



NEW ZEALAND GOVERNMENT GAZETTE.

Published by Authority.

All Public Notifications which appear in this Gazette, with any Official Signature thereunto annexed, are to be considered as Official Communications made to those Persons to whom they may relate.

By His Excellency's Command,

ANDREW SINCLAIR, Colonial Secretary.

VOL. V.] AUCKLAND, WEDNESDAY, SEPT. 17, 1845. [No. 25.

CIRCULAR.

Colonial Secretary's Office,
Auckland, 15th September, 1845.

(TO EACH AUTHORITY IN NEW ZEALAND.)

SIR,—I am directed by the Governor to send you the following extracts from despatches: in order that you may be acquainted with the opinions of Her Majesty's Government with respect to the application of British Law to the Aboriginal Natives of New Zealand.

In a despatch dated the 21st June, 1843—Lord Stanley remarks, that he cannot perceive a necessity that the Natives of New Zealand must be liable to all the penalties and amenable to all the tribunals of the English Law. His Lordship's words are:—"I cannot perceive the necessity; there is no apparent reason why the aborigines should not be exempted from any responsibility to English Law, or to English Courts of Justice, as far as respects their relations and their dealings with each other. The native law might be maintained, and the native customs tolerated, in all cases in which no person of European birth, or origin, had any concern or interest. An exception should indeed be made of such customs as are in conflict with the universal laws of morality, such, for example, as the customs of cannibalism, and human sacrifice. But, with this exception, I know not why the native New Zealanders might not be permitted to live among themselves according to their national laws or usages, as is the case with the aboriginal races in other British Colonies."

In a despatch dated the 10th February, 1844—Lord Stanley observes that he knows "of no theoretical or practical difficulty in the maintenance, under the same Sovereign, of various Codes of Law for the government of different races of men. In British India, in Ceylon, at the Cape of Good Hope, and in Canada, the Aboriginal and the European inhabitants live together on these terms. Native laws and native customs, when not abhorrent from the universal and permanent laws of God are respected by English Legislatures and by English Courts; and although problems of much difficulty will occasionally arise out of this state of things, they have never been such as to refuse all solution, or as to drive the Local Authorities on the far more embarrassing difficulty of extending the Law of England to persons wholly ignorant of our language, manners, and religion."

And in a Despatch dated the 13th August, 1844—Lord Stanley states, in reference to the aboriginal natives of New Zealand, that "it may be necessary to temper the strict application of the Penalties of British Law with much discretion and forbearance. Under certain circumstances indeed I am afraid it may even be inevitable to consider before interfering with native customs which are in themselves objectionable, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which, in case no resistance was to be apprehended, you would not hesitate to adopt.

"Difficult however as the task may be, I