

That done, the functions of the board would cease. The Maories would then be under the protection of the courts of law, and on the same footing as their English fellow-subjects.

Since the date of His Excellency's Despatch on this subject, a most weighty reason has been added to those which His Excellency had urged. It is now held that occupation under the native title does not in any case entitle the occupant to a vote. Consequently, the General Assembly cannot claim dominion over a race which it does not represent; and the necessity becomes more urgent of constituting some special body to carry out the policy of the Crown in respect of that race, until it be placed completely on the same legal footing as our own race.

The tendency of the natives to set on foot some system of their own, for their own internal government is so far from being dangerous, as it is often regarded, that in truth it is the most favourable course they could have taken. Suppose it had been the other way. If the Maories had pressed for the literal fulfilment of the assurances so often made to them that they should be placed on exactly the same footing as the English, and had accordingly claimed a share and a voice in the general legislation of the Colony, the inconvenience would have been much greater.

Now, all risk of collision in political matters with the settlers is avoided, whilst we have it in our power by a wise policy to draw their whole organisation to ourselves. It is in our power, by adopting what is sound in their own scheme, so to improve and control it as to make it an efficient instrument for keeping peace and good order amongst them, and carrying the authority of the Queen effectively into every nook of this island.

As to these several matters, namely,—

1. The issue of Crown grants to native owners;
2. The administration of justice amongst the natives;
3. The necessity of a native board or council, responsible to the Crown;

I have already stated my opinion, at His Excellency's request, on former occasions. It is therefore unnecessary to enter further into them at this time.

(Signed) WILLIAM MARTIN.

Taurarua, 12th May, 1860.

Enclosure 3 in No. 4.

MEMORANDUM BY THE HON. MR. SWAINSON.

It has been repeatedly acknowledged that to the *Imperial*, and not to the *Colonial* Government, the care of the Natives properly belongs, and that the Imperial Government would not be justified in abdicating the responsibilities which rest on it with regard to the Native people. But when the principle of Ministerial Responsibility was adopted, no provision was made for their special government by the Crown, and on the ground not only of justice and humanity but of policy and economy, it is important that the necessary measures for that object should be taken without delay.

Before the Constitution was brought into operation the Governor of the Colony had an influential voice both in the Legislation of the Colony, and in the appropriation of the Public Funds, and he was entrusted not only with the responsibility, but with the power of securing the interests and of promoting the welfare of Her Majesty's Native subjects. But when the Constitution came into operation, the power of the Governor, both over the Legislature of the Colony, and over the Appropriation of its Revenues, was greatly diminished, and his influence for good, especially with reference to the government of the Native race, was materially impaired.

Though the Constitution is called "Representative" it has been decided that it does not confer the Elective Franchise on the Natives, they have consequently no voice in the Colonial Legislature, and at the present moment they are subject, under the so called Representative Constitution, to the government of a Ministry in whose election they have no voice, and (saving the Native Civil List) their contributions to the General Revenue are appropriated by a Legislature over which they have no control.

It is a remarkable feature in the Native character that while they are jealous of any interference from their equals, they are accustomed to yield a ready obedience to a really powerful chief, and having ceded their independence to the Queen of England they are not unnaturally impatient of being governed by their fellow subjects. They know little, and they care less, about a Responsible Ministry—here to-day and gone to-morrow—the members of which they hardly know by name, and for whom they can have no respect. But they are for the most part disposed to yield obedience to the Representative of the Crown, and for this reason it is expedient for the interests of both races that the prestige of the Governor should be carefully maintained; and looking at the tone of a portion of the public press, and to the amount of latent bitter feeling towards the Native race which has recently been brought to light, it is obvious that the duty of promoting their interests cannot safely be entrusted to the colonising race, and that if the Home Government would not abdicate their responsibilities, that measures should be taken to provide for the government of them by the Crown alone, to whom, and not to the English settlers, they were induced to cede their independence.

In any measures which may be adopted for their special government, the Natives would value permanence and stability; while they would be distrustful of "a change of system consequent on a change of Advisers." They have little conception of government in the abstract: but to be appre-