

overcome are not merely physical but moral, and such as mere physical power, even if it were at our command, could not remove. Moral means must be employed, and it is in the nature of such means to work somewhat slowly.

For the whole country, for both races, peace is necessary. Some settlement is needed, such as may be depended on as complete safe and trustworthy. I think, Sir, there is no chance of any settlement, unless it be such as to show moderation, if not generosity, on our part, and to exhibit a clear distinction between the different classes of our opponents. As to the blocks included in the proclamation under the New Zealand Settlements Act, the reasons urged in my letter of the 18th July last for resorting to cession instead of mere seizure, appear to me to receive additional weight daily, as the real state of things becomes more manifest to ourselves, and also to our adversaries. If we consider the relations between the two races from the beginning, and the history of this quarrel, there appears no reason why we should make the terms of submission as exasperating, and not rather as palatable, as possible, consistently with the establishment of our authority and the permanence of peace. Our best security against a desperate effort being made by some section of the expelled Natives to re-occupy the lands taken, and the recurrence of such miseries as we have just emerged from, lies in our so acting as to turn the general opinion of the Maoris against making any such attempt, and so convincing the most hostile that they will have no support or sympathy from the great majority of their countrymen.

Happily the language of the recent proclamations of 2nd September, 1865, shows that the more liberal course is proposed to be adopted,—“Out of the lands which have been confiscated in the Waikato and at Taranaki and Ngatiruanui the Governor will at once restore considerable quantities to those of the Natives who wish to settle down upon their lands, to hold them under Crown Grants, and to live under the protection of the law. For this purpose Commissioners will be sent forth into the Waikato and the country about Taranaki, and between that place and Wanganui, who will put the Natives who may desire it upon lands at once, and will re-mark out the boundaries of the blocks which they are to occupy. Those who do not come in at once to claim the benefit of this arrangement must expect to be excluded.” But a considerable time must be given for that proclamation to work its due effect. To require a speedy acceptance of our terms would be to require that which, in the present disorganization of the Maoris, or rather in the new combinations into which the war has thrown them, is not possible. Besides, men who believe themselves wronged do not very readily come into terms.

The great principle of all our policy towards the Natives, the one hope of success in overcoming their fear and distrust of us was expressed by the first Native Minister in words which ought not to be forgotten,—“The fears of the Natives can be calmed, and the peace of the country secured, only by a policy which seeks not theirs but them.” (Mr. Richmond's Mem., p. 25.)

12. It is clear that no policy can succeed and secure peace for the future unless it be in accordance with the actual facts. And out of our troubles this advantage at least has come, that we have been brought by them nearer to the facts. The prisoners at Rangiriri, and again at Weraroa, have been treated as prisoners of war. It has been recognized as a fact that the tribes with which we are at strife are for the most part not in the strict sense subjects of the Queen, though included within the dominions of the Queen.

Not only in newspapers, but in public documents, from the commencement of these troubles, the hostile Natives have been called rebels. It is now admitted that a large portion of the Native population has never intelligently, or at all, assented to our dominion, and therefore remains where Captain Hobson found it. Such portions of the population are still what the terms of our first national transaction with them admitted them to be, and what (as I showed on a former occasion) the Natives of North America have been uniformly recognized as being, that is to say—small communities entitled to the possession of their own soil, and to the management of their own internal affairs. This is for them an unsafe position, for they are subject to the risk of a war with their strong neighbour; for both it is an undesirable one. But it is their position at present. Those, therefore, who are actually in arms against us are to be regarded as enemies in war,—as hostile, but not criminal. If so, then so far as these communities are concerned, the Acts and Proclamations are not properly laws, but simply announcements that the stronger party will take the lands of the weaker. The taking itself is an act of war, an act of the Queen to whom alone belongs the prerogative of peace and war. It is for the English nation therefore, finally to determine how the “giant's strength” of England is to be used. The object of the war itself was to repress and terminate the efforts which the Natives were making to set up a separate nationality, an effort dangerous to both races; but though that effort was a great folly it was not a great crime.

In respect, then, to these portions of the Native population, let our policy be confined to the facts. Let us not attempt to exert an authority which we do not in fact possess, and which upon our own principles we cannot claim. Let us abstain from any attempt at direct or internal control over them, and from threats. They may be warned of their insecurity, and assured of our readiness to extend our system to them whenever they may desire it. Then let us leave them alone until the present exasperation shall have ceased and time shall render them more reasonable and disposed to union. It is idle to attempt to force our laws on people whose very principle of union amongst themselves is a common determination not to submit to our authority, and whilst the attempt involves the carrying on of a chronic war, and destroying those whom we are seeking to benefit and professing to govern.

Legislation in Native Affairs.

13. In proceeding to consider the mode of dealing with Native affairs for the future, I begin with the source of legislation—the General Assembly. We are all agreed that the General Assembly should become the one acknowledged Legislature for both races, but it would be a great error to assume (as it is sometimes done) that the Assembly has actually attained this position. Can we maintain that the Assembly possesses constitutional and rightful authority over these people? Rather, our business is to find some way by which it may be brought into possession and exercise of such an authority.

As to the former, how is the English Crown to transfer to the Assembly the obligations which it