tarpaulins. One end was fitted up with seats for the magistrates, desks and docks for witnesses plaintiff and defendant. A wooden rail separated the whole from the larger space reserved for the public. Tried three cases, of which I have kept English notes, annexed hereto. From the slowness of the witnesses and the vast amount of impertinent matter introduced, the three cases occupied all day, until half-past five p.m. Kakutai acted well, with courage and judgment. The place was crowded with people, who were remarkable for order and attention; not the slightest indecorum happening. At the close, another summons was taken out for to-morrow; a horse case which has excited some feeling, as the plaintiff belongs to a different tribe; demand, 60*l*. Court—1.

July 23, Thursday—Tried the horse case. Plaintiff's witnesses rendered it unnecessary to call on defendant to answer. Judgment went for the latter. The plaintiff seemed sad about his defeat; but enquired if, having sued one man whom he found to be the wrong one, he could now take out another summons against another. On being told yes, he expressed his intention of taking out a summons against a different defendant on my next visit. This was very well, as it showed that his confidence in the Court was not shaken. One of his witnesses was a boisterous old Maori chief, Ruhiana, long known in these regions as a turbulent man, and a great orator. He began a Maori speech in the witness box, exhorting us the Magistrates to be just, and give judgment for his friend the plaintiff. After he had continued about two minutes, I asked him if he knew anything of the facts of the case. He replied,

"No ; but I am plaintiff's friend, and I want to move you on his side." Seeing that this maoriism would be a great evil, if permitted to intrude in the Courts, I determined to stop it at once. So I told him that we, the Magistrates, were there to discover the truth, and did not want his assistance ; that he must at once leave the box, and, if he wanted to make a speech, he must go out of doors. I expected a scene, but he quietly walked away. When the Court rose, he made an apology, and said that he would do so no more ; that now he saw that the new things were too strong for the old, and Maori notions were past away. I told him that his feelings were very proper, and his duty in future was to support the magistrates and their decisions, and that we relied much on the old Maori chiefs. After business was finished, I asked the assembled people who they thought was the person most fitting to be a coadjutor for Waata, as there should be two Magistrates for each Court-house. Two men were mentioned, but all but two or three united in recommending Arama Karaka. This is, I think, the next best man ; rather too much given to mixing himself up with land questions, but of good sense, and in earnest ; besides, his influence is extensive, and he is of this generation. If he shows a prospect of becoming a useful Magistrate, I will bring his name before the Governor. I explained to the people about the three classes of Magistrates, much to their satisfaction. I then proceeded to explain the constitution of the Village Council—how to be assembled, and when, what to do &c. ; and exhorted them speedily to make some regulation about fencing, for I observed the pigs all loose and injuring the young crops. Po and Ruka, the old Maori chiefs were requested to act as Presidents or Chairmen ; the meetings to be called by them, whenever requested by six people in writing, and to be held in the Court-house, to distinguish it from a Maori "komiti." The old men seemed gratified with their position. Thus will be blended the new with the old influences, securing, I hope, a moral force that will be irresistible by any individual member of a tribe. Thus passed the first of the experiments, with marked success and much benefit to these settlements. I am told that the multitude are much pleased and say that everything was very clear. Subsequently visited Waata's farm. It would be a great benefit if an agricultural instructor were attached to the schools, of whose services and advice the kainga Maori natives could avail themselves. I saw the natives raking up fern root with their hands. In the evening, Waata, Mohi, and Paul visited me, and we had long conversations about Ngatipo. Their opinion is that, as the tribe is divided now into two parties, kingites and people of law, I ought to visit them and assist the latter ; that it is not fair to leave them to struggle unassisted against the old influences. I told them I would go if they wrote to me, but the people themselves must express the first desire. Had a visit afterwards from a man who is very much in love with a girl, and is rejected by the relations of the boy to whom she is betrothed. The girl is equally attached to him. He solicited me to use my influence, for he should be very ill if the girl was taken by force:—this horrible custom of "taumau."

July 24, Friday.—Went with Colonel Russell to the Court-house, to assist at the first Village Council ; but, as the weather was bad and the Court-house unroofed, no meeting was held. Saw large pieces of land partially exhausted, left to weeds. Exhorted the people to hoe off the weeds and sow grass. They say they will, if they can get seed, but prices are so low they can get no money. Waata is salting a fat pig—the first attempt that I have seen amongst the Maories to make bacon. I start to-morrow for Tuakau, in Hetaraka's canoe. He and a party have come voluntarily to fetch me.

July 25, Saturday.—Had long conversation with Colonel Russell, about agriculturist to travel through this district, and assist the schools and Natives generally with instruction and assistance. I think such an appointment would be highly beneficial, as a vast amount of labour is now lost or wasted from ignorance and misapplication. Travelling through the district, he would be of great use. The cost might perhaps be partly placed upon the school fund. I think the pecuniary benefit directly resulting would be soon apparent ; I mean in the way of increased production. We were to have started at 8, a.m., to get to Tuakau at 12, for the Court. The day was stormy, with foul wind and abundance of rain. Only Hunia came at the time. I successively sent three messengers, and at 12 the rest of the party arrived. They were volunteers, so I could not scold them ; but the consequence of their delay was that we did not arrive at Tuakau until 10 minutes to 4, p.m., and I found that the European defendant had left about ten minutes before my arrival. The Natives were grieved when they saw the consequences of their delay, but excused themselves on the ground that the day was not fit for any one to be out in. I should have called the case, late as it was, had I not been so wet and cold that I was unable to write, and almost to speak. The Maori plaintiff hinted that, if his remedy was gone, I ought to pay. The contingencies of canoe travelling must be provided against, for I ought to be independent of weather and Natives. This necessary certainty can only be procured by land travelling, on horses. Got into a house at the waterside, and changed clothing ; then went inland to see the people, and got wet through again. Having no other change, went to bed at seven.

[Mem.—Can any provision be made in the Act now proposed for unavoidable delay in the attendance of the Magistrate at a Circuit Court.]

There were three European travellers at the hut, weatherbound. Rained heavily all night. The Natives asked me to come to see them on Monday, but I declined, unless they asked me in writing, as they did not join in the letter sent by the tribes of Waikato to the Governor, after the meeting at Paetai, in which letter adhesion to law was expressed.

July 26, Sunday—Tuakau. Still at the hut. Rained and blew heavily all day. River rose greatly. Mr. Maunsell passed through on his way to town.

July 27, Monday—The letters at length came. Early this morning received two, from Ngatipo and Ngatimanuki respectively requesting me to go inland, and meet an assembly of the Natives, and explain to them the new system, and give them an opportunity of accepting it. These people either actively joined the Kingites, or remained neuter at the great meeting at Paetai. Proceeded inland to

the settlement, and found the leading men assembled in a house. Addressed them (annexed is report of what was said). After this meeting was finished, I was requested to go and look at the Settlement. To my surprise, I found the whole tribe assembled in a large wheat chamber in the old pa. This meeting occupied a long time, principally caused by splits and divisions which had recently been formed amongst them. These were all made up—(report annexed.) It surprises me to see how heartily the old chiefs appear to receive the new doctrine that in the presence of the magistrate the chief is no more than the slave. Perhaps they find it useless to oppose the stream, and so go with it, or perhaps they prefer the welfare of the people to their own power and ambition,—but I scarcely think the latter. Ruia, an old chief, alone adhered to King, and his son defeated him in argument. This is a strong sign of the times. The young man told him if he walked that road, he must walk it alone. Piripi, the old chief, being suggested by some one as a fit person to be a magistrate, immediately rose and said, "No, I am too old—you want young men for this movement. We cannot understand it." After about three hours speechifying, satisfactory arrangements were arrived at and the meeting separated. Afterwards Piripi gave me a letter which he had received from Tioriori demanding £7 payment for goods which he alleged to have been stolen from his party when staying at Tuakau beach. Some blankets and things were lost and afterwards found hidden in the fern. Tioriori said the settlement should be responsible. I told Piripi by no means to consent to the demand, for it went on the old Maori "ture" which is abolished; that he must use every exertion to discover the thief, and if he failed, there was an end: that if he succeeded in discovering him, and concealed him or prevented his being brought before the magistrates, then what Tioriori said would be just,—otherwise, that every one must now be answerable for his own evil. Subsequently received letter from Perereka lamenting his absence from the meeting, and requesting that his name might be added.

[Mem.—See what can be done to get regular scale of charges established for the crossing at Waikato heads. At present the natives sometimes charged 15s. or 20s., or leave the traveller on the beach all night. They say they do so because they wrote to the Government about establishing a ferry and got no answer.]

The subject of women running away to the town to the brothels, &c., should be dealt with in some way. They often run from persecution, as to betrothed husbands, &c., but often merely because they like the license of Auckland or the profits of prostitution. The natives complain that Government do not prevent this and say that as they give up criminals the Governor ought to assist them in this matter. The white travellers still weatherbound.

July 28, Tuesday—Mr. Marshall passed through this place on his way to Tuakau. We started up the river at about 9 a.m.; still stormy, and a great flood. Saw the son of Aripata te Po on the banks of the river, who said that his father remained constant to the king, but all his tribe (Ngatinaho) had left him. Called at Poriki, and saw Te Kereihi; he has been, and is very ill; asked me to call for him on my way to town, and take him to see the Governor. Arrived in the evening at Pungapunga the settlement of Ngatihua and others. Wrote letters to the people to assemble in the morning. Found very good new houses at this place. Mr. Searancke came up in the evening. Weather took up and became frosty.

July 29, Wednesday—At 9 the people assembled. There did not appear much excitement, but a good deal of quiet determination. If our plan fail, it will be from the gradual dying out of the present excitement and the growth of apathy. This would, however, to a great extent be obviated by the periodical meetings of the district councils, to which I attach the highest importance. I know of no other machinery, moreover, which could in any way efficiently operate upon individuals who refused to obey the judgment of the magistrates. Either Government must find a plan to give strength to the magistrates, or the Maories must be allowed to pursue a plan. I do not think that Government should in any way pledge themselves to see decisions carried out. The district council, composed of the native assessors and the chairman of the village councils, would in my judgment be eminently efficient. Had some conversation about the Southern road. They told me that when the Governor came up the river, Potatau sent messengers up the river just before him and caused the Governor's people to delay in order to give the messengers time. He was charged to tell the people to consent to nothing, which the Governor might say about the road or about land. The Paetai natives had previously agreed with me to furnish labour to make the two great bridges, but the matter has now assumed a political aspect. I have heard mention made of the Romans and their bridges, and the consequent subjugation of England. In passing up the river, I observed several large mounds which the natives said were potatoes belonging to Ngatinaho, which they are taking to Waiuku for sale, but on hearing of the low prices, had buried. They further added that they could not have left them there under the old system, as any relation of the clan would have felt at liberty to take them. The plantations and houses extended above a mile up the banks of the river, and Pungapunga has a much larger population than I supposed. That reminds me that I have done nothing about the census, except as concerns the tribes Ngatipo and Ngatitipa. When the probationers are all proposed I shall be able to attend to this matter. It will be necessary at this juncture to use every caution. Distrust and suspicion, once aroused, would be very injurious just now.

[Mem.—The law providing means of enforcing legal maintenance of illegitimate children by the father should be published, and put in the Book of Laws. Moreover, some additional provision should be made to prevent the father leaving the country, until sufficient security is given for the regular payment of maintenance money. The frequency of examples of desertion most shameless and heartless in themselves, have tended to lower the character of the Europeans generally in the eyes of the natives, whose clannish ideas are too apt to convert the sin of the few into the act of the multitude.]

The detached settlements on the journey to-day are almost all deserted, some being in the woods making canoes, and some gone to Paetai. At about 4, arrived at Horahora, the village of Hetaraka Murupai. The houses and the village generally are better than the average, and Hetaraka's house has

Meeting—1.

Meeting—2.

Meeting—3.

a window. He possesses a considerable number of cattle, which he is now endeavouring to collect and tame. On walking over the plantations I saw a large piece of recently abandoned land, on which the dock has not, as yet, established itself. After discussion, Hetaraka promised to sow all this with grass and clover, if I can get him the seed. All the people consented and are ready to aid in the work. I have much reliance on these people. For this purpose he will go to town with me, and see what can be done. The soil is light and sandy, and is admirable for clover and rye-grass. The place will be fenced before Hetaraka's return. I suppose the piece contains five or six acres. Hetaraka has several horses also, but he will sell these, and purchase sheep. The example once set, will spread rapidly, and will fitly usher in the division of lands and issue of titles. I expect that soon the Government will be overwhelmed with applications for grass seed on credit. The stacks of wheat on the river are numerous, but will not be threshed during the continuance of the present low prices, although many of them, from insufficient thatches, are growing.

[Mem.—If Government will get the owners of the vessels (only two I think), that ply between Onehunga and Waiuku to keep accounts of what they carry, they will have most complete statistics of the produce of this river and district, as nothing goes to town (except pigs) by any other means. Considerable quantities of flour are now consumed in the district by the natives themselves.]

To-day I was caused to think of the inexpediency of encouraging the building of larger houses by the Maories until their social condition is raised, and they have greater means. The Maori depends principally upon the fire for warmth during winter, and in a large house, during that season, a large fire is necessary, or it is uninhabitable, and at the best the remote parts are very cold. A fire in a chimney of course gives less than half the heat, three sides being useless. If the house is divided into rooms, the sleeping apartments will not be warmed at all. We depend upon plenty of blankets for warmth in bed. But a Maori has only one or two, and no means to procure more, so that he would be wretched if deprived of his fire. In Rawiri's house they tried to remedy this evil by having two fires, but this rendered the house uninhabitable from smoke. No; large houses must follow, not lead, social advancement. A man must live in a house proportionate to his means. This is a social law, the infringement of which, even in civilized communities, is followed by unpleasant consequences. The question of keeping their houses clean, and having them as well built as possible, is different.

[Mem.—To explain in the Book, about oaths in judicial proceedings.]

At every place we stop at, the evening is consumed by the natives of my party detailing all I have said and done—the proceedings in court, &c. This is very wearisome, though occasionally amusing. They tell immense lies. To-night they have introduced an entirely new witness with a long evidence;—a man who never opened his mouth. And yet they seem to speak very accurately in Court as a rule. Indolence of mind is, I think, the root of this wild talking.

July 30, Saturday—Horahora. Walked overland to opposite Paetai, and crossed in my canoe, which happened to be at the very place wanted. Mr. Armitage met at the waterside to speak of a bull of his killed by Mr. Ashwell's people by mistake for one of his own. Received a letter from the latter stating that the people up the river were anxiously expecting me. The flat over which I walked is a fine sandy alluvial deposit admirably adapted for grass. I wish there was some seed at Waiuku, on which I could draw by means of order, whenever I find natives anxious to sow. Found the Courthouse at Paetai finished—a capital house, the timbers of matai, and the roof lined with reeds, but without doors and windows; the internal fittings, desks, &c., very imperfect and inconvenient. They had fenced off places for plaintiff and defendant, and provided several rows of seats. On the whole it is very satisfactory, and highly creditable to the people of this part of Waikato. Every post rafter and batten has been adzed, so that no labour has been spared. I hope the Government will provide the requisites, to provide which the natives are incompetent. They have done their part well. The place where the great meeting was held is now under wheat. Issued two summonses for Saturday: pigs killed by dogs, and a lost canoe. Worked for two hours at the fittings of the house. In the evening had long conversation with the assembled natives, explaining that slander is not a common lie, but includes malice, &c., &c. They seem inclined to summon a man for the slightest careless speech. Although I hear little of the king business in the lower parts of the river, yet it seems by no means extinct. King's party are organizing arrangements to cause Potatau to leave Auckland next summer, and settle at Ngaruawhia, the junction of the rivers. But the law party comprises the owners of the land, and they say they will not suffer it. The affair seems at length to be taking a practical form, for I have heard of letters having been written to Potatau in cases of dispute, asking for his commands. Takerei, I hear, finding his settlement divided in opinion, and his proceedings obstructed by the kingites, has abandoned Whakapaku, and established himself and his people at Karakariki.

July 31, Friday—Paetai: Heard this morning that Taraiti, hearing of the summons out against him, had taken to the hills to avoid service. This device will have bad consequences if it is generally adopted. The fact is, that the Maoris are so miserably poor now they cannot pay judgments. Taraiti, however, has been long known as a sort of outlaw. In conversation with Hetaraka, he told me that our great difficulty will ultimately be the apathy and indolence of the Native magistrates. This is true—the only means of fighting against the evil is the annual assembly of the District Council, which will keep up a certain perpetual but not unhealthy excitement. Spent the day in instructing the Native probationers, &c., &c. Constant rain from N.E. Gave Wiremu Te Wheoro, paper, books, &c. In the evening conversed about sowing a large piece of land below Mr. Ashwell's with clover and grass. It has been recently abandoned by these people, and must include above 50 acres. It is to be considered in "runanga" to-morrow. About half a mile of fence will be necessary. I wish I knew whether Government will advance the requisite quantities of seed. Mr. Armitage, an educated settler here, very much approves of the new movement, and thinks it will greatly benefit the European.

residents—he approves of the issue of licenses to squatters allowed to dwell on native lands. I hear universal complaints of the hostility at Waipapa, Mechanics' Bay.

[Mem.—Get almanacks for the Court Houses.]

