

involved the necessity of reviewing and revising the respective powers of the Governor and his Constitutional Advisers. The decision arrived at cannot better be described than in the words of Governor Browne himself, when communicating the result on the 12th of March, 1856. He says—"The view I have taken of the relation which ought to exist between myself and my Responsible Advisers (when they take office) is that, as these gentlemen are responsible to the Assembly, I should be guided by their advice in all matters under the control of that body, even when I differ from them in opinion. On matters affecting the Queen's prerogative, and Imperial interests generally, I should receive their advice, but, when I differ from them in opinion, I should, if they desire it, submit their views for your consideration, but adhere to my own until your answer is received. Among Imperial subjects I include all dealings with the Native tribes, more especially in the negotiation for the purchase of land. My Responsible Advisers would probably fix the amount to be expended in any one year in the purchase of land; but at that point their interference should cease. If my views are correct, it is evident that the Chief Land Commissioner and his subordinates must take their orders from me alone." The acceptance of this proposal by his Responsible Advisers is communicated to the Right Honorable H. Labouchere by the Governor, on the 30th April, 1856, and on the 16th December, 1857, Mr. Labouchere replies as follows:—"I cannot but think the agreement at which all parties then arrived, furnished of itself a sufficient solution of the questions which you now submit to me, and I take this opportunity of conveying the sanction of Her Majesty's Government to the arrangement as finally completed in August."

1856.

1857.

60. Here, then, we have an explicit and well-defined agreement by which the Colonial Government is absolutely restricted from all interference in the administration of Native affairs, especially in the negotiation for and the purchase of Native land, and therefore cannot be deemed to be responsible for any of the consequences which might flow from that administration.

61. Early in the year 1858, owing to the murder of Katatore at Taranaki, at the instigation of Ihaha, partly attributable to revenge for Rawiri's death in 1854, Governor Browne deemed it necessary to issue a proclamation, dated the 12th February, 1858, declaring that all persons assembling with arms within a certain district therein named, would be treated as persons "in arms against the Queen's authority," and active measures would forthwith be taken against them by Her Majesty's civil authorities and military forces. While the Governor, in the exercise of the powers solely entrusted to him, was exerting himself to prevent any breach of the peace, his advisers were carrying through the Legislature measures of a practical character tending towards the amelioration and civilization of the Native race, and not the least important of which was the "Native Territorial Rights Bill, 1858," which was designed to protect the Natives against speculators and land jobbers, and to furnish a fund for the improvement of the country, and for the purchase of land, by demanding from the European who purchased direct from the Native owner, a fee of 10s. per acre. This act was disallowed by Her Majesty, as intimated in Lord Carnarvon's important Despatch to Governor Browne of the 18th May, 1859; important, because when read in connection with the agreement between the Governor and his Ministers with respect to the administration of Native affairs, it proves beyond a doubt that for practical purposes all powers of legislation and administration were vested solely in the Crown. Lord Carnarvon says that one of the objects of the Bill "is to furnish a means of ultimately enabling individual colonists to purchase the landed property granted in severalty to individual Natives," which he conceives "to be in the highest degree unadvisable," and he holds it to be far more advisable that "Government should purchase territories than that individuals should purchase properties." Objection is also taken to the proposed tax of 10s. per acre, and his Lordship then concludes in the following words—"If, indeed, the Imperial Government were prepared to depart from the arrangements already sanctioned, and to transfer the management of Native affairs from the Governor, acting under instructions from this country, and through a staff of permanent officers, to an officer responsible to the Colonists, and changing with the Government, it might be considered that the system of land purchase from the Natives was to be decided upon Colonial and not Imperial authority. But this view of the subject I am not able to accept; Her Majesty's Government wish to give the fullest effect to the system of Responsible Government, and to leave all questions of domestic and internal interest to be decided by the Colonial Government; but they cannot, either for the sake of the Colonists, or for that of the Natives, or for Imperial interests, surrender the control over Native affairs, the administration of which has been up to the present time, considering the difficulties and intricacies of the subject, crowned with a very remarkable success, and is paving the way towards that complete civilization and consolidation of the Native race with the English Colonists, which Her Majesty's Government, not less than the Local Government, desire to see effected. And, whilst Her Majesty's Government feel themselves constrained to justify to Parliament the large expense which every year is incurred for the maintenance of a military force in New Zealand for the defence of the Colony, and for the better control and regulation of the Native race, they must retain in their hands the administration of those affairs which, at any moment, may involve the employment of those troops, and the consequence of an expensive conflict. So long as the Colony for this purpose enjoys the advantage of military and naval protection, Her Majesty's Government cannot consent to yield a point which, in their opinion, is so intimately connected with the security of the Colony, the justice due to Native claims, and the issues of peace and war itself."

1858.

1859.

62. This decision was considered by the Colonists as a severe blow against the successful exercise of that earnest desire which influenced them to devise and to carry through the Legislature those measures which their local knowledge convinced them were best adapted to hasten the time when the people of both races inhabiting New Zealand might be guided and protected by the same laws. That time was not yet to be; and it was deemed necessary to retain within the hands of the Crown those legislative, as well as administrative, powers which might at any moment involve the employment of Her Majesty's troops, "and the consequence of an expensive conflict." Depressed by the exercise of this veto, the Colonial Legislature remained content to become the medium of enacting such laws as, in the opinion of the Imperial Government, were suited to the Native race.

63. While, however, the theoretical question was thus being considered and decided, there arose in the same Province (Taranaki), a practical question which demanded immediate solution. It would be worse than tedious to enter fully into the history of the sale of land by Te Teira, and its purchase by Governor Browne, notwithstanding the strenuous opposition of William King, of the Waitara, who