

constructed on them; villages and towns had grown up upon them; and a population of 10,000 Europeans put upon them, when the Commissioners wrote their reports. If this was not confiscation, what would be? But, because the Commissioners did not break the thread of their narrative, and tell the Governor that there was a lawyer in Wellington prepared to deny the validity of it all, they were labouring under “mesmeric exaltation of mind,” and open to the severe censure which Mr. Hart bestows upon them. When, however, they approached the subject from a practical point of view at the commencement of their third report, they did (as Mr. Hart is obliged to acknowledge, though it does not qualify his censure) call the attention of the Governor, at considerable length, to the discrepancy between the first and latter part of one of the Orders in Council on which Mr. Hart’s argument is based, and they showed how the discrepancy could be reconciled logically, and had been actually reconciled in fact. It is probable that the Commissioners had never heard of Mr. Hart’s technical objection, or not thinking it of any weight did not allude to it, considering their own solution of the difficulty as quite sufficient, and consistent with the realities with which their business was to deal. The question, however, is not here whether they or Mr. Hart were right on the technical point, but whether they are censurable for having given the Governor what they believed to be the correct account of the position, and which it appears was not the account which Mr. Hart would have given if he had been Commissioner. That is all which this charge amounts to. It is not necessary to discuss it further, but simply to refer to the passages in the reports already quoted as sufficient justification of the Commissioners.

2. The second point on which Mr. Hart relies in support of his theory of “mesmeric exaltation,” is a short passage in the second report, in which the Commissioners, while describing with great care and much minuteness the course of events, and accounting for apparent changes of opinion in the mind of Sir D. McLean, wind up by stating “that there were but three courses open to him: to drive off the Natives by force, to insist on their returning to defined reserves, or to yield a tacit consent and bide his time.” Mr. Hart says that the manner in which the Commissioners express themselves “leaves an impression” on the mind of the reader that they consider that Sir Donald might have driven the Natives off, and that in this sense it was “open for him” to do so. The answer is, that such an “impression” could only exist in the mind of a very careless or a very uncandid reader; because, on the very same page on which the remark occurs, no less than fourteen reasons are given by the Commissioners why such a course was not practically open, concluding with the words that the attempt to drive the Natives away “would have been to undo all that had been gained in the previous two years.” Nothing can be more clear to the reader of pages 18 and 19 of the report, than that the Commissioners intended exactly the reverse of what Mr. Hart attributes to them; and, this being so, what becomes of his laboured attempt to prove inconsistency between the reports and certain passages in speeches of my own, delivered in Parliament in 1872, from which he quotes at great length? If the meaning of the report really was that it was not practically open to Sir Donald McLean to drive off the Natives, all these long extracts, in which I cautioned the Government against rash or violent courses, only go to prove my entire consistency, when I concurred in the reasons given in the report to show that Sir Donald did wisely in abstaining from the attempt forcibly to expel the Natives. What the Commissioners thought he was wrong in was, his not treating them as he had previously treated Taurua and his people, that is, settling them on defined reserves, and which they thought might have been done if properly gone about, instead of allowing them to creep back without authority, and so scatter their occupation as to give them a colourable excuse for contending that we had never taken possession of the confiscated territory. The time to have done it would have been when, on resuming office in 1873, he went to Wanganui, accompanied by the Hon. Wi Tako Ngatata and other friendly chiefs, relations of Titikowaru, and announced distinctly, at a large meeting of Natives, that the confiscated land had not been abandoned, “no, none of it has.” Had he followed this up by visiting the Waimate and Parihaka Natives, and offering them reserves similar to those which satisfied Taurua and his people, it could probably have been arranged; and to this it was that the Commissioners referred when they used another expression complained of by Mr. Hart, “that at any time in all these years the trouble would have vanished if, instead of talking about doing the right thing, the Minister had set himself to do it:” a censure in which they not very ungenerously included themselves, so far as responsible while they had held ministerial office.

3. The third point on which Mr. Hart relies is a very remarkable one. He quotes at great length, from *Hansard*, passages from Sir Donald McLean’s speeches, to show that he entertained very generous purposes towards the Natives; the last passage quoted being one in which Sir Donald emphatically says that “arrangements would be made to secure for the Natives all land required for their own use, for which they would receive titles, and, for the remainder, compensation would be given to them.” “It is singular to remark,” says Mr. Hart, “that in this second report of the Commissioners, and *that* a report in which they were directed to inquire into all promises which had been made to the Natives, they have overlooked the promise then made in the House of Representatives. There is no question that this report, so far as it contains no reference to that promise, is absolutely misleading to the Government and the country. On these grounds, I challenge the fairness of this report, and I think it is only fair to Sir William Fox himself that he should have the opportunity of explaining how completely he was misled into the belief which induced him to put such statements into the report, and the influence which that mistake had in the preparation of the report.” These are “brave words,” but Sir William Fox accepts the challenge. The Commissioners overlooked nothing: the overlooking is Mr. Hart’s own. In page xx. of the report, they have given an abstract of the debate in which Sir Donald made the promise, and they have actually printed, in its 23rd to 27th lines, in full-sized type, the very extract from Sir Donald’s speech which Mr. Hart himself has quoted, and charged them with having entirely overlooked. It is difficult to understand how any gentleman supposed to have the habits of accuracy of a lawyer, and who has sat in the Legislature for so many years, could have been guilty of such an unfortunate blunder as Mr. Hart has here committed. But, further, the reports are full of references to the subject. There is no lack of evidence in the reports of not only Sir Donald’s intention and promises, but of Sir George Grey’s and Sir William Fox’s also when in office, to