August 1, Saturday—Besides the people of the place, Ngatikarewa, and all Ngatitapa, came to the Court to-day. Tried the case of Pukewhau and Minarapa and others, but adjourned for further evidence, advising them, at the same time, to come to an amicable arrangement if possible. I did this, because the case, so far as it has gone, is so intricate that I cannot see my way through it. In the second case, *Wiremu v. Taraiti*, defendant did not appear, although service had been effected. The case was heard, and judgment went for the plaintiff for full sum demanded. They say defendant stayed away because he knew he had no chance. After Court, held a meeting, and advised them to assemble as soon as possible and consider the questions of fencing, trespasses, &c. They said they had hitherto been detained by the illness of Te Kereihi, the chairman. Afterwards we discussed the question of sowing the abandoned lands with grass. They all gladly consented to the plan, and the piece of land before mentioned was generally approved for the purpose. The consent of the other owners must be obtained. They promised to do the necessary fencing in a satisfactory manner. The other owners are Takerei, Taneti, and Hoera, about whose consent there is no doubt. This piece of land is almost all clear, having borne crops last year, and contains, I should think, between 50 and 100 acres. The plan, however, is contingent upon the advance by Government of seed, for the Maoris are now very indigent. It appears to me, that money thus advanced would be advanced most beneficially, not only to the Maoris but to the public at large. Letters were written to His Excellency requesting the necessary assistance. Subsequently crossed the river to see some land belonging to Paul Tirua—it was perfectly clean and contained perhaps 2 acres. Several other persons having detached pieces of land requested small supplies of seed. The whole of this flat is admirably adapted for grass, being a light sandy soil. As the Government could scarcely (if they consent to the advance) manage the distribution of so many small quantities of seed, and the keeping of the consequent accounts, I think the best plan will be for me to have at Waiuku or elsewhere a considerable stock of seed, on which I can draw as the necessity arises, keeping accounts and rendering them to the Government at the close of the season. As a rule, the pieces at first will be small, seldom amounting to an acre; but the persons now anxious to adopt the plan of sowing the abandoned lands, are numerous. It should be mentioned that the loss of this season creates so many acres of dock, which would, if the occasion is improved, be next year bearing a crop of grass and clover and furnish seed for all future necessities of the owner. Ruihana desired me to get him apprenticed to a shoemaker: I told him I thought he was too old. The proceedings at Paetai were satisfactory. Pukewhau is halting between two opinions, and not trustworthy. In the evening, parted with Hetaraka and the rest, and walked overland to Mr. Armitage's with Hunia, intending to proceed to Mr. Ashwell's; but darkness with wind and rain coming on, remained at Mr. Armitage's all night.

August 2, Sunday—At Mr. Armitage's.

August 3, Monday—Paul came again about his grass land. Had interviews with several people, who took me to see plantations varying from less than a rood to an acre in size, which they were anxious to lay down in grass. Pulled up the river (Hunia and I) to Kaitotehe, the wind blowing in furious squalls. Proceeded to inspect the great piece of land stretching from Mr. Ashwell's to the creek below, ascertaining names of owners and boundaries. Takerei, Taneti, Mare (Ngatinaho), Te Kereihi (Te Iwipoaka), Hoera (Ngatihaua), Wiremu Te Wheoro, Pukewhau and Miru, are the principal. It is a fine piece of land, stretching along the banks of the Waikato for three-fourths of a mile, about 300 to 400 yards in depth, and hemmed in and sheltered towards the S.W. by the range of mountains, which forms one side of the gorge through which the river has forced a passage. The greater part is free from fern and native growth, having been under cultivation this year. I think the seed might be sown, and simply harrowed in;—in some places more labour would be required, but the Natives have promised to do whatever is necessary, whenever I tell them. To the sacrifice of their dogs they have already consented, so that no obstacle at present appears in the way. At Mr. Ashwell's found a letter from Ngatiruru, wishing to know the Governor's ideas about our proceedings, and stating that having received a letter from Whaingaroa with the information that I wished Court Houses to be built, they had commenced one. Met here also Takerei and Taneti, who recounted to me all that had happened in my absence. It appears that difficulties have arisen at Te Whakapaku (Takerei's place) from the kingites. Paratene and Tarahawaiki, near relations of Potatau, and ardent kingites, felt annoyed at Takerei's decision in opposing the movement, himself being a near relation. They constantly agitated amongst the people, and said if he built a Court House they would oppose the operations of any Queen's magistrate therein. Thereupon he assembled the people and told them he was going to leave the place, and establish a new settlement at Karakariki. Then Ngatitemainu, Ngatitehuaki, and other tribes got up and declared that if he went, they would go with him. So the matter remains. I cannot help thinking that European suggestion has something to do with all this, but I don't know. However, I fear that this king business will still add to our difficulties. I am delighted with the firmness that Takerei displayed, especially as it is a quality in which he used to be very deficient. They also told me that Porokoru Titipa of Ngatikoura, living at Awamutu, had received £40 from Government, and asked me what it was for, and if the Governor was aware of his conduct at the great meeting. I told them that I then for the first time heard of it, and was not aware of the Governor's sentiments. They said that such favours to people who are openly arrayed against us in our labours for law and order operated injuriously, as it led people to believe that the Governor was as much pleased with them as with us. Ngatimaniapoto had also sent for him. This tribe, inhabiting the head waters of Waipa, had to a man been advocates of the new dynasty. He assembled them, and they to

the number of about 200, declared themselves anxious to range with us. He asked them how much they had subscribed to the king, and was answered £1 17s. He told them to return the money to the subscribers, and annul any arrangements they might have made about land. They pressed him to come and live with them, and talked about a Court House. But final arrangements were postponed until my arrival. He asked about our journey to Kawhia, saying that he had rather defer the journey there than delay the publication of the book about the laws. We are to go up the river and visit several settlements together.

August 4, Tuesday.—Went with Taneti over the land set out for grass, looking over the boundaries of the several estates. To-morrow they write letters about it. Issued summons to Kereopa ats Wiremu for adultery with his wife, for to-morrow. One of Ngatiwhauroa from Kahumatuku came to see me about magistrates for this part of Waikato, and about Village Council for that pa. Told him to come to the Court to-morrow, and talk. In a conversation with me, Mr. Chandler spoke in a gloomy manner of our prospects, and foresaw a collision before two years were over. I see no reason for agreeing with him, unless we make strange blunders. Mr. Ashwell's school is increasing. I have no doubt that before long, every parent will be anxious to send his child to school. How the establishments can feed and clothe them is a question; but I think this result is certain, for the value of knowledge is becoming daily more appreciated.

Court—2,

August 5, Wednesday.—Went to hold Court at Pepepe, two miles. Constant stoppages by the way, by people who wanted information on points of law. Tried only one case, as usual adultery. Self and Takerei, Taneti sitting with us. The former has very much improved, and has become firm and decided; the latter too, will, I think, do very well. The defendant, an impertinent fellow and known bad character, on hearing judgment said he would not pay. I said we should not reason with him, but would find out a plan to make him, and directed him to leave the room. He shortly returned and asked for time, expressing his regret for what he had said. Several persons came and asked for advice, &c. Afterwards we talked about sowing the land with grass seed, and letters were written to Government requesting an advance. This movement will produce great effects. Once started in the system of laying down land in grass, they have taken in my mind the first step in material improvement. Everything else, more or less, depends upon the possession of grass fields. For instance, at present their power of cultivating wheat is very limited, for want of food for their horses. Moreover, fields cannot be moved, and nothing can tend more to ensure fixity of residence. Good houses, proper farms, &c., will all follow in good time. The Maories seem so thoroughly to recognize the good likely to result from grass, that they have proposed not only to sow the old lands, but to plough up fresh. I am only held back by ignorance of what the Government would wish to be done, and whether they will supply seed. Received letter from Kikikiriroa asking me to go there, and try a case. Appointed to-morrow for a meeting of Ngatiwhauroa to hear their opinions. Heard that Ngaungau are slightly dark, because I did not call a meeting of them. It is impossible to steer clear of all difficulties in this new navigation.

Meeting—4.

August 6, Thursday.—Held meeting at Kahumatuku of Ngatiwhauroa. Decided upon erecting a Court-house, and were anxious to plough up the land adjoining the school land on the other side of the river, and lay it down in grass. One man advocated the cause of king, but met with no supporters. (See proceedings.) The people of Moerangi, Mangawara, joined in the proceedings, and will in future attend each Court day. Afterwards marked out the site and dimensions of the building.

[Mem.—It would be well if the clause of the Summary Proceedings Ordinance which restricts the laying of informations to three months, were altered as far as respects sale of spirits.]

It was suggested to me by a native, Heta, that it would be well, in order to facilitate the division of lands, to cause a native to learn surveying. The grass lands will surely be divided, and a survey will, of course, be necessary. A European surveyor would be expensive, and would moreover excite the jealousy of the Maories. The appearance of a surveyor in a district always excites more or less distrust. I should think that an intelligent native taken from the schools would soon learn the art. I have known Europeans acquire it in three months. It would be a great good if Government could afford an agriculturist, if not permanently, at any rate during the season of sowing and reaping the grass. It is important that the seed of the first year's growth should not be spoiled or lost from ignorance. We have laid down a rule that we will not entertain any case whose origin was previous to April, when the desire for law and Government was publicly expressed at the great meeting at Paetai. I say that difficulties which arose under the Maori ritenga, must be settled by the Maori ritenga. I was induced to establish this rule for two reasons,—first, I observed a tendency in the Maories to search their memories for any matter, however old the date, in which they had a chance of winning any thing in a law suit, many of which matters it would be impossible to decide on; and secondly, I think it well to keep constantly before the public mind, that we have entered on a new era. I wish the line of demarcation to be kept distinct. The Magistrates are every where treated with great respect, the Maories thoroughly recognizing the fact that the new system is their own, and that their dignity is pledged to its success. When they observe, "we shall fail in this or that," I reply, "I tell you what to do, and it is your own affair that you succeed. Your dignity will suffer more than mine." The consequence is that they exert their faculties, and do succeed. I think it would be well if the people in general who apply to the Native Departments (except on *land*), were to be directed to come prepared with the opinion of the Magistrates either for or against. At present, it is impossible that the character, the sayings, and doings, of men who apply at the office in Auckland, &c., can be known, and consequently most undeserving men sometimes get assistance which may be denied to a true friend of law and order: Porokoru for instance. This matter has been mentioned to me with regret by several. The letters

written to town are very uncertain grounds of information on which to found a judgment. I saw a very complimentary and loyal letter from Hori Te Waru to the Governor, when I was in Auckland. Now, I learn that about the time he was writing that letter, he publicly opposed Takerei in his assembly of Ngatimaniapoto (before recounted), and exhorted the people to remain firm to the king, and instead of returning the subscriptions to enlarge them. I think this system of deception amongst the natives should be discouraged. Moreover, I think it should be generally known that the friends of law, and the orderly citizens, will be more likely to obtain favours than the advocates of Maoriism. Thompson publicly asked at the great meeting—"How do we know that the Governor disapproves of what we are doing. He never said so." I hear that Ngatihaua are still pushing on the transfer of all the land to the king. Their deeply rooted feeling about land, and our exceeding desire to obtain possession of the whole soil of the country, has much to do with this pertinacity in agitation. It cannot be said that they are wrong in making this strong desire about land a leading matter in a great political movement. The two matters are mixed in their minds, and we encouraged or caused this feeling by the consolidation of the Land with the Native Department. I always looked upon that consolidation as imprudent, and every day my opinion is strengthened. The gradual suppression of the Native Secretary's Department commenced when Major Nugent went to Taranaki. Land Commissioners, in succession, were put in as Acting Native Secretaries, for short periods, until the office became thoroughly subordinate, and the acquisition of land was the only object really attended to. I have long thought on the contrary, that the two departments should have been kept as distinct as possible. However, when the Maories saw that every thing except the transfer of the soil of the country was regarded as of secondary importance, they took measures to protect themselves. And they cannot be said to have been wrong in their premises, for doubtless the first desire of the Europeans was and is the territorial possession of the soil. But was it wise policy by an official act, to proclaim this fact to the Natives. It is not likely that Europeans would be wanting to assist the Maories in their reasoning, even if such aid were necessary. I may properly write this opinion now, though at the time the amalgamation took place, I could not, with propriety, give such an opinion unasked. I anxiously desire the time when the Council of the district may be called together. The magistrates would be sure, by means of this body, of getting all their judgments implicitly obeyed. The "*strengthening of the magistrates*," William Nero observed to the Governor, would be the chief duty of this Council. No individual Natives could resist such a body. When the matters litigated is between men of the same tribe, the village Council suffices to enforce the decision of the magistrates; but in inter-tribal matters we must have a body of more extended influence. I think there is some truth in what Te Wiremu said when he asked for payment for the builders of the Court-house. It should, he said, be regarded as the property of the Queen, and not of the Maories. Heta remarked to-day, What folly it is in this people striving for a king. In the first place he would have but little money; and then what little he had would have the Queen's head on it, or no one would take it."

Friday, August 7.—Conversed with Hoera who came over from Kirikiriroa to see me. Pirihi was gone to Maungatautari to reason with Tioriori, who still clings to King, although a legally appointed Native Assessor. I consequently do not visit him, as the people would reject my authority. Soon, doubtless, he will write. Settlement after settlement thus writes for admission, generally addressing themselves to a native who applies to me. Told Hoera that I should not go to Kirikiriroa as I was sent in consequence of an expressed desire on the part of the Maories, in which the people of that place did not join. Hoera is a very worthy man. Raukaupango, old chief of Kahumatuku, complained of a piece of land belonging to him between the Mangawara and the Thames, being included and surveyed in a piece sold by Ngatipaoa. He wished to leave the arrangement of his land to Takerei and myself, but I told him I could by no means interfere in land disputes, but Takerei might do so. Left Pepepe, and slept at Timaru. Flood still strong against us, though the water has fallen several feet. Takerei told me that Konewhanewha and other owners of Ngaruawahia objected to Potatau's coming to live there, and indeed would not sanction it. If Potatau does not mind, he will lose his remaining influence. He is a thorough Maori. Mr. Ashwell thinks that the reports of our trials would make the "Maori Messenger" interesting—omitting the crim. cons., I agree with him. There must be some thing faulty in the system of sending these papers, for I rarely see one. Takerei and Taneti in company. They issue orders with great authority. Every one says that Takerei is a new man. I am somewhat ashamed of directing these people to do this and that, when I reflect that although they devote so much time to the public service, they get no payment (with one exception.)

Saturday, August 8, Karakariki.—Left Timaru this morning with same party. They directed all the people in our way up to assemble here on Monday. Tarahawaiki and the people of king were holding a meeting this morning. Takerei says he should much prefer deferring our journey to Kawhia and to Ngatimaniapoto until my next circuit, as he has not got his wheat in, and the seed time is already past. As the Kawhia people waited two years before they requested interference, they may well wait a little longer. I was glad to consent to his proposal. In the evening the people began to assemble here for Monday. The object of the meeting is to consider whether they shall establish a new settlement at a distance from their kingite relations, and if so, where it shall be. Although I dislike this direct split, I do not think it would be well to interfere with their own views of a matter which, after all, is of almost daily occurrence amongst them. Hone Kingi came in the evening from Horotiu, whither he had been on a visit to Tioriori to induce him to abandon his indecision, and accept heartily the new system and the Queen's authority. He reported favorably of Tioriori, but said that the tribe generally (Ngatihaua) were still working for king. They have appointed six men to mark out the boundaries of their land to be handed over to the custody of king. He also brought a letter from Tioriori stating a case of murder and another of theft, and requesting me to go to Maungatautari, and see

about them. He is the Assessor there, and the people are urging him to kill the murderer. They are both Maories. I find that I shall not be able, at present, to undertake further than Whatawhata on the Waipa, and across to Kirikiriroa on the Horotui. There must be another Resident Magistrate in this District to manage the higher parts of the Waipa and the higher parts above Kirikiriroa including Maungatautari, and perhaps Matamata. But I think no provision need be made at present, for these people are still unanimous (as a body) to embrace the new system. Tamihana, I hear, is striving to get the murderer put to death. One of the probationers from Whatawhata came down in the evening, and kept me talking until 12. Heard the maories talking about the relaxation of the powder laws. Says one "It's only for us I suppose: King's people, wont get any." "Of course," said the other, "do you think the pakeha are fools?" Any distinction would, of course, be unwise. I don't know whether I mentioned that the people universally have agreed to kill the dogs as soon as I say that it is necessary.

August 9, Sunday—Karakariki. Attended service in native house, small, full, and stifling with heat and smell. 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.

August 10, 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 entirement 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 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 courthouse and church to be placed in the centre; patakas and stores in the rear, doors facing the river, with a verandah, &c. This occupied nearly all day. Afterwards a messenger arrived from the other party requesting an interview, so perhaps the split may be made up. Subsequently a letter came to Takerei saying the runanga of Ngatimahuta disapproved of his consenting to sow Kaitotehe with grass. He said he knew of no such runanga, and should not answer the letter. Ngaruawahia is to be the residence of king. He is to have a fine house furnished for him to be called Aotearoa. They have also rechristened the island. New Zealand being a pakeha name, they have rejected, and now they call it Aotearoa, the name of one of the canoes that carried an immigration hither. I wish this King business was at an end. It is a great obstruction to me, and unsettles the minds of the natives. I do not doubt that quiet perseverance in our plans will gradually attach the whole people to law, but the interval in which I am now working is wearisome and tedious. Constant adhesions arrive; they desert the king party because, as they say, nothing is done but talking. Subsequent reflection made me resolve not to go to Ngatihaua, so I wrote to Tioriori, that as the people of his place had not accepted law, I thought it useless to go, but if they collectively wrote to me, I would set off at once; why should I go and find my orders disobeyed? Hone Kingi took the letter. Settled two cases at Karakariki. A party came from Whatawhata to fetch me. In the evening I went, and Takerei returned to attend the meeting at Te Whakapaku, as requested by the old Maories there. I told him to consent to remain there if the other party promised to obey our laws. I cannot help thinking that Potatau is doing all he can to prevent the movement from dying out, whether with the view of increasing his price with the Government, or of ultimately accepting the dignity if it suits his purpose, I do not know. He is a stupid old man, in my opinion, and perhaps has no other motive than the gratification of his pride. Spite of his pleasant words spoken at Pactai and elsewhere, I have no faith in him. Even amongst the Maories he was always celebrated for his trickiness. Arrived at Whatawhata at sundown. Found the Court-house not finished, as the milldam has burst, and every one was occupied in repairing it. All the evening occupied in talking to the probationers. They don't seem to have managed very well here, more from ignorance than anything else.

August 11, Tuesday—Whatawhata: They gave me the following letters to read:—

Mangere, Hurae 14, 1857.

E KORO MA—

Tena koutou, kua tae mai ta koutou kupu ki a 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 Tamehana, nana ka he e pai ana, ka tika e pai ana, na koutou te tikanga kaore hoki he whakaaroronga, engari kia tika te hapai i te parau, kia tika te raina. He waiata aroha naku.

Te o paraki kia mihi ai au, riro te ahua ki te kaiapo mai he rahui ki taku taha nei tu ai, Whano au ka rere te ripo ki te hau nui, kai whakapakara te hei au te kakekake koe hau kawe nui ki te tau ia ka te turaki inanci e te hoa me tuku atu ki a koe, te mea ia au kei te wai e kau ana, ka mutu i konei.

Na POTATAU.

