

"I deny that the Seignorial and Tribal rights of the Ngatiawa to land at the Waitara have ever ceased to exist or have ever been lawfully annulled."

"If His Excellency and the Responsible Ministers desire to unite all persons in support of the Government, I hope that they will allow this point to be made the subject of a Judicial inquiry."

From this it may be inferred that His Excellency the Governor has hitherto refused, or been unwilling to allow of a Judicial inquiry upon the subject of what your Lordship terms "the Seignorial and Tribal rights of the Ngatiawa to land at the Waitara."

This is not the case. So far from having refused inquiry of any kind, the Governor has throughout the transaction with W. King and his party, laboured to induce them to submit to inquiry, but (as your Lordship is aware) without success.

The position taken by the Governor is, not that of denying the possible existence of a claim of some kind on the part of some of those who are in arms against the Queen's authority, although it has not been shewn, after the most diligent enquiry, that any such claim exists; but His Excellency's position is, that whilst on the one hand, he will buy no land without the consent of all who prefer a substantial claim, he will not, on the other hand, permit persons who put forward no such claim to interfere with sales to the Government by the Native owners. As a consequence of this principle, King, and those who are confederated with him to resist the extension of European settlement in Taranaki, cannot be permitted to dispossess the Government by force of arms of land to which the Native sellers have apparently shewn a complete title.

In requesting that a Judicial inquiry may take place (whatever that may mean) it is of course assumed that your Lordship does not desire that inquiry should be made until after the insurgents shall have been reduced to submit to Her Majesty's authority. Any enquiry into the rights of Insurgents while carrying on War against Her Majesty's Forces is clearly out of the question. It is plainly necessary that the Maories should be convinced that resort to force for any object will never be permitted to be successful for its attainment. This is a lesson which for the sake as much of the Aboriginal as of the European inhabitants of the Colony, His Excellency trusts that William King and his adherents may yet be thoroughly taught.

I make these statements with no view of opening a controversy with your Lordship upon questions for the determination of which the Civil Government is exclusively responsible—a controversy which would be unseemly and unprofitable, but simply for the sake of clearly explaining the position taken by His Excellency the Governor respecting which your letter appears to shew that your Lordship is still labouring under great misapprehension.

I have, &c.,

E. W. STAFFORD.

His Lordship
The Bishop of New Zealand,
&c, &c., &c.

No 5.

THE BISHOP OF NEW ZEALAND TO MR. STAFFORD.

Auckland, 13th September, 1860.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 11th inst., which I understand to be written for the sake of clearly explaining the position taken by His Excellency the Governor, and to correct some great misapprehension under which, in your opinion, I am still labouring.

All further discussion of the subject seems to be precluded by the opinion which you have expressed, "that the controversy would be unseemly and unprofitable."

It is only necessary for me to add that, the words in my former letter mean exactly what they express, viz.:—

"That I thankfully accept your declaration that the Government *does* recognize (to the fullest extent) all lawful rights of the Chief and Tribe, &c."

No authoritative statements of the kind to which you refer in your letter of 5th September, 1860, having come within my knowledge, I decline to retract "the sweeping assertion" contained in the eighth paragraph of the Remarks upon the Native Offenders' Bill.

I add in a postscript, a few out of many extracts which lead me still to believe that the assertion in question, even if it had been made, would not have been, as you have described it, "totally unfounded."

In abstaining from all further remarks upon the many controvertible points touched upon in your letter of the 11th inst., I beg most respectfully to guard against my silence being construed into assent.

I have, &c.,

G. A. NEW ZEALAND.

The Hon. the Colonial Secretary,
&c, &c., &c.,
Auckland.