

"It will be obvious to you that the Proclamation should only be published by you, and operative effect given to the other instrument, *under such circumstances as in your opinion render it impossible to carry out the wishes of the Government without resorting to the powers conferred by these documents.*"* (Pap. E. No. 3. p. 12.)

2. In pursuance of instructions, an attempt was now made to survey the land. The proceeding is thus stated in the Taranaki News, Feb. 23rd, 1860:—

"On Monday, (20th Feb.) Mr. Parris, with Mr. Carrington, and Mr. W. Hursthouse, of the Survey Department, and one of the armed police force, proceeded to Waitara. The party was met at various points of the road by parties of Natives, but no obstruction was offered to their progress.

"Arrived at the land to be surveyed, a large number of Natives, of men and women, were found assembled, and a party, apparently appointed for the purpose, attempted to obstruct unpacking the instruments without success; but when the chain was thrown out, and taken by Messrs. Parris and Carrington, they effectually prevented their making any use of it. *The obstruction was managed in the least objectionable way possible; there was no noisy language, and no more violence was used than was necessary to prevent the extension of the chain; they laid hold of the middle of the chain, and so disturbed the measuring; and the surveying party, finding it vain to persist further, forthwith returned to town.*

"Subsequently a communication from the authorities was made, giving the Waitara Chief twenty-four hours to apologize for the obstruction offered by his people, and to notify his relinquishment of his opposition to the survey. To this an answer was received, to the purport that he, Wiremu Kingi, did not desire war; that he loved the white people very much, but that he would keep the land, and that they (that is, he and the Government) might be very good friends, if the survey were relinquished."

On the 22nd day of February, 1860, the Proclamation of Martial Law was published by Col. Murray. The Proclamation, though published on this day, bore date 25th January, 1860, that is, the day on which it was signed by the Governor at Auckland. It is to be observed, that the Proclamation extended over the whole of the Province of Taranaki, not only over the territory of the *Ngatiawa* tribe, but also over the whole territory of the tribes to the South of New Plymouth, that is to say, the *Taranaki* tribe, and the *Ngati rua nui*. The Proclamation was published both in the English and the Maori languages. The Governor then proceeded to Taranaki with additional troops, where he arrived on the 1st of March. He immediately despatched to William King a message requesting, that "*to prevent misunderstanding, he would come into the town and learn the Governor's intentions,*" and offering a safe conduct. (Pap. E. No. 3, p. 21.)

After a long conference with the Governor's messengers, William King said he would either come, or send his final decision to the Governor, the next day. Accordingly the next day he sent a letter, declining to come. (Pap. E. No. 3, p. 15.) The letter has not been printed amongst the papers laid before the Houses of Assembly.

3. Very much has been said lately about this refusal of William King to accept the Governor's safe conduct (56). It becomes necessary therefore to consider it more particularly.

It is to be remarked in the first place that the proposed conference with the Governor could not be a substitute for that which William King and all the other claimants were entitled to, namely, an inquiry before a competent and independent tribunal. If even at that time the Governor had offered to leave the question to some fair arbitration, there might have been some show of reason; but no such thing was offered then or at any time. The Governor offered nothing. No re-opening of the subject was contemplated. He required submission, and he gave a final opportunity for making it. This appears from the language of the message itself, as well as from the other official documents. The Governor had written on the 27th February to His Grace the Duke of Newcastle: "*I do not anticipate any real opposition when the Chief, William King, sees that I am determined not to permit him to defy Her Majesty's Government.*" (Pap. E. No. 3. p. 12.)

On the 25th of January, Mr. Richmond wrote thus to Mr. Parris: "You are to take care that the intended commencement of the survey is publicly known; and in particular, that Wiremu Kingi and his party are made fully aware of it, and *of the firm determination of His Excellency to complete the purchase.*"

A year before the time at which we are now speaking, there had been no unwillingness on the part of William King and his people to confer with the Governor. On the 29th March, 1859, the Governor reported to the Secretary of State his recent visit to the Province of Taranaki. (Pap. E. No. 3, p. 3.) In that despatch, he says, "I had also an interview with the Chief, William King, and a large part of his tribe, who came to see me." The Governor took advantage of this opportunity to make the declaration cited above, in page 4.

If the lapse of twelve months had diminished the willingness of William King to visit the Governor, may we not discern some reason for it? The course taken by the Government in that interval, could hardly appear to him fair or reasonable. His claim on behalf of his tribe had been simply set aside, never investigated. The opposition of his tribesmen was disregarded; part of the money had been paid; the survey of the land had been begun, and was to be carried out by force. He was asked to go and "learn the Governor's intentions." Were not the Governor's intentions plain enough? By the proclamation of Martial Law, a week before, notice had been given that "Active Military operations were about to be undertaken by the Queen's Forces," and the Governor had now brought troops with him.

* I do not here enter upon the questions which have been raised concerning this proclamation and the delegation to Col. Murray. Those questions are of the gravest importance, but cannot be conveniently discussed in this place.