Rangiawhia, Akuhata 5th, 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 ana kupu he mea atu tenei naku 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 whakareere koutou i a maua ko Tuhikitia, heoi, mo ta Hare Reweti tenei i kimai ai ki nga runanga, kia hanga he whare mo nga runanga, kia nui, kia roa, kia pai, whakairo rawa, puhipuhi rawa ki te kekeru, te ingoa mo taua whare ko Aotearoa, na kua pai au ki taua whare kia mahia ki Ngauruawhia. Kei nga runanga katoa he pou, ka tarai au i tetehi pou maku, kua tuhituhi au kia Ngatihaua: kei nga runanga katoa te marama hei aranga hei te rima hei te aha ranei. Kei te kaha o nga runanga te tikanga. Heoi ano.

NA HOANI PAPITA.

This open declaration of Potatau is more than I expected. I did not think that he would speak out so plainly. The Whatawhata people had not answered the letter, and said they should not answer it. I told them it would be better to answer it, and say, "Let us alone—we are working, and do not want to be disturbed." As the matter now stands, Government cannot longer pretend ignorance of this movement. At the same time it would be highly injudicious for the Government to take any step which would appear to offer hostility to Potatau. He would appear as a martyr, and would find a powerful body of supporters on that ground alone. He should, I think, be quietly spoken to, and the consequences of his act pointed out to him, and he should be told that his annual payments must be stopped if he perseveres in a step which embarrasses the magistrates in their establishment of law,—by no means alluding to it as of grave political moment. The idea of a king prevents very seducing pictures to the minds of the Natives. Nor can we regard the movement otherwise than with respect, for what is it but the efforts of a people to establish a government for themselves, when they had found by long experience that the nominal heads refused to govern them. However, there is every thing to encourage us in our new plans, and difficulties must not deter us. When one reflects on the syncope in which Native matters have rested during the years following the departure of Sir George Grey, and the objectless plan on which they were conducted even previously, we cannot expect to remove in a day difficulties which have been accumulating during a long process of postponement and temporizing. Looked over the land, and found a large piece of clear land, which they were willing at once to lay down in grass. They will write to the Governor. I sincerely trust that the Governor will be able to furnish seed at once. I suppose we have already between 100 and 200 acres ready for sowing, and this will be a nursery for seed for future years. When we urged Natives to get horses and carts, and cattle, and advanced money for the purpose, we again forgot to begin at the beginning. The first necessity was to provide food for them. The Natives, when they had got the cattle and horses, found that they were obliged to turn them loose to find food. The cattle became wild and useless, the horses weak, and not to be found when wanted. The true beginning of all farming is the possession of permanent pasture—that is the first and principal difficulty of Europeans—it has hitherto been the insuperable difficulty of the Maoris. Now they thoroughly comprehend the idea that I have laboured to instil into them, viz., the plan of sowing the old land, and every year adding a piece to the grass land from the arable land, and ploughing continually new wild land for one or two years growth of cereals and roots. It will be a great disappointment now to them and to me if Government, from any cause, is unable to advance seed—they cannot purchase themselves—they are miserably in debt, poorly clothed, and ill fed—their obligations press heavily on them—credit is much restricted. This latter is a good thing, but at present the people suffer under its operation. I have fully impressed upon all the people, that obedience to the law is the first necessity, otherwise how can sheep be preserved from dogs, scab, &c.; and in fact, they have to a great extent received the doctrine that law is the true foundation of prosperity and advancement of every description. I do not propose to advance seed to a tribe, but so many tribes to an individual, according to the size of the land he has got fenced in. This will be making a step towards the division of lands. The Whatawhata people seemed annoyed at a message they had received from the King party, either to join them, and surrender their lands to King, or leave them, and settle upon the territory of the Queen. If they persist in conduct of this sort they will be creating difficulties. 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,—that the white men managing their mills, &c. should be recalled,—and that they should be thus taught how utterly they are dependent upon the Governor for every thing. If these remarks are of no other value, they prove that the Natives think the thing is a reality, and that the people are much in earnest in their "searches after truth" (to use their own word). I am often told that the Governor does not encourage the loyal people any more than the disloyal. I explain that if any great difference were to be now made, direct ill feeling from the other side would rise against them. They say—No. Time will show. There were very few people at the settlement. A European came to me for advice; he was clothed in rags; the Natives told me he lived on convolvulus roots and potatoes. He seemed a very decent man, and the Maories spoke highly of him. He had contracted with them to saw timber for a mill;—the first payment, £60, had been due for 5 months, and not a shilling had been paid. He had had no money during all that time, and said he was nearly starving. His mate was unable to appear, as he had nothing left but a blanket. The tribe is Ngatingamuri, adherents of King, living at some distance, but I directed the magistrates to exert themselves to procure a settlement. Poverty is a great nuisance. Every plough has its coulter worn out, and the ploughing consequently is wretched. They say they

cannot afford the journey to Auckland. I have been calculating that each Maori does not at present average an annual receipt of more than £7. No wonder money is so scarce. In times of poverty and distress all peoples are prone to disaffection. A speedy return of high prices of agricultural produce would do much to extirpate King. Wrote to Hetaraka, Whaingaroa. In the afternoon Rewiti and Panapa went to Arikirua to attend the funeral of Tioriori's mother. Borrowed a canoe and pulled down in the evening to Karakariki—self and Hunia. 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. The speakers were Tarahawaiki, Paratene and Ruta, brothers or cousins of Potatau, old Maoris. Takerei said, "we are near relations, and I shall speak plainly; mind your own business; we do not solicit you to join us; let us alone; the land is mine as you know and I shall do what I like with my own land; you may call meetings but I shall attend no more. If you wish to remain poor, you may do so. I intend to grow rich." Taneti said, "My fathers, now I see what you mean by your kingism. You want us to begin to eat fern root and wear mats. I shall not join you. Let us alone. I shall do what I like with my land. I shall not interfere with you in digging fern-root; don't you interfere with me in growing wool." I told them that their idea was all wrong, and that in fact I did not think they were in earnest in what they said. They seemed vexed at my not having called in 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. Other motives also actuate them—such as regard for their elder brother, Potatau, dread of extirpation, &c. Slept at Takerei's place.

August 12, Wednesday—Wrote to Kawhia and Ngatimaniapoto explaining reasons of postponement of journey of Takerei and self. Wetera wished me to interfere on his behalf in getting his female relation back to him. She is in town living with ———, and has one child by him. Told him that the law would compel a weekly allowance for maintenance, but could do no more. Pulled down the river to Kahumatuku, Takerei in company. Had koreros on our journey. Found a party of Ngatiwhauroa cutting timber for the Court-house. Went on to Mr. Ashwell's, where slept. Found the Whakapaku agitators down here trying to excite an opposition to our grass scheme, but no one would listen to them.

August 13, Thursday—Taupiri. Talked over matters with Mr. Ashwell. We both think it would be a great advantage to visit Tioriori, and see the disposition of Ngatihaua, that most powerful and intelligent tribe. If no letter comes before to-morrow morning, desiring me to go officially, I think I shall go as if on a private visit to Tioriori. I have thought deeply over the question of the murder of the Maori boy at Horotiu, and doubtless a successful interference would be a grand thing; but also a failure would be very injurious. They are the leading people amongst the Kingites, and I am unwilling to risk an open refusal of law by the people. My hope has been that a letter would come. Perhaps they don't know where to find me. Rakaupango gave me a letter about his land to the Governor. 6 o'clock p.m.—No one has yet come from Ngatihaua.

[Mem.—Get opinion about goods delivered on credit to Natives by European traders—price mentioned so many bushels of wheat. No time for payment stated; wheat then at 7s., now at 3s. If the number of bushels stated as payment is to hold without regard to the variation of price, the credit system will be to some extent diminished; that is, the truck part of it. It should be stopped entirely.]

Takerei expressed his intention of going to Auckland shortly after me, to see the Governor and acquaint him personally with his view of matters. He will, at my request, take Taneti with him. After mature deliberation I have determined to go to Te Rapa and send for Tioriori, and talk matters over with him. If any good prospect opens, I can then avail myself of it; and in any case Ngatihaua cannot say they never had a chance.

Friday, August 14—Started this morning in my canoe,—Hunia and I. Met a Ngatimahuta canoe, who informed me that Paratene and the other old men of Te Whakapaku had written to Hoani Papita and Ngatihinetu, asking them to send 200 men at once to build the house for Potatau at Ngaruawahia. The current of Horotiu was of great rapidity, the flood having not yet completely subsided. Very hard work pulling against it. Arrived at dark at Te Rapa, and sent off messenger to Tioriori, who is at Arikirua, directing him to meet me here to-morrow. Found the people all talking about King. They are building a large house to be called after the name of their ancestor "Wairere." The Natives about here have planted little wheat this year. They say the old stock is unsold, and prices are too low to remunerate them for their labour. It is an admitted fact that agriculture does not pay a European, and 3s. a bushel is certainly a small price even for a Native. Saw a document purporting to be the agreement of Ngatihaua to recognize Potatau as King of New Zealand. It had 60 signatures. Have just heard that the boy stated to have been murdered is still alive—which tale to believe, I cannot tell.

Saturday, August 15—Te Rapa, Te Reweti, and another, called on their road from Arikirua to Whatawhata. They tell me that Tioriori is very ill, and unable to come, that a large meeting of Ngatihaua takes place to-day to discuss about the king and about the murdered boy, who turns out

to have been killed, after all, by three priests, who, going through certain incantations, got into a passion, broke his arm, and then killed him, though, at the commencement, they had no intention of doing so. There are proposals, I hear, to crucify (literally) the worst of the men, and to let the other two (one a woman) go free; but some say nothing will be done until Tioriori has judged and sentenced them. The consenting of Potatau seems to have inspired the moribund body of King with new life. I think it is well I came here. The people will all know that I am here, and if they want my assistance or advice, I am ready to give either, but I quite think that, unrequested, I should do harm rather than good by my interference. Moreover, failure to insure the obedience of the people would injure me much in the other districts. I think very strongly, although I believe that at present no other officer of the Government agrees with me that the sooner I call a meeting of the magistrates and probationers the better, in order thereat and thereby to establish unity of action, pass resolutions abolishing tauas, huis, &c., acknowledge and consolidate allegiance, undertake the delivery of criminals to the ordinary course of justice, &c. It would have no element of hostility to the agitating party, for they (Tioriori for example) would form part of it, but would have no power for evil there. I say that I should call the meeting, because Government seem to think it premature for His Excellency to call such a meeting at present. Still I think it might be done by the Governor, by letters expressed in general terms. I wish to call the serious attention of the authorities to this. To make and publish a series of good resolutions now would be of the greatest advantage. The notice calling the meeting should be to the officers of all Waikato, so that no tribe may say they were excluded by us. The king people who came amongst us would be convinced. If this were done, notices should be posted upon the principal places, without distinction of political sentiment.

Upon the supposition that this power is not allowed to be called into existence, how does Government intend to enforce obedience to the law and to the decisions of magistrates. It would be very unwise, and a dangerous imperilling of our *prestige* (such as it is), if we were to interfere in the European manner. My idea has always been to throw upon the natives the entire *onus* of enforcing this obedience, telling them distinctly that as law was offered and taught to them as a boon, and by no means forced upon them, it is their business to see that it is respected and obeyed; that it is for their advantage and not for that of the European. This truth they fully recognise. I look upon this council of magistrates of a district as the anchor which terminates the chain of justice which holds the ship of prosperity from drifting. When they speak of the district "runanga" they say, "to make truly strong the magistrates and the law."

The messenger sent to Tioriori returned without having gone as far as his settlement. He met a large party of Tamihana's people at Makiri, and returned to tell the people of this place that a meeting was to take place here on Monday. He brought no message to me, but I heard him shout this across the river. As no one has asked me to remain, I shall start away at about 4 p.m., giving them as much time as possible to avail themselves of my presence. But I expect no such result. The feeling amongst them does not seem to be good. Speaking of the mill here which had broken and become useless, "Yes," said one, "the pakeba is a humbugging people." Two or three individuals came privately to me and said they were tired of all this agitation, but dare not say so, for the multitude had determined that the Queen's friends should leave all the territory ceded to King, and live on the Queen's land. If they thus begin, in earnest, to interfere with the land, it is impossible to predict the consequences. The more I reflect, the more I am inclined to believe in the almost providential character of our movement. If something had been done two or three years ago, this agitation would never have happened; but had we delayed the establishment of a system round which the orderly and well-affected might rally, I cannot but think that the consequences would have been very serious. The combination would have organized itself, and interference then would only have added bitterness. The *first accidental collision between individuals of the two races would have created a difficulty which diplomacy would have failed to solve*. 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. I wish Government could see their way to let me call a meeting. The promulgation of a political creed just now, solemnly assented to, and originating with *the people themselves*, would produce great good. I should propose to pass resolutions such as the following:—

1. Acknowledging Christianity.
2. Allegiance to Her Majesty.
3. Oneness with the white man.
4. Obedience to law.
5. Recognition of constituted authorities.
6. Abolition of objectionable Native customs.

and so on, getting gradually more into particulars. Get this paper signed by all the people present, who would be the magistrates, and presidents of village councils of the district, and publish it extensively here, and also in the South under the name of the Assembly of Waikato. At present Thompson's people usurp this title, and derive influence from it, although they have not 30 adherents in the whole district. Te Heuheu is gone to the South to visit the Southern tribes, and organize a large meeting at Aotearoa's place in the summer. Should not the Southern Chiefs be informed that Waikato does not consent to this movement, but only a small portion of it, and that the Governor disapproves? At present they give a consent in ignorance, but that consent exercises an influence here. People ought to be told which is the right road, before they hopelessly lose themselves on the dark and entangled one. Pirihī came in the afternoon,

and said it was no use attempting any thing amongst Ngatihaua at present. He said if the people had cared to have the presence of a European Officer at the meeting on Monday, they would have asked me, that he intended to do nothing as a probationer until this excitement was over, for everybody interfered, and nothing good could be done; that, hearing of the grass movement, some had resolved that no grass should be sown upon their land, for it came from the pakeha, and would bring the name of the Queen upon the land. He intimated his own dissent from these views, but said there was nothing for it but to wait. Tamihana had been over to Whaingaroa to try to seduce Ngatimahanga, but had failed. No messenger having come, and no wish being intimated to me that I should remain, started at 4 and arrived at Mr. Ashwell's at 8. Heard from Heta who had just returned from Paetai, that a meeting of several tribes would assemble there, and await my arrival on Tuesday; that Ngatihine complained that I had left them out.—(They live on the eastern margin of Lake Waikari); that Pukewhau had received a polite letter from the Governor, and another at the same time from Mr. Davis, telling him to build a house carved and adorned with feathers, and that in consequence the old man was doubtful what he should do. Told Heta of Potatau's letter. He said it was just what he expected; that Potatau's character was always a tricky one, and that now he is in his second childhood. Government might put the question to him thus: that he was paid for living at Auckland to superintend the Waikato natives, and to act on behalf of them and the whites in any quarrel that might arise, and that if he left his duties, and went to live at Waikato, his pay must cease. Heta tells me that (according to his idea) one part of the song means, that bread furnished for him by his own people, would be sweeter than that of the stranger, *i.e.*, that he would rather receive an annual sum from the Maories than from the pakeha. Mr. Davis could interpret the song. Thus my experimentary trip to Ngatihaua resulted in nothing either good or bad.

August 16, Sunday—Taupiri. Slept.

August 17, Monday—Taupiri. Hona came to me about a puremu case. Told him I would entertain none until the Court-house was finished. Intend to start for Paetai to-day to give time for the witnesses to arrive in Pukewhau's case. Threatens bad weather again. 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 any thing active is done to compel such an arrangement, it would be resisted. I told him to remain quiet and attend to no such foolish reports. In regarding all these matters, we must consider them as the Maori considers them, and not in our own way. Proceedings of this nature very much disturb a Maori's mind, and instead of waiting the appearance of something positive, he is perpetually forecasting, and in actual misery. He believes everything, although such a liar himself. I think it arises from the same cause, inactivity of mind. It is less trouble at once to believe than to investigate. Paringaringa's plan of solution was short and decisive. He said Ngaruawahia belongs principally 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." I told him to abandon all such violent ideas, to do or say nothing to irritate the agitators, but to advance quietly in our own path, not noticing other people. Taniora brought me a letter from Ngatihine, stating that they were anxious to join us, had held meetings, were prepared to present to me a man as a probationer, and requested me to convene them, &c. They also wanted one of their number to be apprenticed to a blacksmith. I shall assemble them in the Court-house at Paetai. This tribe has hitherto been forgotten by me. Pukewhau partly belongs to them. This Chief has attended several of the village meetings lately, but requested the people not to let Potatau know, for being a near relative, he did not wish to offend him. There is no dependence to be placed in these old men. Started for Paetai at about 3, and arrived there shortly after sundown. Found the people alarmed and excited by statements made by Huirama (Ngatiwhao) who has just returned from town, where (as their tale goes) he failed in getting the assistance of Government in procuring blacksmiths and carpenters to build his mill at Wahi, so applied to Mr. Davis, who procured him three whitemen, with whom he returned. We must have a "Native Offender's Bill," and moreover, I think that proclamation should be made stating that the Lands Purchase Ordinance will be put in force, and requiring whitemen who wished to remain amongst the Natives to get a license. It is no longer a time to trifle about Magna Charta and Bill of Rights. The Native Offender's Bill is a much milder measure than the suspension of the Habeas Corpus Act, which is a proceeding quite in accordance with the British Constitution. I hear that Mr. S. passed up the river with a ton of powder. As he lives amongst the kingites, this was mentioned to me with alarm by one of the people, but I do not believe it. Huirama is the old chief of Kupakupa, and a noted bad fellow. He told the people of this place that Ihaka of Pukaki having been appointed Native Assessor by the Governor was compelled by the people to resign his commission as they would recognize no dignity that originated with the Governor. It must come from the king; most likely this is false. He also told them that they would be driven from their lands, if they did not recognize, and subscribe to king. This has made them uneasy. I preach to them about the absurdity of these things, but they retain possession of their mind until some other news comes. 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 king, we know the Governor will make no difference in his behaviour to us, but if we join Queen, we are not certain that the other party will not." However, they are much more true to us than the others are to king. I cannot abandon my opinion that this agitation should be noticed by the Governor in a mild manner,

