

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

---

*(In continuation of Papers presented in 1860.)*

---

PRESENTED TO BOTH HOUSES, BY COMMAND OF HIS EXCELLENCY.

---

## SCHEDULE.

### DESPATCHES FROM GOVERNOR GORE BROWNE, C.B., TO THE SECRETARY OF STATE.

NUMBER IN SERIES.	DATE.	SUBJECT.	PAGE.
1	31st July, 1860	Reporting the meeting of Native Chiefs at Kohimarama ...	3
2	3rd November, 1860	In reply to Sir G. C. Lewis' Despatch of 26th July, 1860, explanatory of his peculiar position as the Governor in respect to Native Affairs ... ..	3
3	3rd November, 1860	Transmitting a Journal of events, relative to the Patumahoe case ... ..	5
4	26th November, 1860	Transmitting the Native Council Bill, with enclosures relating thereto ... ..	5
5	1st December, 1860	Referring to a previous Despatch of 1856, relative to a Maori Census ... ..	10
6	25th March, 1861	Transmitting a letter from Archdeacon Hadfield, with Mr. Commissioner McLean's remarks ... ..	10
7	6th May, 1861.	To THE JUDGES of the Supreme Court, asking their opinion on the mode of establishing a Court of Jurisdiction for the disposal of questions of Titles to Native lands ...	13
8	9th May, 1861.	Reply, in answer to the preceding ... ..	13

### DESPATCHES FROM THE SECRETARY OF STATE.

1	8th September, 1860 (No. 64.)	Acknowledging the receipt of the Mat which had been sent by some Natives at Wanganui, in token of their loyalty to Her Majesty ... ..	14
2	23rd September, 1860 (No. 66.)	Acknowledging receipt of the Draft of intended opening Speech at the Kohimarama Conference ... ..	14
3	27th October, 1860 (No. 77.)	Acknowledging the Report of its initiation ... ..	14
4	26th January, 1861 (No. 9.)	In answer to Despatch of 3rd November, 1860, observing that Sir G. C. Lewis had not intended to convey any personal censure on His Excellency ... ..	15
5	26th January, 1861 (No. 10.)	Acknowledging the receipt of the Journal of events, relative to the Patumahoe case ... ..	15
6	26th February, 1861 (No. 24.)	Referring to the Native Council Bill ... ..	15

## DESPATCHES FROM THE GOVERNOR.

## No. 1.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF  
NEWCASTLE.

Government House, Auckland,  
New Zealand, 31st July, 1860.

MY LORD DUKE,—

I have the honor to inform Your Grace, that the Chiefs whom I invited to meet and confer with me have assembled in this neighbourhood, and are still considering various subjects which have been submitted to them.

I will not trouble Your Grace with any Report on the subject until the meeting is closed ; but I may say that hitherto the success attending the experiment has exceeded my expectations. Many of the Chiefs—and particularly Her Majesty's most dutiful subject Tamati Waaka—have declared unequivocally against the King Movement, and have expressed the most loyal attachment to the Queen.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle.

NATIVE.  
(No. 79.)

## No. 2.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF  
NEWCASTLE.

Government House, Auckland,  
New Zealand, 3rd November, 1860.

MY LORD DUKE,—

I have the honor to acknowledge the receipt of Sir G. C. Lewis's Despatch, No. 48, of 26th July last.

As he refers to a "policy requiring the presence of a large force," it is necessary that I should call Your Grace's attention to some of the difficulties which must attend the progress towards union of two races dwelling in the same land yet differing so widely in their wants, wishes, and opinions.

2. I need not remind Your Grace that prior to 1839 New Zealand had attracted to its shores a swarm of reckless men, determined to settle upon it with or without the consent of Her Majesty's Government ; that disorders of all sorts prevailed ; and it was found that "being out of our allegiance and protection" was no better security than the threat of it proved in Rhode Island against the commission of enormities which in New Zealand had not the excuse of religious bigotry.

3. Had Her Majesty's Government not interfered, there can be no doubt that war and disease would rapidly have consumed the Aborigines ; that sooner or later they would have been vanquished and destroyed ; that anarchy and violence, after reigning unchecked for a time, would have yielded and finally given way ; and that, in the course of time, an industrious European population—loving order and obedient to law—would have inherited the land which their predecessors had so ruthlessly acquired.

4. Her Majesty's Government was not, however, content to permit the disasters of the transition state to continue for an indefinite time ; and Lord Normanby, in his Despatch of 14th August, 1839, says that "the necessity" (for interference) "had become too evident to admit of further inaction," and that the object of Her Majesty's Government is "to mitigate, and if possible avert, the disasters" (enumerated), "and to rescue the emigrants themselves from the evils of a lawless state of society."

5. The emigrants were rescued from these evils—many desperate men left a country in which they could no longer carry on their lawless practices, and settlers of the best class poured into the Colony, bringing with them their own laws and that love of order which characterizes all Anglo-Saxon communities.

These laws are specially applicable to such communities so long as they remain united, and in the early days of the Colony it would have been easy to regulate settlement and restrain individuals from spreading broadcast over the country. In 1839, and for some time after, there would have been no difficulty in extinguishing Native Title over vast territories, and to have declared English districts within which alone the Queen's law should be paramount ; extending these districts from time to time as opportunity offered ; and leaving the Maoris to follow their own customs in the remainder of the country, aiding them by Missionaries and other instructors to advance in civilization, and waiting until they desired to become fit to be one people with us.

6. This course was not adopted, but English law was by a fiction assumed to prevail over the whole Colony, and Lord Normanby (15th August, 1839,) speaks of the repression of cannibalism, human sacrifices, and warfare among the Native tribes \* \* \* by actual force within any part of the Queen's dominions. The Governor had no means, however, of using force, and tacitly permitted these customs to continue,—indeed the last is not yet extinguished,—nor were any

EXECUTIVE.  
(No. 109.)

sufficient measures adopted for controlling and guiding the stream of emigration or the erratic movements of individuals.

