

“stances will arise in the course of their execution which will render it necessary for them hereafter to tender such advice.”

In reference to these quotations, Ministers would observe that every act of confiscation has been done with the personal concurrence of Governor Sir George Grey, who was constituted Imperial Agent in the matter; that no confiscation has been made since the early part of 1867, when there was still in New Zealand “a considerable number of troops,” and that the power to confiscate ceased on the 3rd of December of that year; that no circumstances arose in the course of the execution of the New Zealand Settlements Acts which rendered it necessary for Her Majesty’s Government to disallow those Acts; that the utmost liberality has been shown in reserving land for returned rebels, and in compensating the claims of loyal Natives; and that hitherto, in a pecuniary point of view, the confiscated lands have been a great loss to the Colony, and that there is every probability of their continuing to be so.

In order to prove his assertion that it is manifest “that the discontent of the Natives does mainly arise from the confiscation of their lands,” Lord Granville quotes the case of Te Kooti. In opposition to this argument, Ministers will not place their own knowledge of the facts. They will content themselves with quoting from the summing-up of Mr. Justice Johnston, in the trial, in September last, of some of Te Kooti’s followers, for high treason, (afterwards convicted,)—a trial which, it may be observed, occupied four days, and during which the prisoners were defended by an able English barrister, (Mr. James Gordon Allan,) and every circumstance was most carefully investigated.

Mr. Justice Johnston says:—

“There is no indication, nor is there any pretence for saying, that what was done by Te Kooti, was either in consequence of tribal quarrels or for the purpose of repossessing himself of land of which he or his party had been dispossessed by the Government. They belonged to different tribes; few of them had dwelt there, and there is no evidence to show that any land was taken from them by the Government; neither is there any evidence to show that the intention was to avenge themselves for a wrong they had suffered. Furthermore, there is no evidence to show that it was upon any plea of illegal detention or bad treatment at the Chatham Islands that they sought to take revenge. Endeavours were very properly made by the learned Counsel for the defence to show that all their subsequent attempts were in consequence of the treatment they had received at the Chatham Islands, but you will see that those endeavours failed. No doubt the mere act of escaping from there is such as no one will blame them for, for they only obeyed the first law of nature. But they brought guns from there which were not their property, and they used those guns afterwards and took other guns. The case does not, however, stop there, for we have positive evidence as to the intention of Te Kooti, from what he repeatedly said in the hearing of persons at times antecedent to that at which these men voluntarily took a part in his acts. Gentlemen, if there were no other purpose than that this trial could serve than this, it is well that the Colony, the Mother Country, the world, should know that the deliberately avowed and repeated intention of Te Kooti was, as it has been expressed,—and I shall use no language of rhetoric to characterize the expression,—to annihilate the *momokino*, the ‘bad breed.’ On pressing the matter, and questioning the witnesses as to what Te Kooti meant by the ‘bad breed,’ and what was understood by it by his followers, it became a clear matter of fact that the ‘bad breed’ did not mean this man or that; it did not mean the Pakeha, the foreigner, merely, but the Government people of both races. Throughout the whole disastrous events, both the language and the actions of this party showed that their attacks were levelled against those who supported the Government. What Government that was, there can be no doubt. It was the Government of Her Majesty in the Colony. Therefore, I say, this is so pregnant and important a fact, that if nothing else resulted from this trial, your long detention from your homes, the inconvenience you have been put to, and which you have borne so patiently and intelligently, would be but little in your estimation compared with establishing the fact before the world that such are the intention and meaning of those persons who, I am sorry to say, are still, as far as we know, in more or less active insurrection against the Government. The importance of the trial in this respect, of course, so far from tending to prejudice the prisoners at the bar, would have rather a contrary effect, for I say, notwithstanding the perhaps justifiable observation of the Attorney-General, that, to my mind, what becomes of these three men is comparatively insignificant to the great fact which this trial will probably establish, that, as far as regards the circumstances of that portion of the Colony with which this case is connected, the Government has not been acting otherwise towards the hostile Natives than for the maintenance of the peace of the country, and that Te Kooti and his followers have not set up the pretence of a grievance done to them.”

“No possible suggestion can hereafter be made with regard to this portion of the Native race, at all events, that their object was to get back land of which they complained that they had been wrongfully dispossessed. No suggestion can hereafter be made that their conduct was even retaliation for some oppression or injury which they even pretended to have received at the hands of the British Government. No suggestion can be made that the insurrection in this part of the Colony was the result of misconduct, ill-feeling, or mismanagement on the part of the European settlers or of the Government. With matters which are called political we have nothing to do here. It may be that some persons may think that if these prisoners had been better guarded these events would not have occurred; but what justification can that be to them for anything further than their escape, which undoubtedly the law of nature suggested to them? If it were necessary to show distinct motive more clearly, does it not appear that the mode by which they sought to shake off the yoke of British rule was by annihilating the British people in this Island? Ay, and that so little was there of anything like a national spirit in it, that they were ready to sacrifice persons of their own race; and not only those who, in assisting the Government, might be said in some kind of sense to be traitors to the Native cause, but harmless women and children of their own blood, merely because they were under the protection of the Government.”

With regard to the non-recognition of Maori authority, on which Earl Granville lays some stress,