

sion, he stated the exact question the Jury had to determine, namely, "whether it was Frost's object, by the terror which bodies of armed men would inspire, to seize and keep possession of the town of Newport, making this a beginning of an extensive rebellion;—which would be high treason: or whether he had no more in view than to effect, by the display of physical force, the amelioration of the condition of Vincent and his companions in Monmouth Gaol, if not their liberation;—which would be a dangerous misdemeanour only. The Jury were to look at the evidence with all possible candour and fairness, and see if the Crown had *conclusively disproved this limited object and design.*"

It is plain that, where the persons who resort to armed force have for their object to assert and maintain their own rights in a particular piece of land, the offence, whatever it be, does not amount to Treason, or Rebellion, according to the Law of England. These men being subjects of the Crown of England, the nature of their crimes and the penal consequences thereof must be measured by the Law of England. We are not at liberty to deal with these our own fellow-subjects, as if we were waging war against aliens.

10. What, then, on the whole, is the position of the Colonial Government at this time as to the disputed block? The Government has taken possession of it without proper inquiry and without lawful authority. It has been assumed, that no tribal right exists as to the land at the Waitara. If such right does exist, then we have no right to be on the land at all, not even on Teira's land. As to individual claims, the case is even worse. There are absentee claimants whose claims are not to be arbitrarily denied. For all we yet know, they may be sound and just (60). For all we know as yet, the *pa*, built within the block on the night of the 15th March, may have stood on ground belonging to the very persons who built it. Nor can we get rid of the difficulty in the manner proposed by Mr. Richmond. As to the claims of absentees, "they are entitled, if real, to compensation, and no more." (Speech in the House of Representatives, August 7th, 1860.) The doctrine thus laid down amounts to this, that a man's land may be taken, whether he agree or not, and without any law or lawful authority for taking it (61): that he may be compelled to surrender his land by a decree of the Native Department. So easily is it forgotten that these men are subjects of the Queen; and that, even within these few weeks, we have assured them again that they are entitled to the protection of the same laws with ourselves. Fortunately the Governor of the Colony has not forgotten what is due to subjects of the Crown of England. On the payment of the first instalment to Teira, 4th December, 1859, a declaration was read on behalf of the Governor, "that if any man could prove his claim to any piece of land within the boundary described, such claim would be respected, and the claimant *might hold or sell*, as he thought fit." But even this declaration does not wholly remove the difficulty. Where is a man to "prove his claim"? For there is no competent or lawful Court. Are the Natives to keep or lose their lands according to the decision of a subordinate and dependent agent of the Executive Government? If this be so, what is the value of the Treaty of Waitangi? If this be so, how can they be called subjects of the Crown of England? Is the Government to be at liberty to take land indiscriminately, and then to require the dissentients to prove their claims? The Government should rather have ascertained from the sellers, what they had to sell. What can be less fitting than that the Government should proceed to take possession, without even knowing what it is entitled to possess?

11. The result is, that it is still quite uncertain whether the Government be in the right, as to the substance of its claim: whilst it is quite certain that the Government is in the wrong, as to the mode in which it has asserted its claim.

6. The Consequences.

It were an unworthy and inadequate mode of estimating the importance of the Taranaki question if we were to confine our view to the more immediate and palpable consequences of the proceedings at the Waitara; such as the present condition of the Province of Taranaki, the heavy burden entailed on the Colony, and the like. These are weighty matters indeed, but our judgment of the Government policy is not to be determined by a consideration of these nearer consequences only. Every policy must be estimated by reference to the whole object in view, the whole of the work which is proposed to be done.

1. Here in New Zealand our nation has engaged in an enterprise most difficult, yet also most noble and worthy of England. We have undertaken to acquire these islands for the Crown and for our race, without violence and without fraud, and so that the Native people, instead of being destroyed, should be protected and civilized. We have covenanted with these people, and assured to them the full privileges of subjects of the Crown. To this undertaking the faith of the nation is pledged. By these means we secured a peaceable entrance for the Queen's authority into the country, and have in consequence gradually gained a firm hold upon it. The compact is binding irrevocably (62). We cannot repudiate it so long as we retain the benefit which we obtained by it.

It is the clear duty of every officer of the Crown, and of every loyal citizen, to do his utmost, by deed and word, to fulfil this national undertaking. Our individual opinions, about the policy or wisdom of the undertaking, have nothing to do with our duty in this matter. Our individual opinions, about the capacity or character of the Natives, have nothing to do with it. To sustain the pledged faith of our Queen and our nation, this is our duty. Much has been said lately about loyalty. Here is the test of it. The recent measures of the Government must be judged of by this standard; they must be approved or condemned according to their tendency to accomplish or to defeat the national undertaking, to increase or to remove the intrinsic difficulties of the enterprise.