7. The assured predominance of English law was not however harmless,—one of its marked characteristics, viz., the independence of action enjoyed by individuals living under its shadow, even at the cost of the community, is inconsistent with the safety of a society of which the component parts, though living in juxta position, are in the opposite extremes of civilization. As an example I may observe that, in many parts of India, shooting a monkey or kite would produce an insurrection, and consequently regulations are enforced which would be absurd and intolerable in Europe.

8. In New Zealand the acts or even the suspected acts of an individual (*vide* my Despatch No. 110 of even date herewith) are always liable to be avenged upon the whole community or upon those of his race who are most easily within reach. Yet Englishmen are restrained by no special laws: they have been allowed to spread over the country at will, and are tacitly permitted to act, speak, and write with as much impunity as they would in a civilized country, while Government is held responsible for the consequences of imprudence, whether it affects only the individuals themselves or the community at large.

9. There is, I believe, little doubt that the King Movement has been fostered and advanced by Europeans, and Government has been constantly thwarted, misrepresented, and hindered by persons whose conduct is no ways amenable to law.

10. The result has been that English law has always prevailed in the English settlements, but remains a dead letter beyond them; that Government has been continually exposed to contempt from being unable to perform its duty, and has been driven to temporise, and ignore aggression or crime which it could neither prevent nor punish.

11. A large annual grant from the Imperial Treasury, full power, and great tact, enabled Sir George Grey to keep the country tranquil; but he was unable to establish any system or machinery which could effectually prevent the collision of elements so discordant as those with which the New Zealand Government has to deal.

When the Constitution Act was prepared, a second opportunity was offered to declare English Provinces and leave Maori districts beyond their pale, to be governed by laws specially adapted to the people inhabiting them. Instead of so doing, however, the 71st clause of the Act declares that “it may be expedient that the laws, customs, and usages of the Aboriginal Inhabitants of New Zealand, so far as they are not repugnant to the general principles of humanity,” should for the present be maintained “for the government of themselves in their relations to, and dealings with each other,” &c. This leaves the difficulty unsolved, either as relates to the customs which are repugnant to the principles of humanity, or to their dealings of any sort with Europeans who have been permitted to scatter themselves thinly over the whole Northern Island.

12. It has been urged that by a judicious use of moral influence, the Maoris might have been induced to adopt a system of self-government which would have supplied the place of English law. To exert this influence successfully has been the study of my predecessors and myself, and the aim of the Legislature of 1858, in which I cordially concurred.

But while the difficulties attending the transition of Aborigines from absolute barbarism to comparative civilization, have been annually increasing, the power of the Governor has been diminished and divided, and the funds at his disposal greatly reduced. In plain terms, the means which Government could command have not been sufficient for the attainment of the end desired.

13. I now turn to the question of protection, and I venture to say that when Her Majesty's Government declared New Zealand a Colony, and invited the industrious and law-loving classes to emigrate, an assurance of protection was certainly—directly or indirectly given—and without it these men would never have left their native land.

If, however, Her Majesty's Government is prepared to punish aggression, “defend the centres of population, and hold the keys of the country,” as intimated by Sir G. C. Lewis in his Despatch above referred to, all will be done that has been asked or can be reasonably expected. It then only remains to enquire what force is necessary for the purpose,—what part of the expense should be paid by the Colony; and what part of the actual duty the settlers should perform by means of Volunteers or Militia.

14. With regard to the first, I have already stated my opinion in decided terms and will not presume to intrude it again on Your Grace's notice.

The payment of expenses might, I submit, be arranged with the General Assembly; I agree with Sir W. Denison in thinking that as a general rule, a Colony able to afford it, should pay 50 per cent of the cost of its Military protection; I am also of opinion that when the finances (as in the case of New Zealand) are unable to bear such a burden, they should be relieved of an additional per centage, subject to readjustment every 3 or 5 years.

15. I now come to the employment of Volunteers and Militia.

In the Mother Country, where there is a surplus population, the employment of this valuable and constitutional force is attended with little or no inconvenience, and even in the Colonies the enrolment of Militia and Volunteers for the protection of their homes is both necessary and effective. But though this description of force may always be used on an emergency occurring in the district from which it is raised, it can never be sent out of that district without payment, which must be as much in excess of a soldier's pay as the settler's labor, and his expenses are greater than those of an English laborer.

Labor is worth at least 5s. a day in this Colony, and a large proportion of those who form the rank and file of Militia and Volunteer Corps are farmers, tradesmen, and persons possessing stock or engaged in business which would be ruined by their absence for any length of time. For this

reason also, Militia cannot be called out, to act continuously as a guard to prevent an attack which may be apprehended at an uncertain time.

This is indeed the case at the present moment : it is certain that if guards could be posted in various parts of the City of Auckland every night, there would be little or no danger of an attack, with which it has been seriously threatened.

Except as an auxiliary to regular Troops in the district in which it is raised, a Colonial Militia is therefore the most expensive force which can be employed, and though equal in bravery and perhaps superior in activity to Her Majesty's Troops, it is not usually found to be so effective for continuous operations. I need not add that the withdrawal of the productive classes from their employment must necessarily reduce the revenues called upon to bear the additional burden of their support; would incapacitate the Colony from bearing its fair share of Military expenses; and that emigration to a ruinous extent would follow such a measure, if generally adopted.

16. One subject remains: Sir G. C. Lewis says that "a policy requiring the presence of a large force condemns itself,"—but the adoption of a policy must depend on the means available for carrying it into effect, and these have been too limited to admit of choice.

With insufficient funds, circumscribed powers, and inadequate assistance, I have had to contend with difficulties inseparable from the association, without union, of two races in opposite extremes of civilization.

I have, however, explained my views on the Government of the Native Race in various Despatches and Memoranda, and I am not without hope that the attention which this unfortunate Insurrection has awakened will be productive of ultimate benefit, and will lead to the introduction of such a system of Government as will be in accordance with the wishes of the Natives and will not be open to the criticism contained in Sir G. C. Lewis's Despatch.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle.

