

7. For my own part, the more attentively I study the West Coast question, and the better I become acquainted with its history, the more cause do I perceive for doubt as to the soundness of the popular view.

8. The terms of the Proclamation of the 2nd September, 1865, are not free from ambiguity; but, even if it be assumed that they imply all that is contended by those who assert the absolute confiscation to the Crown of every acre of land within the limits named therein,—an assumption which I by no means share,—it may still be urged with great force that, as regards a large portion of this territory, the rights acquired by the Crown under the Proclamation have long been abandoned.

9. It admits of no dispute that Natives, not excluding many who had borne arms against the Crown, have, without molestation, retained or resumed possession of much of the confiscated lands; and that such occupation has not only been tacitly sanctioned, but has received formal recognition by the purchase of portions of the land, and the acceptance by the Crown of regular transfers from the Native owners as its proprietors. The Parihaka lands themselves (on which Te Whiti and some others who had taken no part in rebellion have lived uninterruptedly from a period anterior to 1865) are in a portion of the confiscated territory in which all white settlement was forbidden by Government, while Natives who had left the district on account of their participation in the war were encouraged to return to it.

10. It would appear, therefore, that, whatever technical claims the Crown, owing to the fact that the Proclamation of 1865 had never been recalled or modified, might continue in a strictly legal sense to possess, the moral and equitable right to revive and enforce such claims, to the injury of the Native occupants, had passed away, long before the Government of Sir George Grey, in 1878, determined to undertake the survey of the Waimate Plains, with a view to their sale to settlers.

11. Ever since I have possessed any real information on the subject, I have considered the right of the Crown to dispose absolutely of these lands to be questionable, and the position of the Government, consequently, a somewhat false one.

12. For the decision to enforce these claims, however, my present Advisers are not responsible, and it has appeared to me that they sincerely desired a conciliatory settlement of differences with the Natives, and were anxious to avoid a resort to violent measures for bringing to an end existing disputes. The Royal Commission appointed on their advice had recognized the existence of grave grounds of complaint on the part of the Natives, and had recommended the grant to them of large blocks of land. To these recommendations the Government had readily assented. So long, therefore, as an amicable adjustment of differences was probable, it did not appear to me necessary or desirable to inquire too curiously into the questions which they involved. If a settlement satisfactory to both parties were arrived at, it was more than useless to ask what were the strict rights of either.

13. The apparent acquiescence of the Natives in the allotment to them of the reserves made in the Waimate Plains, according to the recommendation of the Royal Commissioners, seemed to condone any injury which they might be considered to have suffered, and to afford a fairly satisfactory settlement of a very troublesome question.

14. The Royal Commissioners also recommended the reserve of a large block of land for the Parihaka Natives. Their recommendation was adopted by the Government, but I saw cause to apprehend that difficulties would probably arise if the land lying between Parihaka and the sea (and with which Sir G. Grey's Government did not intend to meddle) were not also left with those who had for many years exercised exclusive control over it. It was, however, thought that it would be sufficient to reserve only a few sections, upon which cultivation either actually existed at the time of survey, or had existed shortly before. The rest of the block on the seaward side of the new road was advertised for sale, and partially sold.

15. Difficulties, in fact, soon arose. The Natives, who had been accustomed to cultivate at will on any part of the land, continued to clear and plant on different sites, sometimes, apparently, in ignorance whether they were, or were not, within the limits of sections advertised for sale, or actually sold; and sometimes, no doubt, as a denial of the right of the Crown to enforce in 1881 the confiscation of 1865.

16. Still, up to the time of my departure from Wellington to Fiji, upon the 9th September, it was thought probable that everything would be quietly arranged; and that, although Te Whiti and his followers would not openly or formally consent to accept the reserves assigned to them, they would, in the end, tacitly acquiesce in the arrangements made.

17. Unfortunately, however, soon after I had sailed events occurred which induced the Government to resort to more active measures, and finally led to the recall to office of Mr. Bryce, and the issue by the Administrator of the Government, an hour or two before my return to Wellington, of a Proclamation calling on Te Whiti "and his adherents" to signify within fourteen days their acceptance of the reserves offered to them by Government, and intimating that their failure to do so would be followed by the withdrawal of that offer, and the forfeiture of all the lands occupied by them, which, it is intimated, "will pass away for ever" from those now living there, including, apparently, those who, under the Proclamation of 1865, retained their interest in the land, or were entitled, under the Act of 1863, to receive compensation for any of it taken, in case of necessity, by the Crown.

18. The nature of these occurrences is set forth by the late Minister for Native Affairs, Mr. Rolleston, in a memorandum of which I have the honor to enclose a copy. See Enclosure to No. 6.

I gather from this memorandum that the circumstances which called forth the action of the Government were, more particularly, the following:—

(1.) Interference on the part of the Natives with wood-cutting upon land occupied by them, but claimed by the Crown, and the removal by the Natives of the wood already cut, from a dray where it had been placed by the Constabulary.

(2.) The large increase in the number of the men engaged in fencing on the disputed land, and the apprehension that they would resist arrest if an attempt were made to take them prisoners, in the same manner in which arrests had been made in 1880.

(3.) A speech made by Te Whiti, some expressions of which "conveyed an impression" that he intended to encourage his followers to resort to violence in defence of their pretensions.