difficulty." The General Government could not possibly escape being mixed up in it. It would have been no use, if the obstruction to the survey had ended in actual conflict and loss of life, for the General Government to say that it was all the fault of the province. Ministers, in fact, took the only step that could have been taken consistently with common sense, when they determined to try for an amicable settlement with the Natives. On the other hand, I find it equally impossible to concur in the arguments by which it is sought to throw the whole liability for Mr. McLean's action on the colony. In Mr. Halcombe's letter of 15th May, 1871, the Provincial Government express their belief that "forcible measures were necessary to enable the "province to obtain possession of its property," and that "Mr. McLean, as Defence Minister "responsible for the peace of the colony, and as Native Minister responsible for the relations "between the two races, was *ex officio* the proper person on whom to place the responsibility of a "resort to force." But nothing is clearer than that a resort to force was not in the mind of either Government at the time (1869–70); that, on the contrary, the Deputy-Superintendent and Mr. Fox had agreed there was to be nothing of the sort; and that the Provincial Government themselves believed that any resort to force would bring on a conflict. Moreover, it was always expected that Mr. McLean would make some concessions to the Natives; and the Provincial Secretary was under the impression that, to a reasonable extent, his action would have been indorsed by the province. This impression was originally contained in the draft of the same letter (of 15th May), though it was struck out before the letter was sent in. Why it was struck out it is difficult to see. It was a very important fact in the case; and it certainly should have been communicated to Mr. Fitzherbert, when upon assuming office he called for a statement of what had been done.

But is it fair that under such circumstances the province should be left in the position of having paid a large sum in cash for interest on loan and other expenses connected with the acquisition of the land, before any possession of it was obtained? Suppose that (as Mr. Fox said) quiet possession had not been got for twenty years—suppose it had never been got—can any one say it would be right that the Provincial Treasury should go on paying for nothing? The control of all operations connected with the purchase of Native lands for the Crown always did, and obviously always must, rest with the General Government. It makes not the slightest difference that the Land Purchase Commissioner of the General Government employed to make the Manawatu purchase, was also Superintendent of Wellington. It is not my province to express any opinion upon the exceptional manner in which the money for the original payments to the Natives was allowed to be raised, or the equally exceptional proceedings which ended in the judgment of the Native Land Court in 1869; but when once it clearly appeared that quiet possession of the block was impossible without the special intervention of the Native Minister, it seems to me that the proper course would have been to reconsider the whole matter, and to place the province in the same position, pecuniarily, as it would have been if the General Government had conducted all the proceedings throughout. That some idea of this kind had been in the mind of the General Government, is clear from the concession contained in Mr. Gisborne's letter to Mr. Fitzherbert of 4th April, 1872, where he proposes "to eliminate from the "accounts of moneys then charged against the province, all cash expenses incurred by the Govern-"ment since the date (16th October, 1869) of the notice of the extinction of Native title in the "block, in the settlement of disputes arising out of that purchase; and to charge these expenses to "the loans for the purchase of lands in the North Island under the Public Works and Immigration "Act, the interest and sinking fund of the cost to be chargeable, as in the case of other land purchases "in the Province of Wellington, to that province." What I fail to see is the principle on which this should only be done as from the date of the notice. It appears to me that what was right to be done in respect of what happened after that date, was equally right to be done in respect of what happened before. If the argument, that the notice of the extinction of Native title constituted the territory as "provincial estate," falls to the ground by the admission that no possession was to be claimed under it till the Native reserves were laid out, it is clear that the responsibility of laying out the reserves lay with the General Government and not with the province; and exactly the same reasons which existed for relieving the province from any part of the cash payments before possession was given must, in my opinion, exist for relieving it from the whole. And if that admission cuts the ground away from the claim to "compensation" for the land taken by Mr. McLean for his reserves, it also shows that the province ought to have been, and therefore ought now to be, relieved from providing, in the first instance, the cost of acquiring a clear title, and settling the Native disputes.