### No. 3.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF NEWCASTLE.

Government House, Auckland,  
New Zealand, 3rd November, 1860.

NATIVE.

(No. 110).

MY LORD DUKE,—

I have the honor to enclose a concise Journal of events of the last fortnight, which will enable your Grace to judge more correctly of the state of affairs as relates to the Natives in this Province, than any more condensed account.

Your Grace will see that accidental circumstances, over which the Government can have no control, may at any time lead to a collision; that Natives who are friendly and anxious to avoid war, still think that the death of one of their people would justify them in taking summary vengeance on any of the offender's countrymen, whether innocent or guilty, on a plea that our law admits of—or, as they say, provides opportunity for the escape of the guilty.

The lives of many of the outsettlers and the peace of the country during the last fortnight have been depending on the fidelity and exertions of three or four chiefs—one of whom alone receives a stipend of £50 a year. This brings prominently to light what I have so often stated, that it is only by means of employing the Chiefs, giving them Crown Grants, and attaching them to the Government, that we can hope to keep the country tranquil.

The means placed at Sir G. Grey's disposal enabled him to do this without difficulty, and I perceive that he is following the same plan at the Cape of Good Hope.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle,

&c., &c., &c.

### No. 4.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF NEWCASTLE.

Government House, Auckland,  
New Zealand, 26th November, 1860.

LEGISLATIVE:

(No. 120.)

MY LORD DUKE,—

I have the honor to forward and submit for Her Majesty's pleasure, an "Act to establish a Council to assist in the Administration of Native Affairs."

How and by whom the Native race ought to be governed seems to depend on certain data, and more particularly on the interpretation put on the terms of the Treaty of Waitangi.

If the Maoris were represented in the Assembly; if the revenue derived from Maori taxation, and the profits arising from the purchase and sale of Maori land are the absolute property of the Assembly; if the Assembly have so absolute a reversionary right to the lands, which have been by the interpretation of Her Majesty's Government declared to be the property of the Natives, that they cannot be permitted to have Crown Grants alienable in the usual manner without the

assent of the Assembly, if the burden of self-protection against internal aggression has devolved upon the settlers themselves, there can be no doubt that Native Affairs ought to be placed precisely on the same footing as the other domestic affairs of the Colony.

But if these data are denied, a question arises as to what right the Assembly has to govern and tax a race it does not represent, whose interests are not proved to be identical with those of its own constituents, to whose lands it has not a reversionary right, and against whom Her Majesty's Government is called on to protect the European settlers.

It may also be asked whether the Crown, having obtained the Sovereignty of the Islands on certain conditions by which it is virtually understood to act as guardian to the Maori race, can now disclaim these engagements because they are onerous, and transfer its power and its duty to others.

In making these observations, I desire distinctly to disclaim all distrust of the good intentions and benevolence of the Assembly towards the Maori race, which have been abundantly proved during the last Session. Still more do I disclaim all jealousy of the settlers. But I submit that two axioms have governed the proceedings of the colonists themselves and are constantly avowed,

First.—That taxation without representation is tyranny;—and second—that the settlers of no one Province in New Zealand would for a moment tolerate that its affairs should be governed by those of another.

But when the Constitution Act was framed, sufficient provision for the performance of its engagement by the Crown (*viz.*, that it should act independently as guardian of the Maori Race) was not made, and it remains to be seen what course ought now to be pursued.

In the Bill which Your Grace introduced in the House of Lords great powers were given to the Governor and a Council to be nominated by the Crown, but it was provided that this Council should not be able to obtain funds or issue Crown Grants—which should be alienable in the usual manner—without the sanction of the Assembly. In other words, the Council would have been altogether inoperative whenever the Assembly chose to withdraw its confidence and support.

When it was known in the Colony that this Bill had been introduced to the House of Lords, a Member of the Assembly proposed certain Resolutions (copy of which is enclosed) upon which discussion ensued. The subject was then referred to a Joint Committee of both Houses, consisting of the gentlemen named in the margin.

This Committee prepared another set of Resolutions, and I thought it my duty to communicate my views in the Memorandum marked 3. The Committee made certain alterations, partially meeting my views: their Resolutions were adopted by both Houses, and they were instructed to prepare a Bill.

The period at which the Assembly must necessarily be dissolved being close at hand, I sent this Bill to the House of Representatives in a Message (marked 5). During its passage through the House various alterations were made, which were rejected by the Legislative Council. A Conference between the two Houses, was then agreed upon, after which the Bill was forwarded to me in its present shape.

The provision in Section III. that “no Minister of any Religious Denomination, Member of the General Assembly, nor any Superintendent, nor any Member of any Provincial Council, should be a Member of the said Council”: the limitation to seven years attached to Section VIII., and two minor alterations in Section XII., (2 and 3) are notifications which were accepted by the Legislative Council, and finally agreed to.

At the moment when the Bill was about to pass, another discussion arose and ended in the adoption of a Resolution (marked 6), in which the House of Representatives desired to know my views as to the control and Departmental Administration of Native affairs should Her Majesty be pleased to assent to the Act then under consideration.

In reply, I forwarded the accompanying Message (marked 7) by which Your Grace will perceive that should this Act receive Her Majesty's assent, I propose that the “administration and management of Native affairs should be placed on the same basis as the other Departments of “Government,” &c., &c., “subject to the proper constitutional action of the Supreme Head of the Executive: such constitutional action being understood to have the same interpretation as regards Native affairs as in reference to other Imperial subjects.” This last is explained in the Memorandum of 15th April, 1856, which was accepted by the Assembly and approved by Her Majesty's Government, *viz.*: “on matters affecting the Queen's Prerogative and Imperial interests generally, the Governor will be happy to receive their (Ministers') advice, but when he differs from them in opinion, he will, if they desire it, submit their views to Her Majesty's Secretary of State, adhering to his own until an answer is received.

