

Colonel Wakefield with the preliminary expedition arrived in New Zealand on the 17th of August, 1839, and in compliance with his instructions selected Cook's Strait as the centre of the company's operations. Shortly after his arrival he entered into a treaty with the Natives for the purchase of lands, and in the course of three months concluded three purchases extending from the 38° to the 43° of south latitude on the West Coast, and from the 41° to the 43° on the east coast; the deeds of purchase being dated respectively the 27th September, 1839, 25th October, 1839, and the 8th November, 1839. To the first of these, in obedience to Colonel Wakefield's instructions from the Company, which required him to make a similar stipulation in every deed, is appended a condition that a portion of the land ceded by the Native chiefs equal to one-tenth of the whole, would be reserved and held in trust by the New Zealand Company for the future benefit of the said chiefs, their heirs and families for ever. The second and third deeds likewise contain a promise of Native reserves, but the quantity is not specified. They merely recite that a portion of the land ceded by the Natives suitable and sufficient for the residence and proper maintenance of the said chiefs, their tribes and families will be reserved by the New Zealand Company, and held in trust by them for the future benefit of the said chiefs, their families and successors for ever. The quantity in so far as the Nelson settlement was concerned, was ultimately fixed by the terms of the prospectus issued by the Company in London on the 15th February, 1841, in terms of which the Company engaged, subject to an arrangement with Her Majesty's Government, to add to the 201,000 acres offered for sale a quantity equal to one-tenth thereof as Native reserves, so that the quantity of land to be appropriated would in fact consist of 221,100 acres and the town of 1,100 acres.

According to the original plan of the New Plymouth settlement the town was to consist of 550 acres, to be divided into 2,200 town sections of a quarter of an acre, which were to be sold at £10 each; and 200 sections were to be reserved for gratuitous distribution among the Native families dwelling near the settlement. A belt of land round the town containing 10,450 acres, exclusive of roads, was to be divided into 209 suburban sections of fifty acres each, nineteen of which were likewise to be reserved for the Natives.

The Native reserves made by the company within their purchases were confirmed by the Crown in the agreement made by Lord John Russell with the Company in 1840 prior to the issue of their Charter.

The quantity of land claimed to be purchased by Colonel Wakefield under the terms of the aforesaid deeds amounted to 20,000,000 acres. The consideration paid consisted entirely of articles of barter, the value of which it is difficult to determine.

Formal possession was taken of Port Nicholson or Wellington district, on the 30th September, 1839. The site of the first town named Britannia, was chosen at the entrance of the valley of the Hutt, but the choice proving unsuitable it was decided at a public meeting held in March, 1840, to remove the town to the opposite side of the bay.

The site of the new town was called Wellington, and according to the plan on which the settlement was founded it was laid out in 1,100 sections of one acre each besides reserves for public purposes; 1,100 rural sections of 100 acres each were also laid out in various parts of the neighbouring country. Each purchaser in London of one right of selection became entitled to an order of choice determined by lot as soon as all had been purchased, to select one town and one country section. 110 sections were reserved for the Natives, and treated precisely in the same way as to order of choice as though each of the sections had been purchased by a private individual.

In the instructions from the Colonial Office in 1839 (Lord Normanby to Captain Hobson, 14th August, 1839), regarding land in New Zealand, Captain Hobson was directed to induce the chiefs, if possible, to enter into a contract with Her Majesty that thenceforward no land should be disposed of either gratuitously or otherwise except to the Crown of Great Britain, and that immediately on his arrival he was to announce by proclamation addressed to all the Queen's subjects in New Zealand that Her Majesty would not acknowledge as valid any title to land which either had been or should thereafter be acquired, without it was either derived from or confirmed by a grant to be made in Her Majesty's name and on her behalf. In conformity with these instructions Captain Hobson shortly after his arrival in New Zealand met assemblies of the Natives at Waitangi in the Bay of Islands, and Hokianga and induced them to agree to the treaty which has been named after the former place.

By the second article of this instrument which was officially promulgated and laid before Parliament:—

“Her Majesty the Queen of England confers and guarantees to the chiefs and tribes of New Zealand and to the respective families and individuals thereof the full exclusive and individual possession of their lands, estates, forests, fisheries, and other properties which they collectively or individually possess so long as it is their wish to retain the same in their possession, but the chiefs of the united tribes, and the individual chiefs yield to Her Majesty the exclusive right of pre-emption of such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in this behalf.”

The right of pre-emption being vested in Her Majesty by the aforesaid treaty, no persons could legally purchase lands from the Natives after 1840 without permission or license from the Crown, or according to the rules prescribed by Colonial laws. The acquirement of Native land had also been interdicted prior to the promulgation of the Treaty of Waitangi by a proclamation issued by Sir George Gipps, the Governor of New South Wales, in January, 1840, within whose jurisdiction New Zealand had been placed. This proclamation was promulgated by Governor Hobson on the 30th January, 1840, and in August in the same year, the Governor and Council of New South Wales passed an Act (Land Claimants' Ordinance) under which Commissioners were appointed to enquire strictly into all the circumstances under which land was said to have been purchased by British subjects from the New Zealanders. By a provision of this Act, 2,560 acres were fixed upon as the largest quantity that any individual could retain in virtue of cession from the Natives, and a legal title could only be issued by the Representative of the Crown, to obtain which it was necessary to prove that a reasonable consideration had been given to the Native proprietors. A commission was issued to Major Richmond, Colonel Godfrey, and Mr. Fisher, appointing them Joint Commissioners under the Act.

On the 21st May, 1840, the Governor proclaimed the Sovereignty of Her Majesty over the North Island by virtue of the Treaty of Waitangi, and over the Southern Islands on the ground of discovery.