but sufficiently to let the people know that he disapproves of it. I hear that Pukewhau and Te Kereihi have both been summoned to town. Previously to this knowledge I directed them to meet me here on Wednesday. It is inconvenient, this concurrent jurisdiction, without any reference. It must often happen that plans and dates will conflict. In the Customs, and I believe in the Land Purchase Department, references are always made to the local authority on matters concerning his own district. His knowledge of facts and people must necessarily be greater in his own district than that of officers resident in town. When the minute of the local officer is made on a paper, the Governor has, as a rule, the best and most perfect knowledge that can be obtained on which to found his ultimate decision. If, besides a statement of the facts, an opinion is given by the local officer, it is rejected or accepted as the Governor thinks best; but still the Governor, on one side, knows all, and the local officer is also acquainted with what is going on, and acts accordingly. In this very instance the inconvenience appears. Pukewhau, who ought to go to Auckland, appears before me as a litigant, on Wednesday, or gets his summons dismissed. Moreover the knowledge that the district authorities have a voice with the Governor in local matters, that they can represent to him the good conduct or misbehaviour of the correspondent, must not only increase their influence, as officers, but to a certain extent, discourage misconduct. I put this down as a matter well deserving reflection. It is very important, just now especially, that the Governor should have the best information. I do not think that the Auckland departments, under the operation of the present centralized system (it is a French centralization not an English one,) can afford it, for natives do not now tell them the truth in many cases, and in very rare instances do they unfold the whole truth. The local officer gathers correct information, from his private friends amongst the natives, from the native teachers, and the native magistrates, with whom he is on terms of intimacy and confidence, and whose views soon learn to run in the same channel as his own. Why the sole conduct of all matters should be carried on in perfect independence of the political agents at the out-stations, and as a consequence, sometimes in opposition to their views and acts, it is difficult to see, with the knowledge before one, that their statements and explanations have never been made. It tends to perpetrate the "mystery" of native matters,—which is altogether opposed to the spirit of the new movement. If the political department was, as it used to be in Major Nugent's time, distinct from the Land Department the objection would not be so strong, for one great cause of jealousy and consequently of secrecy would be removed. I cannot banish from my thoughts the conviction that considerable part of the present uneasy and suspicious tone of the Maori mind, is to be attributed to that unhappy union, and its consequences. The fusion commenced when Major Nugent went to Taranaki; gradually the political department became absorbed in the Land Department, until finally its distinct existence was definitively ended shortly after the last session of the General Assembly. I may be wrong in this view, but many think with me. In any case the present discouraging state of the Maories tells a sad tale of neglect or mistake somewhere. I use the word "discouraging" in a limited sense, for the present activity of the native intellect, although caused by our refusal to govern them, presents a noble opportunity for the assertion of higher principles of action. The chiefs of this place are anxious to see the Governor and tell him their cares. It is well that they should do so, for His Excellency ought to rely on nothing but the best information. The difficulty is, when the Maori gets into the Governor's presence, to induce him to say what he really thinks, fears, and wishes. He wastes the opportunity in generalities. It is the Polynesian politeness which I have before alluded to. If the Governor had an interpreter of his own, free from all connexion with any Native officers, the Natives would speak out more freely. At present they have two fears, one—to give offence to His Excellency; the second—to give offence to the Native Department. Sir George Grey always had his own private interpreter; and Ministers, I respectfully state, made a great mistake in striking that officer from the civil list. Many of these reflections, perhaps, should not appear in this journal; but I cannot help thinking that it must be of more use to the persons for whose information I am directed to write, to put down thoughts as they arise, and record events as they pass, rather than to present a castrated edition of daily doings, omitting every thing but such as is sufficient to account for the employment of one's time. I expect the whole of central Waikato here on Wednesday.

August 18, Tuesday—Paetai: Pukewhau and party came to-day. Long conversation with him. Have seen two more letters of Mr. Davis—one was admirable exhortations—the other, if I properly gathered the meaning, injudicious and improper. The one to Te Ngaungau was almost all about religion. Pukewhau wants another man teaching the trade of blacksmith. I discouraged the idea at present on account of Paul, but told him the Governor must decide. The letter to Te Kereihi from Auckland, to which I have alluded, I find to be in reply to one which he never wrote, about land. It must be some other man of that name in another district. Issued subpoenas for witnesses in Pukewhau's case. The tale they tell about Ihaka of Pukaki is in this wise:—Having received a letter from the Governor stating that His Excellency proposed to appoint him Native Assessor, he assembled the people, and they went in a body to Potatau, and said "The Governor appoints me a magistrate, but we are unwilling to recognize him as the source of dignity. You are King, and if you make me magistrate, I shall stand; if not, there is an end, for you are the source of dignity." To this Potatau gave no reply. This is as Huirama reported the matter here with great delight. He will be asking for a loan for his mill soon, even if he has not done so already. Although myself I find this King business a nuisance and an obstruction, I always tell the Maoris it is nothing, and advise them to take no notice of it; but it forms the leading subject in their evening discussions. Paora Tirua expressed his intention of going to Auckland to tell the Governor his ideas about these matters. It is well that His Excellency should learn these things from the people themselves. I wish they could be taught to speak honestly to him. I hope the Governor will approve of my assembling the magistrates and chiefs of assemblies—a declaration of

our political faith just now, widely disseminated, would have good effect, especially in the South, where Te Heuheu is agitating. The Akitai people, on being asked by Huirama what should be done with the Maoris who stuck to the Queen, said, "When the Governor goes to England, they must go with him." I suppose they meant, "When we compel the Governor to go." The impudence of this handful of men is incredible. We are now reaping the fruits of a long series of flatteries and largesses, and bitter fruit it is for an Englishman's *amour propre*. If the movement made recently by the Government, had been deferred another year, I really believe that such an organization would have been effected as would have rendered our occupation of this country as precarious as our moral empire in India has recently been proved to be. Hone Heke had no such party, and no wider views; his moderation was less, and therefore his talents were less dangerous. As it is, we came into the centre of the system, and stopped partially the action of the prime motive power,—I mean the Waikato tribes. This is the third year of the agitation, and I cannot but think that the star of civil discord has now passed its zenith; at any rate, new adhesions constantly arrive to us, not such adhesions as are testified by the Treaty of Waitangi, but intelligent acceptations of law, and acknowledgments of allegiance, resulting from reason and conviction. There is no concealment or subterfuge:—"We are the subjects of the Queen, and the sovereignty of this island has gone to her,—opposition is now too late." I heard Te Kereihi use these words in an address to his people.

Meeting—5. ———

August 19, Wednesday—Paetai: To-day assembled Ngatihine. The meeting was precluded by a few letters in a diplomatic style. It was a good meeting, though characterized by no good speaking, but the people seemed sincere. It lasted until 4 p.m. There was a meeting in the evening to arrange about Paora and Te Kereihi going to town to see the Governor. All the people want to go and assure His Excellency of their loyalty, but I discouraged the notion, and told them that the civilized way was for the principal men to go, charged with the sentiments of the multitude. Received letter from Paul about grass seed. The result of my preaching has been the thorough conviction in the minds of all the people of the great advantages to be derived from sowing all waste lands with grass. The plan has taken deep hold of their minds, and must now accompany the civil institutions. Our only difficulty soon will be the poverty of the people. Similar letter from Kapihana and Te Kau on behalf of Ngatihine. Pukewhau remained outside during the meeting of his people (Ngatihine). He approves very much of all this, but does not wish to hurt Potatau's feelings—so he told me.

August 20, Thursday—Paetai: Messenger came this morning with letters from Whaingaroa—one from Mr. Graham, about an assault by a white man on a Maori woman, and requesting me to go over and investigate it. Wrote an answer, and to Wiremu Nero. It is impossible for me at present to undertake a larger district; indeed I shall be compelled, I fear, to ask a little assistance from Government, until the thing is initiated: the Natives constantly keep me talking until 12 and 1. It is at these evening interviews I gain their real sentiments, so that it would be impolitic to stop their access to me, wearisome though these long conversations are. I almost think that the first requisite in a Native officer is a strong body—mind being altogether a secondary consideration. The work is very heavy on me now; in a few months, when the wheels are oiled, and properly on the rail, the coach will go more easily. Held a Court; again adjourned that difficult case of Te Wharepu's for further evidence—dismissed three of the defendants, one who had paid, and two against whom there was no evidence. The second case was easy. The people seemed much pleased. Already we found the Court-house too small; it was therefore arranged that Ngatihine, who have joined since its erection, shall add a piece to the end. Hunia managed very well as keeper of order, crier, &c. Received letter from Wiremu Te Wheoro on behalf of the multitude, about powder: told him and the meeting I could give no answer. The Court was over at 4;—we then held a "runanga," at which the old chiefs presided: we all made speeches exhortatory, didactic, exultatory, and reflective—in fact, the whole proceedings were most satisfactory. I told them not to rejoice yet, but wait until we have got every thing perfect, as the "pakeha" have it; and above all, to let the King people alone, to ask them on shore when they passed in canoes, to let them talk without arguing with them, but quietly to go on their own road. They offered me a fine piece of land, to me and my heirs for ever.—I sorrowfully declined. Te Kereihi afterwards privately asked me to pay his passage across the Manukau. He said he was too old and feeble to walk, and had not got a shilling in the world; he must see the Governor once more before he died, and tell him how "pumau" all the arrangements were. I told him the 3 shillings should be paid. I like the old man very much, and know he is thoroughly honest. He is one of the half dozen old chiefs of fame still alive, and the greatest man we have got on our side—indeed perhaps the greatest in the district. He is a "matua" to Potatau. I had an opportunity of lecturing a great Chief. When one is *clearly* and indisputably in the wrong, it is well to seize the opportunity *ex cathedra*.

August 21, Friday—Paetai. Got away about nine o'clock. Self, Te Kereihi, Paora Tirua, and Rehiana, besides several others, who had been attending the 'Runanga,' and who we successively dropped in our passage down the river. On passing Tuakau, the inhabitants called to us to go on shore, and Te Katea and Hemi came to ask to be let off their liability to pay the £10 to which the subpœna said they would be liable if they neglected to attend as witnesses at the past trial. These were the men summoned in Pukewhau's case. They had not received the summonses until late in the day of appearance, and it was impossible, they said, for them to attend at the time stated. This was true, so I told them that as the fault was not theirs, there would be no punishment for them. Arrived at Mr. Maunsell's about 8 o'clock, unwell.

August 22, Saturday—Kohanga. Went inland to Taupari, Kukutai's place. The Court-house was finished, except doors and windows. Obligated to return from illness.

August 23, Sunday—Influenza, diarrhœa, &c.

August 24, Monday—Answered three letters from Whaingaroa. Received letters from Government—one about Hakopa, of Ngatimaniapoto, whom I have already written to; and another, directing me to send copies of my letters to the Native Department. Received also the powder papers. The Maories are considering this question deeply. Waata says that now he perceives that the Pakeha has lost all fear of the Maories; that they have become now so numerous as no longer to entertain dread. Te Kereihi says that one Maori should be appointed in each of the *loyal* districts, to sell powder to persons whom he knew would not make a bad use of it. I told him that anything which looked like a practical exclusion of the king party from the privilege would excite bitter feelings of suspicion and jealousy against him and the loyal natives. He said that that would exist in any case, and that it was folly to give them power to carry their threats into execution. When I told him that they could get as much as they liked by secret purchase, he said "Yes, that is true." Attended a "runanga" at the Court-house. The place was crammed. I assisted them in devising and drawing up a bye-law for pigs and dogs, both good, I think. See copy. This will be a good specimen of the result and doings of these village councils. The proceedings lasted all day, for every body spoke. The old chiefs, Po and Ruka, never said or did any thing, but occupied the seat of honor as presidents of the assembly—Waata really did the business, but the old men were highly delighted with their office. The "orders of the day" were not finished, so the assembly was adjourned until Waata's return from Town. Waata has attempted to procure the census of this district for me, but it is very imperfect. I do not think I can furnish one at all approaching accuracy, this year at any rate. Was obliged to return home before the "runanga" was over from violent influenza. I doubt whether I shall be able to move to-morrow. Ruini returned to-day from Waiuku, very angry at the elopement of a girl who was *taumaued* to a relation of his, but principally annoyed because his own wife accompanied her. He requested the interposition of my authority to bring her back. Rain has been falling very heavily to-day. Native teacher returned from Tuakau with a collection of £5 5s. Od., for the Bible Society, contributed entirely by Maories in sums only three of which exceeded 1s.

Bye-laws appended.

August 25, Tuesday—Started for Waiuku, Kereihi and the rest declining to proceed at present on account of the weather—wet and stormy. Arrived at Waiuku in the evening. Saw several Natives of Te Tanewha's party drunk at Te Puhuahuirangi. A magistrate stationed at Waiuku would be of great benefit—a place at present famous for disorders and riot.

August 26, Wednesday—Sailed in the Sea Belle for Onehunga. Arrived at two in the morning, very ill from influenza, &c., which has been gradually increasing.

August 27, Thursday—Arrived in Auckland. Confined several days subsequently with illness.

Auckland, April 24, 1858.

SIR,—

In accordance with my instructions, I have the honor to enclose to you a copy of the journal of my last circuit. I have not kept it so minutely or entered into so many details as it has been my custom hitherto to do, inasmuch as I observe that the observations and memoranda in my previous journal have not been noticed, nor have any instructions arising therefrom or suggested thereby been communicated to me. It was my desire that the views of His Excellency and the Government on the course of conduct pursued by me in these operations, might be communicated to me, in order that I might learn what was approved of, and what steps or ideas did not meet with approbation. It was with this view that I recorded not only my doings and sayings but also any new thought that suggested itself to me in the course of my work. I have been less minute in the journal enclosed.

I have, &c.,

FRAS. D. FENTON, R.M

The Honorable
The Colonial Treasurer,
Auckland.

February 17, Wednesday—Left Auckland and slept at Drury. Stopped a party of Natives returning from Auckland to Waikato, and pressed one into the service to carry luggage hence to Tuakau.

February 18, Thursday—Arrived at Tuakau at about three o'clock. Karaipu applied for a summons, but I declined to issue one until the Court-house was finished. The people made many excuses for not having completed the Court-house, but they are not satisfactory. They finally engaged to set to work as soon as the wheat was cut. Procured canoe and Natives, and arrived at Kohanga at sundown.

February 19, Friday—Went to Taupari and found no business, everything having been satisfactorily disposed of by Kukutai the Native Assessor. Long conversation with him. The proceedings at Whaingaroa appear to have divided themselves into three heads:—1. The unity of the two races and the adjustment according to the Native wishes of all conflicting interests, such as cattle trespass; 2. The determination of the people to sell to Government all contested lands, so that disputes may cease amongst them, and the right of any person to sell his lands without interference from others; 3. The king business: A meeting of all the tribes is to be held at Paetai towards the end of March to settle the Rangiriri land quarrel and to again agitate the king question. At a large meeting recently held at Rangiawhia, the tribes of the interior resolved to "*whakapumau*" the King at once—

to finally establish him. Working on the census. Engaged Waata and an intelligent Maori to go with me up the river to assist in this. Promised the former £5 and the latter £2. Waata tells me that he has sent the account of the meeting at Whaingaroa to "the press," that is, to Mr. Davis' newspaper, to be printed. He says he did this, because the account of the great meeting at Paetai last March was sent to the Native Office, and no notice was taken of it, nor did he ever receive an answer to his letter.

February 20, Saturday—Long conversation with Waata on the subject of the census. I have engaged him to accompany me and assist me. From what he says, and from what I have elsewhere observed, I am inclined to think that there will be difficulties attending this work in this district, arising from the state of the Native mind in parts of it, and consequent suspicions. A Native may succeed in getting information where an European would fail. Waata is of opinion that policemen must be established, and, in criminal cases, the offender must be imprisoned. He quite recognizes, as a fact, that there are many offences which cannot be compensated by payment. He also wants to know whether the windows, &c., for the Court-houses will be supplied, as at present they are useless in windy weather, and, at any time, papers cannot be kept in them. I could give him no information on this subject. I suggested to him that it would be well, in case he attended the king meeting at Paetai, to take no part in the proceedings, but to sit quietly on one side, on the ground that the whole affair was settled last March, and that it is worse than useless to reopen the question each year. By this course, also, all the neutrals will appear to belong to us. This course will, I think, be pursued by all the men of order. To remain away altogether might engender ill-feeling. The question of whether a European officer of Government should be present is a different one. Cannot Potatau be made to speak out decidedly and finally? His present double dealing is very injurious.

February 21, Sunday—Kohanga.

February 22, Monday—Left Kohanga this morning by canoe. Some delay in consequence of the wind blowing strong from the S.W. Obligated to take a large canoe to cross the open water, and changed into a smaller one at Paharakeke. Called at Tuakau, and instructed the probationers as to the census; also scolded them because the Court-house is not yet finished. Arrived at Meremere.

February 23, Tuesday—Left Meremere and landed at Pungapunga. Here I found Te Kereihi and several other of the principal men of Central Waikato awaiting me. Their wish was to obtain my consent to the erection of another Court-house between Tuakau and Paetai, as they said the distance of either of these from their residences was inconvenient. I told them I would not at present say yes, but would consider the matter. Appointed Hohapata here to take a census. In the evening arrived at Paetai.

February 24, Wednesday—There are a large party of Ngatiwhanaunga from Coromandel here on a visit to Ngatihine. To-day issued summonses, and heard applications. Several conversations about the grass sowing project; but I was able to give them no information as to how far the plan would be assisted or encouraged by Government. The Natives are miserably poor just now, or they would not require any temporary assistance. I look upon grass as the foundation on which any scheme of future material prosperity is to be built, and every year lost is a national loss, to my mind, inasmuch as it is the postponement of the increase of wealth. In the evening people came to me privately to tell their grievances. I would not listen to them, but told them to come to the Court to-morrow, and say what they had to say, for Magistrates could not attend to private conversations—in fact, they were improper. This principle is now so generally recognized that few attempts are made to obtain private interviews. Under the old system of komitis and arbitrations these interviews were necessary; the injured person often felt considerable relief from the simple fact of having told his grief; the result was advice which was attended to or not as the parties pleased: but under the plan of judicial decision of course these conversations are not only unnecessary but objectionable. It is moreover quite consonant with Maori usage that any important matter should be investigated in public, and every thing heard by all. On the same principle I have required the Native Magistrates to abstain, as far as possible, from listening to any matter that is likely to be judicially investigated, out of the Court-house. Every one quite acquiesces in and understands the justice of this.