I have thus endeavoured to lay the case fully before your Grace in all its bearings. I have not altered the opinion I have already expressed, *viz.*, that the Crown is the rightful guardian of the Maori race; but if the Crown has not the means of acting in that capacity without aid from the Assembly of New Zealand, it is evident that any attempt to legislate in a manner not acceptable to that body must prove abortive.

I should also add that it has for some time been evident that the existing relations between the Governor and his Responsible Advisers on the subject of Native affairs are not satisfactory. I believe there has been little or no difference of opinion between myself and Mr. Richmond, the Minister for Native Affairs, for whose ability and integrity I entertain the highest respect; but the responsibility for the conduct of Native Affairs has rested entirely on me, while, with exception of £7,000 a year (the appropriation of which I cannot alter without the consent of my Advisers), the power of the purse, which is all but absolute, has been altogether in the hands of Ministers. This has been an unequal and unsatisfactory division,

Legislative Council—  
Hon. Mr. Whitaker,  
„ Mr. Swainson,  
„ Mr. Harris.  
House of Representatives  
Hon. Mr. Richmond,  
Mr. Fox,  
Mr. Sewell,

On the whole, therefore, I believe this Act to be the best compromise which can now be made, and I beg to recommend it to your favourable consideration, and earnestly to request that no time may be lost in acquainting me with your decision.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle,  
&c., &c., &c.

P.S.—I thought it most important that an Act giving power to issue Crown Grants should be submitted to the Assembly, and forwarded for the signification of Her Majesty's pleasure, in order that the whole matter should be placed before your Grace at the same time. With that view I sent the Memorandum (marked 8) to my Advisers, but the session of the Assembly was too far advanced to admit of the introduction of such a measure before the dissolution.

T. G. B.

---

#### Enclosure 1 in No. 4.

(*Extract from the Journals of the House of Representatives, Session 1860, p. 140.*)

*Imperial Legislation on Native Affairs.*—Mr. Fox moved, and the question was proposed, That this House has heard, with deep regret, that a Bill has been brought before the Imperial Parliament, with the object of instituting a system of Government in reference to the Native Affairs of this Colony, which entirely removes those Affairs from all control by the Legislature of the Colony; and it regrets still more deeply that so important an alteration of the Constitution Act should have been proceeded with so far, without any communication whatever on the subject having been made to the Colonial Legislature, or to the Responsible Ministers of the Colony.

That this House desires to repudiate, in the strongest possible manner, the allegations which have been made, that the Colonists entertain any but the most friendly feelings towards the Native Race, that they are in any way indifferent to their welfare and conservation, or that they entertain any such sentiments on the subject of the acquisition of the Native Lands as have been attributed to them.

That this House believes that the solution of the present Native difficulties can only be looked for from the local deliberations of the General Assembly, and the local action of the Colonial Government, working in harmony with the Native Race, and in conformity, as far as possible, with their opinions and suggestions.

That the co-operation of the Colonial Legislature cannot be expected, with any system of Native Administration imposed upon the Colony by the action of the Imperial Parliament, taken in entire ignorance of the fact on the part of the Colonial Legislature, and in opposition in many respects to its views.

That a copy of the foregoing Resolutions be forwarded to His Excellency, with a request that he will immediately transmit them to Her Majesty's Principal Secretary of State for the Colonies. A debate arose thereupon.

---

#### Enclosure 2 in No. 4.

(*Extract from the Journals of the House of Representatives, Session 1860, p. 174.*)

*Imperial Legislation on Native Affairs.*—Mr. Fox, from the Committee appointed to confer with a Committee of the Legislative Council on the subject-matter of certain Resolutions referred to them on the 3rd instant, in reference to Legislation by the Imperial Parliament on Native Affairs, brought up a Report and the same was read as followeth:—

The Joint Committee of the two Houses of the Assembly have met and considered the subject matter of the Resolutions proposed by the Honorable Member for Wanganui (Mr. Fox), and have agreed to make the following Report on the question referred to in the said Resolutions:—

The Committee are of opinion that it is essential to the successful operation of any system which may be established for the better administration of Native Affairs, that it should have the cordial support of the Local Legislature, and that such co-operation cannot be expected towards any system of Native Administration imposed upon the Colony by the action of the Imperial Parliament, taken without reference to the views or to the local knowledge and experience of the Colonial Legislature.

That in case the "New Zealand Land Bill," which has been introduced into the Imperial Parliament, shall become law, His Excellency the Governor be moved to defer bringing it into practical operation within the Colony, until Her Majesty's Government shall have had an opportunity of considering the provisions of a measure which the Committee suggest should be passed by the Assembly for establishing a Native Council on the basis of the following Resolutions:—

That in lieu of the said "New Zealand Land Bill," Her Majesty's Government be moved to obtain an Act of the Imperial Parliament enabling the General Assembly of New Zealand to make laws to regulate the purchase, acquisition, or acceptance of lands of or belonging to the Natives, and to regulate the acceptance of any release or extinguishment of their rights in any such land,

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.



## Enclosure 5 in No. 4.

COPY OF A MESSAGE FROM THE GOVERNOR TO THE HOUSE OF REPRESENTATIVES.

THOMAS GORE BROWNE, Governor.

*Message No. 29.*

The Governor transmits to the House of Representatives for their consideration the Draft of a Bill intituled, "An Act to establish a Council to assist in the administration of Native Affairs," and recommends the House to make provision for the Native Council proposed to be established thereby.

In transmitting this Bill, the Governor desires to observe that, in his opinion, it would have been better to have entrusted the whole administration of Native Affairs to the Native Council; but the Bill has been framed in accordance with the Report of Select Committees, adopted in both Houses without dissent, and the Governor therefore foregoes pressing his own views on the Legislature further than he has already done through the Select Committees.

Government House,

Auckland, 26th October, 1860,

## Enclosure 6 in No. 4.

*(Extract from the Journals of the House of Representatives, Session 1860, p. 247).*

*Native Council Bill.*—Mr. Fox, from the Free Conference between this House and the Legislative Council, on the subject of their Amendments in the Native Council Bill, reported certain Amendments, which the Conference recommend for adoption by both Houses.

