

To implicate any other persons of either Race in the legal consequences flowing out of the above assumptions ; and

To claim the assistance of the Courts and Magistracy of the Colony in enforcing severe penalties upon persons implicated in the guilt of offences of which the Courts have had no cognizance.

On all the above points, it is respectfully submitted that every British subject is entitled to the fullest security, under the Statutes cited in the "Petition of Right," and by that Petition itself, as enacted by consent of the Crown and both Houses of Parliament.

6. The indefinite use of the word "Law" in the Bill suggests the question, whether Martial Law is intended to be included within the meaning of the word. It is again respectfully submitted, that every proceeding under Martial Law, proclaimed without the sanction of the Legislature, is itself a breach of the Law, as established by the Petition of Right.

7. The above remarks apply to the case of any Aboriginal Native or Natives, and any Combination of Natives. It seems to be intended that the persons included in these two classes should be named in the Governor's Proclamation.

The two other classes, viz., Chiefs, or Tribes, and Districts, require a separate consideration.

8. *Chiefs, or Tribes.*—Where there is no right, there can be no responsibility. The Government has denied the Seigniorial and Tribal Right to land at the Waitara, and has professed its determination to support the rights of individuals, to the exclusion of the right of the Chief or the Tribe. With what consistency, then, can it now be proposed to make the Chief or the Tribe responsible for the acts of individuals? This was the old system in Ireland, which excited the whole nation against the English Government, till the Act of the Irish Parliament, 1495, called "Poynning's Act," provided,

"That murders were to be prosecuted according to LAW, and not in the manner of the Natives by pillaging or exacting a fine from the Sept of the slayers."

We are already involved in one disastrous war by the denial of Tribal right ; who can tell in how many more we may be involved by the assertion of Tribal responsibility?

9. *Districts.*—We now come to the most startling of all the proposals in the Bill, viz :—that it shall be in the power of the Governor to pronounce sentence of outlawry upon whole Districts, without even the possibility of a legal process, for districts can neither plead nor be impleaded. A district may contain an unknown number of persons who have committed no offence, nor sympathized with any offenders. And yet, because they are unable, as persons of quiet and unwarlike habits, to prevent evil or to apprehend malefactors, they may be included in the same sweeping denunciation, which subjects all alike, innocent and guilty, without judicial process, and without appeal, to the suspension of their trade, to separation from their friends, and to confiscation of their goods. To hold communication of any kind whatever, directly or indirectly with one of those innocent men, in a proclaimed district, is proposed to be declared an offence punishable by fine and imprisonment. And all this by a mere proclamation to be issued by the Governor "whenever he shall deem it expedient."

10. In this, and in every other question affecting the rights of British subjects imparted to the New Zealanders by the Treaty of Waitangi, the clergy of the Church of England (many of whom interpreted and explained that Treaty to the Natives at the request of Governor Hobson) feel that they have a right of remonstrance. Memorialists on the other side of the question have not been backward in accusing the New Zealanders of violating the Treaty. We rely upon the good feeling of His Excellency the Governor, and the Colonial Legislature, that our conscientious advocacy of the rights and privileges of our Native fellow-subjects will not be resented as a mere political interference. All we ask is, that no British subject of either race be subject to any penalties or disabilities "without being brought to answer by due process of Law.*"

G. A. NEW ZEALAND, Bishop of New Zealand.

G. A. KISSLING, Archdeacon of Waitemata.

ROBERT MAUNSELL, Archdeacon of Waikato.

OCTAVIUS HADFIELD, Archdeacon of Kapiti.

ROBERT BURROWS, Secretary of C.M.S. in New Zealand.

JOHN FREDERICK LLOYD, Minister of St. Paul's, Auckland.

VICESIMUS LUSH, M.A., Minister of All Saint's, Howick.

JOHN KINDER, M.A., Master of the Grammar School, and Assistant Minister of Saint Barnabas.

W. L. WILLIAMS, B. A., Turanga, Clerk.

EDW. H. HEYWOOD, Minister of North Shore, Auckland.

Auckland, 29th August, 1860.

No. 2.

MR. STAFFORD TO THE BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 5th September, 1860.

MY LORD,—

(No. 27.)

I have received, in common with my colleagues in the Ministry, a letter dated the 29th ultimo, signed by your Lordship and certain Clergymen of the Church of England, remarking on a Bill now under the consideration of the Legislature.

* Right of Petition.