

prescribe the System of Instruction to be pursued in the Schools, and to make Rules for the Regulation and Government of them.

I find that this enactment has given occasion to a Protest signed by three Members of the Legislative Council, who condemn it as of a Sectarian character, and as tending to confine the education of the Natives to Teachers in communion with the Church of England, to the exclusion of the Teachers of any other Bodies of Christians, by whom any of the Natives may have been brought into the Christian Church. Now, in the first place, the Bishop of New Zealand is the only one of five Trustees who must of necessity be of the English Church, so that in point of fact the sectarian principle, of which complaint is made, is not adopted in this law; and in the next place, I cannot hesitate to record my conviction that in our attempts to impart the blessings of education to a race of men in so defective a state of civilization, we ought not to be deterred by the charge of narrow or Sectarian views, from keeping as far as possible out of sight those ecclesiastical controversies which so habitually agitate more advanced Societies.

If any case can be imagined, in which such minor distinctions should disappear to make way for the advance of the great truths, doctrinal, and practical, of our common Faith, it is the case of the Aborigines of New Zealand. If any case can be suggested in which controversy on different modes of Worship, and on subtle questions of Belief, would be fatal to the great end to which all such discussions ought to be subservient, it is the case of these inquisitive, and comparatively ignorant people. In their proper place, and in their due season, such disputes may be innoxious. But in the Native Schools of New Zealand, they would at present be most inopportune, and disastrous, and I must acknowledge that I shall not regret (but the contrary) to hear that the Trustees appointed under this act, are all of one mind as to the mode in which the Scholars should be taught, as to the Books they should read, and as to the rites and ceremonies with which their social worship should be conducted.

Her Majesty is pleased to confirm and allow this Ordinance.

The Native Exemption Ordinance, dated 18th January, 1844, is an experiment of a difficult and doubtful nature. To the general principle of exempting the Natives in their relations with each other, from the operation of a code of laws utterly unintelligible to them, and wholly unsuited to their condition, I fully assent. But in carrying that principle into effect, several rules have been framed, the operation of which may give birth to well founded complaints on the part of their fellow subjects of the European race.

For example, if a Native shall commit an offence against the person of an European, the wrong-doer cannot be arrested except by two chiefs of his own Tribe. Except in cases of rape and murder, the party charged (if a Native) is to go at large till his trial, on making a Deposit, which, if the offence be theft, is to be of four times the value of the property stolen. But suppose a case of maiming, of arson, of burglary, and the like, where no property is actually taken away, the amount of the Deposit is not ascertained, and the safety of society from the freedom of such a criminal seems highly problematical. In case of theft, however aggravated the offence, the offender is to be absolved from further punishment by paying four times the value of what he may have stolen. In Civil suits, no Native is ever

to be subject to imprisonment. Thus, even if he shall contumaciously defy the process of the Court, he may do so with impunity, as long as he has no property liable to seizure.

I fear that the zeal, however laudable, for the welfare of the Aborigines which has dictated these Enactments, has rather outrun discretion, and that Laws so unequal in favour of the weaker party will, by the sure operation of familiar causes, defeat their own end.

Her Majesty is unwilling to disallow such an Ordinance, and to hazard all the alarm and disquietude which such a measure might occasion. But neither can Her Majesty confirm it in the form it at present wears. You will lose no time in recommending to the Legislature a revision of this Law, in order to confine it as far as possible to cases arising between the Aborigines themselves, and not immediately affecting others, and so far as the extension of some such Rules to cases between the Aborigines and the European races may be unavoidable, you will endeavour to obviate the manifest inequalities and the consequent dangers of the Enactments to which I have referred.

I have the honor to be, Sir,

Your most obedient humble servant,
(Signed) STANLEY.

GEORGE GREY, Esq.,

&c., &c., &c.

The Lieutenant Governor laid on the Table the following Bills:—

- 1st. A Bill to provide for the establishment and maintenance of a Constabulary Force.
- 2nd. A Bill to amend an Ordinance for establishing a Supreme Court.
- 3rd. A Bill to confirm certain Rules, Forms, and Tables of Fees touching the Practice of the Supreme Court.
- 4th. A Bill for the Naturalization of certain persons in the Colony of New Zealand.
- 5th. A Bill to amend "An Ordinance for appointing a Board of Trustees for the management of Property to be set apart for the Education and Advancement of the Native Race.

The Colonial Secretary gave notice that he should move the first reading of the "Constabulary Force Bill" on Tuesday, the 6th inst.

The Attorney General gave notice that he should move the suspension of the Standing Rules and Orders to enable the Council to proceed with the first reading of the "Supreme Court Amendment Bill," and the "Supreme Court Rules' Bill," on Tuesday the 6th inst.

Mr. Domett gave notice, that on Tuesday, the 6th instant, he should move the first reading of the "Naturalization Bill."

The Colonial Secretary gave notice that on Tuesday, the 6th instant, he should move the first reading of the "Native Trust Amendment Bill."

Council adjourned at $\frac{1}{4}$ past 3 o'clock, to 12 o'clock on Tuesday, the 6th October.

TUESDAY, 6TH OCTOBER, 1846.

PRESENT:

All the Members.

The Council met pursuant to adjournment. The Minutes of the last Meeting were read and confirmed.