

SECTION II.

LOWER WAIKATO.

[Memorandum.

While the Governor was at the Bay of Islands in November, 1861, Mr. Fenton, who had been Resident Magistrate in the Waikato in 1857-8, was requested to visit that district for the purpose of acquainting the Natives with his Excellency's plan of Native Government. Shortly after the Governor's return from his visit to the Ngapuhi Chiefs in the North, Sir George Grey proceeded to the Waikato, accompanied by the Colonial Secretary, having been invited personally to declare his intentions to the tribes of that district. Meetings were held between his Excellency and the Natives, at Kohanga and Taupari on the Lower Waikato, which were attended by a number of Chiefs from the Upper Waikato, representing the adherents of the Maori King party. The speeches of Sir George Grey and the Natives will be found separately printed in Sess. Pap. 1862, E—No. 8.

Mr. Fenton was then charged with the duty of initiating the Governor's plan of Native Government in the Lower Waikato, on the understanding that Mr. James Armitage, a settler who had resided there for several years, was to be afterwards appointed to the district as Resident Magistrate. The personal communications between Sir George Grey and the Chiefs, and the verbal orders given to Mr. Fenton and Mr. Armitage, made it unnecessary to issue written instructions at that time to those officers. Upon the Lower Waikato District being constituted by Orders in Council under the Native Acts of 1853 (see E—No. 6), Mr. Fenton resigned his charge to Mr. Armitage]

No. 1.

FIRST REPORT FROM F. D. FENTON, ESQ.

Auckland, November 13th, 1862.

SIR,—

I hope to be able, on Wednesday, to start again for the Waikato country to assist at the initiation there of the system of government proposed by His Excellency for the Maori people; but before I start I am anxious to receive directions on two points.

The first is speedily stated; namely, am I at once to commence to make the road from Whaingaroa to the Waipa, and if so on what terms?

The second point, to which my most serious reflection has been for some time devoted, I must state more at length; and I beg to premise an apology in case I err in supposing that I am at liberty to make remarks on the policy which I am to institute, instead of at once instituting it. My apology is this, that in the point to which I am about to refer, I do not understand the policy; or if I do understand it, I think that it contains within itself the elements of failure. I write what I am about to write with much reluctance, but I feel that I should be remiss in my duty if I failed to do so. The point to which I allude is the appointment of an officer called a Civil Commissioner.

When you did me the honor to direct my attention to the consideration of the scheme drawn up by the Governor, I observed that only one class of European officers was suggested; and although called there a "Civil Commissioner," I supposed the officer defined to mean simply a Resident Magistrate, or rather a Circuit Magistrate with augmented power. This appeared to me perfectly satisfactory. But when you put into my hands at Kohanga a printed paper explaining at length the new system, and also made me acquainted with the arrangements that had taken place in the North, I perceived that in addition to the European Magistrate there was to be another European Resident Officer superior in rank to the Magistrate and (I presume) to some extent competent to control his action. This appearing to me very objectionable, I awaited with some anxiety His Excellency's explanation of his policy to the Natives, with the desire of ascertaining what were the particular functions of the Civil Commissioner, and how far he would interfere with the inferior machinery, and how such an extraneous idea would be grafted on to the laws of 1853,