And the Amendments being read,

A debate arose thereupon.

On motion of Mr. Sewell, *Resolved*, That the Bill now under consideration be transmitted to His Excellency with an intimation that this House has been prepared to pass such a Bill, upon the distinct understanding that the ordinary control and departmental administration of Native Affairs shall be placed under Responsible Ministers, subject to the provisions of the Bill, and to the proper constitutional action of the Supreme Head of the Executive. But in the present uncertainty as to the relations which would subsist under the Bill between the Governor and Responsible Ministers, this House deems it its duty to defer the further consideration of the Bill until the precise views of the Governor on the above question be ascertained,

That a respectful Address be presented to His Excellency with the above Resolution.

## Enclosure 7 in No. 4.

COPY OF A MESSAGE FROM THE GOVERNOR TO THE HOUSE OF REPRESENTATIVES.

THOMAS GORE BROWNE, Governor.

*Message No. 43.*

In reply to the Resolution passed by the House of Representatives on the 3rd instant, the Governor desires to state that his understanding is, that in the event of the "Native Council Bill" becoming Law, the administration and management of Native Affairs shall be placed on the same basis as the other Departments of Government, and shall be conducted by a Secretary for Native Affairs, being a Member of the Responsible Ministry, a permanent Under Secretary, and the necessary Subordinate Officers, subject to the provisions of the Bill, and to the proper Constitutional Action of the Supreme Head of the Executive; such Constitutional Action being understood to have the same interpretation as regards Native Affairs, as in reference to other Imperial subjects.

Government House,

Auckland, 5th November, 1860.

## Enclosure 8 in No. 4.

COPY OF A MEMORANDUM BY THE GOVERNOR.

Government House,

Auckland, 30th October, 1860.

It appears to be admitted on all sides that the power to issue Crown Grants to Natives ought to be entrusted to some authority in New Zealand,—but that any Bill conceding such a power must be reserved for the Royal assent.

If, therefore, nothing is done on the subject during the present Session of the Assembly at least eighteen months must elapse before a single Grant can be made.

In the present critical state of the Colony, the Governor thinks such a delay will certainly be injurious, and might be dangerous, he therefore thinks it his duty to urge the consideration of the subject upon his Responsible Ministers, and strongly to recommend that a Bill be prepared, giving power to issue Crown Grants, and if possible passed before the Assembly is prorogued.

T. GORE BROWNE.

## No. 5.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF  
NEWCASTLE.

MISCELLANEOUS.

(No. 128.)

Government House, Auckland,  
New Zealand, 1st December, 1860.

MY LORD DUKE,—

I observe that in the "Further Papers relative to the affairs of New Zealand" presented to Parliament in July, 1860, there is an error at p. 195 which may perhaps attract notice.

In my Despatch, No. 28, of 15th April, 1856, I stated that "The Maoris in the Northern Island are estimated at 77,000, of whom not less than seven-elevenths or 59,000 are capable of bearing arms."

This unaccountable error was adverted to and corrected in my Despatch, No. 8, of 10th Feb., 1857. Since then census has been taken in which the total numbers are estimated at 56,049, and the total males at 31,667. This census does not purport to be accurate, and the return given is probably below the actual number.

When further papers are printed, I beg Your Grace to permit this Despatch to be included among them.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle,  
&c., &c., &c.

## No. 6.

COPY OF A DESPATCH FROM GOVERNOR GORE BROWNE, C.B., TO HIS GRACE THE DUKE OF  
NEWCASTLE.

MISCELLANEOUS.

(No. 45.)

Government House, Auckland,  
New Zealand, 25th March, 1861.

MY LORD DUKE,—

At the request of Archdeacon Hadfield I have the honor to forward a letter which he has addressed to Your Grace. I forward also some remarks in explanation by Mr. McLean the Native Secretary.

The Archdeacon in his letter states as follows, viz. :—"I have proved in a letter published in the "New Zealand Spectator," November 3rd, 1860, that there never has been any anti-land-selling-league in New Zealand."

This assertion enables me to comprehend others which he has put forward with equal distinctness. It is now evident either that the Archdeacon forms his opinion upon very imperfect data or that he puts a construction on the language in common use very different to that in which it is generally understood. If this were not the case, it would be impossible he could have made the statement above quoted, which is distinctly contradicted by every authority in New Zealand, including Sir. W. Martin. (See his pamphlet on the Taranaki Question, page 91.)

I attach an extract from the Report on this subject of the Board appointed in 1856 to enquire into the state of Native affairs.

Parl. Pap., 27 July, 1860,  
p 93.

I have, &c.,

T. GORE BROWNE.

His Grace the Duke of Newcastle,  
&c., &c., &c.

## Enclosure 1 in No. 6.

MR. HADFIELD TO MR. STAFFORD.

Otaki, February 26th, 1861.

SIR,—

I have the honor to request that you will forward, through the usual channel, the enclosed letter to the Secretary of State for the Colonies, being a reply to certain strictures upon my conduct contained in a "letter from the Chief Land Purchase Commissioner to the Governor," dated 1st December, 1860, printed in Appendix to Mr. Richmond's Memorandum on Sir William Martin's Taranaki Question.

I have, &c.,

OCTAVIUS HADFIELD.

The Honorable the Colonial Secretary,  
Auckland.

## Sub-Enclosure to Enclosure 1 in No 6.

MR. HADFIELD TO THE DUKE OF NEWCASTLE.

Otaki, Wellington, New Zealand,  
February 25th, 1861.

MY LORD DUKE,—

I request to be allowed to draw your Grace's attention to some very serious charges brought against me, in an official document contained in certain "Miscellaneous Papers," forming part of an Appendix to a Memorandum by Mr. Richmond on Sir William Martin's 'Taranaki Question.' The document referred to is "Copy of a letter from the Chief Land Purchase Commissioner to the Governor, dated 1st December, 1860, and purports to be a reply to a letter of mine published in the *New Zealand Spectator* of the 12th October, 1860."

