

# THE HOUSE OF LORDS,

OR PRESENTED BY ROYAL COMMAND,

IN THE

Session 1837-38,

(1° & 2° VICTORIÆ.)

ARRANGED

IN FIFTY-ONE VOLUMES.

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VOL. VIII.

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ACCOUNTS AND PAPERS,

(Fourteen Volumes.)

CONTINUED;

THE SUBJECTS ALPHABETICALLY ARRANGED.

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SUBJECTS OF THIS VOLUME:

*East India Affairs; Emigration; Religion in Australia;  
Affairs of the Island of Malta; New Zealand.*

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1838.

Enclosure (C.)

Enclosure (C.) LETTER from *James Busby*, Esq. British Resident at *New Zealand*, to the Honourable the Colonial Secretary of *New South Wales*.

(No. 112.)

British Residency, Bay of Islands,  
16th June 1837.

Sir,

I HAVE the honour to acknowledge the receipt of your Despatch of the 16th ultimo, which was delivered to me on the 27th of the same month by Captain Hobson of His Majesty's ship *Rattlesnake*.

By my letter of the 4th ultimo, No. 111, his Excellency Sir Richard Bourke would perceive that the fears I had formerly expressed, that war was about to break out in this immediate neighbourhood, had been realized; but that, contrary to all expectation, the conduct of the natives towards the British settlers had been on the whole most exemplary. I am happy to add, that it so continued up to the arrival of the *Rattlesnake*.

Under circumstances so favourable, an attempt was made by Captain Hobson, accompanied by a party of the missionaries and myself, to mediate between the contending parties, but without effect. The chiefs on Pomares' side, whom I formerly represented as being unfriendly to Pomares' procedure, although in a manner constrained to take part with him, were most favourable to the proposition, and requested that one of two persons whom they named, of the opposite party, should meet them to adjust the preliminaries; but Pomare himself turned a deaf ear to every argument that could be urged.

The overtures of the well-disposed chiefs were nevertheless delivered, but they were received by the Ngapulies in the most unfriendly spirit; and, on its being too evident that all attempts at mediation were fruitless, Captain Hobson concluded by cautioning them as to their conduct to British subjects, assuring them that if any violence should be offered

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by either party to these, it would then become his duty to take satisfaction, and that he would do it effectually.

Since the date of my last Despatch, the war canoes have been almost every day in motion, but there have been only two encounters of the parties worthy of notice. In these two affairs about thirty persons were killed. The Ngapulies have lost another chief of the first rank, and in other respects have been the severest sufferers from the commencement of hostilities. The injury for which they took up arms has consequently been aggravated by every attempt to obtain reparation.

A fact has also come to my knowledge, which gives a greater colour of truth to Pomare's original accusation, than any circumstance of which I was previously aware, namely, that the woman of whom it was alleged that she had been murdered and eaten on being landed from the ship, had formerly been the wife of the person who was charged with her murder. It was in former times a very common case for a chief to put to death any of his wives who had deserted or been unfaithful to him.

But whatever may have been the real circumstances or motives which originated the present war, there is not the least probability of its being speedily brought to a termination. Pomare's party appear confident in the strength of their position, and the Ngapulies are evidently actuated by the most irritated and vindictive feelings; and there seems no reason to doubt that they will speedily be joined by the powerful tribe of Rarawa, from the more northerly parts of the island.

Under these circumstances, although the visit of His Majesty's ship *Rattlesnake* at this juncture is peculiarly important, as making it appear to the natives that a vigilant guardianship is maintained over His Majesty's subjects who are settled here, and that assistance is never at a great distance, should it be required; yet it is impossible to look to the continuance of this contest without the most serious alarm.

Titore, who was the most influential of the Ngapulie chiefs in preserving order in the town Kororakia, where the natives and British are mingled in the greatest numbers, died a few days ago; and in several instances already I have heard that the loss of his influence has been felt to the detriment of the British inhabitants. Whatever influence the other chiefs possess, will also be weakened when their provisions become exhausted; and as little or no cultivation will be attempted while things remain in their present position, it may naturally be expected that the natives will become reckless in proportion to their want of the means of subsistence.

