

terms that the surplus land would be retained by the Crown. And that is precisely what was done. The truth would appear to be that Dr. Martin mistakes the position owing possibly to confusion of thought: this is the only hypothesis which could be consistent with what he says on pages 183 and 184 if it were true that Governor Fitzroy did in fact refer to the reverter of surplus lands to the Natives. If he mentioned the matter at all, all he could have said was what Captain Hobson had previously told them in January, 1840, that lands which were found not to have been bought on equitable terms would revert to them.

88. Dr. Martin shows the same confusion of mind on page 111 where he had made a similar fulmination on the subject of "surplus land" in a letter much earlier in date—viz., 10th January 1841—after a meeting with other land-purchasers at Coromandel. On page 110 he refers to the original New South Wales Ordinance of 1840. After mentioning the assertion in that Ordinance that lands previously purchased by British subjects formed part of the demesne lands of the Crown, and mentioning also the right of pre-emption, he says: "Notwithstanding this assertion of the right of Her Majesty, it is still graciously made known that persons who have *equitably* purchased lands from the aborigines will, on proper inquiry being made into their claims by three Commissioners appointed for that purpose, receive, on the recommendations of such Commissioners, Crown grants for the same, *but not for a larger quantity than 2,560 acres in any case; the number of acres to be awarded according to a schedule attached to the Act.*" [The italics are mine.] And then, after referring to the scale, the author proceeds, at page 111:—

To crown the infamy of the whole concern, the surplus lands, instead of going back to the Natives, the parties alleged to have been injured, are strangely enough declared to be the property of the Crown. We are tried, because we are said to have stolen the Natives' property: when our crime is proved, the property is taken from us, but instead of being restored to the Natives from whom we stole it, it is kept by the Judge himself.

The statement on page 110 was quite correct; but what he says on page 111 I cannot characterize as anything but an irresponsible and mischievous diatribe, unfortunately calculated to create discontent and unrest in the Maori mind. Like the statement on page 307, the two statements on pages 110 and 111 are, to begin with, contradictory and mutually exclusive. An "equitable" purchase is the very antithesis of a "crime" or an act of "stealing." The Natives were not "alleged to have been injured" by an "equitable purchase," but only where a purchase had been inequitable; and a purchase for a fair price was, of course, not inequitable. Dr. Martin and his fellow-purchasers were not "tried," nor were they said to have "stolen the Natives' property." On the contrary, a purchaser who was held to have "equitably purchased" the land was entirely free from any taint of dishonesty or impropriety. No property was "taken from" him because any "crime had been proved" or because he "stole the property from the Natives." Admittedly in a sense portion of the land purchased by him and which he had paid for was taken from him by the Crown, but why should it be "restored" to the Natives, who had parted with it and been paid for it on what Dr. Martin says, or at least implies, was an "equitable purchase"? It is well to note that the passages from Dr. Martin's book that I have quoted in this paragraph are taken from a letter dated the 10th January, 1841, three years before Governor Fitzroy arrived in New Zealand, so that Dr. Martin when he wrote his letter of the 6th April, 1844, referred to in paragraph 82, had apparently been brooding over his supposed grievance for a very long time. It is only just to Dr. Martin to say that he appears to have given the Maoris an exceedingly fair price for the land that he purchased from them, but, owing to the "yardstick," he was entitled to a grant for only a portion of the land, but in July and December, 1844, Governor Fitzroy considerably enlarged the areas granted, as he did in the case of many other purchasers. It seems to me, however, to be a fair inference that the attitude of some of the Maoris in asserting that, if the purchasers were not allowed to have the "surplus lands," those lands should go back to the Maoris