

request of those Natives to act as their arbitrator relative to their claims concerning the Rangitikei-Manawatu block of land.

In answer, I have the honor to inform you that I have considered the matter of this application with some anxiety to find a justification for acceding to the request of the Natives, and fulfilling the hope of the Government, as I am desirous on all proper occasions, and in fitting manner, to impress on our Native fellow subjects the conviction that the European Judges of the Colony are always ready to make justice as accessible to them as possible; and as I am rather afraid that the result of certain proceedings in the Supreme Court relating to some portion of the land in question, which were premature, and which, as far as I know, have not been followed up by any fresh action in the Court, may have led the Natives to erroneous conclusions respecting the power or the disposition of the Supreme Court to give them redress.

On the whole, however, I have been forced to the conclusion at which I have arrived, with some regret, that I ought not to accede to the request of these Natives.

I think that the position of an arbitrator nominated by one of the litigant parties, who is to act along with another arbitrator nominated by the other side (the decision in case of difference between the arbitrators being left to an umpire), is one in which a Judge of the Supreme Court ought not to allow himself to be placed; unless, indeed, it had been expressly stipulated that both the arbitrators and the umpire were to be selected from the Judges of the Court, and even in that case I can see several objections to see such a course of proceeding.

I believe cases have occurred in England in which a Judge has consented to act as (sole) arbitrator at the request of all parties interested; but there would be inconveniences arising from such a practice in New Zealand, which cannot arise in England.

For instance, the validity of the award of the Judge arbitrating might have to be decided upon by the Supreme Court represented by one Judge only.

I think, moreover, that my acceptance of the office of arbitrator for these Natives would be a dangerous precedent, and might tend to give the Native population very mistaken and mischievous notions of the duties, powers, and position of the Supreme Court and its Judges.

I shall feel obliged if you will cause a translation of my answer to you and of the enclosed letter directed to the Natives to be forwarded to them.

In conclusion, I would assure you of my regret that I am unable to assist in the way suggested in the settlement of a dispute, the satisfactory and prompt determination of which I doubt not is most desirable for the interest of both races.

I have, &c.,

ALEXANDER J. JOHNSTON.

Enclosure in No. 7.

From the JUDGE of the SUPREME COURT of New Zealand, at Wellington. To Wiriharai te Angiangi, Hoeta te Kahuhui, Reweti te Kohu, Takana te Kawa, Te Ara te Tahora, Karehana Tauranga, Henere te Waiatua, Karehana te Whena, Te Kooro te One.

FRIENDS,—

I salute you: I have received your two letters of the 29th July; I have thought much about your request; I wish that I could grant it. But the work of a Judge of the Supreme Court is fixed by law. He hears matters in dispute between this man and that, or between the Queen and private men. He is equally Judge for both. He must hear and decide according to the law, and to the rules of the Supreme Court, and not otherwise. He must not be Judge for one man or set of men only against others.

In the Court he tells both parties at once what the law is. He applies the law to the facts, if the facts are disputed the truth about them must be first determined.

In the Supreme Court the jury ordinarily determines what is the truth of the facts. Then the Judge says what the law is which is to be applied to the facts, and what is to be done in order that the law shall have force.

It would have been another thing if the Land Purchase Commissioner and you, and all persons who are interested in the land, had agreed that I should judge finally between you.

But even that might have been wrong if done otherwise than according to the ordinary practice of the Court.

I am always anxious to explain to Maoris the meaning of our English laws, and to show them that the desire of the regular law Judges always is to treat the Maori and the Pakeha exactly alike according to the law.

If Pakehas had asked me to do what you ask I must have refused their request, and I am therefore obliged to refuse yours.

I am sorry I am unable to be useful to you in this way in this matter, because I greatly wish that such disputes should be ended, and that both Maoris and Pakehas should be satisfied according to what is just and equal.

From your friend and well-wisher,

ALEXANDER J. JOHNSTON,

Judge of the Supreme Court of New Zealand.

Wellington, 5th August, 1867.

No. 8.

Copy of a Letter from the Hon. J. C. RICHMOND to His Honor Mr. Justice JOHNSTON.

(No. 419-1.)

Native Secretary's Office,

Wellington, 9th August, 1867.

SIR,—

I have to acknowledge the receipt of your Honor's letter of the 7th instant, in which you