

63. "The whole subject was now before the meeting for discussion, and the chiefs were invited to express their views upon it, or to make any inquiries upon points that were still obscure."

At this stage, Busby made the important statement referred to in paragraph 58 (*ante*): "There being some little hesitancy . . . belonged."

64. The Missionaries themselves were not altogether clear in their minds that the Maoris comprehended the full implications of the Treaty. The Rev. Mr. Colenso at the ceremony on 6th February, 1840, requested the indulgence of the Governor to make some remarks. This is how he records them in his book "Authentic and Genuine History of the Signing of the Treaty of Waitangi":—

*Colenso* : "Will your Excellency allow me to make a remark or two before the chief signs the Treaty."

*The Governor* : "Certainly, sir."

*Mr. Colenso* : "May I ask your Excellency whether it is your opinion that these Natives understand the articles of the treaty which they are called upon to sign? I this morning . . ."

*The Governor* : "If the Native chiefs do not know the contents of this treaty it is no fault of mine. I wish them fully to understand it . . . I have done all that I could do to make them understand the same, and I really don't know how I shall be enabled to get them to do so. They have heard the treaty read by Mr Williams."

*Mr. Colenso* : "True, your Excellency; but the Natives are quite children in their ideas. It is no easy matter, I well know, to get them to understand—fully to comprehend a document of this kind; still, I think they ought to know somewhat of it to constitute its legality. I speak under correction, your Excellency. I have spoken to some chiefs concerning it, who had no idea whatever as to the purport of the treaty."

*Mr. Busby* here said: "The best answer that could be given to that observation would be found in the speech made yesterday by the very Chief about to sign, Hone Heke, who said, '*The Native mind could not comprehend these things; they must trust to the advice of their missionaries.*'"

*Mr. Colenso* : "Yes; and that is the very thing to which I was going to allude. The missionaries should do so; but at the same time the missionaries should explain the thing in all its bearings to the Natives, so that it should be their very own act and deed. Then, in case of a reaction taking place, the Natives could not turn round on the missionary and say, 'You advised me to sign that paper, but never told me what were the contents thereof.'"

*The Governor* : "I am in hopes that no such reaction shall take place. I think that the people under your care will be peaceable enough; I'm sure you will endeavour to make them so. And as to those that are without, why we must endeavour to do the best we can with them."

*Mr. Colenso* : "I thank your Excellency for the patient hearing you have given me. *What I had to say arose from a conscientious feeling on the subject.* Having said what I have, I consider that I have discharged my duty."

Here Hone Heke signed the treaty, on which several others came forward and did the same. The signatures of forty-three chiefs were obtained. After this ceremony had been completed each signatory was presented with two blankets and a quantity of tobacco.

65. The primitive Maoris had no knowledge of international law and the powers such law conferred on sovereignty, whether it was by cession or annexation.

66. Apart from the great influence of the missionaries, in our opinion, the chiefs were mainly influenced to sign the Treaty by Mr. Busby's pronouncement and Governor Hobson's declaration, and that they must have been quite content in the knowledge that those of their lands which were wrongly acquired were to be returned to them. These statements must have appeared to the Native mind as a definite promise made for and on behalf of the "Great White Queen."

67. It is true that the words "surplus lands" were not specifically used, but the orations of both Mr. Busby and Governor Hobson were an assurance to the Maoris that all lands wrongly acquired would be returned to them and not kept by the Government.

68. A more definite promise was made to the Maoris by Governor Fitzroy upon his arrival in Auckland in reply to their addresses of welcome. This is recorded by Dr. Martin in his book *Martin's New Zealand*, page 183:—

Among the parties introduced to the Governor were several Natives, whom he addressed at great length through the Chief Protector, Mr. Clarke, informing them of the anxiety of the Home Government to benefit them, for which purpose he said he had been sent to them. After this address,