

cession of sovereignty and of the contemplated revenue, may involve further expenditure from the funds of this country, beyond the salary of the consul, already included in the estimates for consular services for the current year, my Lords have considered it necessary that the arrangement should be brought under the cognizance of Parliament; and they have therefore directed that a copy of their minute, giving the sanction now notified to Lord Normanby, shall be laid before the House of Commons."

The publication of this minute seems to have excited much interest in France, which up to that time had regarded New Zealand as a British possession. It was stated in evidence before the committee of the House of Commons, which sat in 1838, that the witness had seen no less than 40 French newspapers commenting upon the minute, and urging the French Government immediately to fit out an expedition to take possession of a country which was thus authoritatively declared to be still open to the enterprise of civilised nations. This step was ultimately taken, but too late.

On the 14th August, 1839, Lord Normanby wrote his instructions to Captain Hobson. The despatch is long, but a portion of it bears so directly upon the subject of our inquiry, and shows so clearly the ideas which were intended to be embodied in the convention with the natives of New Zealand which Captain Hobson was directed to make, that they may advantageously be extracted:—

"The Ministers of the Crown have deferred to the advice of the committee appointed by the house of Commons in 1836, to inquire into the state of the aborigines residing in the vicinity of our colonial settlements; and have concurred with the committee in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most adequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognised by the British Government. We retain these opinions in unimpaired force, and, though circumstances entirely beyond our control have at length compelled us to alter our course, I do not scruple to avow that we depart from it with extreme reluctance.

"The necessity for the interposition of the Government has, however, become too evident to admit of further inaction. The reports which have reached this office within the last few months established the facts that, about the commencement of the year 1838, a body of not less than 2,000 British subjects had become permanent inhabitants of New Zealand, that among them there were persons of a bad or doubtful character—convicts who had fled from our penal settlements, or seamen who had deserted from ships; and that these people, unrestrained by any law, and amenable to no tribunals were alternately the authors and the victims of every species of crime and outrage. It further appears that extensive cessions of land have been obtained from the natives, and that several hundred persons have recently sailed from this country to occupy and cultivate those lands. The spirit of adventure having thus been effectually aroused, it can no longer be doubted that an extensive settlement of British subjects will be rapidly established in New Zealand; and that unless protected and restrained by necessary laws and institutions, they will repeat, unchecked, in that quarter of the globe, the same process of war and spoliation under which uncivilised tribes have almost invariably disappeared as often as they have been brought into the immediate vicinity of immigrants from the nations of Christendom. To mitigate, and if possible, to avert these disasters, and to rescue the immigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil government. To accomplish this design is the principal object of your mission.

"I have already stated that we acknowledge New Zealand as a sovereign and independent state, so far at least as it is possible to make that acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate, in concert. But the admission of their rights, though inevitably qualified by this consideration, is binding on the faith of the British Crown. The Queen, in common with Her Majesty's immediate predecessors, disclaims for herself and for her subjects every pretension to seize on the islands of New Zealand, or to govern them as part of the dominion of Great Britain, unless the free and intelligent consent of the natives, expressed according to their established usages, shall be first obtained. Believing, however, that their own welfare would, under the circumstances I have mentioned, be best promoted by the surrender to her Majesty of a right now so precarious, and little more than nominal, and persuaded that the benefits of British protection, by laws administered by British Judges, would far more than compensate for the sacrifice by the natives of a national independence which they are no longer able to maintain, her Majesty's Government have resolved to authorise you to treat with the aborigines of New Zealand for the recognition of her Majesty's sovereign authority on the whole, or any part of those islands, which they may be willing to place under her Majesty's dominions.

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"All dealings with the aborigines for their lands must be conducted on the same principles of sincerity, justice, and good faith as must govern your transactions with them for the recognition of Her Majesty's sovereignty in the islands."

Captain Hobson, in the same month, replied to this despatch, and (amongst other things) calls Lord Normanby's attention to the absence of any distinction in his instructions between the North Island and the Southern Island, to the latter of which the Declaration of Independence did not relate,