

Fifty per cent. was assessed above these rates for persons not personally resident in New Zealand or not having a resident agent on the spot. *Goods when given to the Natives in barter for payment were to be estimated at three times their selling value in Sydney at the time.*

The purchaser was to be allowed as many acres as the purchase-money, divided by the above rate, would give, with a limitation of area with respect to any one grant.

40. With the severance of New Zealand from New South Wales this Ordinance became inoperative. Under it, Sir George Gipps had appointed Colonel Godfrey and Captain M. Richmond of His Majesty's 96th Regiment to be two of the first Commissioners. The legislative restrictions thus imposed aroused among many of the land claimants feelings of concern, and they were stirred to protest. The New Zealand Association in Sydney voiced the indignation of the claimants.

41. Prior to the departure of Captain Hobson for New Zealand a group of New Zealand settlers, resident for the time being in Sydney, had waited upon him, presenting a loyal address, and expressing the hope that their titles would be recognized and validated.

42. Meetings of protest were also held in New Zealand against the infringement of the titles which they alleged to have been obtained from the Natives. Of one of these meetings of protest held at Coromandel, Dr. Martin, who was a general practitioner and afterwards became a newspaper editor and member of the Legislative Council, voiced the feelings of the claimants. *"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. Abominable and grossly unjust as this act is, with the exception of Mr. Hannibal M'Arthur every one of the members of the Botany Bay Council approved of it. If their own large grants and convict-gathered properties were dealt with in a similar manner I scarcely think they would like it."*

43. At the meeting held at Coromandel Harbour a memorial of protest to the Home Government was drawn up, and protest was also made in the name of the subjects of England, America, and France against the right of the British Government to seize upon the sovereignty of a country whose independence she had acknowledged.

44. Captain Hobson, on 29th January, 1840, arrived at the Bay of Islands. His instructions from the Colonial Office included a proviso that he was to dispel any apprehension which might be created in the mind of the settlers that it was intended to dispossess the owners of any property which had been acquired on equitable conditions. These instructions had been embodied in the Proclamation issued by Governor Gipps on the 19th January.

45. The Treaty of Waitangi ceded sovereignty to Great Britain, but it confirmed to the chiefs and tribes of New Zealand the undisturbed possession of their lands and estates and other properties which they collectively or individually possessed, the chiefs yielding to Her Majesty the exclusive right of pre-emption over such lands as the proprietors were disposed to alienate.

46. The Treaty by its recognition of British Sovereignty and of the paramount powers of the Crown, as well as of the rights of the Natives, became a check to the land claimants who held that the Native chiefs had an undoubted right to dispose of their lands as they thought fit. The New South Wales Ordinance and the Treaty meant frustration to the land claimants. The missionaries had been largely instrumental in securing the assent of the chiefs to the Treaty, and they were insistent that the rights of the Natives with respect to their lands should be protected. Much bitter feeling was caused between the representatives of the missionaries and of the colonists. Owing to