I forbear to trouble your Grace with any remarks on Mr. Donald McLean's contradictions of my statements, what I wish to bring under your Grace's notice is the following passage.

"And now I shall briefly advert to some observations which appear in Archdeacon Hadfield's evidence before the House of Representatives in its last Session. (Answers to Question 44.) "I was absent from the Colony about twelve months, and on my return I found that the (King) movement had made rapid strides in the South. The progress of the King movement is to be attributed, in my opinion, to the action of the Land Purchase Department in the South part of this Island. In making an assertion of this description the Venerable Archdeacon should have had the candour to avow that the 'Anti-land-selling-league' which eventually merged into the King party, was really a project of his own, and was recommended by him to the Natives as early as the year 1848 and 1849. The Natives have openly stated at their meetings, on the subject of land-selling, that *they had been instructed by the Archdeacon not to alienate any portion of their territory to the Government.*

"Mr. Hadfield seems to find it very convenient to conceal the part which he took in influencing the minds of the Natives, and very adroitly to endeavour to impute to the Land Purchase Department the blame due to his own acts. I apprehend that it would require a measure of more than the Archdeacon's ingenuity—great as it may be—to defend his efforts to embarrass the Government in their operations with the Natives, and by his advice and counsel to lead them on to their own destruction."

In reference to this extract I beg leave to make the following observations:—

1. I have no doubt whatever that the opinion I gave in my evidence before the House of Representatives as to the King movement is correct. I shall be prepared to prove its truth whenever an opportunity is afforded me of adducing evidence in support of it.

2. I have proved in a letter published in the *New Zealand Spectator*, November 3rd, 1860, that there never has been any "Anti-land-selling-league" in New Zealand.

3. I have never had any project whatever as to an "Anti-land-selling-league," nor have I ever recommended anything of the kind to any Native.

4. During the whole of the year 1848 I was ill and confined to my bed in the house of a friend at Wellington, and had no communication with Natives. It was not till near the end of the year 1849 that I recovered and returned to this place, but the subject of land was never once mentioned, there being at that time no negotiation for the purchase of any land in my district.

5. Before I had seen the charges on which I am now commenting, I had said in a letter published in the *New Zealand Spectator* of the 6th instant, I here take the opportunity of noticing an insinuation, if not a statement, publicly made by Mr. Commissioner McLean, that I have advised Natives not to sell their land to the Government. I now state most distinctly and unequivocally that I have never, since New Zealand became a British Colony, either directly or indirectly, advised, or in any way endeavoured to influence any Native, or party of Natives, not to sell their lands to the Government; and that Mr. McLean's statement is a falsehood, and one, I regret to say, which the many opportunities which have occurred for explanation, render wholly inexcusable.

As Mr. McLean gives no information as to who "the Natives" are, and when and where they made the statements imputed to them, I can add nothing more on this head.

6. Your Grace will not expect that I should condescend to reply to the calumnious and malignant insinuations contained in the latter portion of the extract from Mr. Donald McLean's letter. But what the effect of my advice and counsel has really been among those Natives over whom I may be supposed to have any influence, is pointed out in a letter addressed by me to the *Southern Cross*, August 24th, 1860, when a similar attack was made on me by the Native Minister. "It is twenty years since I first went to reside at Waikanae and Otaki. During the whole of my residence in the district there has been profound peace. No Englishman or Maori has ever been murdered. No collision has ever taken place among the Natives themselves. No outrage has ever been committed on the person or property of an Englishman. During the last twelve years, when law first began to be enforced, there has never been an attempt to prevent the execution of a warrant issued by the Resident Magistrate of Wellington, though placed in the hands of only a single constable. I boldly challenge any one to point to a single instance of disloyalty on the part of any of the Natives of my District, or of any act which has the slightest tendency to indicate disloyalty, until the month of May last, when, after the Taranaki war began, a colour from the Maori King was sent from Waikato, and an attempt was made to erect it."

I should not have troubled your Grace with this letter, were it not that peculiar circumstances, which it is unnecessary for me to explain, render it unadvisable that I should at present take legal proceedings against Mr. Commissioner McLean.

I have, &c.,

OCTAVIUS HADFIELD.

The Right Honorable the Duke of Newcastle,  
H.M. Secretary of State for the Colonies.

---

Enclosure 2 in No. 6.

MR. MCLEAN TO GOVERNOR GORE BROWNE, C.B.

Native Secretary's Office,  
Auckland, 25th March, 1861.

SIR,—

With reference to the letter addressed by the Rev. Archdeacon Hadfield to his Grace the Duke of Newcastle, commenting on certain observations made by me in an official communication dated December 1st, 1860, I take the liberty of making the following remarks:—

The statements made by me in the letter referred to, and which the Venerable Archdeacon designates as calumnious and malignant insinuations, are such as I shall be quite prepared to substantiate by the evidence of Natives in his own district.

The Archdeacon's denial of having ever used his influence to prevent Natives from selling their lands to the Government is not, in my opinion, sufficient to clear him from the imputation which a concurrence of testimony to the contrary fixes upon him.

Having proved to his own satisfaction that there "never has been any anti-land-selling league in New Zealand," the Archdeacon may possibly by a similar style of argument satisfy himself that the assertions he now makes are consistent with truth; but the fact stated by me remains and can easily be proved, viz., that the Natives have on several occasions spoken openly of his having advised them not to sell their lands.

I shall not now take up your Excellency's time with detailing the evidence which may be adduced against the assertions contained in the Archdeacon's letter. It will be sufficient for my present purpose to indicate somewhat more precisely the occasions on which I was informed by the Natives to the effect as stated in my letter of the 1st December last, and to show that proof is adducible not only from Native sources, but that from a published report of one of the Archdeacon's speeches, what he now so positively denies has been admitted by himself.

