

1882.

NEW ZEALAND.

WEST COAST COMMISSIONERS' REPORTS:

(REPLY BY HON. R. HART, M.L.C., TO MEMORANDUM BY HON. SIR W. FOX.)

Presented to both Houses of the General Assembly by Command of His Excellency.

SIR,—

Hobson Street, July 17th, 1882.

Having read the reply of the Hon. Sir William Fox to charges brought against the West Coast Commissioners by me, I have made some notes thereon, to which I have the honor to request that you will give the same publicity as has been given to the reply. See G.-5A, 1882.

The Hon. F. Whitaker, Esq., M.L.C., Premier, &c.

I have, &c.,
ROB. HART.

MR. HART has read the reply of Sir William Fox to charges by him against the West Coast Commissioners, and desires briefly to state in answer thereto,—

Had Sir Francis Dillon Bell, on the occasion referred to, in 1880, made the explanation now furnished by Sir William Fox, Mr. Hart's objections and the explanation would have been fully discussed, and any further reference to the subject rendered unnecessary. Instead of this, Mr. Hart's objections were treated as requiring no answer. The reports were accepted as conclusive on the subjects upon which they treated; and, following a strain the keynote of which appeared to have been struck by the second report, observations have been freely made, which seemed to Mr. Hart to call for a renewal of his protest, with wider and more excursive treatment.

1. The general nature of the charge near the conclusion of the report, necessitated reference to all the principal difficulties which beset the Minister charged with the administration of the West Coast confiscated territory. Among these was the questionable validity of the Proclamation. Sir William Fox having left the question where it was left by Mr. Hart, no further remark seems called for here.

2. It is fully admitted by Sir William Fox that any application of force for the purpose of driving the Natives off the confiscated territory was absolutely unavailable. It was equally so for the purpose of settling the Natives upon defined reserves, or preventing the Natives from creeping back upon land which the Government were not at the time able to occupy. The Government found great difficulty in restoring settlers to the lands from which they had been driven, and still greater difficulty in inducing fresh settlers to occupy land subject to the inroads of those creepers. To overcome this difficulty, recourse was, with the concurrence of Sir William Fox, had to the method prescribed by the instructions of the 13th February, 1872, whereby the Government agents were authorized to pay for the quiet enjoyment of the land to those creepers and other Natives interested, at the rate of 5s. per acre. The transactions under these instructions proceeded, as land was required for settlement, over five or six years. Sir D. McLean was, after a month's retirement from office, on the 11th October, 1872, replaced in it to carry out the policy he had so fully explained on the previous 22nd August. The apparent inconsistencies alleged against him are reconcilable. From the date of the instructions, he would not give up confiscation on the one hand; on the other hand, he treated it practically as a restoration of the pre-emptive right of the Crown. Sir William Fox will pardon Mr. Hart if he deems the generosity which admitted formal official responsibility as colleagues in respect of a charge general in its terms, but from its context appearing, and now admitted, to have been levelled against Sir D. McLean alone, to have been as formal as the responsibility admitted.

Thus premising, Mr. Hart proceeds to examine the justification for the charge of which he complained, now set forth by Sir William Fox.

The facts, simply stated, are these:—Some time in 1873 (date not stated), Sir D. McLean proceeded, in company with the Hon. Wi Tako Ngatata, and other friendly chiefs, to Wanganui. He there announced distinctly to a large meeting of Natives, that the confiscated land had not been abandoned, "no, none of it has." He could then have visited the Waimate and Parihaka Natives. He could then (notwithstanding his declaration in Parliament, on the 22nd August previous, that the Natives north of the Waingongoro should be compensated for the residue of the land) have offered to satisfy them with reserves. He had satisfied Taurua and his people with reserves (when not stated). Had he made such an offer, the Commissioners *thought* the Natives would *probably* have accepted those terms.

With these facts before them, and Sir William Fox brings forward no other, the Commissioners consider themselves justified in stating in their report, "that at any moment in all these years the trouble north of Waingongoro would have vanished if, instead of talking about doing the right thing, any Minister had only set himself to do it."

Mr. Hart submits that he was not in error in suggesting that this portion of the report was hurriedly prepared.

3. Mr. Hart very much regrets his omission to notice the short extract which appears at page xx. of the reports, from the speech of Sir Donald McLean, but which by no means discloses his policy respecting the confiscated lands, which it was the object of Mr. Hart's more extended citation from that speech to make clear. Without this, the full significance of the promise is not perceptible. A reference to the passage in the report, if made, would rather have strengthened than weakened Mr. Hart's contention, which, so varied, would read thus:—"Although the Commissioners were aware of this declaration by Sir D. McLean, and the circumstances attending it, they had not given effect to it as they ought to have done." The reader who refers to Mr. Hart's speech, with this varied form of the contention in his hand, will be surprised to find how few are the alterations in the speech needed to adapt it to this varied form of the contention.

Sir William Fox refers to the fact that Mr. Hart's late speech was made when neither of the Commissioners had a seat in Parliament. That reference gives rise to the suggestion that more caution should have been exercised by the Commissioners when stating and commenting upon a series of transactions the central actor in which was in no position to give explanations or make reply.

The feeling manner in which Sir William Fox has concluded his reply, prompts Mr. Hart thankfully to acknowledge his obligation to Sir William Fox for the explanation he has so kindly afforded, and to express his sincere regret if, in a speech in which Mr. Hart was so anxiously seeking that explanation, he was led into the use of statements or expressions exceeding the limits prescribed by his contention in the form in which it now appears.

Hobson Street, July 17th, 1882.

ROB. HART, M.L.C.