

designation of Native affairs, by means of a department, separate from the ordinary departments of Government, wholly independent of Responsible Ministers, and looking directly to the Governor as its head. They have clearly expressed this opinion in a former memorandum—that of 22nd August, 1856; and understand that His Excellency, the present Governor, does not dissent from it.

39. Under the present system of Government in New Zealand, it is vain to expect that cases in which Europeans and Natives are in dispute can be satisfactorily dealt with by irresponsible officials; yet such cases constitute the most difficult and menacing class of questions requiring the interference of Government. To ensure the success of comprehensive measures of Native policy, it is already most desirable, and in future years will become essential, to enlist the support of the settlers. It would consequently be the height of impolicy to attempt to exclude from influence upon Native questions, the leading public men of the colony, who are, many of them, well acquainted with the character and wants of the Maories, and without distinction of party, anxious to promote their welfare. Such a course would naturally tend to raise up influential opponents to the system pursued, who would have frequent opportunities of frustrating the efforts of Government. The intentions of the Executive would be suspected, misunderstood, and misrepresented. All political parties using the now powerful instruments of public opinion, would combine to assail the Government policy, and to decry its agents. Of these agents, the very persons would become odious to the settlers. The fatal jealousy of race would be aroused, and it is fearlessly asserted that no such administration could long endure the pressure to which it would be subjected, or could possibly succeed in a charge so difficult as that imposed upon the Government of this colony. In addition to all this, it is impossible that the relations between the Executive and a free Legislature could ever be satisfactory under such arrangements. The legislation which will be from time to time required upon Native subjects can only be conducted by Members of the Assembly representing the Government, and they only can obtain the necessary supplies for Native services. Had it been desired to attempt in New Zealand such a system of exclusion, it would have been necessary to frame the Colonial Constitution in a very different way.

40. In contradistinction to such a plan, Ministers desire to see the department of Native affairs conducted by one of the Ministry as its acknowledged head, but subject to the supervision and control of the Governor as fully as before the establishment of Responsible Government, with a recognized right on the part of His Excellency to interfere, if need should arise, even in the details of administration, and of being authentically informed of the opinions, on every case as it arises, of the permanent officers of the department, who would of course be irremovable except by His Excellency's consent, and with whom he would always be entitled to communicate personally. Thus much Ministers consider is due to Imperial interests, so long as a Military force is maintained in the colony at the cost of the Mother country. They believe, however, that Imperial interests and the good of the Natives would very rarely, under such a system, appear to require the active interference of the Governor in opposition to the Ministry.

41. The personal relations of the Governor with the Native Chiefs should by all means be preserved, and a certain sum should be at His Excellency's free disposal for acts of hospitality and liberality. The Governor's name should also be used in all official communications with Natives.

42. Ministers understand that the system last described, is that actually in operation under His Excellency's Memorandum of 28th August, 1856, replying to the last cited Memorandum, although, in consequence, mainly, of the want hitherto of a Native Minister, it has scarcely yet been brought effectively into play.

43. The foregoing observations refer necessarily to the ordinary executive powers of Government. Large measures of policy could generally be carried into effect only by the aid of the Legislature, which would impose its own conditions. Ministers are of opinion that those conditions should be such as to render the Governor and the Ministry jointly responsible for important acts not belonging to the ordinary routine of administration; such for example, as the definition of the districts within which the "Native Districts Regulation Act," or the "Native Circuit Courts Act" shall be brought into operation, or the exercise of the Legislative powers conceded to the executive by the former Act. More especially, should such joint responsibility be imposed in cases where the Revenue is affected, as by the gratuitous alienation of the Waste Lands of the Colony, under such measures as the "New Zealand Native Reserves Act, 1856," or the "Native Territorial Rights Bill" of the late Session. On the other hand, the final determination respecting the appointment and dismissal of officers of the department, and respecting the expenditure of supplies duly appropriated for Native services, should rest with the Governor solely.

44. The usual objections to the system just indicated are—(1) That Native Policy would become a party question; (2) That it would be rendered unstable; and (3) That the settlers alone are represented in the General Assembly, and cannot be trusted with the interests of the Natives. As to the first objection, Ministers do not believe it at all probable that the Native question would ever become the battle-horse of faction in the General Assembly,—at least in any manner adverse to Native interests. Possibly, indeed, two parties might occasionally be found competing to secure the good will of the Natives, and to conciliate the influences generally arrayed in their support. Some evil might arise from this; but, as already pointed out, the alternative course proposed by the objectors is one which would marshal in opposition to Government all political parties amongst the settlers, thereby incurring a far greater danger.

45. Again, stability in Native administration is no doubt a prime requisite; but is it gained by placing the power in a single hand, and attempting to exclude the influence of Colonial opinion? The objection overlooks the effect of a change of Governors, which already has been followed in the Colony by a sudden and violent alteration of policy. A change in the permanent head of the Native

*Remarks by the Governor—*

There is no desire or intention to exclude from proper influence the gentlemen to whom the Assembly entrusts its confidence, but the argument here used is one addressed to the fears, and not to the sense of justice by which Her Majesty's Government and Her Representative can alone be influenced.

*Remarks by the Governor—*

There are no Waste Lands in New Zealand except those which have been acquired from the Natives and transferred to the local Government, over which the responsible advisers of the Governor have full power.

*Remarks by the Governor—*

These opinions are not shared in by all. (Vide extracts from Mr. Busby's speech in Auckland Provincial Council 15th Oct., 1858.)