

of 19th August, 1858, and express their absolute dissent from the Memoranda of the Native Secretary." In taking this view of the case, the Committee appear not to have been aware of what had occurred in the interval which elapsed between the dates of the two Despatches. I never for a moment undervalued the importance of the King Movement, as may be seen by my constant reference to it in so many Despatches; and I hoped (as stated in my Despatch of 1857) to be able to lead and guide it. Mr. Fenton was appointed to act as Magistrate in the Waikato with that object and for that purpose; and had his practice been as wise as his maxims, I have little doubt that he would have succeeded. By the 19th August, 1858, however, I learned that he had failed, and that the movement had been accelerated, and the party strengthened. It then became necessary to adopt the only remaining alternative, and leave it alone for a time: but while I found it necessary to ignore a movement I could not prevent, I was by no means indifferent to the progress of the tribes on the Waikato, or content to leave their efforts for the introduction of law and order unaided. This is indirectly proved by my determination to have the rudiments of English Law translated into Maori, and circulated as widely as possible. It appears also that Archdeacon Maunsell, who resides in the Waikato district and is one of Mr. Fenton's strenuous supporters, holds precisely the same views as myself. In answer to Question 756, he says, "I have felt also that the true way to treat it (the King Movement) would be to let it alone, and that it would die out of itself, and give way to the better organized and more effectual arrangements initiated in the Waikato." The Rev. Mr. Ashwell, also residing in the Waikato, and another of Mr. Fenton's greatest admirers, says (Question 880), "If Mr. Fenton had not been sent to the Waikato, the King Movement would have died out: it contained the elements of its own dissolution."

15. I am satisfied that the despatches referred to never led your Grace to suppose, either that I undervalued the importance of the King Movement, or that I neglected any measure in my power to aid the Maori people in their desire for law and order. The fact is, that I saw it was not in my power to arrest the King Movement; that Mr. Fenton had failed to guide it; and nothing remained but to leave it alone, in the hope that it might die of salutary neglect.

16. The Committee go on to say that "the course taken by his Excellency in 1857, under the advice of his Ministers, was they believe a wise course," and in their first printed report they added, "it is due to Ministers to state that Mr. Fenton's withdrawal took place against their advice." Neither of these statements are true. The Committee quote the Memoranda in which the measures adopted in the Waikato in 1857 were suggested by myself, and Mr. Richmond (answer 953, p. 53, refers to it); the Committee also discovered, but not until their report had been printed and freely circulated, that, so far from Ministers having opposed Mr. Fenton's withdrawal from the Waikato, it took place at the request of the Attorney-General. The last remark has, however, been expunged from the Report now forwarded.

17. I cannot agree with the Committee in thinking Mr. Fenton's task was attended on the whole with success; nor do I think this opinion is borne out even by the Evidence before them. The Committee, however, observe, with great justice, that the continuance or removal of an officer in Mr. Fenton's position depended on facts on which the Government alone could have the means of forming a judgment.

18. The Committee comment upon the interval which was allowed to elapse between the withdrawal of Mr. Fenton and the appointment of another Magistrate, without, however, appearing to give any weight to the opinion of Potatau and his brother, T. Ngapora, as given in my Despatch of 13th June, 1859 (page 99 of the evidence.) Ngapora said, "The irritation (caused by Mr. Fenton) has not yet subsided, but it will do so in a short time, and then we shall be glad to have a judicious person to act as Magistrate among us." I may add that Mr. Turton was sent earlier than Ngapora wished, because I was very anxious to avoid delay.

19. The Committee also observe "most important defects in the arrangements which have been in force of late years for the administration of Native affairs," and "the entire want of harmonious action between the Minister and the Department of the Native Secretary." I have long entertained a similar opinion, and felt that it was absolutely necessary that Ministers should have either more or less power; and in my despatch No. 80, of September, 1859, I entered fully into the subject. The withdrawal of Mr. Fenton is a case which serves to exemplify the defects of the existing system, and the advantages which would attend a permanent Council to advise the Government in Native Affairs, as recommended in that despatch. Under the present system, Ministers, though fully aware of all that took place, did not consider themselves called on to express any distinct opinion; and, consequently, when the subject was investigated by a Parliamentary Committee, they were in no way bound to defend the course adopted, or even to attend to the proceedings of the Committee. Had the subject been brought before a Council, Mr. McLean would have been called on to give a distinct opinion: if his views had been adopted, they would have received the increased weight which necessarily attends the decision of a Council of men known to have experience in Native affairs, and enjoying public confidence: if his opinion had been over-ruled, the Council would have had to consider how the difficulty which had arisen could be best met and overcome, and there is little doubt that both the persons concerned and the public generally would have acquiesced in the decision.

No. 120.
of 26th November, 1860. It is needless, however, that I should trouble your Grace further on this subject, as my Despatch, noted in the margin, enters into the same subject.

I have, &c.,

T. GORE BROWNE.

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