

the punishment of offences so committed "in the said Islands of New Zealand and Otaheite, or within any other islands, countries, or places, not within his Majesty's dominions, nor subject to any other European State or Power &c."

The Statute 4 George IV, cap. 96, enacts that the Supreme Court in the colonies of New South Wales and Van Diemen's Land may try offences "committed in the islands of New Zealand, Otaheite, or any other island, country, or place, situate in the Indian or Pacific Oceans, and not subject to his Majesty's or to any European State," if such offences are committed by British Subjects.

The Statute 9, George IV, cap. 83, repeats that enactment in the same words, adding only that the punishment for the offence shall be the same as if the crime had been committed in England.

On the 16th November, 1831, a letter to King William from 13 of the chiefs of New Zealand was transmitted to Lord Goderich, praying the protection of the British Crown against the neighbouring tribes, and against British subjects residing in the island, and stating their apprehension of a settlement being effected by the French, called in the letter "the tribe of Marion."

In consequence of this letter, Lord Ripon, on the 14th June, 1832, despatched Mr. Busby as British Resident, with credentials to the missionaries, partly to protect British commerce, and partly to repress the outrages of British subjects on the natives. His Lordship sent with Mr. Busby a letter in which the King was made to address the chiefs as an independent people. Their support was requested for Mr. Busby, and they were reminded of the benefits they would derive from the "friendship and alliance of Great Britain."

In the month of June, 1822, a bill was brought into the House of Commons for the prevention of crimes committed by his Majesty's subjects "in New Zealand, and in other islands of the Pacific, not being within his Majesty's dominions." This bill was rejected because Parliament could not lawfully legislate for a foreign country.

On the 13th April, 1833, the Governor of New South Wales, in obedience to Lord Ripon's orders, addressed instructions to Mr. Busby, in which New Zealand was expressly mentioned as a foreign country, and Mr. Busby himself as being accredited to the chiefs. This document throughout assumes the independence of New Zealand.

On the 29th April, 1834, General Bourke, the Governor of New South Wales, transmitted to Lord Stanley a proposal from Mr. Busby for establishing a national flag for the tribes of New Zealand "in their collective capacity"; and advised that ships built in the islands and registered by the chiefs should have their registers respected in their intercourse with the British possessions. Sir R. Bourke reported that he had sent three patterns of flags, one of which had been selected by the chiefs; that the chiefs had accordingly assembled with the commanders of the British and three American ships to witness the inauguration of the flag, at which Captain Lambert and the Officers of H.M.S. "Alligator" were present. The flag was declared to be the "national flag" of New Zealand, and being hoisted was saluted with 21 guns by the "Alligator." On the 21st December 1834, a despatch was addressed to Governor Sir R. Bourke by Lord Aberdeen, approving all these proceedings in the name of the King, and sending a copy of a letter from the Admiralty, stating that they had instructed their officers to give effect to the New Zealand registers, and to acknowledge and respect the national flag of New Zealand.

Apparently in consequence of this letter of the Secretary of State, the British Resident at New Zealand, as he then styled himself, assembled as many chiefs as he could get together; and a Declaration of Independence was unanimously agreed to, and signed by 35 chiefs, fairly representing, as the resident said, the tribes of New Zealand from the North Cape to the latitude of the river Thames. The instrument itself, and the despatch of the British Resident communicating it, are subjoined:—

"British Residency at New Zealand,

"Bay of Islands, November 2, 1835.

"Sir,—I have the honour to enclose herewith a copy of a declaration by the chiefs of the Northern parts of New Zealand of the independence of their country, and for their having united their tribes into one State, under the designation of the 'United Tribes of New Zealand.' In this declaration they entreat that his Majesty will continue to be the parent of their infant State, and that he will become its protector from all attempts upon its independence; and it is at their unanimous desire that I transmit this document in order to its being laid at the feet of his Majesty.—I have &c.,

"(Signed) JAMES BUSBY,

"British Resident at New Zealand.

"Mr. Under-Secretary Hay, &c.

"DECLARATION OF THE INDEPENDENCE OF NEW ZEALAND

"1 We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the independence of our country, which is hereby constituted and declared to be an independent State, under the designation of the 'United Tribes of New Zealand.'

"2. All sovereign power and authority within the territory of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of the government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.