

and to prescribe and regulate the terms on which conveyances, releases, and extinguishments, shall be accepted, any thing in the 73rd section of the Constitution Act to the contrary notwithstanding.

Subject to the proviso that all such powers shall be exercised by the Executive Government after hearing the advice of the Native Council established under the authority of the Act to be passed by the Assembly in that behalf.

The Committee are of opinion that it is advisable that a Council of a permanent character, to be composed of duly qualified persons, should be established on a constitutional basis, to whom the Governor and his Responsible Advisers may have recourse for advice and assistance in the administration of Native Affairs.

In furtherance of these views the Committee have agreed to the following Resolutions, which they recommend to the consideration of the Assembly :—

That a Council, to be appointed by the Crown, be established to act as a Council of advice in aid of the Executive Government of New Zealand in the administration of Native Affairs ; provided that it be competent for such Council to act in an administrative capacity at the instance of the Governor in Council.

That it be the duty of the Government to consult the Council on all important questions relating to the management of Native Affairs. But that, having heard the advice of the Council, the Government shall act at their own discretion and on their own responsibility.

That it be the duty of the Council to submit for the consideration of the Government, such measures as may appear to them to be desirable for promoting the civilization of the Natives ; for ascertaining and defining their tribal and individual territorial rights ; for encouraging the partition of lands held by them in common ; for rendering their surplus lands available for purposes of colonization ; for establishing law and order among them ; for preparing them for the exercise of political power ; and generally for promoting the welfare and advancement of the Native people.

That it be the duty of the Council to assist the Government, when called upon to do so, in the preparation of the measures which it may be necessary to bring before the Colonial Legislature for the purpose of effecting the foregoing objects.

That the Members of the Council should hold their appointments by a permanent tenure, but should be removable by the Crown, on the Address of the two Houses of Assembly.

That a Bill, based upon the foregoing Resolutions, be proposed for the consideration of the Assembly during the present Session.

That the passing of such an Act as suggested, would require the re-organization of the Department for Native Affairs, which should, for the future, be placed on the same basis as the other Departments of Government, and should consist of a Secretary for Native Affairs—being a Member of the Responsible Ministry—a permanent Under-Secretary, and the necessary Subordinate Officers.

#### Enclosure 3 in No. 4.

COPY OF A MEMORANDUM BY THE GOVERNOR.

Government House,

Auckland, 9th October, 1860.

1. A Council of advice, without administrative powers, would, in my opinion, be of no avail, because (especially in Maori affairs), so much depends on the *modus operandi*.

2. The best possible plans will prove abortive if not well carried into effect.

3. Assuming that the Native Minister has the utmost desire to carry out the recommendations of the Council, he will have only an ordinary Native Department to work with, whereas in the Council there ought to be, and probably would be, men possessing the most comprehensive views. The men who devise the plans, would, under such a system, be condemned to inaction, while those who were called on to put them in practice might be incompetent for the task.

4. The ordinary business of the Native Department includes the management of an immense correspondence with Maoris from all parts of New Zealand. Much of this is mere routine, but it is impossible to say how much depends on the tact with which the remainder is conducted.

This correspondence is so voluminous, that if the changes of Ministry were to occur in New Zealand as often as they do elsewhere, its management would either be left to the Native Department altogether, which is not desirable, or it would be in great danger of being neglected or mismanaged.

5. It is not impossible that a Minister might throw the blame of failure on the plan proposed, when it ought to fall on the mode of carrying it into effect.

6. I always understood that the Assembly was anxious and willing to grant supplies to any extent which might be found necessary, provided always that it had confidence in the administrators. If this is the case, the object should be to find men in whom both the Assembly and the Maoris would have confidence : to take care that they should combine administrative powers with special knowledge ; and then to ask the Assembly to give them full confidence.

Their time of office might be limited, and they should be called on to supply full information, but they should be allowed to superintend the execution of their own plans.

T. GORE BROWNE.