

I see no reason to think that any alteration in this arrangement would be either advisable or advantageous; and, until I receive further instructions from you, it is not my intention to admit of any departure from it—nor do I learn that such is desired.

16. Arguments in opposition to his own views, are put forward and refuted by Mr. Richmond, on which it is unnecessary to remark, as they are not those I have used or rely on, I therefore forbear to add to the length of this despatch by commenting in greater detail. In justice, however, to that zealous and experienced gentleman, the Native Secretary, I attach some remarks of his.

I have, &c.,

(Signed) T. GORE BROWNE.

D. McLean,
Native Secretary.
30th October, 1858.

The Right Hon. Sir E. Bulwer Lytton, Bart.,
&c., &c., &c.

Enclosure 1 in No. 1.

ARCHDEACON KISSLING TO HIS EXCELLENCY THE GOVERNOR.

St. Stephen's, Auckland,
July 23, 1858.

SIR,—

In compliance with your request, I beg to make the following notes on the subject named to me yesterday by His Lordship the Bishop of New Zealand.

1. In the Native Bills—the subject of enquiry—there seems to be a proviso which in my opinion very much impairs the proposed system of Native Policy, viz., that the powers conferred by those Bills upon the Governor shall be only exercised with the consent and by the advice of the Executive Council.

2. This limitation of the power vested in Her Majesty's Representative will not be comprehended by the Native Race. Their notions do not go beyond primitive government. The Queen is regarded by them in the relation of a mother, and the Governor as Her Representative and their friend. No special respect is paid by them to a changeable Ministry elected by the European population. Hence whatever may be the results of the proposed system of Native Policy, to the Governor alone will be ascribed the merits or demerits of those measures. Her Majesty's Representative in this Colony is thus obviously placed in an anomalous position by the proviso above referred to.

3. The said proviso may involve Her Majesty's Representative in considerable difficulties which ought to be carefully avoided. The opinion of the Executive Council, which from its changeable nature can have but little knowledge of Native affairs, will for this very reason no doubt often differ from the opinion given by the Native Secretary, who ought to be (and the present officer is) a man of experience in matters affecting the Natives of New Zealand; and the final decision, on whichever side that decision may be, must put His Excellency on very delicate and unpleasant ground with either of his advisers; perhaps with all of them. It appears to me an unnatural machinery of Native Government, and not likely to work long with beneficial results.

4. Moreover the objectionable proviso may greatly endanger the interests of the Native race. Supposing that the Executive Council considers a question of such importance as to persist in its opinion, while on the other hand Her Majesty's Representative and his Native Department take precisely the opposite view of the question, or the converse may be the case; the Governor may see it necessary to adopt a measure and the Executive Council strenuously oppose it, what must then be the consequences? Either "a paralysis of power" which may do a great deal of harm, or the Responsible Ministry may declare that they will resign their position. What will then be the issue? His Excellency will have to make a choice between two evils, he will either have to yield to coercion or he will have to summon the Colonial Parliament to form a new Ministry; the latter in such a case would probably be considered the greater evil, and the cause of the Natives would have to sustain the injury.

5. It has been argued in the Legislative Council "that Governors are changed from time to time as well as the Ministers," but this analogy is evidently unfair—for though there may be a change of Governors, there will be no change in their responsibility to the Crown. Her Majesty's power remains the same with respect to the Native affairs, but whenever the Ministers are changed it involves a change also of those to whom they are responsible. Moreover Her Majesty will regard her subjects of both races with impartiality, while the Representatives of *one* race only may be under the influence of local and partial interests to a considerable extent—indeed it can be scarcely otherwise expected from the common and selfish nature of man.

6. In the House of Representatives the encroachment, if I may use the expression, upon the Governor's powers has been supported and defended by what has been termed "a most felicitous comparison:" it has been stated that the proposed system of Native Policy was "like a mast with two stays, if one of them gave, the other may hold till the damage was repaired." On the other side it may be safely maintained, that if the Native Policy proposed be based on truth and justice, it will need no two stays, it will not be like "a mast," but like a noble edifice standing on its own foundation under the protection of God's providence, and by the guardianship of the Crown.

7. Taking all these points into consideration separately and connectedly, I think it would be most unfair if His Excellency were pressed to give his consent without qualification to those Bills affecting the Native race.

I have, &c.,

(Signed) G. A. KISSLING.

His Excellency the Governor,
of New Zealand.