

pensation would, in my judgment, not do fair justice to the case, I have thought it my duty to refrain from making any award at all, and to confine myself to reporting my opinion to Parliament.

The foundation for the claim to compensation really lay in this: that the provincial authorities deemed the whole Manawatu Block had, under the judgment of the Native Land Court on the 25th September, 1869, and subject only to the Native lands excepted by that Court, become "provincial estate" immediately upon the publication in the *Government Gazette* of the notification dated 16th October, 1869, that the Native title over the block had been extinguished. But when, in the course of the inquiry before me, it turned out that there had been an understanding between the two Governments that the province was not to claim possession under this notification until the lands excepted by the Court had been laid out upon the ground, and that neither Government was, till that was done, to proceed to any possessory act under the notification; and when it further clearly appeared that the disturbances with the Natives, which ultimately were quieted by Mr. McLean's mission, had arisen in the laying out of the excepted lands; I at once stopped the case, and declared that it seemed to me the foundation to any claim to "compensation" was cut away.

Before taking evidence in the case, however, I had perceived that the papers laid before Parliament in 1872 gave no connected or even intelligible account of the events which led to Mr. McLean's interposition; and I had made it my care to examine all the correspondence which could throw light on these events. From a vast mass of papers I have extracted whatever seemed in any way important to a fair view of the whole case; and I now append a *précis* which, read with the evidence taken before me, will, I think, enable Parliament to see the chain of circumstances which necessitated Mr. McLean's mission, and to judge of the correctness or otherwise of the general conclusions to which I have myself arrived.

It will be observed that there is a conflict between the statements of the two Governments on several important points. It could hardly have been expected to be otherwise when so many complications had taken place, extending over so long a time. The story, however, may really be summed up in a few sentences. The Native Land Court having given a judgment which affirmed the validity of the purchase, but directed certain excepted lands to be laid out upon the ground, the Government were induced, against their better judgment, to publish a notice that the title was extinguished, without waiting for these lands to be surveyed. This notice was, however, in reality, to go for nothing; no possession was to be claimed till the survey should be made. The survey was, from the first, under the control of Mr. Buller, Resident Magistrate and Deputy Land Purchase Commissioner, and the provincial survey staff was under his orders. The survey was no sooner begun than it was stopped by the Natives. Mr. Buller issued summonses against three of the Natives, and acting in his judicial capacity, arrested the most turbulent of them—an ex-constable, called Miritana. This strong step had only a momentary effect; disturbances were again renewed, and wherever the surveyors attempted to lay out the reserves they were turned off, their trig. stations destroyed, and the survey pegs torn up. The General Government then suspended the general survey. At an early stage of the disturbances they had decided that Mr. McLean should go to the district; and the Provincial Government, not being able to obtain possession of an acre, constantly pressed the Government to hasten his visit. There was never any discussion between the two Governments as to which was to be liable for the results of his mission. No conditions whatever were made as to the extent of any concessions to be made to the Natives by Mr. McLean. Neither the General Government, however, nor Mr. Halcombe (who represented the Provincial Government in the communications that took place) had any doubt that concessions of some sort would be made. When the news came of Mr. McLean's reserves, the Provincial Government became alarmed at their extent. But neither they nor the Provincial Council made any remonstrance against the reserves, nor was any claim in respect of them ever advanced by the province till Dr. Featherston came out from England.

It is abundantly clear that if the extent of the reserves had not exceeded 3,000 or 4,000 acres, nothing would have been said about them. But, in my opinion, the difference between that amount and the amount actually granted affords no ground for claiming "compensation" as against the colony. It is idle to represent the interests of the two Governments as other than absolutely identical; it is certain that they agreed to act in concert; and no argument tending to fix on either Government separately a special responsibility for Mr. McLean's interposition, or a special liability for its results, can, I think, have any force.

It is impossible for me to agree in the remonstrances of some members of the General Government, amongst themselves, against that Government "mixing itself up in the Manawatu