

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

CORRESPONDENCE BETWEEN THE BISHOP OF NEW ZEALAND AND THE
COLONIAL SECRETARY.

FURTHER PAPERS RELATIVE TO
NATIVE AFFAIRS.

E—No. 3F

No. 1.

REMARKS ON "AN ACT TO ENABLE THE GOVERNOR, IN CERTAIN CASES, TO PREVENT DEALINGS AND COMMUNICATION WITH ABORIGINAL NATIVES OFFENDING AGAINST THE LAW."

TREATY OF WAITANGI.—ARTICLE III.

"In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand, Her Royal protection, and imparts to them all the rights and privileges of British subjects."

1. The Title states the intention of the framers of the Bill to prevent Dealings with Aboriginal Natives *offending against the Law*.

The Preamble specifies the following offences as occasionally committed by Aboriginal Natives:—

a. "Harbouring Natives who have committed offences against the Law."

The persons here referred to are described as "Chiefs and Tribes who refuse to deliver offenders up to justice."

b. "Forming combinations for the purpose of resisting the execution of the Law, and for other unlawful purposes."

The persons here referred to are described as "Aboriginal Natives."

2. A distinction seems to be drawn between two classes of Offenders, the one described in the Preamble as "Chiefs and Tribes," and the other as "Aboriginal Natives forming unlawful combinations." In Clauses II and III, the word "District" is introduced, and in Clause IV, the words "Any Aboriginal Native or Natives."

The Act, then, is intended to have operation over

- Any Aboriginal Native or Natives;
- Any Combination of Natives;
- Any Chief or Tribe; and
- Any District,

after Proclamation shall have been made by the Governor in the *New Zealand Gazette*; and over all persons holding any Communication with any Aboriginal Native, Combination of Natives, Chief, Tribe, or District, named or described in any such Proclamation.

3. It is respectfully submitted to His Excellency the Governor and to the Members of the General Assembly, that this Bill, if it should be enacted, will have the following effects:

a. That it will empower the Governor, "whenever he shall deem it expedient," to deprive any number of New Zealanders of many of the highest privileges of British subjects.

b. That it will empower the Governor, at his own discretion, to debar from the exercise of their calling, under very severe penalties, all Missionaries, Schoolmasters, Traders, and other persons carrying on their business, in Native Districts, unless they have received His Excellency's written permission.

4. The Bill provides no security or check whatever against the undue exercise of these enormous powers.

The Responsible Ministers, in former acts affecting the Native Interests, have insisted upon the insertion of the words "Governor in Council." No such words appear in this Bill.

His Excellency the Governor has recommended to Her Majesty's Secretary of State for the Colonies "that in Native Affairs the Governor should be advised by a permanent Council appointed by the Crown." The Bill would deprive this Council of all voice in the most important of all Native Questions.

The Chief Land Purchase Commissioner has stated that "it is abundantly manifest that in the present state of the Colony, the Natives can only be governed through themselves." Has this Bill been brought before the Native Conference and its bearing upon the Treaty of Waitangi explained to them?

His Excellency the Governor has been instructed not to assent to any measures subjecting the Natives to any disabilities to which the English settlers would not equally be subject. There is no clause to reserve this Act for the Royal Assent.

5. The Title of the Act contains the words

- "Aboriginal Natives offending against the Law;" and the Preamble, the words
- "Resisting the execution of the Law;" and "for other unlawful purposes," and
- "In order to enforce obedience to the Law."

It appears, then, to be proposed in the Bill, that the Governor should be entrusted with the following powers, viz. :—

- To determine what is the Law;
- To decide who have offended against it;
- To declare any Combination of Natives unlawful;
- To construe into "an unlawful purpose" any other proceeding of the Natives not specially described in the Bill;

To implicate any other persons of either Race in the legal consequences flowing out of the above assumptions ; and

To claim the assistance of the Courts and Magistracy of the Colony in enforcing severe penalties upon persons implicated in the guilt of offences of which the Courts have had no cognizance.

On all the above points, it is respectfully submitted that every British subject is entitled to the fullest security, under the Statutes cited in the "Petition of Right," and by that Petition itself, as enacted by consent of the Crown and both Houses of Parliament.

6. The indefinite use of the word "Law" in the Bill suggests the question, whether Martial Law is intended to be included within the meaning of the word. It is again respectfully submitted, that every proceeding under Martial Law, proclaimed without the sanction of the Legislature, is itself a breach of the Law, as established by the Petition of Right.

7. The above remarks apply to the case of any Aboriginal Native or Natives, and any Combination of Natives. It seems to be intended that the persons included in these two classes should be named in the Governor's Proclamation.

The two other classes, viz., Chiefs, or Tribes, and Districts, require a separate consideration.

8. *Chiefs, or Tribes.*—Where there is no right, there can be no responsibility. The Government has denied the Seigniorial and Tribal Right to land at the Waitara, and has professed its determination to support the rights of individuals, to the exclusion of the right of the Chief or the Tribe. With what consistency, then, can it now be proposed to make the Chief or the Tribe responsible for the acts of individuals? This was the old system in Ireland, which excited the whole nation against the English Government, till the Act of the Irish Parliament, 1495, called "Poyning's Act," provided, "That murders were to be prosecuted according to LAW, and not in the manner of the Natives by pillaging or exacting a fine from the Sept of the slayers."