February 25, Thursday—Held a Court. Magistrates present besides myself, Kukutai and Taneti. Probationers—Wiremu Te Wheoro, Hone Kingi, Hetaraka Murupainga, Wiremu Panawaka. There were only three cases—two for adultery, and one for the loss of a pig by dogs. It is remarkable that cases of cattle trespass are already beginning to disappear under the influence of the regulations made by the village "runangas." I have had no application for a summons for cattle trespass during this circuit. Of course, if fences are properly maintained, there can be no cattle trespass. One of the cases of adultery was about the wife (lawfully married) of a man who had according to the evidence behaved well to her, but who had abandoned herself utterly to vice. In our opinion there should have been no payment to the husband for such a worthless person; at the same time we thought that some punishment should be inflicted on the adulterer, so we gave judgment for £1. Our opinion was that this payment should not have gone to the husband, but should have been in the nature of a fine for public uses, as a restraint on vice. The law should enable us to fine in cases of this sort, where from the worthlessness of the woman or other causes, it is right that no compensation should be made to the husband, but still some punishment should be inflicted on the adulterer as a public offender. It would be well also if the woman could be similarly punished—unfortunately this cannot be as the husband would be the sufferer. In the other case the woman sinned for the first time, so we adjudged for £10, quite as much as there is any probability of a Maori ever being able to pay. On hearing the judgment defendant said he could not pay that amount if he worked until he was dead. They are miserably poor, their means of ploughing being limited by the want of food for their horses. After the Court rose a meeting was held to consider a

letter from Takerei. He had written to state his intention of going to Taranaki to endeavour to settle the quarrels there. The general opinion seemed to be that there were sufficient quarrels, &c., in Waikato, to require all his time and attention. Moreover, as men had been killed, intercession by words would be useless. The matter being ultimately referred to me I decided against his going on the grounds mentioned in the discussion, and also because it was not at all improbable that he might be insulted there, and thus Waikato would be drawn into the quarrel. Rawiri, Katatore, and Ihaia were all slaves in Waikato, but it is very doubtful whether the returned slaves would now recognise the influence of their former rangatiras. To my view the visit might produce injury, and could do no good. Pulled to Tauranga koura and slept in the canoe, all the houses being untenanted and swarming with fleas.

My views on this matter underwent alteration when I heard of the steps that had been taken by the Government.

Auckland, April 24.

February 26, Friday—Arrived at Kahumatuku. Issued summonses for tomorrow. I am somewhat uneasy about the census. A stupid woman told the people that I am writing down the names of King's people and Queen's people. They don't care here, but in the unquiet districts it will do much harm, I fear. I contradict this and say I merely want to know the numbers and location of the people so as to arrange the Court-houses conveniently. Great discretion will be required further up the river. The worst of it is that the omission of any part renders the whole valueless or nearly so.

February 27, Saturday—Held a Court. Only two cases, one of slander, the other theft—a case of buried money which disappeared. There was no evidence against the accused. Whakapaukai, the defendant in the slander case, is a boisterous Maori of the old school, and was difficult to manage. When rebuked for his improper language he said that it was not his fault, that he did not understand the new system, and that he was an old fool, that he did not come willingly to the Court, but came because he was compelled, and therefore we should not be angry with him. He paid the money that was adjudged against him, and every thing ended very satisfactorily. Heta told me he was uneasy about the census. He was sure the tribes of the interior would misunderstand the matter, and attribute motives to the Government. But I will obtain what information I can safely do. Lest the presence of Kukutai should excite suspicion as a known loyal subject, I shall send him back from Whatawhata, and use the residents of the district alone. Te Wheoro and Panawaka accompanied me to sit at this Court. They went back to-day. Taneti will go up the river with me as far as I go. The second case to-day I left entirely to the management of the Native Magistrates, and they did everything, cross-examination and all, as well or better than I could. Waata's talents are very remarkable. He will be the most powerful and useful agent of Government in this part of the country.

February 28, Sunday—Taupiri.

March 1, Monday—Pulled up the Waipa to Whatawhata. 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 here this 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. I think as little as possible should be allowed to depend on *personal influence*; it is, as Mr. Fox said, a rope-of-sand; system should be substituted as soon as possible. With the Europeans it matters nothing whether A or B is the officer—his office is respected and gives influence. At present amongst the Natives it is too often the individual that gives weight to the office. Picked up Takerei on the way.

March 2, Tuesday—Hemi Matini and Te Waterauhi, probationers, came, hearing of my arrival. Held Court. This Court-house is built of adzed matai—very well done. The absence of windows is a great inconvenience. Magistrates present—Waata, Takerei, Taneti. Probationers—Mohi, Panapa, Te Reweti, Waterauhi, Hemi Matini. A most orderly and satisfactory Court. Several partizans of King expressed great admiration of the proceedings, and said it was just what they wanted. To-day we tried three adultery cases. In one case the husband (married) was out of the country, and the new one sought redress for adultery—of course I dismissed the case. All these things will tend to raise the sanctity and force of marriage legally done. It is now about 20 years since the great war of Waikato against Ngatiwhakaue, the tribes residing amidst the hot springs. The principal leaders on the side of Waikato were Kukutai, Mokoroa, and Te Waharoa. The son of the first was sitting to-day as a Magistrate, the son of the second was sitting amongst the people as a listener, the son of the third is Thompson the leader of the King people.

[*Mem.*—To propose in the new Bill that Magistrates shall have the power in adultery cases to award punishment by way of fine instead of compensation to the husband; sometimes the woman is so worthless that no money should be paid to her husband; but still a fine, acting as a restraint upon vice, would be beneficial.]

A defendant to-day having gained his case, asked for a summons against the plaintiff for slander and false accusation. These ideas are prevalent amongst the people, and difficult to eradicate—but I cannot express in sufficiently strong language the *plastic state of the Maori mind just now*. They are so much in earnest that they exert all their faculties, and receive all my impressions without question, when they have once perceived that my reasons are good. The women are very inferior to the men. I certainly think that girls' schools are more necessary than boys'. The latter often exert themselves at the Native Settlements to learn,—the former seldom.

Two letters have come from two small tribes at Rangiaohia, requesting the attendance of Takerei and myself, so that they may hear about the new system. Thus we gradually spread, consolidating ourselves as we go on. Every native magistrate, *actually doing something*, becomes an additional guarantee of order. In fact, they recognize themselves as part of the Government, and feel their

ambition and pride—the strongest of their passions—enlisted on the side of order and loyalty. They become great *pari passu* with their cause.

March 3, Wednesday—Held adjourned Court This is the first time I have required a second day's sitting. I find that the census will not be reliable as far as the children are concerned. The ideas of the Maori are so very vague as to the age at which a person becomes adult that, as I employ Maori agents, the proportion of children and adults will differ in almost every settlement. Nor will the information I obtain myself be much better, for I gather it from Maori lips. I cannot see everyone myself. About Whatawhata I find that only the very young children are put down amongst the children, but the boys and girls are classed amongst the adults. The natives at the late Rangiaohia meeting collected £67 for the press. The money is sent, they say to Mr. Davis. A man made an application to-day for a summons for a second hearing; so I explained that they could not have a case tried twice.

March 4, Thursday—Adjourned Court, the business not being finished yesterday. The fact is there are considerable arrears. One day will always suffice when the system is in regular operation. After the judicial business was finished, a number of very young men made an application to me against the native probationers. After a patient hearing, I found that (apart from some slight mistakes resulting from ignorance and inexperience) their conduct had been good and firm, and the complaints arose from the dislike these young people felt to the *restraint under which they were now held*. I explained to them that I found no wrong in the probationers' conduct, and that they had better submit willingly to law than under the influence of compulsion. They said that they were quite willing to submit to the decision of the Court when the European magistrate presided, because everything was clear and just, but the native magistrates were *not so good*. I told them that experience was required, and so on, and that in the meantime I would always listen to any complaint of error. The native magistrates followed on the same side, and the complainants expressed themselves satisfied. Worked at the census. Some stupid women have been spreading the report that I am numbering the people who adhere to King and those who belong to the Queen. I have, however, as yet, seen no reason to cause me to discontinue. Nor am I at present apt to think that any great risk will be run by perseverance; but I fear I cannot get any information in the disturbed districts. However, I sent back Waata and Ngatitipa to work on Waikato, as I think his presence might create some jealousy up here. I take on Takerei Taneti, and Mohi instead. Moreover, their local knowledge and influence is greater. Three Europeans attended the Court as listeners or parties. I find these settlers are all strong supporters of the new system, and their influence is beneficially exerted. Indeed no one will profit more than they by the establishment of law, especially accompanied, as it must be, by material advancement. Perused the records of the proceedings of the native magistrates during my absence,—also their correspondence,—and gave my opinion on each, with instructions, &c. The division of the land is gaining strong hold on the minds of the natives. I should like to know the opinion of the Government on the ideas stated in my previous diary, as well as on all the memoranda therein contained. Pulled up the river and slept under a food-stage, the houses being uninhabitable from fleas.

March 5, Friday—Waihakari. Started up the river. The detentions at the river side by parties who insist on presenting us with cooked food are very annoying,—but one is obliged to comply with these Maori etiquettes, or give offence. Obligated to stop at Pirongia, the settlement of Ngatitekehau, from the heavy rain from the N.E. which had permanently set in. The people mustered, notwithstanding the rain, and wanted me to hear several cases. I declined, telling them that they must go to the nearest Court-house and take out a summons. I am now in a district that I have never yet visited, so that I have again to begin with my teaching from the beginning. Irregular applications for hearings out of Court, or for friendly arbitrations, are never made now in the old districts, viz., Waikato and Lower Waipa. The houses here are very miserable, and the people appear as poor as they possibly can be. The amount of cultivation is certainly smaller than it was five years ago, and I have no doubt that before winter the people will be eating fern root: indeed they say so themselves. I never saw so much wretchedness. In my opinion, they have retrograded through the whole of this district.

March 6, Saturday—Found the hut and everything so wretched that, although heavy rain still continued. I started to walk overland to the house of Mr. Turner, about five miles. The canoe came up in the afternoon, and pulled on to Te Kopua. Mr. Turner's account of the natives here agrees with my own observation. Waipa has risen ten feet, and the rain still continues.

March 7, Sunday—Walked in the evening to Te Kopua, an extensive and very miserable settlement. Took possession of a house, which turned out to swarm with fleas. I forgot to mention that I came up here in compliance with a letter from a part of Ngatimauiapoto and Ngatimarakore.

March 8, Monday—Te Kopua. The people came to express their desire to have law, and their willingness to build a Court-house. I told them the usual things, and added that if they showed their earnestness by building a Court-house I would visit them, but that arbitrations out of doors were nothing but Maori meetings, the decisions of which were obeyed or not as the parties thought proper; that the decisions of a magistrate in a Court-house must always be obeyed or the goods of the refusing party would be distrained. They understood this, and so the matter rests. When a tribe builds a Court-house it is now received as a sign by myself and everyone else that they have accepted law. Pulled or rather poled up the river on our way to Awatoetoe; arrived there at 4 p.m. Hopa and several people came to talk to me previous to the meeting, which is arranged for to-morrow. They pressed me to consent to the erection of a Court-house and the establishment of law. I told them that the place was too remote, and a European magistrate could not visit them regularly. They said they were the Queen's subjects and had a right to have law administered amongst them; that this necessity was so strongly felt that, as I knew, great numbers of the Maories were trying to find out a way of governing themselves; that every one felt that murders and wrongs must be stopped amongst them as well as amongst Europeans; that they did not wish to join the new party, because they were ignorant,

and led by old Maori chiefs principally; and finally Hopa said that he found he could not keep his people right any longer, unless he was supported by the influence and instructed by the *knowledge of the European magistrate*. After a long interview, I told them I would make no decision to-night, to await the result of the meeting to-morrow. Takerei strongly supported Hopa, and his opinion and advice weighs much with me, but I am anxious to avoid undertaking more than can be performed. I am now amongst the hills, three day's journey from Taranaki. Had a splendid view of Ruapahu. The Taranaki war formed the subject of conversation during the evening. It seems that Katatore's party lay some of the blame of the late murders upon Pukewhau Te Wharepu and Arama Karaka Te Ngarangara, because Te Patata obtained from them some powder with which the guns were loaded. These chiefs seem determined to go to Taranaki and see about this. If they do, the probability is that they will be drawn into the quarrel. Katatore, Ihaia, Rawiri, &c., were all slaves in Waikato. Two of them were prisoners of Ngatihine, the tribe of Te Ngarangara, and it is not likely that the language of the Waikato chiefs will be moderate. Probably they would then be insulted, and the result would be hostility. I have directed the native magistrates to oppose the idea on these grounds. Pukewhau, however, seems determined. Their information about Taranaki is very accurate; messengers and letters are constantly passing and re-passing. It seems that now Ihaia and his party are entirely surrounded by 300 people, and sentinels regularly set, who are relieved at the sound of the bugle "like soldiers," the Maories say; and a letter from the investing party to the chiefs of Ngatimaniapoto expresses a determination to starve them into a surrender and then exterminate the whole "whakangaromia," as they say. I heard some people saying to-day that the king party were organizing policemen and soldiers to repress disorder, but the conversation dropped when they saw I was listening, and I asked no questions. I think the objects of the agitators is little understood in Auckland. It was simply an *effort of a people who pray to be governed, to govern themselves in the absence of anything better*. But, like all popular movements, it has now, to a certain extent, embraced other ideas. If the new system had been two years earlier in the field, the agitation would never have existed. I begin now to find great difficulties about the census. They tell me I shall get no information higher up, amongst the central district of Ngatimaniapoto, and that my presence on such an errand would create great uneasiness. Takerei says native agents would succeed no better. If, upon reflection, this appears to me to be so, I shall content myself with the best information I can get here. Waipa has fallen two feet.

March 9, Tuesday—Went to Te Awatoetoe overland. There was a great feast of eels and pork &c., prepared for us. Held a meeting of the tribe Ngatimatakore. The speeches were of the usual sort, though more mention was made of king than usual. I consented to their building a Court-house, but did not promise that at present any one would visit them regularly. Found it was useless to make local enquiries amongst Ngatimaniapoto as to the census—indeed it will create uneasiness. I must therefore pick up such knowledge as I can. Attended a meeting in the evening respecting the disputed eel-pa. We, the magistrates, declined to act, when called upon, on the ground that the dispute concerned land. Ngatimaniapoto have taken possession of the pa with an armed party. The orators, tracing up their pedigree from the first immigration from Hawaiki, mentioned twenty-one generations. In one case twenty-two were mentioned.

March 10, Wednesday—Te Tuahu. Marked out the dimensions of the Court-house, and left Hopa in charge of further proceedings. Pulled down the stream to Te Kopua, collecting the census papers. Ngatingawaero had refused to allow one to be taken, but I had obtained the information elsewhere. Many of these returns cannot be relied on as perfectly accurate, especially as to the children, but they are sufficient for all practical purposes, and as good as can be obtained without great labour. The reasons why Ngatingawaero refused were two—1. That the Governor wanted to know how many men there were, as the Pakehas and Ngapuhi were coming down to fight them. 2. That the census was to shew the number of king and Queen people. Had a long conversation with the Rev. Mr. Reid; his opinions quite agree with mine. He says it is quite time that the principle should be recognised that law and religion must help each other. The houses, clothing, and everything belonging to the Maoris up here are most wretched, much worse than when I was here five years ago. They seem in the lowest stage of poverty. Have nothing inside their houses and little outside. They expect to have to eat fern-root during the winter. The mill has not turned a wheel for five months. The Ngatingawaero have some cattle which are tame, as the beautiful plain around Mr. Reid's house produces some grass, but it is native grass and would not do for sheep as it is full of utiwai. The river here becomes a large stream from the union of three considerable rivers, but lower down the navigation is impeded by rapids. Had long consultation as to whether we should cross over from here to Rangiaohia, but decided that as they had as yet made no application for law, although I told them during my last visit, that if they wanted law they must write a letter to me, it would be against the principle to attempt its introduction unsolicited. They know well the difference between a formal application for the establishment of law amongst them as a reality, and the vague assurances of attachment to the Queen, and the "ture," and the "whakapono," which are often nothing but a Polynesian politeness. Wrote letters repeating what I said to them before. Pulled down the river numbering the scattered population as we went. Asked Mr. C—— to assist me in the Rangiaohia census, as all the natives assure me that it was useless for me to attempt anything there openly, as to numbering the people. He declined on the ground that the Maoris would be so angry with him, if discovered, that his trade would be ruined. Pulled down and slept at the settlement of the Patupo.

March 11, Thursday—Pulled down the river. Walked inland to Konewhanewha to get the census through a sadly overgrown and wearisome road. Arrived at Whatawhata. Obtained a European well acquainted with the Maories to take the Rangiaohia census. Told the magistrates here not to listen to applications on any days but Mondays, and to make a rule of sitting in the Courthouse

so long as there is any business, on every Monday. It is necessary to lead the Maories from their present irregular way of doing business. It keeps them in constant excitement, and consumes so much of the magistrate's time that no salary that could be paid by Government could compensate. The moment a man thinks he has sustained a wrong he runs to the Native magistrate or to the European magistrate if within reach, to tell his grievance, and ask if he has a remedy. They must be taught to await the Court days. If the matter is important the Native magistrate will reserve it until the visit of the European magistrate. The Maories would wish to have a European magistrate in every village. Told the Magistrates further that when everything was properly settled, I should hold a meeting at some central place, of all the magistrates every circuit, for the purpose of discussing difficult questions, instructing them in law, and establishing unity of action. Told them further never to meddle in a business that had been decided on or commenced by another magistrate, and never to state publicly an opinion that a decision or conduct of any brother magistrate was wrong, but in all cases to bring the matter before me. Taneti left us as we passed his settlement, and Takerei and I went on to his settlement where we arrived at 11 p.m.

March 12, Friday—Te Whakapaku : Wrote letters to Tioriori, &c., as to Rapana's horse case. Tioriori has interfered after Takerei had decided, but as he lives amongst Ngatihaua, he has not had the benefit of any instruction. Landed at Tangirau to shake hands with Paratene and the other old chiefs who head the king's party. They appear to be beginning to think that they have no chance against the greater activity of their law-seeking friends backed as it is by European intelligence. Arrived at Taupiri. Taniora having failed to forward any information for the census as to the Ngatihaua settlements, despatched Hona to Hoera to try again. I think it would be not only useless but injurious to go myself. Moerangi census has not yet come in. Took the Kupakupa and Taurangakoura people. Received letters from Colonial Treasurer as to my expenses, and Native Secretary as to assessors.

