

One thing must be borne in mind. This is not a war between two independent nations living on separate territory, perhaps hundreds of miles apart. When this rebellion is put down, we have to govern the Maori, to reinstate him in our community, to live with him, to come under numerous mutual responsibilities social and political. A war simply between independent nations involves no such consequences, and may be terminated on a very different basis, while its termination may be brought about by negotiations which would be very unsuitable means by which to terminate a struggle of the sort which exists in this colony.

4. As regards the question of the confiscation of Maori lands, against which a protest is raised, Ministers beg to make the following observations :—

In the first place, it is a custom which has been always recognised by the Maoris themselves. In their wars, a conquered tribe not only forfeited its lands, but the vanquished survivors were reduced to a tributary position, and large numbers to personal slavery. The Government of New Zealand has always recognised such a title as valid. The Waikatos themselves were paid by Governor Hobson for such a proprietary right over the district of Taranaki; and a very large proportion, if not an absolute majority of the purchases of land from the Maoris in various parts of the island, have been made on the basis of a recognition of this right of conquest. There is therefore nothing in the course proposed abhorrent to the moral sense or previous habits of thought of the Maori race. (See Appendix C.)

In the second place they never do consider themselves conquered unless their lands are taken. In previous wars between the British Government and the Maoris, which were not followed by confiscation, friendly Maoris have expressed their surprise at our moderation. "What is the good," they have said, "of taking the *man*? You should have taken his land, then that work would have been finished."

In the third place, when this struggle began, the Maoris openly avowed their intention of taking the land and farms of the Europeans when they should have driven us into the sea. It was not uncommon even before the war commenced, for some of the more insolent to come to a settler's house, and after looking the house over to say, "Ah, this house will suit me very well; that room will do for my wife, that shall be my bed; wait a little; by and bye you will see." An instance of this is within the personal knowledge of a Minister. The feeling was general among the tribes which engaged in, or sympathised with, the King movement, after it assumed an aggressive character, hostile towards the European occupants of this country.

Fourthly, The chief object of the Government is, however, neither punishment nor retaliation, but simply to provide a material guarantee against the recurrence of these uprisings against the authority of law and the legitimate progress of colonisation which are certain to occur if the rebel is allowed to retain his lands after involving the colony in so much peril, disaster, and loss. The natives are fond of war, as almost their only source of excitement. The practice of incessant hostilities with each other for centuries has become a second nature, and though circumstances have to a great extent suspended the operation of their military impulses for some few years, they have neither lost their skill in fighting, nor their taste for it. If they can have the excitement and many advantages of a summer's campaign when it pleases them, with liberty to retain their lands when it is over without suffering any losses except their wretched dwellings and a season's crops, while the colony is nearly broken down by the losses and cost of the war, they will not easily be deterred from renewing hostilities. Mere defeat in the field will not deter them. There must be some more substantial and material guarantee. The guarantee which the Government has proposed, is to introduce colonists chiefly direct from Great Britain into those districts now sparsely inhabited by the rebels, and from which they make their inroads into the settled districts. It is only on the lands of the rebels, at least in Waikato, that population can be so established. But it is not and never has been proposed to leave them without an ample quantity of land for their future occupation. A quantity much larger per head than the average occupation of Europeans in this Island, is proposed to be set apart for them, on a graduated scale, according to rank and other circumstances. These lands would no longer be held under the pernicious system of tribal right, but as individualized properties under the security to each proprietor of a crown grant. Ministers believe that nothing has been or can be more pernicious to the native race than the possession of large territories under tribal titles which they neither use, know how to use, nor can be induced to use. It has, in the opinion of the Ministers, been the principal cause of the slow progress and in some respects (particularly in their physical condition) of the actual retrogression and decay of the race. And though, while the Maoris acknowledged the supremacy of a protecting Government, and professed submission to law, it was just to respect these semi-feudal proprietary rights which they declined to surrender, yet now that they have abandoned their allegiance, renounced all submission to law, and staked their *all* against our *all*, there seems no longer any reason for respecting privileges which are believed to be equally injurious to their moral, social, and political condition. In the present state of this colony it is not a question to be argued by reference to the rights of the Maori in times past, when as an independent people, they were recognized as competent to surrender or retain whatever power or property they might please. It can scarcely be held that after the events of the last year, the rebel Maori is entitled to take this position. On the other hand, the struggle has become one for the bare existence of the colony, which, though now apparently secured for the time by the results of the late campaign, but still only held by military posts, it is no less the duty of the Government to take such precautions as may prevent its being again imperilled. The deliberate and almost unanimous opinion of both Houses of Assembly determined the course of action in the matter which forms the basis of the policy of the Ministry in reference to the confiscation of the lands of those who have been engaged in the rebellion. The deliberate opinion of Ministers is, that to terminate the present insurrection without confiscation of the lands of the rebels, making of course ample provision for their future, would be to surrender every advantage that has been gained, and practically to announce that British rule over the Maori race must cease, and the Northern Island be abandoned as a safe place of residence for Her Majesty's European subjects.

WILLIAM FOX.

5th May, 1864.