We are already involved in one disastrous war by the denial of Tribal right ; who can tell in how many more we may be involved by the assertion of Tribal responsibility ?

9. *Districts.*—We now come to the most startling of all the proposals in the Bill, viz :—that it shall be in the power of the Governor to pronounce sentence of outlawry upon whole Districts, without even the possibility of a legal process, for districts can neither plead nor be impleaded. A district may contain an unknown number of persons who have committed no offence, nor sympathized with any offenders. And yet, because they are unable, as persons of quiet and unwarlike habits, to prevent evil or to apprehend malefactors, they may be included in the same sweeping denunciation, which subjects all alike, innocent and guilty, without judicial process, and without appeal, to the suspension of their trade, to separation from their friends, and to confiscation of their goods. To hold communication of any kind whatever, directly or indirectly with one of those innocent men, in a proclaimed district, is proposed to be declared an offence punishable by fine and imprisonment. And all this by a mere proclamation to be issued by the Governor "whenever he shall deem it expedient."

10. In this, and in every other question affecting the rights of British subjects imparted to the New Zealanders by the Treaty of Waitangi, the clergy of the Church of England (many of whom interpreted and explained that Treaty to the Natives at the request of Governor Hobson) feel that they have a right of remonstrance. Memorialists on the other side of the question have not been backward in accusing the New Zealanders of violating the Treaty. We rely upon the good feeling of His Excellency the Governor, and the Colonial Legislature, that our conscientious advocacy of the rights and privileges of our Native fellow-subjects will not be resented as a mere political interference. All we ask is, that no British subject of either race be subject to any penalties or disabilities "without being brought to answer by due process of Law.*"

G. A. NEW ZEALAND, Bishop of New Zealand.

G. A. KISSLING, Archdeacon of Waitemata.

ROBERT MAUNSELL, Archdeacon of Waikato.

OCTAVIUS HADFIELD, Archdeacon of Kapiti.

ROBERT BURROWS, Secretary of C.M.S. in New Zealand.

JOHN FREDERICK LLOYD, Minister of St. Paul's, Auckland.

VICESIMUS LUSH, M.A., Minister of All Saint's, Howick.

JOHN KINDER, M.A., Master of the Grammar School, and Assistant Minister of Saint Barnabas.

W. L. WILLIAMS, B. A., Turanga, Clerk.

EDW. H. HEYWOOD, Minister of North Shore, Auckland.

Auckland, 29th August, 1860.

No. 2.

MR. STAFFORD TO THE BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 5th September, 1860.

MY LORD,—

(No. 27.)

I have received, in common with my colleagues in the Ministry, a letter dated the 29th ultimo, signed by your Lordship and certain Clergymen of the Church of England, remarking on a Bill now under the consideration of the Legislature.

* Right of Petition.

I must beg to call your Lordship's attention to the eighth paragraph of your letter, in which it is stated that "the Government has denied the Seignorial and Tribal rights to land at the Waitara, and has "professed to support the rights of individuals to the exclusion of the Chief or the Tribe."

The context makes it plain that it is intended by your Lordship and the other writers to affirm that the Government has asserted, as a general principle, that it will refuse to recognise the right of a Chief of a Tribe, as such, over the territory occupied or owned by the Tribe.

Such an exposition of the opinions of the Government is directly at variance with statements made by His Excellency the Governor, and by Ministers, both in the Houses of Assembly and elsewhere. I ought not therefore to have to reiterate, as I now do, the assurance that Government does recognise, to the fullest extent, all lawful rights of the Chief and Tribe which have been recognised by former Governments or have ever been understood to exist.

I cannot doubt that your Lordship, after so explicit a renewal of assurances, which your Lordship appears to have overlooked, will no longer afford the sanction of your name and position to a statement which is totally unfounded, and which is calculated to inflame angry passions, to retard the establishment of peace, and seriously to embarrass the relations of the Native race with Her Majesty's Representative.

I have, &c.,

E. W. STAFFORD.

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

No. 3.

BISHOP OF NEW ZEALAND TO MR. STAFFORD.

Auckland, 7th September, 1860.

SIR,—

I have the honor to acknowledge your letter of the 5th inst., remarking upon the eighth paragraph of the Remarks upon the Native Offenders' Bill, which have been signed and circulated by several of the Clergy of the Church of England and myself.

I thankfully accept your declaration that the Government "does recognise, to the fullest extent, all lawful rights of the Chief and Tribe, which have been recognised by former Governments, or have ever been understood to exist."

I understand the Government to maintain that the rights in question do not exist in the Ngatiawa Tribe in the case of the land at the Waitara,—on this point we are still at issue.

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 enquiry.

I have not troubled you with a long letter, but I shall be willing at any time to enter more fully into the quiet discussion of this subject, as nothing can be further from our wish than "to inflame angry passions, or to retard the establishment of peace."

I have, &c.,

G. A. NEW ZEALAND.

The Honourable
The Colonial Secretary,
&c., &c., &c.,
Auckland.

No. 4.