Under these circumstances, his Excellency will be prepared for my entire concurrence in his opinion that any additional expenditure, with the view of giving increased efficiency to my office as at present constituted, would be altogether fruitless; nor would the Act of Parliament to which his Excellency refers, if the powers it was intended to impart should be limited to the controlling of British subjects, be of much service, in the state to which the affairs of this country have arrived. What is wanted is a paramount authority, supported by a force adequate to secure the efficiency of its measures.

Without the establishment of such an authority by some civilized state, I cannot, after a full consideration of every circumstance connected with the actual condition of this people, see the least prospect of any permanent peace being established amongst them whilst there remains a stronger man to murder his weaker neighbour. There are few persons so insignificant as not to have it in their power, at any time, to plunge the country into war. The crime of an individual involves his most distant connexions, as each of them is a legitimate object of retaliation to the connexions of the injured party. It is in vain to represent to them that the criminal alone should suffer; their answer is ready, and it is perfectly consistent with the dictates of natural justice, namely, that his tribe will not surrender him to suffer for his crime, and by standing up in his defence they have become participators in it; while, on the other hand, provided the criminal be not a slave, his connexions are never without a grievance, more or less ancient, which they bring forward as a justification of his crime. Thus, by every attempt to administer the law of retaliation—the rude justice of nature—the breach is made wider. New deaths involve more distant connexions. Tribe after tribe becomes a party to the contest; and peace, or rather an intermission of murders, can only be procured when one of the parties becomes too weak to continue the contest, or when the loss on both sides happens to be so nearly balanced, that neither party has an advantage over the other.

In this way has the depopulation of the country been going on, till district after district has become void of its inhabitants, and the population is, even now, but a remnant of what it was in the memory of some European residents.

It would, in the subject on which I intend to enter in this Despatch, be an interesting and important question, did there exist means of bringing it to a satisfactory solution, How far this depopulation of the country, which has at least been rapid in proportion to the increase of its intercourse with the whites, was originated by the latter, and may justly be chargeable to them. My own opinion is, that all the apparent causes which are in operation are quite inadequate to account for the rapid disappearance of the people.

The introduction of fire-arms is alleged as one cause, but there seems good reason to doubt whether their wars were less sanguinary before fire-arms were introduced. The use of intoxicating liquors and tobacco are less questionable evils; and though their direct influence cannot, I think, be stated as at all remarkable, they are, in all probability, the original causes of diseases with which their immediate connexion is not apparent.

Veneral diseases are another means of undermining the constitution of the multitudes who, in one shape or other, are subjected to them: and besides these sources of disease and death, the abuse of the females who are sent by their masters or relations on board ships,

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and the murder of the fruits of this intercourse, which is believed by those likely to be best informed to be of frequent occurrence, are undoubtedly powerful checks to increase, and ought to be largely allowed for in estimating the causes which are in operation for the depopulation of the country. But, on the other hand, it must not be lost sight of that the mortality has not been confined to those who have been the victims of violence, or who have been exposed to the effects of vices or diseases of foreign origin. Disease and death prevail even amongst those natives who, by their adherence to the missionaries, have received only benefits from English connexions; and even the very children who are reared under the care of the missionaries are swept off in a ratio which promises, at no very distant period, to leave the country destitute of a single aboriginal inhabitant.

The natives are perfectly sensible of this decrease; and when they contrast their own condition with that of the English families, amongst whom the marriages have been prolific in a very extraordinary degree of a most healthy progeny, they conclude that the God of the English is removing the aboriginal inhabitants to make room for them; and it appears to me that this impression has produced amongst them a very general recklessness and indifference to life.

