

could not be overlooked, the persistence of their proceedings, the shape they took, and the alarming excitement created by them, rendered the forcible action of the Government imperatively necessary. It appears to have been delayed as long as possible, and I believe a disastrous war to have been escaped through its means.

56. In the subsequent dispute with respect to the fences,—a dispute which I cannot dignify by the name of “disturbance,” and which was, in fact, a quiet persistence in the assertion of rights of occupation,—the Maoris appear to me to have been substantially in the right, although undoubtedly wrong in the mode they took to assert their pretensions. Te Whiti, as I have before remarked, has never borne arms against the Crown, and he and others in the like situation are undoubtedly entitled to the full enjoyment and possession of their lands, even if situated in confiscated territory. The surveyors appear to have assumed that the land was altogether in the hands of the Crown, and to have acted on that assumption with somewhat unnecessary rigidity. Te Whiti, on the other hand, seems to have had no objection to the construction of the road, but to have been jealously apprehensive of claims which might be pushed to such an extent as to leave him landless and powerless.

It is difficult to believe that a conciliatory temper and a little common sense would not have easily arranged the difference at its commencement, either by then adopting the arrangement ultimately effected, or by directing the Armed Constabulary to fence the sides of the road where it passed through cultivation, a concession which, it seems to me, would have been only reasonable, and which was in the first instance recommended by the late Native Minister to Colonel Roberts. This course was not adopted, apparently owing to a reluctance to waste the labour of the force employed; but the amount of time consumed in pulling down the fence erected by the Natives some forty or fifty times, in effecting arrests, and conveying prisoners to gaol, must have been far greater than that which would have been lost had the Constabulary in the first instance performed this labour.

57. But, while I lament the occurrence of a misunderstanding which might I think have been avoided, I am not prepared to condemn the legislation of which it has been the cause. When once these men had been arrested, it is undeniable that their immediate release would have been attended with consequences fraught with danger. The Maoris would have been encouraged to attempt more questionable acts of resistance, and the irritation of the white settlers would have rendered it difficult for the Government to resist the adoption of measures pressed upon them with doubtless the best intentions, but certain to imperil, and almost certain to make impossible, the continuance of peace. I am therefore inclined to think that, in taking authority from the Legislature to detain the prisoners for a short period, the Government of New Zealand adopted the best course open to it.

58. The actual framing of the various enactments, however, appears to me to be open to much criticism, and the infliction of a penalty of two years' imprisonment for the offence of being *suspected* of *an intention* to commit any of the numerous acts made illegal by the West Coast Settlements Act is a provision which has few precedents, and those, precedents of an objectionable character.

59. A considerable number of the prisoners arrested under these Acts have already been released, and I have reason to hope that the greater part of the remainder will be so at no distant date.

60. I have already once extended the operation of “The Maori Prisoners Act, 1880,” as advised by the Cabinet, and I shall be prepared to do so once again, so as to continue it in force until the meeting of the Colonial Parliament. But I should experience considerable reluctance in prolonging its operation after that time, without a fresh expression of opinion and fresh action on the part of the Legislature. And it will be with regret that I shall witness the renewal for a longer period of legislation of so exceptional a character, and which, even if it be admitted to be in this instance needful, affords a dangerous example; for the precedent thus set may be hereafter far more easily followed with less reason, and its abuse afford a cloak to acts of grave oppression.

I have, &c.,

ARTHUR GORDON.

The Right Hon. the Secretary of State for the Colonies.