MR. STAFFORD TO THE BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 11th September, 1860.

MY LORD,—

I have the honor to acknowledge the receipt of your Lordship's letter of the 7th instant.

I understand from that letter that your Lordship does, although not in terms, retract the sweeping assertion contained in the eighth paragraph of the Remarks upon the Native Offenders Bill, that the Government "had professed its determination to support the rights of individuals to the exclusion of the right of the Chief or the Tribe."

I need therefore make no further remarks upon that part of the subject.

But your Lordship goes on to say, "I understand the Government to maintain that the rights in question do not exist in the Ngatiawa Tribe in the case of the land at the Waitara. On this point we are still at issue."

(No. 29.)

“ 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.

POSTSCRIPT.

1. *Mr. McLean*, 18th March, 1859.—Friends, *Chiefs of Waitara*,—E hoa ma. E nga tangata o Waitara—Ki Wiremu Kingi Witi, Ki a Wiremu Ngawaka, Patukakariki, *Ki nga tangatakatoa o Waitara* * * * *to all men of Waitara*. Salutations. This is a word of mine to you. That you should make clear your portions of land lying within the block which has been ceded by Te Teira to the Governor.

You know that every man has a right (of doing as he pleases) with his portion [as Taylor also has a right of doing as he pleases with his portion] and no man may interfere to prevent his exercise of this right as respects his portions, for the thought respecting his own is with himself. This is a word of mine, lest you should, without ground (*kau*), interfere with Te Teira's or Te Retimana's portion.

NOTE.—These words are omitted in the translation printed E—No. 4, page 17.

2. *Governor Gore Browne, C.B., to Sir E. B. Lytton*, 29th March, 1859.—The right to sell land belonging to themselves, without interference on the part of the Chiefs (not having a claim to share in it), is fully admitted by Maori custom.

3. *Hon. Mr. Richmond*; Memorandum. E.—No. 1B.—It may be true, as it 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.*

4. *Memorial of the Provincial Government and Settlers of Hawke's Bay*, April 25th, 1860.—The exercise of such an authority, with the consequences flowing from it, is incompatible with Her Majesty's sovereignty in this Colony.

5. *Governor Gore Browne to Speaker of Provincial Council of Hawke's Bay*, 6th April, 1860.—It may be satisfactory to the Council to know that the policy in question has been approved by Her Majesty's Government, &c., by Despatch of Duke of Newcastle in answer to Governor Browne's Despatch of 29th March, 1859, quoted above.

No. 6.

THE BISHOP OF NEW ZEALAND TO MR. STAFFORD.

Auckland, 23rd April, 1861.

SIR,—

The present suspension of hostilities, encourages me to resume the subject of our correspondence of September, 1860.

We received with great satisfaction the assurance given in your letter of the 5th of September, "that the Government does recognize to the fullest extent, all lawful rights of the Chief and Tribe, which have been recognized by former Governments, or have ever been understood to exist."

In my answer of the 7th September, I wrote thus:—"I understand the Government to maintain that the rights in question do not exist in the Ngatiawa Tribe in the case of the Waitara."

"On this point we are still at issue, 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 enquiry." (7th September, 1860).

In your reply of the 11th September, you write:—"In requesting that a judicial enquiry may take place, (whatever that may mean), it is of course assumed that your Lordship does not desire that any further enquiry should be made until after the Insurgents shall have been reduced to submit to Her Majesty's Authority."

Some of the "Insurgents" have, as I understand, accepted conditions of peace, and there is now a reasonable hope, that, if wise measures are adopted, not only may all who have taken up arms against the Governor be induced to submit to the authority of the Queen, but also many who are now wavering may be confirmed in their allegiance.

Believing, therefore, as I do, that the main cause of irritation among the Native race generally, is the fear that their Territorial rights as Tribes or communities will be forcibly interfered with, I write again most respectfully to request, that the question of the Territorial right of that community of Natives which resides on the Waitara river may be made the subject of a judicial enquiry.

The following, among many others, are the main reasons which induce me to make this request:

1. Because, if I rightly understand the terms of peace offered to Hapurona and others of the Ngatiawa, it is assumed throughout that Te Teira and others had a right to sell land as individuals, and that the Governor in making war upon William King and his Tribe was "vindicating the Law, and protecting Her Majesty's Native subjects in the exercise of their just rights."

2. Because, in past years, I was in frequent communication with Mr. Commissioner McLean on this subject, both with reference to the country in general, and to the Taranaki district in particular. Mr. McLean has recorded the result of those communications in a paper, published in Parl. Pap., July, 1860, (p. p., 303, 304.)

"I do not think it practicable to give Crown Grants to Natives by defining the boundaries of individual rights to land: it would be productive of quarrels and disputes, as there is *really no such thing as individual title, that is not entangled with the general interests of the Tribe*, and often with the claims of other Tribes, who may have migrated from the locality."

"I have tried this system at the *suggestion of the Bishop, at Taranaki*. It gave me considerable insight into the state of Native tenure, but in endeavouring to carry it out, I found it took about 30 days to define the boundaries of the claims of 40 individuals over an extent of 40 acres; and even then they regarded the arrangement as altogether imaginary, and it did not *appear to affect, in the estimation of the Natives, the general or Tribal right*."