In the years 1848 and 1849, when negotiating the purchase of land at Rangitikei and Manawatu, several of the Ngatiraukawa tribe of Otaki publicly stated at meetings at Te Awahou that they had by the advice of their Missionary formed a league against the sale of land.

In a notice of a Native meeting at Otaki, of the 4th May, 1860, which appeared in the "Wanganui Chronicle" of the 10th of that month, the following paragraph occurs:—"The proceedings commenced by a very eloquent and energetic address from the Venerable Archdeacon Hadfield, calling upon the assembled Natives to remember that he had been residing among them as their pastor for twenty years, appealing to them whether he had not always during that period given them the best of fatherly advice, not to alienate their land; and ending by earnestly entreating them not to put up a flag which could only lead to trouble and confusion, and end in the shedding of blood."

In speaking of the anti-land-selling league as being a project of the Archdeacon's, I have merely indicated an opinion, arrived at, as I believe, upon sufficient grounds, and I must add that Mr. Hadfield's present letter fails to satisfy me that this opinion is incorrect.

The first time I heard of such a combination was from tribes directly under the influence of the Archdeacon, whose name was constantly used by them, and of whom they spoke as having been their adviser in the matter.

I shall feel obliged by your transmitting this letter for the information of his Grace the Duke of Newcastle.

I have, &c.,

DONALD MCLEAN,  
Native Secretary.

To His Excellency Colonel T. Gore Browne, C.B.,  
&c. &c. &c.

---

Enclosure 3 in No. 6.

LEAGUE NOT TO SELL LAND, FORMED AMONG NATIVE POPULATION.

In proof of this, the Natives to the North of Auckland, who have for the longest time been acquainted with the Europeans, and who, by repeated acts of this kind, have tacitly given in their adherence to the European customs, are still willing to sell land for the extension of settlements, while those Natives not brought into such close contact, but living in the less frequented parts of the country South of Auckland, have formed a league to prevent the spread of European influence, and refuse to sell their land, with that avowed object in view. This league, commencing, as before

stated, South of Auckland, at about fifty miles from the town, at a branch of the Waikato River, called Maramarua, embraces nearly the whole of the interior of the Island, and extends to the East Coast and to the West Coast, South of Kawhia.

---

No. 7.

COPY OF A LETTER FROM HIS EXCELLENCY THE GOVERNOR TO THE CHIEF JUSTICE AND THE JUDGES OF THE SUPREME COURT.

Government House,  
Auckland, 6th May, 1861.

The Governor takes advantage of the meeting of the Judges of the Supreme Court in Auckland to beg the favor of their advice on a subject which has long engaged his attention, but which is surrounded with difficulties.

He alludes to the establishment of a Court which shall have jurisdiction in and be able to dispose successfully of questions relating to land over which Native Title has not been extinguished; and he begs the favor of the Chief Justice and the Judges of the Supreme Court to give him their opinion and advice on the following points, viz. :—

*First.* Whether the constitution and mode of procedure of the Supreme Court can be adapted for the investigation and determination of questions relating to Native Title?

If the answer to this question should be in the negative :

*Second,* Whether an efficient Court could be established for such purpose, and what should be the nature of its constitution and procedure ?

T. GORE BROWNE.

Their Honors the Chief Justice  
And the Judges of the Supreme Court of New Zealand.

---

No. 8.

COPY OF A LETTER FROM THE CHIEF JUSTICE AND THE JUDGES OF THE SUPREME COURT TO HIS EXCELLENCY THE GOVERNOR.

Auckland, 9th May, 1861.

SIR,—

In answer to Your Excellency's letter of the 6th May, 1861, in which Your Excellency asks the Chief Justice and the Judges of the Supreme Court to give their opinion and advice on two points with respect to the investigation of questions relating to Native Title.

We have the honor to offer your Excellency the following answers :—

*First.* We think that the constitution and mode of procedure of the Supreme Court as it exists at present are not well adapted for the investigation and determination of questions relating to Native Title *generally*; although they may be sufficient for the purpose when such questions arise incidentally in the course of other proceedings.

We do not think the constitution and mode of procedure of the Supreme Court can be practically adapted so as to deal with the investigation of such questions *generally*, in a satisfactory manner, and without materially interfering with the efficiency of the Court in other respects.

Even with the element of a Maori jury introduced, and the treatment of Maori Customs as matters of fact and not of law, we think that the system of pleading and procedure, and the law of evidence, which bind the Supreme Court could not be practically applied in such cases to the satisfaction and with the concurrence of particular litigants or the mass of the Native community; so that the Court would have to set aside the general law of New Zealand in those respects, in order to enable it to deal efficiently with the great mass of investigations of this kind.

This we think it ought not to be called upon to do; as the status and organization of the Court would thereby be seriously affected. Moreover, the great practical inconveniences arising from the necessity of constant interpretation, and the large portion of the time of the Court which would be devoted to these questions, and the consequent delays to which other suitors would be exposed, are, we think, palpable and all but insuperable objections to any attempt to adapt the existing constitution or procedure of the Court to the purposes of the ordinary investigation of Native Title.

*Secondly.* In answer to your Excellency's second question, we have the honor to state that we do not doubt an efficient Court may be established for the purpose indicated; but we do not feel that we possess sufficient materials, either respecting the requirements of the Native Race, the policy of your Excellency's Government, or the means at its command, to be able to offer to your Excellency any specific suggestions as to the precise nature, constitution, functions and procedure of such a tribunal.

We think, moreover, the question seems so necessarily involved with political considerations, that it might be improper for us to give our opinion, as Judges, respecting matters more strictly within the duties of statesmen or politicians.

But treating the matter in the largest and most general way, we feel justified in suggesting that a competent tribunal might probably be established by the formation of a Land Jury, selected by lot or otherwise, from members of the various tribes in previously defined districts, nominated

by such tribes as competent to act in that capacity, to be presided over by a European Officer or Commissioner (not being an Agent of the Crown for the purchase of Land) conversant with the Maori language, and assisted if necessary by a Native Assessor, and whose duty it should be merely to propound the questions for the decision of the jury, to record their verdict, and to administer Oaths to witnesses.

