

Enclosure 1 in No. 6.

EXTRACT FROM A MEMORIAL FORWARDED TO THE GOVERNOR BY A TARANAKI SETTLER, 22ND FEBRUARY, 1860.

To His Excellency Colonel Thomas Gore Browne, Companion of the most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c., &c.

The Petition of the undersigned, William Turner, of the Province of Taranaki, in the said Colony, Gentleman,

HUMBLY SHEWETH,—

That the Honorable the Colonial Secretary (Mr. Stafford) in the course of an Official exposition of the Policy which your Excellency's Government intended to pursue, is reported to have spoken as follows :—"He had every wish to see the settlement expand, and deeply sympathized with the Settlers of New Plymouth, but the Government were not going to buy land at the point of the bayonet."—"The Government would do all in their power to protect the Settlers, but they would not precipitate a war which would probably sacrifice the interests of the whole Colony to those of New Plymouth."—"Moreover, such a war would be associated with the desire for land; it would be a most unfortunate circumstance to have a war connected with the land question." The Honorable the Colonial Treasurer, (Mr. Richmond,) on the same occasion declared, that "they (the Government,) would endeavour to carry out a firm and proper policy, but they repudiated the right of the people of New Plymouth to point out a *casus belli*. Although he (Mr. Richmond) was a Member for the town of New Plymouth, yet he was a Representative of New Zealand, and under greater obligation still as a Member of the Executive to endeavour to study the interests of the Colony as a whole."

That such sentiments appeared to your Petitioner to be based on profound truths; and, equally enlightened and humane, and to commend themselves to the cordial approval of every true lover of his adopted country;

It is, therefore, with the deepest surprise and sorrow that your Petitioner has heard that a Policy diametrically opposite is actually in contemplation; nay, that a resort to arms, in order to enforce an alleged purchase of an insignificant Block of Land at the Waitara, may be almost immediately expected;

That your Petitioner is not in the habit of giving implicit credence to mere rumours, or newspaper paragraphs, more especially in New Plymouth; but the report alluded to appears to be, unfortunately, only too well founded;

That your Petitioner advisedly uses the word "alleged," as he cannot possibly believe that your Excellency's Government would consider such purchase as a *de jure* or even a *de facto* one; much less, that they would attempt to take forcible possession of the Block referred to, were they thoroughly cognizant of the real facts and circumstances;

That your Petitioner fully believes that a thorough and impartial investigation, with due publicity, at a full meeting of all the Waitara Natives, on the spot, would elicit the following facts, viz,—in portions of that Block, several Natives whose claims are presumably unknown to the District Land Purchase Commissioner, have also, like Teira, a *bonâ fide* individual or private interest; while, over the whole Block, rides the Tribal or Public interest. William King admits, that he himself has no individual or private interest in this particular Block; but (which is perfectly consistent with such admission,) he rightfully claims, as the Principal Chief of the Waitara Tribe, and as the acknowledged Representative of the great majority of the same Tribe, that the individual or private interest referred to, and also such overriding Tribal or Public interest, should be alike respected and held inviolate by the Government. Were the whole Tribe at the Waitara consenting, the title would, of course, be clear enough, and the Purchase a good, complete, and amicable one; but Teira, so far from having the whole Tribe, has only an inconsiderable fraction, in his favor; while against him is arrayed the great majority, with the principal Chief at their head. Did that majority consent, William King would also consent, as a matter of course; he being, in that respect, the mouth-piece (as it were) of the great majority; but, until such majority do actually consent, William King's concurrence could not justly bind them; and also, could not possibly be of any avail, except as a mere pretext for an unjust war, like the one which is said to be in agitation;

That the preceding statements contain a correct summary of the Maori unwritten Law or Custom of Real Property throughout the Island, in general, and at the Waitara, in particular;

That your Petitioner begs leave, most respectfully, to refer your Excellency to His Lordship the Bishop, and to Donald McLean, Esquire, as vouchers for the substantial correctness of such summary;

That the primary and authentic evidence of such Law or Custom must, obviously, be sought for, as respects the Island, generally, among the bulk of the whole Maori population; as respects the Waitara, in particular, among the majority of the Tribe in that locality;

That such Law or Custom is solemnly guaranteed by the Treaty of Waitangi; which, in that respect, is simply declaratory of the Law of Nations; and although there are persons who hold the Machiavellian maxim, that all Treaties and International Law are merely cobwebs to catch small flies; yet your Petitioner is morally convinced that your Excellency does not coincide with a doctrine so pre-eminently destructive; a doctrine which saps all National good faith and honor at the foundation; or, rather, keeping up the semblance of faith and honor, altogether ignores their very existence;