

ment of the war. But Ministers are by no means desirous of avoiding such an investigation. On the contrary, they ask for an impartial and searching inquiry, and request that Commissioners—one selected by the Imperial and one by the Colonial Governments—be appointed to ascertain on the spot the true state of affairs, and the due share of responsibility devolving on all concerned. They will at present only offer a few remarks on the objections made to that policy in Earl Granville's Despatch.

Confiscation of part of the land belonging to rebel Natives in arms against the Crown is the principal feature to which His Lordship takes objection. Whatever may be its defects, a reference to official documents will show that the Imperial Government is, equally with the Colonial Government, responsible for it.

Governor Sir G. Grey (second to none in his experience of Natives in New Zealand, and in his advocacy of their rights), in his Despatch of 29th of August, 1863, when the Colony had not accepted from the Imperial Government responsibility for Native Affairs, recommended such confiscation, and the Duke of Newcastle, in his reply, dated 26th November, 1863, approved of the principle, and only suggested due caution in its application. Mr. Secretary Cardwell, in his Despatch of 26th April, 1864, allowed "The New Zealand Settlements Act, 1863," by which confiscation was authorized, to remain in operation, and addressed the following words to Sir G. Grey:—"It should be clearly understood that your own concurrence in any forfeiture is not to be considered as a Ministerial act, but that it will be withheld unless you are personally satisfied that the confiscation is just and moderate." And again,—“Subject to these cautions and conditions, and in full confidence that you will act on the general principles which I have before laid down, (and in which I anticipate your cordial concurrence,) Her Majesty's Government are prepared to leave in your hands the power with which you have been intrusted by the Legislature of the Colony.” Further, in his Despatch of the 26th December, 1864, Mr. Cardwell stated,—“With reference to the extent of the proposed confiscation, I have only again to refer you to my Despatch of 26th April. The conditions on which alone Her Majesty's Government were content to leave the Confiscation Act in operation were there clearly stated. It was stated also, that of the application of those conditions to the actual circumstances of the case, you were to be the judge. That confidence was reposed in you in the full belief that you would discharge your trusts with a just regard for the interests of both the Colonists and of the Maoris.” In his Despatch of the 26th January, 1865, Mr. Cardwell also wrote,—“The objects which Her Majesty's Government have been desirous of effecting for the Colonists are substantially these. * * * * * They have wished to inflict upon the rebel tribes, or some of them, an exemplary punishment in the way of forfeiture of lands, which shall deter them from wanton aggression in the future.”

The confiscation in the Waikato District, to which Earl Granville specially refers, was made by Governor Sir G. Grey, (see Despatch, 7th January, 1865,) with the advice of his Ministers, and specially after consultation with, and with the concurrence of, Lieut.-General Cameron. That confiscation was approved by Mr. Cardwell in his Despatch of the 27th of March, 1865, in which he stated, “If these promises” (as to restoration of lands to loyal Natives and returned rebels, and amply fulfilled) “are, as I doubt not they will be, faithfully observed in the spirit of the instructions you have received from me, I see no reason to object to the Proclamation on the score of justice.”

In his Despatch of 26th October, 1865, Mr. Cardwell wrote in special reference to the New Zealand Settlements Acts, “that so long as any considerable number of British Troops remain in New Zealand, Her Majesty's Government must continue to retain a reasonable control over that Native policy on which the employment of those troops will depend;” and in his Despatch of 26th April, 1866, on the same subject, stated,—“under these circumstances Her Majesty's Government have not thought it right at present to advise that these Acts should be disallowed, and trust that no circumstances 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