March 13, Saturday—Taupiri : Long interview with Tioriori. He wished me to visit him and the Ngatihaua settlements. I told him I would not until he and the majority of the people had expressed a desire for law by a letter to me: that it was useless to go there so long as they were all behaving like children, but as soon as they began to behave like men and requested me in reality to go amongst them, I would do so—that it mattered nothing to me whether they continued their play longer, and so on. He said he should get the letter written as soon as he got home, and do his best to stop the agitation, that all they wanted was law and order; and that they thought the only way of getting it, was by establishing a government themselves, as the European Government had never attempted any thing to stop disturbances, and punish evil doers amongst the Maories except where a white man was affected; that they were beginning to see that the Government had commenced to establish law, and they knew that it was much more able to do it effectually than they could in their unguided ignorance, and that he, for his part and most of his people were quite ready to join me now that they saw the affair was not a mere "whakarite kau." We discussed many other things such as the possibility of interfering with land disputes. He advocated interference; I did not. I told him that that and many other subjects would form fit matters for the deliberations of the magistrates under my guidance.

March 14, Sunday—Taupiri: Further consultations with Tioriori, &c.

March 15, Monday—The European who went to Rangiaohia returned. Took his information &c., also Hona, &c. Saw a letter from Mangere. Potatau and all his people, together with almost the whole of the Maories of Manukau are coming up the river. Potatau and a few of them will permanently reside here—the exact place is not settled. Ngaruawahia is spoken of, but the owners say he must go on to his own land—and he has only two small pieces of his own. Pukekawa has been offered to him or rather to Noa his messenger. Tioriori says that the old man of Ngatimahuta must not be taken as representing the opinions of the kingmakers; that they represent themselves and no one else: that they are the supporters of Maoriism: that Ngatihaua, on the contrary want nothing but Government and progress; that, as an instance, they support the sowing of grass, and he himself has procured some of the seed first sent up.

March 16, Tuesday—Pulled to Horahora and met Pukewhau on my way. Told him I was opposed to his going to Taranaki. He said he would not go if I disliked it, but he thought the magistrates should go; that it was sad to see Maories killing each other. Whilst talking to him Paratene and the old men of Whakapaku arrived and began to talk of the same business. After some time I left them. On arriving at Paetai I found Noa who confirmed the news of the migration of the Mangere Ngatimahuta. He said Potatau intended to spend the rest of his life amongst his own people. They have discontinued the building of the Church. The Naungau and Ngatihine have held a meeting during my absence, the result of which is a resolution to write to the Governor, requesting that I might be permanently settled at Paetai, and discontinue circuits—or if the Governor would not consent to that, that I might continue my circuits, and another man be appointed to reside at Paetai. Hone Kingi said they would give me any quantity of land—the idea being that I could occupy my spare time in farming. They are very fond of having European gentlemen amongst them, and the Paetai people think they have a great claim, as here the Governor and the Waikato chiefs had the great interview. At Paetai told the magistrates the same things that I told the Whatawhata people. Slept at Horahora. Heard from Hetaraka an account of the progress of the Rangiriri land feud. They want me to be present at a meeting shortly to be held there—but I tell them I cannot understand land affairs, as it lies without law. When it is divided, then I can deal with it. The feeling in favour of this division is strong and almost universal,—the first step necessary is the instruction of Maori surveyors as mentioned in my last journal.

N.B.—The magistrates begin to complain of the weight of their labours, and that soon they will be the poorest of their tribes if so much of their time is consumed by their duties.

March 17, Wednesday—Horahora : Stayed all night. Hetaraka complains of the indolence of Hone Kingi—says that the latter has no confidence in himself. There is truth in this. He also explained the meaning of the meeting at Paetai respecting myself, viz :—that they desire me to reside perpetually there so that I may be always at hand to refer to. I told him that this would never do, for all parts of the river would have a right to complain, and moreover that the natives instead of going as at present to the Native magistrate, would in all cases come direct to me—that I wished to exalt the Native magistrates, and make them responsible for the peace and well-being of the country, and that the Natives must learn to rely on them almost as much as on me—and so on.

March 18, Thursday—Arrived at Taupiri. Held a Court. Directed Kukutai by all means to take care that the law was not introduced at the approaching land meeting at Rangiriri lest it be humiliated, that he might attend it, but must only do so as an ordinary Maori, and not in the character of magistrate.

March 19, Friday—Attended Native feast given by Ngatitipa—in the European fashion—very orderly but most injudicious as the expense far exceeds their means.

March 20, Saturday—Went to Maraetai *in re* the census.

March 22, Monday—Returned to Taupiri. Investigated a case of assault on a European, originating in the drunkenness of the latter.

March 23, Tuesday—Started for Waiuku.

March 24, Wednesday—Started for Onehunga in a canoe—the vessel not having arrived.

March 25, Thursday—Arrived at Onehunga—and Auckland.

Enclosure No. 1 in No. 3.

SPECIMEN OF BYE-LAWS MADE BY THE VILLAGE COUNCILS.

Taupari, August 24, 1857.

An assembly to consider whether pigs shall be fastened by the leg, or conveyed to another place.

After this assembly, all pigs going at large or devouring crops, may be caught. Any one who sees the pig may catch it. When a man has caught a pig thus at large or trespassing, he must go and inform the owner, and the owner shall pay him one sixpence, and fetch the pig that has been caught and fastened. If the owner refuses to pay the sixpence to the catcher, the latter may detain the pig, and charge the owner sixpence per day during his detention. If the pig has remained thus several days, the catcher may apply to the magistrate, and the magistrate may give an order that the pig be sold by auction. He may then sell the pig, retain to himself the number of sixpences due to him, and give the balance to the owner of the pig.

This does not bar the person who has suffered damage by the trespass of the pig, from recovering compensation according to the amount of damage done.

A similar law about dogs attacking pigs, or breaking houses.

Enclosure No. 2 in No. 3.

SPECIMEN OF PROCEEDINGS IN CIRCUIT COURTS.

At a Resident Magistrate's Court holden at Taupari on the 22nd day of July 1857, before FRANCIS DART FENTON, Esq., R.M., and WAATA KUKUTAI, Native Magistrate, present there.

RUPENE MATERIMA v. TAIWHATI TE MAHAMAHA.

Rupene Materima (sworn)—States nothing from personal knowledge—all hearsay.

Miki (sworn)—States: In the evening we assembled at the Awaroa. Matiu gave Hohua and Te Mahamaha a shawl, sleeping apparel for them. Te Mahamaha was inside Roka's sleeping apparel, and they slept together until the sun arose. This is what I saw. We returned here.

Cross-examined by defendant—I saw no wrong.

By the Court—I saw with my own eyes them sleeping together.

Hohepa (sworn)—States: I saw defendant and Roka sleeping together until sunrise.

Cross-examined by defendant—I saw nothing wrong. I saw them sleeping together in the morning when the sun rose.

Reretu (having declared) states—We assembled at the Awaroa. Matiu gave a shawl to Hohua and Te Mahamaha—sleeping apparel for them. We went to sleep. Defendant and Roka slept together until the sun rose. I saw this. We returned.

Cross-examined by defendant—I saw nothing wrong, but their sleeping together.

More (sworn)—We assembled at the Awaroa. Matiu gave a shawl to Hohua and Te Mahamaha to sleep in. We slept. Defendant slept in Roka's clothing with her; together they slept until daylight. I saw this. We returned.

Cross-examined by defendant—The only wrong I saw was the sleeping together. I saw no wrong. I went to sleep.

Hohua (sworn)—In the evening we assembled at the Awaroa. Matiu gave a shawl to me and defendant to sleep in. Defendant and Roka slept together until daylight. We returned.

Cross-examined by defendant—The only wrong I saw was the sleeping together. I saw no wrong.

By the Court—I alone slept in the shawl. He went to Roka.

Defendant stated that he found the shawl too small, and went into Roka's blanket, but nothing took place between them. In the morning they went away back. Roka has a husband, Rupene. I think I did wrong. There was a committee about it, and I paid £1 to Rupene. I did not go to the woman; I went to the blanket.

After deliberation, Waata Kukutai delivered judgment for £2, *i.e.*, £1 beyond the £1 already paid, stating that the Court believed defendant had not committed adultery with Roka, but that it was wrong to sleep with her, and the old practice must be put an end to.

Judgment for plaintiff, £2.

HAPURONA *v.* TAMATI AND JOHN.

Hapurona (sworn)—At the time when Hone Huki and I paddled we arrived at Mangawhero. Our fence was made—it began at the river and ended at the fence on the other side, then it went to the mouth of the river; it was a very good fence. On the 31st of December the seed was all planted, potatoes. There were ten kits of seed. We returned. Subsequently he came to tame pigs; the road was over the fence; the part of the fence was broken. When they returned the pigs came by the place where the part was broken. They went in. On the 11th January the pigs began to eat, until the 17th; on the 18th it was seen. Hone Huki went; when he got there the potatoes were all consumed. I said to Hone (defendant) "Look; I demand of you two £10." He returned. John Huki died. Then I thought there would be no one to tell of defendants. Therefore I determined to write to defendants a letter. I said—(letter produced by defendants). They wrote to me (letter produced). Then I went to Kukutai the magistrate.

Cross-examined by defendant—There was only one wrong of which I complain.

Examined by the Court—It was a large piece of land. I don't know the price of potatoes now. The potatoes had come up. They were all consumed; I never got one. There were other plantations there. John's son broke the fence. I don't know how many pigs got in. I don't know whose the pigs were; they were tame pigs. If potatoes grow well, one kit will produce twenty kits; if badly, ten kits.

Te Kaha (declared)—On Monday I pulled from Tikirahi to Mangawhero. I saw these potatoes being consumed by the pigs. Some pigs were on one side of the river, some inside the fence.

By the Court—I don't know who owned the pigs. I don't know how many kits there would have been. I do not know whether the fence was broken.

Reretu (declared)—On Tuesday, January, I went to Mangawhero. The pigs were in the midst. I went to the other side of Mangawhero. The pigs were one sow, one barrow, and three young ones. They were all marked alike. They belonged to William Newman.

Te Au (declared)—When I went, I arrived and saw the fence; looked at the post, it was a mauku. I remembered that was the road of the pigs. When I saw it, I saw it. That's all I know.

By the Court—The pigs broke the fence. I only think so. I am sure the pigs broke the fence. I am sure the pigs broke the fence to get at the potatoes. There were two places, one broken by men, one by pigs. They went in at that place also. I knew it was broken by men, for it was untied at the top.

Tamati (sworn)—In January we pulled from Tikirahi, and arrived at Mangawhero. We sat on one side of the river, inside the fence of Te Au. On the Wednesday the stick of the fence was broken by our boy above the rail. On the sixth day of the week we returned. We did not see the breaking of the fence by the pigs.

By the Court—All that the boy did was to break a piece off the top of a stick, he did not untie the fastening. The pigs got in by driving a stick on one side. The boy broke off about six inches a toroire stick. At the other place the mauku was rotten, and there the pigs entered. The fence was not injured. The potato patch would not amount to three-fourths of an acre. It would not produce two tons and a half.

Hone (sworn)—We pulled to Mangawhero, *i.e.*, Tamati, Piti, Ngawai, Hera, and I. We camped inside the fence of Te Au. On the third day of the week, the boy broke a post above the rail. We did not see the breaking of the fence by the pigs. We camped inside the place. We cooked food.

By the Court—It was an old landing place of us all.

Piti (declared)—I broke the stick, for a stick to dig fern holes with. I broke it above the rail. It was long above the rail. I did not shake the stick. It was firm in the soil. I did not loosen it.

Examined by defendant—Your fence crossed the river.

Waata delivered judgment—First; Defendants had a right to stop and cook food there, for it was an old landing place. Second; the stick was broken above not below. It remained firm in the earth. Third; on the other side of the river was Te Au's plantation. The fence broken was Te Au's. Plaintiff's land was unfenced on one side. He depended on another man's fence. The river is not a fence. Fourth; Part of the fence was untied, and rotten wood employed. Plaintiff cannot claim damages if his fence is a pretence. Therefore, judgment for defendants.

HOHUA TAMAWHARE *v.* TE REWETI PANEPOAKA.

Hohua Tamawhare (sworn)—Formerly I lived with Mere Pounamu. Te Reweti committed adultery with her. I was sad. We agreed to separate, but she was not to sleep with any one. She

has since slept with Te Reweti. My regard for her has now ceased, and she may live with whom she likes. Te Reweti has taken her. He had a wife before—Ngamako. I don't know what arrangement is made for her. I have found a new wife—Olivia, I intend to stick to her, and am satisfied.

Te Reweti Panepoaka—I slept with Hohua's wife two weeks, he found me out. He caused me to sleep with her. He brought me her letters. He did not say "sleep with her," but he brought me her letters, and saw me often. I wanted her for a wife. I wanted to have two. Mere Pounamu said let there be two wives and one husband; but she preferred to have me to herself, and proposed that I should put away Ngamako. I agreed to do so; but I should like both. If I am put to it, I prefer the old one. Let Mere also remain with me; I will not sleep with her, only go to see her. Mere is with child by me. So is Ngamako.

Waata Kukutai—Let the new wife be put away and live with Arama Karaka until her child is born. Te Reweti must return to his first wife. Arama Karaka will protect Mere.

At a Court holden at the same place on Thursday, the 24th July; present, the same Magistrates.

TAMIHANA v PAIRAMA.

This was an action for damages for the death of plaintiff's horse, through the improper taking and using by defendant. Damages claimed £60.

Tamihana (sworn)—My horse was living properly at my place, Maraetai. In August, I heard that my horse was taken by Pairama. Pairama did not come to me, the owner of the horse when he took it. They all belong to me down there. Mr. Maunsell had returned from Maraetai to Kohanga. I went to look for my horse. I found it at Okahu. I caught it. I saw the greatness of its wounds. It was a mare. It was with foal. I took it to my residence, and it died there. When I saw the death of my horse, I wrote to Pairama to demand payment (letter produced by defendant). He did not answer me so I wrote again (letter read). He did not answer so I wrote a third time (letter read).

Examined by defendant—I know that my talk is just, for the reason that although you knew there was a stallion at Waihekura, you did not hesitate to take it. I know also that I am right on account of the arrangements that have come to us from the pakeha.

By the Court—My horse was running at Maraetai. Te Reweti told me my horse was taken by Pairama. He took it to work with. I heard first on the 3rd of August. It was taken in July. When I heard the horse was at Waihekura, I went to catch it; and caught it. It came to my place and died. It had been kicked and illused by a stallion. The stallion belonged to Totaia. It was inside a fence. When I saw my horse it was inside the fence with the stallion. The fence was not broken. My horse was 8½ years old. When I bought it I gave £42 for it. Horses have risen in price since. It was a large horse, a plough horse. I bought it in 1854.

Reweti Te Hura (sworn)—In July, Pairama and I went to Maraetai. Pairama remained at Maraetai, and I went to drive in the horses. When I arrived at the horses, I drove them in. I came to Pairama. We did not catch them at Maraetai. He said to me, "they will go to Ohotu directly." We went there, and could not catch them. He then said, "they will be at Waimate." We did not catch them there. Again he said to me, "at Okahu." We did not catch them there. The horses went along the road until they got to Waihekura. We drove them on to Matahuhu. They remained there; we caught the horses there. Tamihana's horse was taken by us to Kohanga. I took it back to Matahuhu; it remained there one day. I did not see its return to Maraetai.

Cross-examined by defendant—There are three reasons why you have done wrong, to my thinking:—1. Because you asked me to go with you. 2. Your deceitful catching, *i.e.*, naming several places. 3. Your not answering the letters.

By the Court—Tamihana agreed that I might take his horse whenever I liked. It was I who first said, "Let us catch the horse of Thompson." It was I who caught it. We went together to Kohanga; Pairama upon Mr. Maunsell's horse, and I upon plaintiff's. We arrived at Kohanga. In the evening I returned to my place upon plaintiff's horse; when I arrived there, I let the horse go. When plaintiff said in answer to the magistrate's question, "The horse was taken by him to work with," he said wrong; he did not work with it. He never mounted it, but his hands touched it when we together caught it. When Thompson said that I told him that "Pairama had taken his horse," he told a lie.

Ruhiana (old native chief) came to give evidence; but commencing a Maori oration, he was asked by the magistrates if he knew anything about the matter at issue. On replying "No," he was told to go away; that Maori customs about these matters were at an end. So he went.

Mr. Fenton, said,—I have consulted with my friend, and we are quite agreed that the case is so plain, there is no necessity to call upon defendant to answer. He had clearly done no wrong. Plaintiff has sued the wrong person. I do not say that if plaintiff takes out another summons against Reweti or any one else, that he will surely win. I give no opinion; but he can have a new summons if he likes. At present he has failed in bringing anything against defendant. His own witness has ruined his case, and has cast imputations on his word. There can be no doubt that defendant must pay nothing.

FRAS. D. FENTON, R.M.

No. 2.

COURT AT KAHUMATUKU.

At a Court held at Pepepe, on August 5th; Magistrates—Mr. FENTON, TAKEREI, TANETI.

WIREMU TITUPUHAERE v. KEROOPA PAIAHA.

Wiremu Titupuhaere.—At the great meeting at Paetai commenced this wrong. Kereopa first stretched forth his hand to the woman. Kereopa scratched the skin of the woman. The woman did not agree. Kereopa continued to scratch. The second night Kereopa still scratched. The third night Kereopa scratched the woman, the woman scratched Kereopa. The fourth night they for the first time slept together. We pulled to Rangiriri. The second night at Rangiriri they slept together. The third night they slept again. Another night they were sleeping together, when they were caught by Hira. Hira came to me and told me that they had been sleeping together.

Examined by Kereopa—Their adultery commenced at Paetai. They slept at Waitutu. They slept at Rangiriri. At Waitutu was the commencement—at Rangiriri the end.

Examined by the Court—I heard all this. I did not see anything.

Hira Te Kanakanga—On the seventh night of their sleeping they were caught. We were asleep. We had not slept long when I awoke. I heard Kereopa knocking. Karo got up and went to Kereopa. Kereopa and she lay down together. I called out to Rihi, "give me some clothing." When Kereopa heard me calling out, he got up and went away. When Kereopa went away the woman turned round, and afterwards got up and went out. Kereopa shut the door with a blanket. They went out both of them. Karo returned into the house, and came into my blankets. I said to her, "remain away." I arose and went to the fireside. I proposed to her to go and have some tea. We went. I said to her, "I have caught Kereopa and you." Karo said, "Yes." We returned into the house.

By Kereopa—They were caught at Rangiriri. I know they slept together, because I caught them myself.

By the Court—I did not see the commencement. I have no reason for saying it was the seventh night.

Hone Papahewa—At Waitutu was the commencement of their sleeping together. We went to Rangiriri. On the second of our nights at Rangiriri I was sleeping in their house, and I saw Karo come from out of Kereopa's blankets.

By Kereopa—I did not see them sleeping together, but I heard. I did not see on the fourth night.