"It is *absolutely necessary that the Tribal claim to such land should first be perfectly obliterated by previous sale to the Government*."

You will, therefore, I think, be ready to admit that I have strong *prima facie* reason for believing that the Tribal right does exist at Taranaki; that it has been understood to exist; and that it has been recognized by former Governments in the acts of their Chief Land Purchase Commissioner.

The general impression that Mr. McLean was of one mind with myself on the subject of the existence of a Tribal right among the Ngatiawa at Taranaki, may be gathered from the enclosed extract from a Memorial addressed to the Governor by a Taranaki settler, (personally unknown to me), on the 22nd February, 1860.

3. Because an argument comparatively recent, has been brought forward, to the effect that the Tribal right at Taranaki was set aside by Governor Fitzroy, and that his declaration that he would recognize in all their integrity the rights of the Ngatiawa, applied only to their rights as individual proprietors.

As I was present with Governor Fitzroy at Taranaki on the occasion referred to, I seem to have a right to request that the above assertion may be thoroughly investigated. My own belief being that no such distinction was ever intended; but that the speeches of Governor Fitzroy, and the articles quoted from the "Maori Messenger," related to the rights of the Ngatiawa, whether slaves, fugitives, or absentees of any other class, as distinguished from the 76 men and women, who assumed the right of selling all the district, known as the Company's Block, to John Dorset, as the Agent of the New Zealand Company.

In conclusion, I have only to remark upon the following expression in your letter of the 11th of Sept., 1860.—"In requesting that a judicial enquiry may take place, *whatever that may mean*."

In the 2nd clause of the terms offered by the Governor to Hapurona and the Ngatiawa, I find "that the decision of the Governor or of such persons as he shall appoint to investigate the title is *to be conclusive*."

These words are too ambiguous to give satisfaction to the minds of the Natives, who are watching the issue of this question with anxious suspense in all parts of the country. It would have been far more satisfactory if the question of title had been referred to a lawful tribunal.

Without attempting to define the words "judicial enquiry," which to an English mind seem to require no explanation, I may recite the general principle laid down as early as 1840, in the recommendation of a Committee of the House of Commons.

"That it is expedient that Commissioners *not being persons connected with or having any pecuniary interest in New Zealand* should be appointed by the Crown to enquire into and determine all claims to lands in New Zealand, *according to certain definite principles to be laid down in their instructions*."

And in a letter written to me from Taranaki by the Rev. Mr. Whiteley, in 1858, I find a similar recommendation:

"Let a commission be appointed by the Government, to consist of six Native Chiefs, and six European gentlemen, acquainted with the Native language, all of both parties, unconnected with this place (Taranaki).

"Let this commission meet here and *receive evidence from all sources and from both sides, as to the nature, ground, and extent of their respective claims*."

It is unnecessary to point out the difference between the mode of enquiry here recommended and that which was conducted by Mr. Parris on the Waitara question.

Whatever opinions may have been held on the subject of the past, I sincerely hope that the measures now adopted will be such as to unite all persons in support of the Government. In order to shew that I hold no opinions at variance with this hope, I enclose a Paper, which I have printed for private circulation.

I have, &c.,

G. A. NEW ZEALAND.

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

ENCLOSURE No. 1.
22nd February, 1860.

ENCLOSURE No. 2.
2nd February, 1861.

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;

That however inconvenient such Real Property Law may be to the Colonists, or detrimental to the Aborigines themselves, it cannot be forcibly abolished without glaring injustice, and the almost certain risk of an internecine war between the two Races, throughout the Colony;

That War, at all times a calamity, would, under such circumstances be also—a crime ;

That, as to the Block before referred to, it appears, in the highest degree objectionable that the District Land Purchase Commissioner should, directly or indirectly, decide on the title of owners,—Tribal or individual, absent or present, dissenting or consenting ;—in short, should, virtually, decide on the validity of his own alleged Purchase, and, finally, in order to enforce his own *ex parte* decision, should, in effect, have and exercise the dread power of declaring War—thus resting in one subordinate Officer, Ministerial, Judicial, and Dictatorial functions ;

Further, it would seem that Teira's allegation of his own absolute interest—the allegation of one who has received British gold, and who believes that he will be backed by British bayonets—the allegation of one who shows himself ready, for the sake of lucre, to destroy his own Tribe, and his own Race, and to plunge the whole Colony into unspeakable calamity—is to be accepted as final and conclusive—so as to downweigh the unanimous testimony of the great majority of the Tribe, who, unseduced by money, and un intimidated by power, are prepared to seal that testimony with their own life-blood ;

Are such men, who would, under the circumstances, be only defending those immemorial rights confirmed to them by our beloved and illustrious Queen—are such men to be branded as Traitors—to be hunted down and exterminated like wolves?

