

23. The company itself eventually waived its claim to the 20,000,000 acres purchased by Wakefield and had received instead an award of 1,000,000 acres as compensation for expenses incurred in connection with colonization, and even to this area William Spain, who had been appointed by Lord John Russell in January, 1841, to investigate the claims of the New Zealand Company, discovered that it could not establish a title.

24. In the New Zealand debate of 18th June, 1845, Captain Rous, dealing with the extravagant nature of New Zealand claims, showed that if the area of New Zealand were computed 56,000,000 acres, nine purchasers considered themselves entitled to 56,654,000 acres, leaving the Native owners of the country not only landless, but in debt to the nine purchasers of 654,000 acres of land.

25. Fortunately, most of these fantastic claims were disallowed, but of more relevance to the question which we have to consider are the smaller areas of land which had been acquired by several hundred of the earlier settlers and also by the missionaries prior to the advent of British sovereignty.

26. Much criticism has been written about the substantial areas held by the missionaries in their own right, but of Marsden, Saunders, in his *History of New Zealand* page 103, wrote, "He obtained no title, he acquired no landed estate."

27. The stage was now set for the assumption of British sovereignty over a country where the owners' rights to their land had been surrendered to a few individuals who regarded their titles as valid, and their method of acquisition as justifiable, having regard to the primitive, uneducated, and uncivilized character of the aboriginals.

28. Joseph Somes, governor of the New Zealand Company, in a letter to Lord Stanley dated the 25th January, 1843, compares the company's relations with the Natives with that of Penn, the founder of Pennsylvania, and he argues that their own actions had been of an even higher order. "The substitution of such payments for the violent assertion of the mere rights of force has consecrated, in the eyes of posterity, the great and good man who thereby first humanized English colonization in Pennsylvania. It was a great step in the direction of humanity, to effect the dispossession of Native tribes by fair means and their own consent, and to smooth *by apparent justice and substantial kindness the commencement of their inevitable decline*. But it cannot be contended—Penn certainly never would have contended that by the immediate payment of a single cargo of goods he really gave the Indian an adequate price for territory of the size of France—that compensated him for an arrangement which led to his exclusion from the possessions of his forefathers. It is obvious that no immediate payment can give such compensation to the uncivilized man. Be as lavish as you please of the ordinary materials of European barter; give clothing, arms, ammunition, tools, and tobacco, and what beyond the consumption of the day can you really give of value to the man whom you do not find *possessed, and cannot at once endow, with a gift of foresight*. Give more, and you only waste the surplus. And when the blanket is worn out, the second-rate finery torn to rags, the gun burst, the ammunition expended, the tool broken, and the day has produced its hour of intoxication, at the end of a year or two, or even ten, what better is the wild man for your gift? At the end of the short period of enjoyment, *he and his race are beggars midst the wealth that has grown out of their possessions*, doomed after a brief period of toil for the intruder, and of humiliation in his presence, to disappear from the land over which they once reigned undisputed masters." [The italics are ours.]

29. However, the British Government, in its wisdom, was determined to avoid the recognition of rights which could find no sanction in law. Even at an earlier date, Lord Goderick, in a dispatch to Governor Gipps, of New South Wales, had expressed his concern, stating that: "*New Zealand Natives will fall, to be added to the number of barbarous tribes fallen sacrifice to their intercourse with civilized man.*"

30. The Government was, however, reluctant to accept the responsibility which the acquisition of new territory would involve, but the steady increase of settlement, the necessity of establishing some semblance of law amid conditions of lawlessness, and the