The foregoing picture of the actual condition of the New Zealanders will not, I think, be considered as overcharged by any one who has an intimate acquaintance with the state of their country. I have, as impartially as I could, stated both sides of the question; I do not concur in opinion with those who charge altogether upon their intercourse with British subjects, directly or indirectly, the present miserable condition of the New Zealanders; but I think the most favourable view of that intercourse from its origin, and independently of the distressing evils which I have pointed out in former Despatches, is just beginning to manifest themselves, as the consequence of the sale of their lands to British subjects will prove that the New Zealanders have at least some claim of justice upon the protection of the British Government; and certainly a very strong claim, not to be overlooked in those measures which are dictated by the present humane policy of the British Government towards the aboriginal inhabitants of countries where British settlements are established.

Unless the country should be taken under the efficient protection of Great Britain, or some other foreign power should interfere, the natives will go on destroying each other, and the British will continue to suffer the accumulating evils of a permanent anarchy. Nor can the latter make common cause against the natives with any prospect of promoting general security. The nature of their pursuits, the distance of their habitations, and, above all, the character of the majority of them, would render any combination for their general defence at once unworthy of reliance, and incompatible with the objects of their settlement in the country.

I have in former communications detailed so fully the relative situation of the British and the natives, and the frequent causes of contention existing between them, that I will forbear to enter upon the subject in the present Despatch. For the same reason I will avoid any reference to the importance of British interests, and the necessity for their protection, irrespective of the condition either of the natives, or of the British who have actually settled in their country. But I will proceed at once to submit the outline of a plan of government, which I humbly venture to think would give as great a degree of peace and security to all classes of persons in this country as is enjoyed by the inhabitants of the majority even of civilized states.

The plan which I would now more fully submit was suggested in my Despatch of 26th January 1836, No. 85. It is founded upon the principle of a protecting state, administering in chief the affairs of another state in trust for the inhabitants, as sanctioned by the treaty of Paris, in the instance of Great Britain and the Ionian Islands, and as applied, I believe, in various instances, on the borders of our Indian possessions.

All my experience subsequent to the date of that suggestion has strengthened my belief that the principle is peculiarly applicable to this country; and that the details could be arranged with a degree both of efficiency and economy which at first sight might appear far from probable.

The chiefs who were parties to the Articles of Confederation and Declaration of Independence in October 1835, together with those who have subsequently adhered to it, include, with very few exceptions, the whole of the chiefs of influence in the northern parts of the island, and the adhesion of the remainder could at any time be procured.

Whatever acts approaching to acts of sovereignty or government have been exercised in the country, have been exercised by these chiefs in their individual capacity as relates to their own people, and in their collective capacity as relates to their negotiations with the British Government, the only Government with which the chiefs or people of New Zealand have had any relations of a diplomatic character. Their flag has also been formally recognised by the British Government as the flag of an independent state.

The Articles of Confederation having centralized the powers of sovereignty exercised both *de jure* and *de facto* by the several chiefs, and having established and declared the basis of a constitution of government founded upon the union of those powers, I cannot, I think, greatly err in assuming that the congress of chiefs, the depositing of the powers of the state as declared by its constitution, is competent to become a party to a treaty with a foreign power, and to avail itself of foreign assistance in reducing the country under its authority to order; and this principle being once admitted, all difficulty appears to me to vanish.

The appearance of a detachment of British troops, in fulfilment of a treaty with the confederated chiefs, would not be a taking possession of the country, but a means of strengthening the hands of its native government; while, in return for this subsidiary force, it might be stipulated that the British settlers should be subject to the operation of no laws but such

as should emanate from or be consented to by their own Government; and exercised under the control and directions of its officers; and that the revenues of the country should be made applicable, in the first instance, to the support of a civil government, to be established by the protecting power, and the maintenance of the quota of troops stipulated for by the treaty.

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In theory and ostensibility the government would be that of the confederated chiefs, but in reality it must necessarily be that of the protecting power. The chiefs would meet annually or oftener, and nominally enact the laws proposed to them; but in truth the present race of chiefs could not be intrusted with any discretion whatever in the adoption or rejection of any measure that might be submitted to them, moral principle, if it exist amongst them at all, being too weak to withstand the temptation of the slightest personal consideration. The congress would, in fact, be a school in which the chiefs would be instructed in the duties required of them, and the authority confided to them as conservators of the peace in their separate districts, to which they would also carry the knowledge of the laws enacted during its sittings.