GEORGE ALFRED ARNEY, Ch. J.  
ALEXANDER J. JOHNSTON,  
HENRY B. GRESSON.

To His Excellency the Governor,  
&c., &c., &c.

---

DESPATCHES FROM THE SECRETARY OF STATE.

---

No. 1.

COPY OF A DESPATCH FROM SIR GEORGE CORNEWALL LEWIS, BART., TO GOVERNOR GORE BROWNE, C.B.

Downing Street,  
8th September, 1860.

NEW ZEALAND.

(No. 64.)

SIR,—

I have to acknowledge the receipt of your Despatch, No. 53, of the 26th of May, forwarding a Mat which some influential Natives residing at Wanganui were desirous should be presented to the Queen as a token of loyalty of the Tribes in that District.

I request that you will cause the Natives from whom the Mat proceeded to be informed that Her Majesty has received with much satisfaction this proof of their loyalty and devotion.

Her Majesty has also been pleased to express her entire approval of the course which you adopted on this occasion.

I have, &c.,  
G. C. LEWIS.

Governor Gore Browne, C.B.,  
&c., &c., &c.

---

No. 2.

COPY OF A DESPATCH FROM SIR GEORGE CORNEWALL LEWIS, BART., TO GOVERNOR GORE BROWNE, C.B.

Downing Street,  
23rd September, 1860.

NEW ZEALAND.

(No. 66.)

SIR,—

I have the honor to acknowledge your Despatch, No. 66, of the 6th of July, accompanied by a copy of a Speech which you propose to deliver to the Native Chiefs whom you have invited to assemble from all parts of the Island.

The topics of the intended Speech appear well calculated to allay excitement, and I confide in your judgment as to the opportunity which you have created for making this communication to the Chiefs.

I have, &c.,  
G. C. LEWIS.

Governor Gore Browne, C.B.,  
&c., &c., &c.

---

No. 3.

COPY OF A DESPATCH FROM MR. CHICHESTER FORTESCUE TO GOVERNOR GORE BROWNE, C.B.

Downing Street,  
27th October, 1860.

NEW ZEALAND.

(No. 77.)

SIR,—

I am directed by the Secretary of State to acknowledge the receipt of your Despatch, No. 79, of the 31st July last, reporting the assembling of the Native Conference at Auckland, and I am to express to you his satisfaction at learning that the success of this experiment has exceeded your expectations.

I have, &c.,

C. FORTESCUE.

Governor Gore Browne, C. B.,  
&c., &c., &c.

---

## No. 4.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR GORE  
BROWNE, C.B.

Downing Street,  
26th January, 1861.

NEW ZEALAND.  
(No. 9.)

SIR,—

I have received your Despatch, No. 109, of the 1st of November last, and have to acquaint you that the views there expressed will be duly taken into consideration by Her Majesty's Government in deciding on the general measures to be adopted for the better Government of the Natives, and on the mode in which the expenses of the War are to be provided for.

I have to observe, however, with reference to the concluding paragraph of your Despatch, that Sir G. Lewis's observation to the effect that a policy condemned itself, which could only be supported by constant presence of a large armed force, was not intended to imply any censure whatever on yourself.

I have never doubted that without the control of far larger funds for Native purposes than have been placed at your disposal by the Colonial Government, it has been quite impossible to adopt such measures as would be effectual for the Government and civilization of the Maoris.

I have, &c.,

NEWCASTLE.

Governor Gore Browne, C.B.,  
&c., &c., &c.

## No. 5.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR GORE  
BROWNE, C.B.

Downing Street,  
26th January, 1861.

NEW ZEALAND.  
(No. 10.)

SIR,—

I have to acknowledge the receipt of your Despatch No. 110 of the 3rd November last forwarding a Journal of events in the neighbourhood of Auckland consequent on the death of a Maori at Patamahoe, who was supposed by the Natives to have been murdered by an European. I have read this detailed report with great interest and I concur with you in considering that the Government of the Natives should be carried on through the Chiefs, and that it would be a wise policy to secure to the British Government their faithful services by grants of land or money, or of such other advantages as are calculated to retain their attachment.

I have, &c.,

NEWCASTLE.

Governor Gore Browne.

## No. 6.

COPY OF A DESPATCH FROM HIS GRACE THE DUKE OF NEWCASTLE TO GOVERNOR GORE  
BROWNE, C.B.

Downing Street,  
26th February, 1861.

NEW ZEALAND.  
(No. 24.)

SIR,—

I lose no time in acknowledging your Despatch No. 120 of the 26th November, enclosing the copy of a Bill which you have reserved for the signification of Her Majesty's pleasure, intituled, "An Act to establish a Council to assist in the administration of Native Affairs."

I could have desired to inform you immediately of the decision of Her Majesty on a measure of so much interest to the inhabitants of New Zealand.

You will probably not be surprised however that I have been unable to do so during the few days which have elapsed since the receipt of the Act.

The mere question of Native Government cannot well be treated apart from other questions, including that of expenditure for Native purposes and for Military protection with which it is naturally connected, and which cannot be hastily disposed of, and I am obliged to add that the change which the Act affects in the relations between the Imperial Government, as represented by the Governor, and the Maori race is open to objections which have always been deemed very serious, and which carry peculiar importance at the present moment when the Imperial Government is called upon to incur heavy expenses in aid of the New Zealand Colonists.

On the other hand I am very reluctant hastily to refuse Her Majesty's assent to an Act which I do not doubt has been framed with a sincere desire for the good of those whom it affects.

I have found it necessary therefore to defer my decision on this subject till I am able to give the whole question a closer and more mature consideration; and I shall not fail to communicate to you fully the views of Her Majesty's Government with as little delay as is consistent with the importance and difficulty of the question at issue.

I have, &c.,

NEWCASTLE.

Thomas Gore Browne, C.B.,  
&c., &c., &c.

