

British Government. Nor is it prejudiced by the fact (vouched for by Mr. Spain) that Colonel Wakefield's original treaty for the purchase of the District, was entered into with the approbation of some, and with ample notice to all, of the Ngatiawa Chiefs—including King's own father. Every other claimant, it is admitted, has been satisfactorily dealt with; but, in virtue of this shadowy pretension, King, it is asserted, is now justified in putting his veto upon the cession of the rights of the ancient Ngatiawa occupants of Waitara, in refusing all propositions for the settlement of this long vexed question, and even in armed resistance to the British Government.

Considering the position assumed by Sir George Grey upon the Taranaki land question, and that nothing has ever been put forward by King, or on his behalf, but pretensions which are either insolent or flimsy, it will scarcely be thought that his claim admitted of elaborate investigation. Had he set up any right of ownership, it would doubtless have been carefully looked into by the experienced officers entrusted with this duty. But King has repeatedly disclaimed any such right, and admitted Teira's proprietary title. This has been shown at large in Ministers' Memo. of 27th April, 1860, already cited.

The question of King's rights over Waitara, it will be observed, is a special one, and is quite independent of the vexed question of the right of Maori Chiefs over the lands of the tribe, which is probably incapable of any general solution. It may be true, as is alleged, that where a tribe has a recognised head, such head has, according to Maori usage, a power, distinct from any right of ownership, of prohibiting the alienation of any part of the lands occupied by members of the tribe. The question does not, it is repeated, arise in the present case, or it would deserve consideration how far the exercise of such a right is consistent with the stipulations of the Treaty of Waitangi,—whereby the Chiefs, parties to the Treaty, "yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be pleased to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them on that behalf."

Thirdly, as is partly implied in what has been already stated, the facts of the case were not known, simply, but notorious and undisputed. On this ground, therefore, no elaborate investigation was requisite, and the purchase might, without blame, have been speedily concluded, though in fact its transaction occupied eight months.

Lastly,—the matter it has been already shewn, was to all intents and purposes *res judicata*. But had this been otherwise, a trial "with the usual safeguards against partiality or error, viz., evidence on oath, and arguments of counsel," would, under the circumstances, have been something more ludicrous than has yet been seen in our public dealings with the New Zealanders—which is saying a great deal. To suppose that King would have submitted himself to the jurisdiction would be a piece of such pure simplicity, that it is impossible to imagine that the Bishop of New Zealand really believes he would have done so.

As regards his Lordship's claim on behalf of the New Zealanders of a regular judicial investigation of all questions relating to their title to land, his Lordship's anxiety to see such a tribunal established, and rendered effective, cannot exceed that of the Governor and his Ministers. All persons at all acquainted with the affairs of New Zealand, are aware that the difficulty in the way of the establishment of such a tribunal, lies with the Natives themselves. One of the grounds lately assigned by the Imperial Government for withholding the Royal assent from the "Native Territorial Rights Bill, 1858," was the likelihood that the award of the Governor in Council, or of such tribunal as His Excellency in Council might appoint for the investigation of Native Title, would not be acquiesced in by the contending parties.

The New Plymouth case is a particularly unfortunate one in which to advance the claim for forensic discussion and investigation, since Mr. Commissioner Spain's award was made after precisely such a trial as his Lordship (with characteristic emphasis) now demands on behalf of the New Zealanders. Mr. Spain's decision was, it is known, utterly disregarded by the Natives, and their turbulent conduct induced Governor FitzRoy to set it aside. The Bishop must be aware—certainly no one else in the country is ignorant—that the Natives in their present state, though ready to take advantage of favourable decisions upon such questions, would never voluntarily submit to an adverse one.

The investigation of the Native title to land offered for sale has been left to officers of the Executive Government, partly, because from the habits of the Natives the truth can be better got at by desultory conversations and examinations extending over a long space of time than by the peremptory procedure of a Court of Law, partly, because reasons of policy ought to be taken into consideration by Government which could not be admitted as elements in the decision of a judicial officer. The flexible practice of the Land Purchase Department (which is under the direct control of the Imperial Government) admits of concessions to the Natives not justifiable upon any ground of strict principle. It cannot be unknown to the Bishop, that the arrangement of which he complains is beneficial to the interest of the Natives—if indeed it be beneficial (as his Lordship generally appears to think it) to yield to them on almost every occasion upon which there is any show or likelihood of resistance or dissatisfaction on their part.

The purchase of the Bell Block at New Plymouth was a transaction in which the methods of investigation pursued did not differ from those adopted in the instance of the Waitara Block. Yet His Lordship, while he condemns the present transaction, as concluded upon insufficient enquiry, has in a Pastoral Letter signified his complete approval of the manner in which the Bell Block was acquired. (See Pastoral Letter of the Bishop of New Zealand to the Members of the Church of England at New Plymouth, 1855.)

II. The second charge is, that Military force was prematurely resorted to. The facts are shortly as follows. The party which attempted the survey on the 20th February was met by from 70 to 80 of