As conservators of the peace, a small salary would be given to them; and this, together with the distinction conferred by the employment, would secure beyond all doubt the entire devotion of the chiefs to the wishes of the resident. A medal containing the name of each chief, and of the district over which his authority extended, would be another highly esteemed distinction.

To complete the means of establishing an entire control over the population, it would be only necessary to establish a school in each considerable village, with a schoolmaster paid in proportion to the number of individuals he should have under his tuition during the year. Schoolmasters already exist in many villages, and could, without difficulty, soon be procured for the whole by the aid of the missionaries. An annual examination of these schools, and a distribution of prizes of trivial value, would bring the whole population under the supervision of the government; while a periodical newspaper might, at the same time that it conveyed the news of the day, be made the means of instructing the natives in those relative duties of the people and their rulers which are familiar to all ranks of the population under established governments, but of which the New Zealanders have scarcely as yet conceived an idea.

So simple and primitive are the arrangements which, with entire confidence in their efficiency, I would propose for the government of the native population; nor could the expense of these arrangements, for several years at least, exceed 1000*l.* a year, allotting a more considerable salary to certain leading chiefs, to be elected by the congress, with the sanction of the resident, for the purpose of acting with him as a native council and executive authority, and providing also for the accession of more distant tribes, who would hasten to join the confederation when its objects should become understood, and whose adherence it is indeed, under any circumstances, highly necessary to procure, as a bar to the interference of any foreign power.

The influence of the government amongst the tribes south of the present confederation would of course be more limited than nearer to the seat of government. But there also the intercourse of British subjects, and the evils for which they are responsible, are less felt. As these extended, the occasion and the means would arise for making the government efficient throughout the island. But, even from the first, the existence of a power which would claim the right of deciding disputes and maintaining peace, would be most beneficially felt.

Although it would be absolutely necessary that the chiefs of the confederation should receive such a salary as, together with the distinction conferred by their being members of congress and conservators of the peace, would ensure their support of the measures of the resident, yet I do not conceive that there would be the slightest danger of any law which should be submitted to the chiefs being unpalatable to them: so little complicated are their social relations, that the most simple and obvious principles of natural justice and equity require only to be stated and explained, in order to form a code which would meet every case that is likely for many years to occur. That difficulties would for a time arise in the administration of the laws, there can be little doubt. It is scarcely to be expected that the chief of a tribe would be the instrument of apprehending a criminal immediately connected with himself; but, on the other hand, he would never think of affording him protection against a native police which could fall back upon the British troops for support. In many cases the vengeance of the laws might not overtake the guilty party, but the act of a single criminal would at once and for ever cease to be the occasion of civil war.

To those unacquainted with the actual *status* of a New Zealand chief, it may perhaps appear improbable that he would give up his own proper rank and authority, and become what would be, in fact, little better than an instrument in the hands of the British resident. But, in truth, the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise or resist with impunity. It would, in this respect, be to the chiefs rather an acquisition than a surrender of power.

But the conduct of the chiefs in their individual capacity would of course be regulated by the laws enacted by themselves as a collective body, and provision might be made for punishing by a pecuniary mulct, by a temporary suspension from office as a conservator of the peace, or by a degradation from the rank of a chief of congress of any chief who should fail in the duties required of him. This could in almost all cases be done without risking the disaffection of his tribe, who would without any difficulty be induced to propose another of their leading men to be elected by the congress, and sanctioned by the resident in his stead.

It would of course rest with the wisdom of the British Government to determine what measures should be resorted to for the government of His Majesty's subjects; but all difficulties

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culties in the way of such an arrangement, are, I conceive, removed by the existence and recognition of a New Zealand government. Whatever laws His Majesty's Government should consider suitable for the protection and control of the King's subjects would be proposed to, and, as of course, become acts of the legislature of New Zealand.

Whatever courts of judicature His Majesty might deem necessary would be established under the same sanction.

