

You are aware that a long time has elapsed since we elected King Matutaera, and hence we say that his *mana kaha* will not be broken. Let our king have scope for his strength, let him not be kept down by our politicians. Friends, let our hearts now be watchful. Enough upon that.

Friends, the people. This is a word on the subject of the news that has reached us, namely, that the steamer has entered the Waikato. Friends, if this is a fact about the steamer, fire upon her at once; do not hesitate, the time for hesitation passed when the sword was first raised; let there be no considering now. Listen, if the Governor and his steamer are seen here they will be attacked at once; there are two places that we are looking to, Waireka and Tataraimaka, i.e., if Waireka and Tataraimaka are forcibly taken possession of by the Governor's orders, an attack will at once be made upon the Pakehas. If we see that the Governor takes forcible possession of Waireka and Tataraimaka, we will slay him at once. Let no disapprobation be expressed, the days for disapproval (of such things) have long since passed. If you take up arms there, we shall take up arms here. If the steamer enters Waikato, let there be no delay, lest the result should be unsatisfactory to us. They are trying us to see how foolish we are. Enough. If she comes here, let there be no such forgetfulness on the part of this island; therefore we say if the steamer enters Waikato, fire upon and demolish her utterly, let her not escape. The only things left for us are the sword and peace; but it is not well that peace should come first, rather it is better that the sword should be first, and then there would be a good basis for peace. This word has been confirmed by the resolute runanga of King Matutaera Potatau, sitting here at Taranaki.

From HEMI TEHU,
ERUETI TE WHITI,
HAMI NIKAU,
POHARAMA WHAKATEKE,
APERAHAMA KUKUTAI,
HONE MUTU,

And from all the runanga sitting here at Taranaki.

No. 10.

COPY OF DESPATCH FROM GOVERNOR SIR GEORGE GREY, K.C.B., TO HIS GRACE THE DUKE OF
NEWCASTLE, K.G.,

No. 21.

Government House, Auckland,
February 24th, 1863.

MY LORD DUKE,—

Upon the 18th of December last (Despatch No. 130) I enclosed for your Grace's information and instructions, the copy of an opinion from the Colonial Attorney-General, to the effect that the Government had a right to make roads through, and establish posts, on lands, still the property of the Natives, and to which their title had never been extinguished.

2. Since the date of my despatch to which I am referring, Mr. Whitaker has been re-appointed to the office of Attorney General, in the place of Mr. Sewell, who gave the opinion I previously transmitted to Your Grace.

3. My Responsible Advisers, in consequence of a letter from the Assistant Law Officer, a copy of which I have the honor to enclose, again referred this question to Mr. Whitaker, the new Attorney-General, whose opinion a copy of which is also enclosed, is, that when New Zealand was ceded to the Crown of England, all the rights and powers of sovereignty which the ceding parties then exercised, or possessed, or might be supposed to exercise or possess over their territories, were ceded to Her Majesty; and that it appears that a right of Roads through those territories, and of constructing the necessary conveniences for the exercise of that right, as well as a right of constructing works necessary for military defence, are essential and necessary incidents to the Sovereignty, and were therefore ceded to Her Majesty.

4. I have thought it right to report for Your Grace's information that this second opinion has been given on this most important subject, and thus to keep you fully advised of all that transpired in relation to it.

I have, &c.,

G. GREY.

His Grace the Duke of Newcastle, K.G.

Enclosure 1 to No. 10.

Auckland, November 28th, 1862.

SIR,—

Having reflected upon the opinion of the Attorney-General, on the case submitted by the Honorable the Colonial Secretary, as to the right of the Government to make a road from New Plymouth to the Tataraimaka block, without the consent of the Aboriginal owners of the intervening land, I cannot avoid the conclusion that that opinion is erroneous in law, and I take the liberty of laying before you the reasoning which has caused me to arrive at this conclusion.

As the Attorney-General has left Auckland for a time, and very serious consequences would in my judgment be the result of acting upon the opinion to which I have referred, I have the honor, with great submission, to request that you will inform Mr. Domett or Mr. Bell, that at least reasonable doubts may be entertained as to the correctness of that opinion, so that the former may be advised, if Ministers