

omit many other obvious considerations, we felt, in the terms used in a previous Despatch,\* that “there was no reason to suppose that the Supreme Court and the “ Civil Juries are unable or unwilling to administer with a severity sufficiently “ deterrent, impartial justice to both races of the inhabitants of this country.”

I have, &c.,

G. F. BOWEN.

The Right Hon. Earl Granville, K.G.

Enclosure in No. 28.

Mr. JUSTICE JOHNSTON'S Charge on the High Treason Cases.

GENTLEMEN OF THE JURY.—We have now come to the last stage of this most interesting and important trial—important in many ways which have been suggested to you by the learned counsel on both sides, and which will also suggest themselves to your own minds. I think it was quite unnecessary for either of the learned counsel to advert for a moment to the possible or probable results of the case, in order to induce you to give it your careful and dispassionate consideration; for if you feel, as I can scarcely doubt you do, the sense of awful responsibility which I feel towards the community on this occasion, you require no urging to be calm, careful, patient, and dispassionate. In your treatment of the case, what you have to think of is not what your neighbours will say, not what public opinion may say to-morrow, or the next day, or by and by, but what will weigh most with you is how you shall answer hereafter, long after this trial has concluded, to your conscience and to your God.

Fortunately, the circumstances of our mother country, and of the vast majority of her Colonies, have been such for many years that trials for high treason have been few and far between. Thank God for it. Nay, it has been so much so, that we almost lose sight of the importance of the law on the subject, and of the punishment of crimes committed against that law. The prisoners at the bar are charged on this occasion under a Statute no less than five hundred years old,—a law passed, not in the interests of authority and despotism, but in the interests of liberty, that men might know clearly and distinctly what treason was. Although the prisoners at the bar may not have had the same opportunities which many British subjects have had, by education and instruction, of knowing what the law is under which they live, I am bound to tell you that you must treat these men exactly on the same footing as any other British subjects amenable to the same laws, and that you ought to take the difference of race and situation no further into consideration than to ascertain how far it ought to influence you as to the inferences of facts which you should draw from their conduct and language. I should be wanting to myself and to the Colony were I not to offer a just tribute to the learned counsel who have conducted this anxious inquiry. We have seen the principal law officer of the Crown, the Attorney-General, conducting the case on behalf of the Government; and a gentleman of long standing at the English bar, and of evident experience and skill, has been enabled, through the liberality and feeling of justice of the Government, to give the prisoners the benefit of his advice and watchful attention throughout the inquiry. I congratulate the Colony on this being the case, because there is nothing which I have felt more strongly since I came into the Colony, and which I feel more strongly day by day, than that the real welfare of this Colony for the future, and the satisfactory connection between the aboriginal inhabitants and the Europeans, must in a great measure depend upon the temper and manner in which justice is administered in the tribunals of the country. While I pay this well-merited tribute to the counsel both for the prosecution and for the defence, I at the same time cannot believe that either kind of prejudice suggested by them will be likely to affect your minds in the least when you apply yourselves to the consideration of the matters before you. It is my special and peculiar duty, in the first place, to state to you what the law is as it affects the indictment and the circumstances proved; and in the second place, to endeavour to assist you in applying that law to the facts. But with regard to the proper conclusion to be inferred, as matter of fact, from these facts, you are the responsible tribunal, not I; and although it is competent for me to express my opinion upon the facts, and the inferences from facts, I shall probably, on this occasion as on most others, very rarely do so. If I indicate to you any kind of opinion of my own as to the inferences to be drawn from facts, correct me in your better judgment, if you should think I am mistaken.

The prisoners at the bar are accused by this indictment, on two different counts, with levying war against the Queen, under the Statute 25 Edward III., passed in the year 1354, and called the Statute of Treasons. I shall confine my remarks to that portion of the Statute which refers to the case we have to deal with,—the levying war against the Sovereign. Now, gentlemen, you will take it from me as settled law, that any use of violence by a number of persons, for the purpose of obtaining the redress of public grievances, or for the purpose of overthrowing the authority of the Queen, or of the constituted Government of the country of which she is the supreme head, amounts to the crime of high treason. Allegiance, which is the duty that underlies the definition of the crime, is the bond between the Sovereign—whether an individual, as in a monarchy, or the State, in a republic—and the people of the country. The duty on the part of the sovereign power in the State is to protect the people, their lives, liberties, and property; and the duty on the part of the people is to obey the law as declared and administered by the tribunals and Government of the State. In New Zealand—in all its islands—whatever the source may be from which the authority has arisen, I must lay it down to you as law that Her Majesty Queen Victoria is Sovereign, and that the Government established in New Zealand by virtue of the Acts of the Legislature of England, is the Government of the Queen of England for this her Colony. I further state to you that every person, not being merely a visitor from other countries, but who remains in these islands, is, while residing under the protection of our laws, a subject to the Crown of Great Britain; and that the aboriginal or half-caste inhabitants, whether born before or after the settlement of this Colony, are, by law, British subjects, and have the same rights and duties as

\* Governor of New Zealand to Secretary of State, No. 113, of 4th September, 1869.