Whether the British settlements in this country have as yet attained sufficient importance to require the establishment of a supreme court of civil and criminal jurisdiction may be doubted; but when the necessity of providing for the administration of justice amongst the natives, consequent upon the establishment of a government, and the enactment of laws, is considered, the question assumes a different aspect. The country itself, possessing no materials for such institutions, can look alone to the protecting power to afford this as well as the other means of making its government effective.

Amongst the missionaries and catechists of Church and the Wesleyan missionary Societies there is a number of persons qualified to act in this country as justices of the peace, and there could, at least in the case of those who are laymen, exist no objection to their acting in that capacity on the part of the societies to which they belong. There are even now also two or three of the settlers who are competent to the same office. The missionaries would prove an invaluable and almost indispensable adjunct to the judge of a criminal court, by acting as assessors in all cases in which natives should be concerned. The trials might also be conducted in the presence of a jury of natives, not constituted in any respect as judges in the case, but rather as compurgators with the accused, and as witnesses to the country of his having had a fair trial, conformably with what would appear from Sir F. Palgrave's researches to have been the original constitution of juries in England.

Thus would the way be prepared for confiding to the people the trust of jurymen, in like manner as to the chiefs of congress that of legislators, when a generation should arise sufficiently enlightened and virtuous to be capable of those high functions.

From amongst the missionaries and the settlers might be selected a council to advise the resident, consisting of two or three of the former, who might be nominated after communicating with their constituents at home, and two of the latter who would more immediately represent the interests and wishes of the settlers generally. By giving to the persons thus chosen the right, under such limitations as might be considered proper, of bringing under the consideration of the resident and such council any questions which they might deem of public importance, and of having their opinions, when they differed from those of the resident, recorded in its proceedings, and transmitted to His Majesty's Government, the resident would be able to avail himself of all the aid which the information and experience of the whole body of missionaries, and of settlers generally, could afford.

Unless a defined and specific share in the government of the country be allotted to the missionaries, the British Government has no right to expect that that influential body will give a hearty support to its representative. In points on which their own opinion is different from his, and these will constantly arise, they will persuade themselves that it is their duty to secede from him; and should they, in the character which they have assumed to themselves of guardians to the natives, conceive it to be their duty to use their influence in opposition to his measures, they will occasion him no little embarrassment, even when vested with the full powers of a government.

His Excellency is in part aware that I have already had some difficulties of this nature to contend with. But after the missionaries had joined the settlers in attempting to force upon me the adoption of a measure which, when subsequently ordered by His Excellency, they requested might not be adopted, because the short experience of the interval had clearly demonstrated the correctness of my opinion and the erroneousness of their own, I thought they would naturally conclude in future that it was possible for the conclusions of a single mind, when directed to one object, to be more correct than the collective opinions of many persons whose minds are altogether engrossed with the multitude of details which fill up the attention of men, occupied as they are, leaving neither leisure nor capacity for more enlarged and comprehensive views. I conceived that I had gained at least this point, that they would respect my opinions even when they might not feel disposed to second my measures. I am grieved to say that in this I have been disappointed, for no other reason that I can divine, than that I preferred my own opinion to theirs upon a point of duty which they took upon them to dictate to me; they have latterly kept aloof from any communication with me; and by their conduct in a recent instance they have put it out of my power, while our present relations continue, to make any further application or reference to them on matters connected with the King's service in this country. I had requested that a meeting of them and their Wesleyan brethren might take place at my house, in order to consult whether it might not be prudent for them to induce the chiefs to take the opportunity afforded by the delivery of the King's message to petition His Majesty for assistance in reducing their country to order, and establishing in it an efficient government. The Wesleyans sent a suitable apology; but the missionaries of the Church Missionary Society, with one exception, absented themselves without one word of previous or subsequent explanation.

Having been specially accredited to the missionaries of the Church Missionary Society, and directed to consult with them, it became my duty to make this explanation, and I have introduced it in connexion with the subject of this Despatch, because it is too important to be lightly considered in any future arrangements for the government of this country.

