

their attitude with respect to Native lands, the Church Missionary Society was influential with the Colonial Office, and Lord Stanley was concerned that the Treaty should be implemented and given full effect.

47. An attempt was made by the New Zealand Company to prune the Treaty of those sections which recognized the rights of the Maoris to the undisturbed possession of their lands *and to restrict the operation of the Treaty to the lands only in which the Natives were in actual occupation.* This intention was made clear by Joseph Somes in a letter to Lord Stanley: "We always have had very serious doubts whether the Treaty of Waitangi, made with naked savages by a Consul vested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying the Natives for the moment."

48. On 9th June, 1841, the New South Wales Ordinance having become inoperative through the establishment of New Zealand as a separate colony, Hobson re-enacted the measure with but few changes. He fully realized the difficulty of reconciling conflicting claims, and at the same time preserving the rights of the Natives. Soon after his arrival he wrote:—

Tracts of country, in some cases of 500 square miles, are claimed by single individuals. . . . I greatly fear that the conflicting claims will create a violent ferment through every class of society, both Native and European.

49. In the North Island nearly every harbour headland, river-bank and gulf had become the subject of land grants. In the Middle Island more land was claimed than it contained. Stewart Island was claimed for the alleged payment of £100. The claims overlapped one another, and the Commissioners had no easy task in discharging duties which were bound to arouse the antagonism of the colonists.

50. It was necessary to treat the rights of aliens who had acquired land from the chiefs prior to the proclamation of Hobson with some circumspection, and he was instructed by Lord John Russell on the 17th March, 1841, that in cases of doubt the settler must be treated as a British subject and his claim disposed of accordingly.

51. In the meantime the Commissioners appointed by the Government's Ordinance proceeded to investigate the claims. They held their first sitting in the Bay of Islands District, at Russell, on the 11th October, 1841. Godfrey and Richmond were hampered in the discharge of their duties by the necessity for hearing at length the evidence of Natives in opposition to the claims and also by difficulties of communication and the complications arising out of many of the individual claims. One or other of the Commissioners visited the locality of each claim, and took the evidence of the claimant and his witnesses, and also of the Natives. The evidence was always taken down in the handwriting of the Commissioner who received it. Afterwards the Commissioners met at headquarters, and agreed upon a joint or separate report, as the case may be.

52. Two hundred and eighty of the claims had been gazetted at Sydney. The New Zealand numbering followed until the total number of claims amounted to 459. On 8th March, 1844, Major Richmond was appointed Superintendent of the Southern Division of New Zealand, and Colonel Godfrey returned to England. The powers previously entrusted to two Commissioners under the Ordinance of 1841 were now, under the amending Ordinance of 1844, exercised by one Commissioner, Mr. Robert Fitzgerald.

53. From February, 1842, to September, 1843, an amending Ordinance was in force whereby the limitation of 2,560 acres imposed by the 1841 Ordinance was removed and the Commissioners were empowered to recommend grants exceeding this maximum area. This Ordinance was disallowed by the Home Government on the grounds stated by Lord Stanley in a despatch to Governor Hobson dated 19th December, 1842: "It might," he wrote, "prove the means of exposing New Zealand to those evils which have resulted in other colonies from throwing large and unmanageable grants into the hands of