* * * * *

Here, at present, there is, (from various reasons, too numerous to mention,) a dead silence—no voice is raised at this, the eleventh hour. Your Petitioner has, therefore, attempted a feeble cry ; but do not, let me beseech your Excellency, despise the cause on account of the feebleness, the informality, or the temerity of its advocate ; for the cause is a good and noble one—it is not the cause of this or that individual, of this or that section of Colonial society ; but—of Humanity and of Justice :

And now may He who has the hearts of Kings in His rule and governance, ever enlighten your Excellency's Councils ; and, for the sake of That Blessed One, who died that we might live, do not hastily and coldly dismiss this Appeal, which is hasty, of necessity,—informal, weak, and presumptuous, no doubt, but still as sincere and unworldly as if it were spoken with your Petitioner's dying breath.

WILLIAM TURNER.

N.B.—Posted 22nd February, 1860.

Enclosure 2 in No. 6.

*MEMORANDUM OF THE BISHOP OF NEW ZEALAND TO HIS EXCELLENCY GOVERNOR GORE BROWNE,
WRITTEN BY REQUEST, AFTER A LONG CONVERSATION ON THE TARANAKI QUESTION.

Auckland, 2nd February, 1861.

I respond cordially to Your Excellency's wish that there may be no difference in our private relations.

In public matters also I am most anxious to "minimize" the grounds of difference.

This may, I think, be done most securely by seeing laid down before us a clear line of action for the future.

We all unite in the desire to maintain the Queen's sovereignty, and to enforce obedience to the Law.

If the British Government is prepared to carry out its own duties in this respect, I am at all times ready to assist with any influence which I may possess.

What I may desire may be briefly summed up as follows:—

1. That the rights of the New Zealanders, as British subjects, be recognised as identical (*rite tahi*) with our own.

2. That among these, their proprietary right to the soil of New Zealand (wherever the Native Title has not been extinguished) be fully recognized.

3. That all Native customs affecting this proprietary right (whether convenient or inconvenient) be recognized, till they can be peaceably adjusted to our own system, with the free consent of the proprietors.

4. That all questions on the subject of the Native Title to land be submitted to a Tribunal having a status as permanent as that of the Supreme Court, and established with the concurrence of the Crown, the General Assembly, and the Native Conference.

5. That the first action of the Tribunal be confined to the adjudication of cases submitted to them by the voluntary consent of all parties; and that the question of enforcing, if necessary, the decisions of the Tribunal be brought before the General Assembly and the Native Conference, after a space of years has been allowed for the action of the Tribunal in voluntary cases.

6. That the Sovereignty of the Crown be asserted, in its clearest and highest character, by calling upon the Natives to assist the Governor in suppressing Civil War, in apprehending and

* This Memorandum was originally written by the Bishop for private circulation only.

punishing murderers and robbers, whether those offences be committed in Native Districts or in the neighbourhood of English Settlements; and by promising to them such assistance as the British Government may be prepared to give, for the maintenance of order throughout the whole Northern Island.

It is my firm belief that the discharge of this duty, as above stated, large and difficult as it seems, would require a less force than will be found necessary to settle the present question at Taranaki, because it is of the nature of military force to generate opposition; but all men, and New Zealanders among the rest, have a respect for Law.

7. That the present quarrel be allowed to die away into a tacit armistice till feelings on both sides are sufficiently calm to allow of negotiations for peace.

I should gladly assist in endeavouring to restore confidence among the Natives on some such basis as the above.

G. A. NEW ZEALAND.

To His Excellency
Governor Gore Browne.

No. 7.

MR. STAFFORD TO THE LORD BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 3rd May, 1861.

MY LORD,—

I have the honor to acknowledge the receipt of your Lordship's letter of the 23rd April.

The object of that letter is stated to be "to request that the Territorial right of that community of Natives which resides at the Waitara River may be made the subject of a judicial enquiry;" and from your "Memorandum of the 2nd February last, enclosed in your letter, I learn that you desire that all questions on the subject of the Native title to land be submitted to a Tribunal having a status as permanent as that of the Supreme Court, and established with the concurrence of the Crown, the General Assembly, and the Native Conference."

The subject of the establishment of a Native Land Title Tribunal has engaged the attention of the present Government ever since it came into office, in 1856, up to the present time; and some attempts have been made towards the accomplishment of that object, but unfortunately the difficulties encountered have been hitherto insurmountable. The Government, however, entertains a hope that ultimately some plan of that kind will be established.

With respect, however, to the Waitara, the Governor has already made arrangements for the settlement of any questions arising there; and there is every reason to believe that those arrangements will be successful if only they are not interfered with. A settlement of these questions is urgently pressing, and it would be unwise and dangerous to delay it.

I refrain from entering into a controversy on many disputable questions introduced into your Lordship's letter, as I feel assured that no possible advantage would result from a discussion of them at the present juncture.

There is, however, one point which I feel it necessary to notice in order to guard against silence being construed into acquiescence. On a former occasion your Lordship claimed on behalf of the Clergy of the Church of England a "special right" of interference, and you now prefer a similar claim on your own behalf. It is impossible to admit any special right on the part of the Bishop of New Zealand or of any of the Clergy of the Church of England, in their capacity as members of a religious body, to interfere between Her Majesty's Government and her Native subjects.

I have, &c.,

E. W. STAFFORD.

His Lordship the Bishop of New Zealand.

No. 8.

THE BISHOP OF NEW ZEALAND TO MR. STAFFORD.

Auckland, May 5th, 1861.