It is impossible that men could be found whose opinions and sentiments in general are more in accordance than those of the missionaries and my own; nor could any person adopt

adopt towards them a more conciliatory line of conduct than I have invariably done. But I have been placed with respect to them in a false position; on their side was the accumulated experience and influence of numbers acting in concert during many years of devotion to the secular as well as the spiritual interests of the natives, and with the command of whatever funds they might judge necessary to render their labours efficient.

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In all respects, except the advantage of having acted in public business of some importance before my arrival in this country, my own situation was a painful contrast to theirs. In such circumstances it need not excite much surprise that they should prefer their own opinions to mine, and, on their being discordant, that they should pursue their own views of duty, and leave me to mine. But I am not more surprised than distressed at the inconsistency of their recent conduct, believing them, as I still do, to be faithful and sincere men, and zealous in the pursuit of their sacred duties.

With regard to the number of troops which it might be necessary to maintain, it would, I think, require little knowledge of military tactics to satisfy any one who has witnessed any thing of the warfare of the natives, that one hundred English soldiers would be an overmatch for the united forces of the whole islands. But in fact there is little risk of even two tribes uniting to oppose them. There is no dominion any where existing to rival that which would call the British government to its aid; nor is any chief possessed, as such, of any sovereign or territorial rights, in support of which he might induce others to join him in resisting the established power. The rights of property being once recognised, and measures taken to ascertain and fix those rights, I cannot conceive any object for which the smallest number of men could be induced to unite in resisting the government, unless in the administration of justice; and so great and manifest a blessing would, even under the least perfect system of government and judicature, prove to the distracted inhabitants of this country that the most influential men amongst them would succeed in inducing few indeed to resist its exercise. But there is no reason why a body of the English settlers might not be enrolled and trained as a militia to act with the regular troops in any emergency; nor could any objection exist to the training of a native force, although it appears to me that the natives are too independent in their circumstances to submit to military discipline for military pay.

Simultaneously with the establishment of a government, it would be absolutely necessary, that means should be resorted to for ascertaining and fixing upon equitable principles the titles of British subjects to land which they claim to have purchased from the natives. This is a subject of so much importance, and which involves so deeply the character of the British Government, that I humbly submit it might be proper for His Majesty to issue a special commission for this purpose to persons not connected or likely to be connected with this country.

After the present claims should be disposed of, it would be necessary to declare all purchases void, of which sufficient notice had not been given to the Government, in order that the real proprietors of the land might be ascertained. Humanity would also require that certain districts should be fixed in perpetuity in the native proprietors, and that it should be enacted that all claims to the possession of such lands by foreigners, howsoever acquired, should be absolutely null and void.

I have in previous communications indicated in part the sources from which a revenue might be raised to meet the expense of the arrangements above proposed. I shall not add to this already too extended Despatch by entering into any particulars upon this head. I shall simply state that the number of ships which visited the Bay of Islands alone during the year 1836 amounted to 151, and the number during the six months of the present year not yet concluded to 72, and most of them were of a large class.

A simple tonnage duty on these vessels would go a great way towards meeting the civil expenditure of a government such as I have proposed. But there is also a very extensive trade in spirits and tobacco, from which a revenue might be raised, not only without difficulty, but most beneficially for public morality and good order. In short, the trade of New Zealand is sufficiently extensive even now to afford ample means for the support of an efficient government, and the country possesses resources to meet whatever increase of expenditure its circumstances may require. It would only, perhaps, be necessary for the British Government to issue a small loan, chiefly for several necessary public buildings and immediate expenses in advance of the revenues of the New Zealand government, to be repaid by instalments when these revenues should be realized.