Defendant, (having been cautioned about sundry letters of his which were read by Takerei) said—Mine was the commencement of this evil. Then my friend joined in. We slept together 5 nights. Mine was the commencement, or rather both of us. Our spirits slept together long since, latterly our bodies.

Karo—I have committed adultery before—many times, whilst I was William's wife. I am not married. It was not heard of at the time. It took place at Kahuwera. I did not tell of it then.

Judgment for £2 for plaintiff—with an intimation that if the character of the plaintiff's wife had been better, the damages would have been more; but damages for adultery or seduction must be proportioned to the character previously borne by the woman—as well as other considerations, such as whether she has children or not, &c., &c.

REPORTS OF MEETINGS.

No. 1.

REPORT OF A MEETING OF NGATIPO AND NGATIMANOKI, HELD AT TUAKAU, JULY 27, 1857.

Karaihu Te Kuri.—We have newly begun to consider these matters. We are ignorant. We have heard Mr. Fenton's words that if we do not wish to join, it is very well. He will not visit us in his circuits to hold courts. The desire must begin with us. Therefore we have written to him desiring him to attend a meeting, at which he may explain all the new system, and give us an opportunity of embracing it. At Paetai when the great meeting was held, we were undecided. Now we are decided to do something. There are two plans going. Let us seek which is the best. The proper way is for us to help Mr. Fenton, and for him to help us. Therefore we wish you, Mr. Fenton, to speak and explain these matters, and then we will seek for a man to carry out these arrangements. This is all.

Mr. Fenton explained the new system, the object of it, union of races, equal laws, advance in material prosperity, &c., and the means, as set forth in the minutes of His Excellency, and the Ministers.

Karaka Tomo (principal old chief of Ngatipo).—What is the meaning of the ark that God said, Let Noah make. The white men are cautious and knowing, the offspring of the youngest son of Noah. Noah was saved when the world was drowned, because he had an ark. The white men will be saved, even if the Maoris drown—because they have an ark. The law and order is their ark. Therefore let us turn to the white man, and get into his ark, that we may be saved—the law, the council, the magistrate. On this day we begin. We seize the law, faith, the council, the magistrate, to seek evil and drive it away. O! Fenton, you were right when you said that we were alone of all the tribes of Waikato, and that we were asleep. We have just awoke. We take the council in the presence of the faith, the magistrate in the presence of the council. We take those four things that I have mentioned to remedy adultery, trespass, drunkenness, theft, &c. If we support one another, the Maori and the white man, we shall be strong, but divided we shall fall.

Piripi (principal old chief of Ngatimanoki).—Fenton, this is my word to you. Come on shore, welcome. Come, come, and look at your sheep. Come on the top of the lightness. Come into the house. Blind, blind, we fall into the water. This is why I say, Come on the top of the light. Come and teach. New born children do not understand. Welcome, my friend—come on shore. Come, and talk about the plans which cause men to dwell in goodness, in happiness, and prosperity. Let designs grow for us founded on goodness and light. Come and talk to us. We have agreed. This is our agreement:—Let us be one tree, though many branches; one tree, and we shall bear fruit. Like a post firmly fixed in the ground, we shall not be moved. This is the end of my talk.

Fenton.—The multitude have not spoken—only the chiefs. Do you all agree to what they have said? (Yes.) Well then, let us begin to work. First, tell me who amongst you is the most intelligent, the most courageous, and the best man. Tell me now, that I may mention his name to the Governor; that the Governor may enquire into his doings, and find out whether he will do for a magistrate for you. (Describes the plan about the probationers and the division into classes.)

Hetaraka.—Fenton has heard our agreement. That is right. It is not wise that we alone of all the tribes of Waikato should continue to sleep. He was right in telling us to awake from sleep. Why should we sleep in the daylight? The plan is good. We are tired of anarchy. If a man interferes with the magistrate, the council will protect him. It will strengthen the Governor, and the Governor will strengthen it. Theft, adultery, &c., will lose their power—for how can one man contend with the many? Mr. Maunsell and the church all agree with us. The church and the law will strengthen each other. Now choose ye, this day, whom ye will serve. (“We all stick yonder,” pointing to the Resident Magistrate.) Now then, leave the bother and difficulty which was shown to us at Paetai. Let us henceforth be one, and one only. No more pakehas, and no more Maoris, but people of Queen Victoria.

No. 2.

SECOND MEETING ON SAME DAY.

Mr. Fenton made the usual speech—explaining the system, and telling the people that it was a valuable property offered to them by the Governor, which was not forced upon their acceptance, but tendered as a privilege, &c., &c.

Te Ropiha.—Your words are very true. I wrote to you desiring you to come. I enquired from Waata about these new things, and liked them. To-day we awake from sleep, for we see the truth of your words. My heart consents; my body and soul consent. See the firmness of my words. I consent to all the new plan (turning to all the people.) Do you agree to what Fenton has said (all, yes.) Don't agree with the lips only, but with the heart (all, yes.) That is the end.

Te Mata (old chief).—All who sit here have entered into alliance with you. We all stick to you. We will support you, and you must be strong and without fear in rebuking and teaching us. So will the Maori grow as the pakeha grows.

Tamati.—Welcome, welcome. Give me the scheme—give me—give me. Formerly we lived in a state of Maoriism. Then Christianity came. Now the law comes. Come on shore—come to land. Welcome the new plan. Call it on shore. Invite it inland. Welcome the stranger. Welcome the young visitor. Henceforth we will remain upon law.

Karaihu.—These are new things that are talked about. When Christianity came, the teachers brought it. We did not understand whether it was good or bad, but we believed the teachers, and accepted it. Now, we know the value of it. Similarly, now the law is coming, and the teacher comes first. My heart, my soul, my body unite in seeking for this new system. Let us learn the plan which will cause us to dwell in peace and lie down in safety; the plan which will cause us to grow in prosperity, and become wealthy, and permanently fixed. This is what we say to Fenton. We ally ourselves with him; we stick to him. These are the things we will seek—the things that he has been talking about. You have agreed to this matter. Hold it fast. Our agreement with him is in effect—to leave off evil—to deny evil for ever—all our evils from this time forward. For this is the consequence of our acceptance of the new things. If we persevere in evil after this acceptance, we are deceptive, and hypocrites.

Te Ratutuna.—Listen to my talk about Christianity and law. The end of Christianity is salvation. The end of law is good conduct. That is all.

Piripi.—Listen to me. Formerly, when Christianity came, men turned to it, though they did not know what would be the result. Oh dear! an old man does not know how to make a speech in these days. We did not know what Christianity would bring forth when we embraced it. Now the world is full of it. The Maoris turned to worship, and we have seen the result. The source is in heaven, though formerly we did not know whether it was from above or below. By the teachers we learnt. Now there is the plan of King, and the plan of the Government. Where does this plan of the Governor come from? from the pakeha? No; from heaven. I say it comes from heaven, because it follows Christianity—think, think, think. All the tribes are working at some system; we have remained in the middle. Now work. It is from God. Therefore let the thought be clear. I am an old man, and you must do the work. I want to see you get on, as Fenton says, that you may grow. If we old men talk falsely and foolishly, what then? The young men must undertake these new things. All that I say is, Let your compact be honest. I shall say no more.

Hetaraka.—When you first spoke to me, Ropiha, I said, Go to Waata; and you went there, and learnt. Now, we have heard the consent of Ngatimanoki, but not of Ngatipo. I will ask them. Have you firmly agreed. (Yes.) When the talk is done, I shall suggest that we have prayers. (Yes; that is the fountain.)

Te Ratutuna—Tell the Governor that the best men for magistrates for these two tribes are Tamihana and Hoani, and for chairmen of the Village Councils you think that the fathers of the tribes should act. That will be Piripi and Karaka. Formerly we should have preferred Karaipu to Hoani, but now we have separated because Karaipu said he was Ngatiwai. Perhaps now we shall all agree again.

Karaipu—Let me explain. At Paetai, all of these people joined the king. I alone stuck to the Governor. Subsequently, when we assembled with Waata under the Queen's flag, the man who was writing down the names of the people who stuck to the Governor, said to me "shall I write Ngatipo?" I said, "No, write 'Ngatitekeho.'" Then I thought I was only one; so I wrote the name of my *hapu*, Ngatiwai. I thought I had not power to write the big name, when I was alone. I did not think I could bind you all. So I wrote my name, *i.e.*, the name of my *hapu* in the letter of the tribes to the Governor. I did not think then that you would all come on to my road, as you have done to-day.

Tini—Listen to me. At Paetai I went to the evening meetings with Fenton. He asked me, "Where are Ngatimanoki?" I told him, "down below." He said, "very good." Then I went to strive with Ngatikarewa, and they went all right. He says that Ngatimanoki are asleep. No; they are not asleep; they are awake, but have not yet spoken. As to our divisions, let us now unite; let one be the head, and the other be the tail. Let us forget that we are two tribes. Let us all live together here, as Fenton says, and be one.

Ruia.—God gave the pakeha Christianity. In Christianity there are many divisions—Catholic, Wesleyan, Missionary. There is one source, God in heaven. The white man increases by Christianity, and these divisions go with him. Similarly, in what we are now doing, there is one source, but there may be many ways, and many sects. Let us be two bodies, but one head. I consented to Tamihana's plan about a king, and I cannot alter.

Karaka—Hetaraka, you commenced this plan amongst us. When William Tamihana began to seek plans, he wrote to us. In reply to his letter, a letter of assent was written by us agreeing to the king. Fifty names were written to it. I saw Hetaraka, and he said, "Don't send the letter yet." Then we went to Paetai, and heard the talk. The day went in favour of the Queen and the Governor. I took the letter from Horahora open, with some ink to finish it. When I heard at Paetai, that the people of Waikato would not agree to the king, I said, "that is an end then." So I wrote to Tamihana,—“My son, the wrong is not by me. The wrong is from the first, (probably meaning Potatau) 'The road to the kingship is not open.' That is why I did not speak at Paetai, on either side. When you, Fenton, said we were asleep, you said wrong; we were thinking. You know that all the tribes of Waikato are working. Now we join the rest, and begin to work.

Epiha—Formerly we were one. We broke, because some went to the king. We remained for the Queen.

Patoromu.—We split about the king. Now let us all unite about the new system. It is part of Christianity. We all agree about the advantages of this system. All the Queen's people accept it, and so will the king's people soon. When the king's men come in, they must cease to be king's men. Don't say that a king's man can come in and still stick to the king. No. Who is that sitting there? It is Fenton the magistrate, and by accepting him, and his things, we become part of the Government, and one with the white man.

Fenton.—Do you now consent that there shall be one council for the whole village including both the Tribes?

Piripi.—Fill up the split. Let us be one in residence, and in thought.

Te Ratutuna.—Now for the first time we agree that there shall only be one council for the whole of us, to look after fencing, and pigs, and cattle, horses, wheat, &c. Do you all agree to this? (Yes.)

Kipa (son of Ruia.) O my father, why do you remain obstinate when all the people have agreed. why will you be left alone? I can not go with you. If your wheat is injured there will be no magistrate to seek compensation for you. Living without law, where will be your fence? Be quick—and do not stand alone.

Ruia.—I am thinking of my word, which is pledged. Why should I fall? I respect my word. But why should you urge me? There are Catholics and Wesleyans and Churchmen in religious matters, and still one source. Why can we not have two roads, and still unite about the law? Why can I not remain attached to the king, and still join your plans? My heart agrees to the king. From the act of our friend, who joined Tamihana, I feel bound to remain where I gave my word.

Kipa, his son, continued to argue with him. Let us now be baptized to this new system, and begin afresh. O my father, join us, don't remain alone in your darkness. If you go outside the law, who will protect your property? What is one man amongst a united multitude?

Waata.—At the beginning of our talk we found ourselves separated. Now we all joined—all one—one residence—one land—one thought—one village council—only Ruia remains outside.

Ngawhare.—Come on shore. Give me milk. Feed me, I am a child. Now for the first time, I am growing up to be a man. I salute you, Fenton, for you brought us this new system—I salute the Governor, for he sent you. I am grateful to you both.

Karaipu.—Now every thing is settled, let us send in to the Governor the names of Te Ropiha and Tamihana for magistrates, that he may look at them, and see if they will do. All consented.

Fenton.—Let Piripi and Karaka preside over the council. All consented.

Karaipu said prayers, and the "runanga" separated.

No. 3.

MEETING OF NGATIHUA, NGATIMAHO, &C., AT PUNGAPUNGA JULY 2, TUESDAY.

Fenton—Said the usual things.

Hetaraka—Further explained, and praised the new system.

Neama—Said they had long wanted something of this sort. Of themselves they could not stop offences. Should they build a Court-house as their district was remote from any Court-house yet erected?

Hetaraka—If all the people about here desire a Court-house, they will be allowed to build one.

Henare—We have got Christianity which gives us laws for the other world, now let us get laws for this world. Let us take this plan, and proceed henceforth upon it. Christianity and law will uphold each other. Christianity has lately been dying out for want of an assistant.

Rawiri, (the old chief.)—I am in evil. The evil is my land, taken by another man, by Muru and Waata. But your plan is good. We all here belong to the Queen. Muru will tell you what I mean about the land.

Hetaraka—Explained about the land, a debateable piece transferred to him and Waata for the purpose of ending disputes. Turo is the name of this land.

Te Wharepa—Which of you will leave the good plan? Speak (no.) I formerly belonged to the king, now I have allied myself to this plan. People say these schemes will stop evil.

Hanapata—I have been with Fenton in all his journeyings—now for the first time I open my mouth. This is my house—and therefore I speak to say that I accept this new garment and will wear it. It will keep away evil. Religion and this are one. They support and depend upon each other. Why do the pakehas thrive so much? It is because of these plans—and we must take this plan, and listen to law if we want to succeed. See how the ministers agree with Fenton about this matter. I am a monitor, and know what the ministers think. They help, because they know it will strengthen their work. Now I will ask you all if you agree—Do you all agree? All—Yes.

Ended with prayers.

No. 4.

MEETING AT KAHUMATUKU, AUGUST 6, AFTER COURT.

Fenton—Briefly explained, and desired the people to express their sentiments. If they were anxious to accept the new plan, he would, when he heard their desire, enter more fully into the subject.

Hona—We completely agree; for yours is the only plan that will work.

Hona Tonu Hopa—We all agree. Let us hear all about it. This is our consenting.

Taneti—It is not for one alone to speak, but for all. Let us hear what you all have to say about the matter. Let all speak, young and old.

(Taneti and Takerei went with Mr. Fenton as visitors.)

Paora—Fenton has come through all the lands of Waikato, and the people all agreed. The thing has gradually come up here, to the heart of Waikato, and now we accept it.

Rakaupango (old man)—It is wrong—it is wrong. I am thinking where is the road, that I may come to your side. I don't quite see, for I don't understand. Tell me. I understand all about the house, but I understand nothing about the farm—(alluding to the Court-house, and sowing grass seed—or law and material advancement). Tell me where we are going to. There are two matters, the Court-house and the farm—Law and social prosperity. Tell me about these things, for it is useless to have laws and no property. I am seeking for this, tell me about it. Is it one road or two. Tell me about the second.

Takerei—This is a plain road, grounded upon religion and love, and ending in property. When men know that the law system is thoroughly established in a place, then will the pakeha give his friendship to the farm (grass seed). But what is the good of having a farm without any laws to protect it? How can dogs be prevented from devouring the sheep? The law first, the other things will follow. We (matou) have agreed about sowing our land with grass, from here, down all Waikato, to Meremere. We have all arranged that the piece of land (described with boundaries, and owners' names) should go for grass and sheep. After the grass is grown, and the sheep have multiplied, we shall divide amongst ourselves according to the size of the land of each. I have written to the Governor to request an advance of grass seed for this land. This is the exceeding desire of my heart, because by this means, we shall increase, and our children will live in the land. I am weary of poverty—and when I look at the size of my land, and what is growing on it, I say we are a foolish race. But I have now embraced knowledge, and shall strive to put down all Maori ways, and become like the white people. I am also anxious to get a pakeha, who can teach us all about agriculture, and prevent us from wasting our labour. Now law, and all these good things go together. What do you say to it all?

Paora—On the other side of the river is a grass place for me. (Describes the place).

Fenton—(to Paul)—Don't go too fast. No man commences a long day's journey by running. Grass, sheep, &c., are of no use without laws. Sheep will be eaten by dogs, &c., property taken by tauas, &c. First, let us talk about law, and so on.

Hona—At present I am thinking about my wheat which requires laws for its protection. It will be time enough hereafter, to think about the dogs.

Takerei—Well, come to some determination. Do you agree to this plan of law? (Yes.) Remember, now, that we, the people of Waikato, are the commencement, and that all the tribes of New Zealand will gradually follow our example.

Fenton—I have not yet heard the “yes” of the multitude, about magistrates, village councils—laws for trespass, &c., fencing and so on. Remember every one must obey these laws: so let me hear the consent of all.

Ahimereka (the principal old chief)—I agree to what you have said. Don't let my word be in vain. Listen to this thing; it is good. Don't humbug. I am now an old man. I left Waikato Heads, where I used to live, and came up here to protect Mr. Ashwell, and all the world has not been able to injure him. Now, I tell you it is finished. The work of Takerei and Fenton is good. It is finished. I have spoken, and you have all heard what I have said. There is one thing I am still thinking about; if I had an easy piece of land (*i. e.* little fern, &c.), I should ask for some grass seed, but I must find a nice place first. In the meantime, other men will ask, if they have land ready.

Rakaupango—Now for the first time I know and understand the road. Yours is a liberal work. I see love in it. I am perfectly clear now; law first, and growth afterwards. As to grass and sheep, we are poor, what is to be done?

Takerei—The only plan is to ask the Governor to lend us money to purchase seed, until we have gained a little wealth; we must repay these loans with the perspiration of our bodies—chief or slave. In my opinion, if the Governor sees the grass and the fence, he will not withhold some sheep to commence with. When they multiply, the first thing to be done, must be to return the money.

Raukapango.—That is all clear; but I still want to know about the two roads—King or Queen. I like the idea of getting sheep for nothing; but, tell me are we for the King or for the Queen.