SIR,—

I have the honor to acknowledge the receipt of your letter of the 3rd May, in which I understand you to object to my proposal, that the Territorial rights of that community of Natives which resides at the Waitara should now be made the subject of a judicial enquiry.

Here our correspondence might have ended if you had not introduced a new subject which seems to require a few final remarks. The words to which I refer are these: "On a former occasion your Lordship claimed, on behalf of the Clergy of the Church of England, a special right of interference, and you now prefer a similar claim on your own behalf. It is impossible to admit any special right on the part of the Bishop of New Zealand, or of any of the Clergy of the Church of England, in their capacity as members of a religious body, to interfere between Her Majesty's Government and her Native subjects."

In the first instance to which you here refer, the "Remarks on the 'Native Offenders' Bill" were not addressed to Her Majesty's Government, but to the Colonial Legislature then in Session.

In the second instance, the correspondence was not originated by me, but invited by yourself.

With respect to the alleged interference on the part of the Bishop of New Zealand, and some of the Clergy of the Church of England, between Her Majesty's Government and her Native subjects, I find it impossible to understand the words as applying to yourself and your colleagues, because Mr. Richmond's Memorandum of 27th April, 1860, (E. No. 3, p. 35, 27th April, 1860,) distinctly states that—

"The Colonists as a body are in no degree responsible, directly or through their Representatives, for the existing state of affairs. They have never had the direction of Native policy; nor have they dictated or even suggested the Acts of the Imperial Government in its relations with the Natives."

Neither can I understand the words as applying to the Imperial Government, because no remarks have been addressed by us to the Secretary of State for the Colonies: on the other hand, your mention of the New Zealanders as "Her Majesty's Native subjects" has removed a painful doubt suggested by the words of the late Minister for Native Affairs.

"That it cannot be said, that in any but a technical sense the Maori people are yet within the 'state' (Mr. Richmond's Memorandum, 23th December, 1860, page 18).

Again, I would in all courtesy submit that you are in no way concerned in the question, whether we petition or remonstrate against any acts of the Legislature or of the Government, in the character of private citizens or as Ministers of religion. The Clergy of the Church of England have always acquiesced, and have now more than ever reason to rejoice in their entire freedom from all connection with the Colonial Government. There is no ambiguity whatever in the ground which we take. When all other classes of Her Majesty's English subjects in New Zealand are expressing their opinions upon the Native question, and supporting a policy which we believe to be unjust, we should be guilty of betraying the Native race, who resigned their independence upon our advice, if we did not claim for them all the rights and privileges of British subjects as guaranteed to them by the Treaty of Waitangi. As the earliest settlers in this country,—as agents often employed by Government in Native affairs,—as intimately acquainted with the language, customs, and feelings of the New Zealanders,—above all, as *Ministers of religion, having the highest possible interest at stake*, we assert the privilege which the Law allows to every man of laying our petitions before the Crown and the Legislature.

We ask for nothing more than that which your own colleague has declared to be the truest policy—"The fearless administration of justice between the contending parties."

The same authority has traced out the way in which justice ought to be administered.

"The propriety of making at least an attempt to provide means for the extrication of Native Title from its present entanglement, for reducing it to fixed rules, *for subjecting it to the jurisdiction of regular Tribunals, can hardly admit of a doubt.*"—Mr. Richmond, E—No. 1, p. 7.

You now tell me that the difficulties in the way of the establishment of a Native Land Title Tribunal have been found to be insurmountable, and that it would be unwise and dangerous to delay the settlement of the Waitara question, by the thorough investigation of that Title, which, by the terms of peace, the Governor has pledged himself to investigate.

Allow me to express my regret that the experience of these difficulties in providing for the administration of justice, and the foresight of these dangers attending even the investigation of truth, did not prevent you from advising the Governor in a matter "for which you were in no degree responsible," *to declare war against Taranaki upon an unproved assumption.*

I have, &c,

G. A. NEW ZEALAND.

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

No. 9.

MR. STAFFORD TO THE LORD BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 20th May, 1861.

MY LORD,—

I have to express my very great regret that the nature of the statements and imputations contained in your Lordship's letter of the 5th instant, renders it fitting that I should comment on some portions of it.

In my letter of the 3rd inst., I adverted to a claim originally preferred on behalf of the Clergy of the Church of England, and subsequently asserted on your own behalf, of a special right of interference in Native matters, and I refused to admit any special right on the part of the Bishop of New Zealand or of any of the Clergy of the Church of England, in their capacity as members of a religious body, to interfere between Her Majesty's Government and her Native subjects.

Your Lordship now professes to be unable to understand the words as applying to myself or my colleagues, because in the first instance your "remarks" were addressed to me as a member of the Legislature; and, in the second instance, the correspondence which followed did not, you state, originate with your Lordship, but was invited by myself.

Although the "remarks" with which the correspondence originated were not addressed to me in

an official capacity, your subsequent letters were addressed to me as Colonial Secretary of New Zealand, in which capacity your Lordship must be aware that I am an *ex officio* member of the Executive Council, appointed and required by Her Majesty to give advice to the Governor on all matters—Native or others—consequently your Lordship's assertion that Native questions do not concern myself or the other members of that Council, is incapable of proof.

