

character, that the applicant always insists on seeing the head man. He will never be satisfied with an answer from the inferior, be he English schoolmaster or Maori local teacher. And my confidence is great that if a Civil Commissioner is stationed in a district, a Native will never rest satisfied with the decision (I don't mean in judicial matters only) of the Magistrate, but will insist on having the ultimatum from the lips of the Commissioner. And what can compensate for the annihilation of the Magistrate's authority?

6. Moreover, the Maori will only have one confidential adviser. If he trusts the Magistrate, and the Commissioner properly declines all interference, it will be the Magistrate who directs his actions and trains his ideas. If the Commissioner does interfere, and the Maori happens to like him, his actions and conscience will be in the Commissioner's hands, and the Magistrate will be a cypher. Again, if the Commissioner interferes, and is unpopular, the Maori will trust neither of them, for they will destroy each other's power for good.

Much more suggests itself to my mind, in the same train of ideas; but I do not feel that I have any right thus to trespass upon your time and attention. I may add, however, that it does seem to me a false system of argument to have to show cause why a thing should not be done until a *primâ facie* case at least has been made out why it should. The dissolution of an injunction is not moved for until it has been previously granted upon an *ex parte* statement and some evidence. And such evidence here I have not had the advantage of hearing.

In conclusion, I will state what I gathered from His Excellency's detailed address to the Hundred Runanga at Kohanga, and the plan drawn from that address; on which I propose to act, unless informed by you that I misunderstood His Excellency's mind.

1. Each great Village or collection of Villages is to have—(1) a Runanga or Council. (2.) Two or more Native Magistrates, the total salaries not to exceed £90. (3.) Six or fewer policemen, at £10 each and uniform, the head of whom will be the old Chief, at a salary of £30, called the Warden, who will also take the chair at the Hundred Council. The Native Magistrate alone, or with the European Magistrate, will carry out the Native Circuit Courts Act 1858. The Runanga will carry out the Native Districts Regulation Act 1858, legislating for all matters local, and confined to the tribe.

2. A number of these Hundreds, varying with the features of the country, the density of the population, and the affinity of tribes, will constitute a District. For this District there will be a District Runanga composed of the Native Assessors and Wardens from each Hundred (already paid officers) presided over by the Resident (or in other words the District) European Magistrate. This Runanga will legislate for matters in which more tribes than one are concerned, for general public works, general tolls for ferries, &c.; and, above all, will enforce by their moral weight decisions of Magistrates which, from the rank of the persons implicated or other causes, might be in danger of being disregarded. This District Council will probably not meet more than once a year, although the Resident Magistrate should have power to summon it at his discretion. The sittings will be held at different Hundreds in each year, so that the honor may be divided.

If I am wrong in this impression, I beg that you will do me the honor to inform me, and also where in the scheme I am to place the Commissioner, if that officer is really to exist.

I will now submit for your consideration, in the briefest manner possible, one or two ideas of my own. I think the rule should be laid down that the Government will recognize no letter or application that has not undergone the following process:—Each letter from an inhabitant of a Hundred should be sent to the chief Assessor, and by him to the Resident Magistrate, and by him to the Government if it is proper that the Government should be acquainted therewith; each officer making in transition such remarks thereon as he thinks fit, for the information of the Government. Thus the authority of the officers will be greatly increased and upheld, their power being constantly felt. Similarly, all answers should go through the same channels, the course being reversed. I should recommend a period of probation before a Native Magistrate is finally appointed. This is a better plan than a subsequent dismissal if appointed and found unworthy: and the Maoris recognize the propriety of such a trial.

For the Lower Waikato District, I would recommend that "the territory inhabited by the people living on the Waikato and its tributaries to the North of Ngaruawahia, and on the coast between the sea and the coast range of mountains from Waikato head to the North shore of Kawhia," should be constituted at once. Only a portion of this will be at present subject to the operation of the system, and will be perfectly manageable by one European Magistrate. As village after village gives in its adhesion, the actual extent of country under operation will increase until it becomes too much for one man to manage, and then it can be divided. I am not aware of any objection to constituting a district of greater extent than can or will allow itself to be worked at once. On the contrary, I think that the plan should gradually, and without forcing or solicitation, be allowed to extend from a number of centres, which may even be insignificant at the commencement.

Permit me to add that if the Civil Commissioners did not exceed two in number—one for the Province of Auckland, and one for the rest of the Island—and their duties were to travel, enquire into the action of the Magistrate, and report to Government, without possessing any authority more direct than that of the Inspector of Maori Schools, I think that their usefulness would be great. Uniformity of action would be probably secured, and much assistance might be given to the local Officers; but the Commissioners would be merely reporting agents of the Government, and would possess no independent powers.

I have, &c.,

The Hon. the Colonial Secretary.

FRANCIS DART FENTON.