Taneti.—Don't say you will get sheep or grass for nothing. You don't know that we shall get them at all. But, even if we do, we must pay for them with the first money that comes into our hands. The pakeha is not a people who give anything for nothing: only, perhaps, they will think of our poverty and give us time to pay. Now, listen to me about the new system. There will be magistrates for each large settlement, and a district European magistrate to teach and superintend. We, the Maories, tell Fenton who are the best men for this work, in whom the people place most fear and trust. After Fenton has heard the names of these men he will send them to the Governor, and the Governor will enquire about them; and, if he approves of them, he will constitute them permanent magistrates; but, if he does not, he wont. The “runanga” will be all the men of the village, and the chief of it will be the old man. The “runanga” will seek for laws about fencing, pigs, cattle, wheat, and all those things, and when they have formed a law they must give it to Fenton. Thus we shall grow. After many years, our children will enter the white man's “runanga,” and do in all things as they do. That is my heart's desire. The man who now remains outside the fence of the law will get no protection. If outside, he will be an outlaw. Therefore let all come in. If anyone who remains outside asks for a summons he wont get it, for he is unknown. We know very little now, but Fenton will teach us, and we can provide for unforeseen difficulties as they arise. There are many good things which will gradually appear to us as we go on. The land:—We will regulate the land. We will divide the lauds so that everybody may know when he is working that he is working for himself and his children. At first we shall encounter disappointments that will make us dark, and difficulties that will make us fear, but we will go quietly on with our eyes fixed forwards. Now I will ask every man individually what their opinion is.

(All, one after another, said “Yes.”)

Karaka Te Taniwha.—That is good; hold it fast. Taneti has made a capital speech. They are good words. If any man keeps separate, let him alone go to destruction. Now they advise us to plant grass. Let us be strong and grow, and no longer like dogs. Of course the grass must be paid for: who says not? I rejoice to hear that the “runanga” will make regulations about docks, fences, &c. We wanted it.

Hona—All the young men have agreed; how about the old men. (Individually appealed to they all agreed.)

Fenton—When the Court-house is built, I will instruct you further.

Piripi Ngahuka.—We have now made a solemn compact. Let us now look before and not behind. The things of our ancestors are left behind; let no man lift them up again. We did in this way when the gospel came. Let us go on straight without turning our faces.

Heta Tarawhiti—Formerly when we talked, we talked without sanction. Now it is all right. Let the heart agree as well as the lips. What will be the result?—prosperity and happiness. The Governor has now stood up as our father, and has put us alongside our elder brother. Let us be obedient children. But remember, even with his assistance, we are not able to do these things without the help of God. God is the source of all good. My friends, implicitly trust the white man. All our good things come through them. Don't you remember, when they gave us flour first, we objected to it, and said it was pumice stone. Ploughs, horses, and every thing came through them. Now they talk about grass. You may safely believe them. I cannot help thinking that God put all these new thoughts into the heart of the Governor, to save the Maori people from perishing from the face of the earth. Why should he care about us? What are we to him? No; I think it is the work of God.

Takerei—The talk is done. Now for the practical arrangements.
(Conversation about building Court-house, size, &c.)

No. 5.

MEETING AT PAETAI, AUGUST 19, 1857.

NGATIHINGE.

Fenton said he had received their letter expressing a desire to join the new system; that they (Ngatihine) were the last tribe, and that now there was not a tribe left out from the mouth of the river

upwards; that they were right to get into his canoe, for it was a large one, and full of rowers, and the man at the steer oar understood his business—and further explained at length the system, &c., &c.

Kapihana—Your canoe is a big one, a pitau. I will get on board. It is a quick canoe. We shall soon get to land. I will get on no other canoe. Listen. There are two things that I want—God's work and the Governor's work. That is all.

Wira—I will get into your canoe. It is a good one, quick—a pitau. So shall I arrive quickly on shore, and be sheltered from the wind and the rain. There are now two things that I see—the plan of my duty to God, and the plan of my duty to the Governor.

Nopera—Yours is a good canoe. There is no canoe like yours. It is large, quick, and safe. It will travel quickly until it comes to the place I wish to arrive at. I have seen now two things—the plan of my duty to God, and the plan of my duty to the Government.

Hone Wetere—You have finished the making and perfecting of your canoe. It is a good one, and will not capsize, and the steerer is a "tohunga" (a priest, a skilful person.) Therefore I hasten to get on board. Now I know two things—the plan of God's work, and the plan of the Governor's work.

Tamati Poaka—A good canoe, &c. Long since I saw one thing—the matters about God. Now I see the second great thing—the matters about the Governor—for the affairs of the other world, and for the affairs of this world.

Te Whari—The same sentiments.

Taimona—Yours is a good canoe, and high out of the water. The waves cannot come into it. Therefore I think that this is the only canoe for me. Other canoes are little and shallow, and the steerers are ignorant. There is another canoe I have heard of, but it is shallow, and the steerer cannot see his way to land, for he is blind. I will not get on board that canoe, for I fear being capsized.

Hone Heke—Same sentiment.

Hakopa—Same over again.

Hetaraka made a speech enlarging on my simile about the canoe, and generally exhorting the people to be straightforward and firm.

The "rananga" then, on my recommendation, chose Te Kau and Kapihana (the old Maori chiefs) as presidents or chairmen of the Village Councils, and agreed to hold their meetings at Paetai, and also to recognize that Court-house as theirs. They also undertook to pull down the ends of the building and enlarge it double its present size. They then suggested that the name of Wiremu Panawaka should be brought before the Governor, as the fittest man to be a magistrate. Further they stated their anxiety to sow their lands with grass.

Pukewhau asked if they agreed to him and Fenton talking to the Governor about a blacksmith for them. They said, "Yes."

Fenton.—One word in conclusion. You remember the meeting here a few months ago, when we saw a strange flag. That flag was pulled down, but I hear that those plans are still talked about. Now listen to me. Do not interfere with them. Work steadily at our work, and let them alone. They are seeking a road for themselves. It is a new road, overgrown, and full of difficulties. Let them alone. When they are tired of walking on the new road, they will come into ours, which is the well-worn and known road. Let no angry or derisive word towards them pass through your lips. Let them quite alone. Then will our hands always be clean.

The meeting said—"Yes."

Hone Watere—Do not be angry at my word, though it is a foolish one. We are pledged to have a "hui" this year. It is a bad thing, but our honour is pledged to it. Do not be angry with us. It will be a very small one, and shall be the last.

Fenton protested against "huis," and all such Maori customs, and said he would not consent.

Panawaka (the man proposed as magistrate) followed on the same side.

The people said they would see their intended guests, and if they could avoid the "hui" with decency, they would do so.

And here it ended.

Enclosure to No. 3.

TRANSLATIONS OF LETTERS TO MR. FENTON.

No. 1.

Friend,—

I have a word to you. Do you speak to Runi and ascertain whether he consents to Ripeka and me getting married; if he gives his consent do you make it permanent in his presence. Friend, this will form part of your duties among the Maori people, because the system of the Maori parents with respect to their daughters is very bad; they do not allow them to choose whom they like, but the girl is withheld, and urged to take some other man whom she does not regard.

Friend, Ripeka and I are very sad, because consent is not given (for our union). Two have given their consent—one man and one woman.

FROM PEHIMANA.

No. 2.

O Mr. Fenton,—

Mr. Marshall is very hard. I am not hard, but my speech is soft; his word is hard; therefore I said that it should be left with those who sought payment to plunder. On my first going to

Tuakau, Waikato,
June, 15, 1857.

him, this was what he (Marshall) said, that it was only my thoughts, and I am unkind to him. I do not understand what he says, he is very hard, I have no bad feelings towards him. I asked him for payment, he says that I am wrong and have no right, and what I say is wrong, and that I am using him unkindly, and that the land is not mine. That is all.

From HONEPA.

Mr. Fenton.

No. 3.

July 21, 1857.

Friends the Governor and Mr. Fenton.—

Salutations to you. Friends, I wish to obtain from you the sum of £300; and also a European to work my ground. I will pay the workman out of that, and then out of the produce of my ground I will refund the £300. Friends, lift our poverty out of the soft mud and stand it on a good place. (Assist us out of our poverty).

From TE ARIA at Te Kakenga.

No. 4.

Friend,—

Our desire is that you come, that we may see you, and that you may see us and hear our talk.

From KARAIPU TE KURI,
KARAKA,
PIRIPI.

Mr. Fenton.

No. 5.

July 27th, 1857.

Friend Mr. Fenton,—

Salutations to you. This is a word to you, we wish you to come here, that you may hear our words, and that we may hear your words, and that our thoughts may be collected together in one body that you may know ours, and that we may know yours. This is all.

From TE ROPIHA,
TE KAINGAMATA,
of Ngatimanoki.

Mr. Fenton.

No. 5A.

Friend,—

What I have to say to you respects the things which were lost here. Two letters from Tioriori reached us while we were endeavouring to discover the person who stole them. The letters required that we should pay £7 for those things; we consent to pay for them, and this is to request you to look into the evil.

From PIRIPI TE AHO.

Mr. Fenton.

No. 6.

Friend Mr. Fenton,—

Salutations to you. This is my second word to you, because I have not been seen by you in the Assembly, and therefore I concluded to send you word, to let you know that my thoughts are with the Queen's Assembly. Enough,

From your loving friend,

PERE KATIPIA.

Mr. Fenton.

No. 7.

Whatawhata, July 2, 1857.

Friend Mr. Fenton,—

Salutations to you. Great is our love for you. Friend, we have heard your word to Wiremu Nero and Hemi, they say (that you desire us) to construct a Court-house, to which we consent; but we are busy now with our mill, which has been broken, and has caused delay, but as it is, the lower part of the house is finished, but not the upper; had it been finished we would have written to you (and let you know), that is, to the Governor and yourself.

When it is finished, we will write to the Governor and yourself.

Friend, be strong to maintain our regulations, as we also are strong.

We are greatly perplexed with the work of investigation. This is all on the subject.

Friend, here is another word to you, if you approve write us a letter, that we may know the Governor's thought, to say whether we are to go there (*i.e.*, to Auckland), or what we are to do, if you desire that we go there we will go. This is all.

From REWETI,
PANAPA,
MOHI.

Mr. Fenton.

No. 8.

June 15, 1857.

Friend Mr. Fenton,—

Come here and investigate my crime. Friend, do not stay away; come and look to my offence. I had no knowledge that I had committed any offence, but I have been accused by that woman. The house belonged to my wife and myself. She came into my house to sleep. I did not request her to come into my house; the payment named was one pound ten shillings, and from the woman as payment for her offence, five shillings. This is all.

From your friend TUMUHUIA, of Te Rapa,

To Mr. Fenton at Taupiri.

No. 8A.

August 7, 1857.

Friend Mr. Fenton,—

Salutations to you. Friend, if you approve, come and look to the evils of our place. There are two offences not yet settled—the one is a murder; the person who committed it was an insane person. The second respects property. These have not been concluded by me. Friend come here on the 14th day of this month.

From TIORIORI.

Mr. Fenton.

No. 9.

August 16th, 1857.

Friend Mr. Fenton,—

We, the men of Waikari, Rangiriri, and Waitutu, now for the first time take part in this work of forming assemblies (or councils). We consent to this work. Friend, a man has been appointed by our council to investigate the offences of the people; his name is Te Wi Panawaka. It will be for you to decide; but he has been selected by our council.

Here is another matter that has been mooted in our council: it is for our council to send a man to you, to have him instructed in the work of blacksmithing, that he may know how to make our things. The man's name is Te Tutere Weta; he is a good man, and understands all Maori work. Do you consent to this. Enough.

From us, the Assembly of Rangiriri.

Mr. Fenton.

No. 10.

August 19th, 1857.

These words are from the assembly at Paetai. The words are these,—to allow Paora to be a companion for Kereihi as a head for our assembly. These words have been fully decided upon by us. Here is another word of ours, or rather, of Paora and Kereihi. We say, friend Mr. Fenton, that is the assembly and ourselves, that Wiremu Te Wheoro be appointed as our agent for the purchase of powder, shot, and percussion caps for us, when we desire those articles. The reason for this is, lest we be

confused, and that you may know when any person goes without authority to get powder for themselves; therefore we say, let Wiremu Te Wheoro be appointed to get shot, powder and caps for us when we require those articles to shoot birds for ourselves;—we approve of Wiremu Te Wheoro (for this purpose). What we know is this, that one person buys powder for a good purpose, and another to strengthen him in his evil work—and therefore we say let Wiremu Te Wheoro be appointed to obtain it; what we desire is, that he may have the management—commencing with Ngatinaho, the people of the Governor, or rather of the Queen, and the people of Kaingaru, Takapau, Pawhero, Horahora, Rangiriri, Maurea, Paetai and Waitutu, the Ngatihape, Ngatitapa and Ngatitu. This is all. From Tuakau on to the (Waikato) Heads is under the management of Wata; from Taupiri on to the Waipa will be under Kereihi. This is all.

From the council at Paetai, and from KEREIHI and PAORA.

To the Governor, and Mr. Fenton.

No. 11.

Whaingarua, July 20, 1857.

Friend Mr. Fenton,—

Salutations to the Governor and yourself. This is our talk, do you hearken. When we arrived at Waiuku we held a meeting, respecting the Queen and the King; we exposed to them the folly of the Maori King, they agreed, and said yes, it is right. We then went to the Ngaio, and met Ruihana; that Chief says, that he does not approve of the King. We came on to the Meremere, Te Kereihi told the men of the King, that the anger towards him was great; but we were not disheartened, and told them the words of Christ and Paul. If a man strike you on the right cheek, turn the other also. Be stouthearted with respect to those things that cause grief, and persevere in prayer.

We came to Te Wharepu's place, and they talked with us, he enquired of us where the money for the Maori King was to come from; we said we did not know; and because that Chief was with the Queen, we had a long conversation with him, about the folly of the Maori King, and with respect to the good regulations, and his heart became enlightened. We then came to Paetai, and talked with the Ngaungau, you know them; we found them building their house. We came to Whatawhata, and the Assessors assembled to hear our words; when that was ended, we spoke about the Court-houses, that were talked over by us. Friend, all the houses have been erected.

We then left, and came to Whaingarua, and held a meeting about the word of the Governor, (saying) to leave Whaingarua.

The Rev. Mr. Wallis said, "if you all go I will go also"; this was a word to detain us, and it was on this account that we stayed. Friend, this house has been erected, the length is 37 feet, breadth 16, and the height 6 feet 1½. This is all.

(No Signature). From HENERI MATINI, Whaingarua.

Mr. Fenton.

No. 12.

New Plymouth,

Whaingarua, July 27, 1857.

Friend Mr. Fenton,—

Salutation to you, in the grace of our Lord Jesus Christ, the Saviour of the world. Friend Mr Fenton, we have seen the words in your letter sent to Hetaraka. You know that Whaingarua was the spring, yes, they were the first to believe in the word that is mighty in the world. You say that we are the principal people, yes, the Ngatimahanga, and the Ngatihourua. And therefore the words have power amongst all the people. But the great power is from the word of God, and his laws.

Friend Mr. Fenton, who are these orphans to be left with, who is to take these Pikaris (birds just out of the shell), who is to teach them to swim if they are left? they will sink in the water, O Governor, the men of New Plymouth, Whaingarua, do not approve of ———, that man the Doctor. Do you give instructions to all the Courts, and maintain the power of the laws, lest they come to naught.

Friend Mr. Fenton, I was sent for to Waipa; if the Chiefs had not consented to build a Court-house, we would have gone to Waipa, but as it is, we will remain here and try the regulations, and afterwards look at Waipa. Friend Mr. Fenton, do you speak to the Governor lest we be left by you. Mr. Fenton, will you come and investigate the blood spilt, that of Ngaikiha; there were three wounds on the head, one on the cheek, and one on the neck.

Mr. Grahame (Kereama) has sent a letter, and you have seen that we are not in a hurry to investigate, but leave it till you come.

From us, WIREMU and all his children.

(WILLIAM NAYLOR.)

Mr. Fenton.

No. 13.

Whaingarua, July 28, 1857.

Friend Mr. Fenton,—

Salutations to the Governor and yourself. Friend, I went to Aotea, the men came for me,

and therefore I went to Aotea. I saw a European, and he said to me, Friend, were you sent here by the Governor to investigate. I said no, it was they who sent for me to Whaingaroa, and therefore I came; he then said, who appointed you? I said I was appointed by the Assembly to look to the evils of my people, and I am to investigate those evils; one is a place which has been returned to the person who owned it; this place is by the side of Warihi's place. That place was a disputed place, and I have given it to the person who owned the land. Friend, I am greatly confused on account of the number of cases of adultery at Whaingaroa.

From your friend, HEMI MATINI.

Mr. Fenton.

No. 14.

Whaingaroa,
July 20th, 1857.

Friend Mr. Fenton,—

Salutations to you. Your letter has reached me. Do you hearken. My heart is carefully considering the contents of your letter, because it was you who gave us the light of the laws, and my work at the laws will not go on a steep road, lest they fall, but by the road pointed out by you, because some of the Maories have adopted the regulations of the laws, and Europeans and Maories are living united as one people. Do you hearken. The hearts of your people are rejoicing on account of this your word:—"You are the principal people, and Whaingaroa is the spring." Do you hearken. My thoughts when William and party were there were that the commands of the laws had been carried out. Do you hearken. They are thrust into the thick scrub because the eyes of the blind did not see. Do you hearken. In the days of August I will look to the light, that I may carefully perform your requests. My work is lying here: but, do you hearken. This work I performed during my great illness, and therefore I was delayed from doing anything according to our first word. My body was on a bed for two months, but now I have recovered. And now this urging of yours with respect to the offence of Karaka and Honatana. It is true about the theft of the European's goods, but it has not been investigated in these (past) days. I now commence, and although it may be long I will fully see the great error of these men, because I have now fully recovered from my illness, and will be able to perform the other work lying at Whaingaroa. Wiremu and party came and said to me that you blamed me for not listening, but when your letter came I did not see it. This is my word:—A letter of mine has been sent to Mr. McLean. I thought that he was there; and there is a great deal said in it. Some person told me that you were staying at Rangiaohia, and therefore I wrote to Mr. McLean. Do you search, and search quickly. Do not suppose it is a small thing, there are a great many words in it. Do you search for it speedily that you may see it. This is my word, do you desire me to go there. If you say that I am to go by myself, it is well; but I will wait some days that you may know, that it will be for you to take me to the Governor, that he may express his good words to you and me, and also mine to him. Do you listen friend. The house is being built. This is all.

From your friend HETARAKA.

Mr. Fenton.

No. 15.

Kohanga, August 24, 1857.

Mr. Fenton,—

I have to inform you that my wife Hepa Ruini bolted from here to Auckland on the 22nd of August. You must return my wife to me here. If she refuses to attend to you, I transfer the power of her husband to you, so that the authority of the husband may be added to that of the magistrate.

By RUINI NGAINGAL.