With respect to the second instance referred to, I am not aware of having invited this correspondence, unless, indeed, the fact of my having protested against the imputation of opinions ascribed to the Government in the original "remarks" can be so construed.

Your Lordship further states that you cannot understand the words as applying to the Imperial Government, because no remarks have been addressed by your Lordship or the Clergy of the Church of England to the Secretary of State for the Colonies.

Omitting to dwell upon the fact that some prominent members of the Church of England have addressed the Secretary of State on matters connected with the subject of your Lordship's letters, the circumstance that your own letters were officially received by me as Colonial Secretary necessitated—referring as they did to Native questions—that they should be laid before His Excellency the Governor, who, in virtue of his office, represents the Crown and the Imperial Government in all its relations with the Natives; and your Lordship in these letters distinctly, on several grounds, seeks to interfere in the Waitara question, and proposes to substitute another mode of dealing with it, than that determined on and publicly announced to the Natives by Her Majesty's Representative.

In the Memorandum accompanying your letter of the 23rd April, your Lordship further lays down conditions on which your support to Her Majesty's Government will be given.

In your letter of the 5th instant, your Lordship again assigns reasons why the Clergy of the Church of England should interfere in Native questions, one of which reasons being that all other classes of Her Majesty's subjects were expressing their opinions upon these questions.

I have never sought to deny the individual right of Clergymen of the Church of England—in the character of private citizens—to enter the arena of politics, either Native or otherwise, if they should think fit to do so. The expressions in my letter of the 3rd instant to which your Lordship alludes, and to which you appear to take exception, simply denied the right claimed on behalf of the Clergy of the Church of England to dictate, as members of a religious body, a policy to Her Majesty's Government. I denied—and deny on constitutional grounds—that right as claimed for them in their professional capacity as a *quasi* corporate body.

Referring to the same letter, I must respectfully protest against the inference conveyed by your Lordship in claiming for the Natives "all the rights and privileges of British subjects as guaranteed to them by the Treaty of Waitangi." His Excellency and his Responsible Advisers have on so many occasions expressed an intention to uphold and act in conformity with the terms of that Treaty as to render the claim now preferred, so far as the Government is concerned, superfluous.

As regards the last sentence but one of that letter, I observe with much pain that, by the addition of words not contained in my letter, your Lordship has misimplied my statement that it would be unwise and dangerous to delay the settlement of the Waitara question, (urgently pressing for settlement,) until the possible establishment of a Special Tribunal, to be an intimation that no thorough investigation of the Native Title there would take place. Permit me to assure your Lordship that there is no need of apprehending that His Excellency will omit to fulfil any pledge which he has thought fit to give in this matter.

With reference to the last paragraph of your Lordship's letter, I must beg leave to be allowed to deprecate the expression of your Lordship's regret, as I was and am required to give advice to the Governor on all matters, and do not believe that His Excellency "declared war on Taranaki on an unproved assumption," I advised the Governor on the matter in question, and so long as I have the honor to hold my present office, I will continue to give that advice which it is my duty to afford, on all matters connected with the Government of New Zealand, although with an "experience of the difficulties of providing for the administration of justice, and with a foresight of the dangers attending even the investigation of truth."

I have, &c.

E. W. STAFFORD.

His Lordship the Bishop of New Zealand.

No. 10.

THE BISHOP OF NEW ZEALAND TO MR. STAFFORD.

Auckland, 24th May, 1861.

SIR,—

I have to thank you for your letter of the 20th instant, in which you express "your very great regret at some of the statements and imputations contained in my letter of the 5th instant."

If I should find, upon further enquiry, that I have imputed anything to His Excellency or to the Ministers, which is not borne out by documents issued by the Colonial Government, I will at once retract it.

If I am right in assuming from the general tenor of your letters, that the policy pursued at the Waitara, however satisfactory to those who advised it, will not be drawn into a precedent, I feel assured that not one or two only of the Clergy of the Church of England, as at present, but our whole body,

will feel it to be a religious and social duty to support the Government, by our own independent means of influence, in maintaining the supremacy of the Crown and the authority of the Law.

I have, &c.,

G. A. NEW ZEALAND.

The Hon. E.W. Stafford,
&c., &c., &c.
Colonial Secretary's Office.

No. 11.

MR. STAFFORD TO THE BISHOP OF NEW ZEALAND.

Colonial Secretary's Office,
Auckland, 25th May, 1861.

My LORD,—

I have the honor to acknowledge the receipt of your Lordship's letter of yesterday's date.

I have, &c.,

E. W. STAFFORD.

His Lordship the Bishop of New Zealand.

FURTHER PAPERS

RELATIVE TO

NATIVE AFFAIRS.

COPY OF A LETTER ADDRESSED TO HIS EXCELLENCY THE
GOVERNOR BY HIS LORDSHIP THE BISHOP OF NEW ZEA-
LAND AND OTHER CLERGYMEN.

RETURN TO AN ADDRESS OF THE HOUSE OF REPRESENTATIVES OF 16TH JULY, 1861.

(*Mr. Jollie.*)

FURTHER PAPERS RELATIVE TO
NATIVE AFFAIRS.