The above are principally the views which, in applying to His Excellency Sir Richard Bourke for leave to proceed to England, it was my object to bring under the immediate notice of the Home Government. I trust it will require no apology for having advanced them now, his Excellency in his last Despatch having recognised the necessity for some further measures with regard to this country. Although he has only instructed me to suggest such as should fall within the limits defined by His Majesty's Government, I have made an attempt to point out by what means the extension of efficient protection to His Majesty's subjects might be made, compatible with such a regard to the rights of the New Zealanders, as an independent state, as might satisfy the reasonable scruples of foreign governments, and thus remove the difficulties which I have humbly presumed might influence the Secretary of State in defining those limits.

It might well be considered presumption in me, even if qualified for such a task, should I enter into the question how far the just and legitimate possession of lands in a foreign country entitles the possessors of those lands to require from the actual sovereigns of the country the ordinary protection of a government, and, if this is from incapacity or other causes withheld, to obtain the aid of the parent state in governing themselves. If I am rightly informed, the whole coast line from Cape Bult, including the noble harbour of the

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Bay of Islands, and extending as far as Wangaroa, forty miles to the northward of the bay, has, with trivial exceptions, passed from the possession of the natives into that of British subjects. Nor has the consideration given been in all cases so disproportioned to the value of lands in an unsettled country, or even to the returns which the capital thus invested is capable of yielding, as to stamp such transactions universally with the character of injustice. Most of the valuable forests in the interior have changed their ownership; and on the western coast an extensive territory is also claimed by British subjects.

When His Majesty's Government become aware of these facts, it is possible they may consider that the course of events has so altered the relation of this country to the rest of the world, as to demand the application of a different principle than that which, in an abstract view of its previous condition, may have been considered expedient and just; and that His Majesty may be advised to grant a charter of government to the colony of British subjects who are established in it, leaving the natives in the full possession of their abstract rights, so far as they have not conceded them to the colonists, and providing only against their suffering injustice at the hands of the latter.

There can be no doubt that the establishment of any authority whatever would be an incalculable advantage. But I cannot here avoid submitting, with all humility, a suggestion which has occurred to me, with no common force, in the course of my observations on the state of this country; namely, that it seems not more consistent with the arrangements of Divine Providence that an infant people which, by its intercourse with a powerful state, is subject to all the injury and injustice which weakness and ignorance must suffer by being thrown into a competition of interests with knowledge and power, should as naturally fall under and be not less entitled to the protection of the powerful state than the weakness of infancy and childhood is entitled to the protection of those who were the instruments of bringing it into an existence which requires such protection. I may go further, and submit that this would seem the instinct of natural justice, as exemplified by the reference which the chiefs made to the King of England in their declaration of independence. They prayed "that His Majesty would continue to be their parent, and that he would become their protector." The sentiment and the language were their own.

I have, &c.

(signed) *James Busby*,  
British Resident at New Zealand.

#### Enclosure (D.)

Enclosure (D.) LETTER from *James Busby*, Esq., British Resident New Zealand, to the Honourable the Colonial Secretary of New South Wales.

(No. 117.)

British Residency, Bay of Islands,  
13 July 1837.

Sir,

I HAVE the satisfaction to acquaint you, for the information of His Excellency Sir Richard Bourke, that peace has been concluded amongst the greater part of the parties who were engaged in the late war; and there seems, I think, no reason to doubt that those who are still inclined to continue it, will have to yield to the general voice.

With the exception of the few who still hold out, the connexions of those who were killed in the various encounters of the parties have foregone their right of retaliation, and the tribes with whom the war first originated remain for the present in the situation in which they were when hostilities commenced. But should the woman whose alleged murder was the ostensible cause of the war prove, on the return of the ship from which she was said to have been landed, to be still alive, in that case a portion of land belonging to Pomares' tribe is to be transferred to the other party, as a satisfaction for the woman murdered by Pomares' people.

It appears also from recent accounts from the southward, that peace had been made by the tribes of the Bay of Plenty.

I have, &c.

(signed) *James Busby*,  
British Resident New Zealand.



NEW ZEALAND.

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COPY of a DESPATCH from Governor Sir *R. Bourke*, K.C.B., to Lord *Glenelg*, dated *Sydney*, 9 September 1837, relative to the Affairs of *New Zealand*;—with four Enclosures.

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12th February 1828.

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