

under which the system was to be put into legal operation. But I observed that His Excellency made no allusion in his address to the Natives to the functions of the Civil Commissioner, or indeed to the appointment of such an officer at all. I therefore remain in doubt as to what part of the plan is to depend upon the appointment of this officer; and in the apportionment of the usual duties to be performed, as to where the functions of the Resident European Magistrate and the Maori Warden are to end, and those of the Civil Commissioner to begin.

Considering the question therefore as yet open, I beg most respectfully to submit to you the following reasons which, to my mind, are sufficiently strong to negative such an appointment, even if some arguments could be used on the other side, of which I am not aware.

1. The additional expense. On this point I shall not enlarge, because I consider that it would be impertinent in me to make any remarks on a question with which I have no concern, especially when I am unaware from what source the money is to come. But I respectfully state that I believe no policy will succeed which does not command the cordial approbation of both races; and if the funds are to be derived from Colonial revenue, the General Assembly will require proof that the expenditure of so large a sum as £10,000 is of vital importance to the success of the scheme, and I do not think such proof can be found.

2. This body of men, if appointed, will (if I at all understand what they are to be) constitute a new Native Department of vastly increased magnitude. The Protectorate was abolished by Sir George Grey in former years, and the dictatorship of the Native Department has recently faded away; the house has been swept and garnished. It would be a melancholy retrospect five years hence to have to look back upon the re-establishment of a sort of corporation which never did and never will command the confidence of either race. It appears to me that no one should stand between the Magistrate and the Government. The best men available should, I respectfully submit, be appointed to the Magistracy, and there can be no advantage derived from subjecting the superior to the mind of inferior capacity. There will be an antagonism, possibly concealed but more probably expressed, if not in official documents in the *res gestæ* of the district, between the working Magistrate and the supervising and advising Commissioner. And the quick perception of the Natives will soon be aware of this; if dissatisfied with the Magistrate, they will use the Commissioner as a Court of Appeal. If the scheme succeeds there can be no need for *resident* political agents, and if it does not succeed, of course they disappear with the general breakdown. If I understand the grand idea of the plan, it is to supplant negotiation by fixed rule; to destroy the necessity of resorting to diplomacy by deciding matters according to law. The success of the plan therefore involves the destruction of the diplomatist.

3. I cannot discover what the Civil Commissioner will have to do. He will not interfere with litigated matters. The Warden of the village will preside at Village Runangas, guided, of course, by the Resident Magistrate, who will always be present, for the Runangas will be held after each Court. The Resident Magistrate will preside at the District Runanga, or the Runanga composed of the representatives of the tribes of the District. All local matters will be decided by the Village or Hundred Runanga. The pay-bills may be made out by the Resident Magistrate, and the money paid by him or to his order, for the salaries. What then is left? If instructions are needed to the Magistrate, I submit that they should come direct from the Government. If rates are levied upon, or money to be collected from, the people, the Runanga will appoint their own officer, and will make their own appropriation. The local accounts will be kept by the same authority, and the Magistrate will forward them to the Treasury. What, then, are the Commissioner's functions? If he does anything, he must interfere in some of the matters that properly belong to others, for there is nothing left.

4. It is not the theory of English self-government to have a single superior executive officer, although it is part of the French system to have prefects and other organs, emanations from the central authority. The English rule is to have local boards or runangas for highways, cemeteries, gas, waterworks, town improvements, &c., &c., who have their paid surveyors and servants. The exception is in New Zealand, where we have a new idea, a Superintendent; but even he is elected by the people, and it cannot be decidedly predicated that that recent innovation on the English principle has gained much hold on the popular affection, or would be deeply deplored if abolished. On the contrary the Provincial Councils are consonant to the English idea, and are popular.

5. The most powerful objection to the Commissionership is, to my mind, the placing in a district an authority superior to the Magistrate. It is the same error which caused the Land Purchase system to break down. In Sir George Grey's previous proconsulate there was no Native Land Purchase Department, but any officer of the Government ordered by him went into the country to purchase land. I remember that Mr. Ligar used frequently to go: Mr. Gisborne went also on this service. But whoever was the person employed there was no one between him and the Governor. Subsequently a new system arose; a department gradually sprang into existence with a permanent head; and from the moment of the recognized existence of this permanent head, the Natives would conclude no purchase until they had seen the head. When the local officer offered a sum, the Maories wished to see Mr. McLean, whom they knew to be the superior, with the hope of getting better terms, as they generally did. And it was only human nature in him to encourage appeals of this nature. Similarly the Maoris, if dissatisfied with a decision or an action of a Magistrate, will always appeal to the superior authority resident among them. His *dicta* will be quoted to the Magistrate. The Magistrate, if conscientiously disagreeing, and an honest man, will not yield. Then comes collision. If he does yield, his authority is for ever gone. The clerical schoolmasters all agree in, and all alike complain of, the peculiarity in the Maori