E—No. 3F
(Appendix.)

Auckland, July 4th, 1861.

The Bishop of New Zealand and other Clergymen to Governor GORE BROWNE, C. B.

SIR,—

We, the Undersigned, desire to draw Your Excellency's attention to the following statements:—

1. That at the time of the breaking out of the war at Taranaki, there was no part of Her Majesty's dominions in which life or property was more secure than in the districts bordering on the Waikato river :

2. That the native inhabitants of those districts, and especially those on the Lower Waikato have always maintained friendly relations with the Colonists :

3. That the native inhabitants of those districts have shewn a remarkable aptitude and willingness to receive English Institutions, under the guidance of Officers appointed by the Government :

4. That Potatou, the so-called native King, was the firm friend of the English Government from the time of Governor Hobson to the day of his death :

5. That neither he nor his son ever encouraged their people to take any part in the war at Taranaki ; nor have participated in any plunder from English settlers :

6. That the same statement applies to William Thompson Tarapipipi, who is commonly reputed to be the chief supporter of the native King. It will be found on enquiry :—

That he has always been a friend to the English people :

That he used his best endeavours to prevent any members of his tribe from going to Taranaki :

That he controlled and led back quietly to their own places a party who came to enquire into the death of Erietera at Patumahoe :

That he has not participated in the plunder of any English settlers :

That by his influence in sending back the fighting parties to their own homes, the Government has been enabled to withdraw its forces from Taranaki :

7. That a Committee of the House of Representatives has investigated with the greatest care and patience the causes and history of the King movement, and recognized its true character "*as an effort to obtain Law and Order.*" (Report of Waikato Committee, F., No. 3.)

8. That the main causes of distrust and irritation are believed to be these :—

1. *The uncertainty of the Relations between the two Races,* and

2. *The System of Land Purchase.*

9. On the first point, Mr. Fortescue has admitted in his speech in the House of Commons on the 11th of April, as reported in the *Times*, that

The Governor of New Zealand is "obliged to act under a Constitution which appears to have been framed in forgetfulness of the large native tribes within the dominions to which it was intended to apply."

10. And we observe that Your Excellency has stated in your Memorandum of the 25th May, 1861, § XI, that

"Some of the most populous districts—such as Hokianga and Kaipara—have no Magistrate's resident among them ; and many—such as Taupo, the Ngatiruanui, Taranaki, and the country about the East Cape—have never been visited by an Officer of the Government. The residents in these districts have never felt that they are the subjects of the Queen of England, and have little reason to think that the Government of the Colony cares at all about their welfare."

And further, in § XII of the same Memorandum :—

"In New Zealand the Government is, and always has been, unable to perform its duty for want of a sufficient number of agents trained and qualified for the service required of them."

And further, that unless the Native Department be "entirely remodelled,"

"The Government will never be able to take its proper part in establishing institutions for the native race, or obtain any real hold upon their *confidence.*"

11. On the second point, namely, the system of Land Purchase, we observe with satisfaction that Your Excellency, in your Memorandum of the 15th May, 1861, § XVI, has given your opinion that

"The system of purchasing land requires alteration."

And again, § XVII, No. 13 :—

"Alter the system of purchasing land—and for the present, purchase only in districts which remain undisturbed."

12. We have no wish to say more on this subject than to express our opinion that the existing system of land purchasing has been one main cause of suspicion and dissatisfaction in the minds of the natives.

13. We are glad to find also from a letter to your Excellency, of the 9th of May, 1861, that the Judges of the Supreme Court are of opinion

"That a competent Tribunal might probably be established by the formation of a Land Jury selected by lot or otherwise from members of the various tribes in previously defined districts, nominated by such tribes as competent to act in that capacity, to be presided over by a European Officer or Commissioner (not being an agent of the Crown for the purchase of land) conversant with

the Maori language, and assisted, if necessary, by a Native Assessor, and whose duty it should be merely to propound the questions for the decision of the jury, to record their verdict, and to administer Oaths to witnesses."

We are of opinion that the want of some such Tribunal, as that proposed by the Judges, is one main cause of dissatisfaction in the minds of the natives.

14. We have only to add that we believe that the present unsatisfactory state of the relations between the two races may, in a great measure, be remedied by the suggestions of Your Excellency and the Judges of the Supreme Court, carried out with the co-operation of the Natives themselves.

15. We are ready to assist the Government in our various districts, by enquiring into the causes which have produced dissatisfaction in the minds of the natives, and by using our influence to secure their co-operation. We have no reason to think that any of the New Zealanders desire to be the Queen's enemies. To effect any object with them, time and patience are absolutely necessary. But we believe that all the present difficulties admit of a peaceable solution.

We have the honor to be,

Sir,

Your Excellency's obedient
and humble servants,

G. A. NEW ZEALAND, Bishop of New Zealand,
ALFRED N. BROWN, Archdeacon of Tauranga,
ROBERT BURROWS, Secretary Church Missionary
Society, N. Z.

P. S. GRACE, Missionary of Church Missionary
Society, Taupo,

G. A. KISSLING, Archdeacon of Waitemata.

To His Excellency
Governor Gore Browne, C.B.,
&c., &c., &c.