

12, 13, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 37, 39, 40, 41, 42, 43, 44, 45, 46, 49, 89, 90, 109, 111, 113, 270, 271, 272, 278, 279, 487, 514, 539, 542, 543, 545, 574, 580, 584, 591, 592, 593, 594, 601, 602, 603, 604, 605, 606, 607, 608, 633, 634, 635, 636, 637, 659, 660, 864, 893, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1081, 1082, 1098, 1099, 1100: total 110.⁽¹⁾

4. THE FRIENDSHIP OF LORD JOHN RUSSELL.

While the Company's Principal Agent was negotiating with the Maoris for immense tracts of territory in New Zealand, the Company itself was endeavouring to obtain some recognition from the English Government. On the 7th November, 1839, Mr. Somes, the Deputy Governor, complained to Lord Palmerston, of the Foreign Office, that "the Colonial Office refuses to hold any communication with, or in any way recognize the existence of, the New Zealand Land Company."⁽²⁾ It was not however, until Lord John Russell had succeeded the Marquis of Normanby as Secretary of State for the Colonies, and had been in office for nearly a year, that satisfaction was obtained.

From the 14th January, 1840, until the 20th November of the same year New Zealand was a dependency of New South Wales. On the 14th January Governor Sir George Gipps, in proclaiming the extension of the boundaries of New South Wales to include New Zealand, declared all purchases henceforth made directly from the Maoris to be invalid.⁽³⁾ Captain Hobson immediately upon his arrival in New Zealand announced by proclamation the illegality of any title to land not confirmed by the Crown. On the 4th August, 1840, Governor Gipps's much discussed New Zealand Land Act was passed, under which no persons could acquire legal titles to land unless their claims were allowed by a Commission to be appointed by the Government of New South Wales. This was a bombshell to the colonists of Wellington, who were anxious to enter into possession of their lands without delay, and a deputation was sent to Sydney, which was favourably received by Sir George Gipps, who was prepared to grant to individual settlers a provisional title to the quantity of land purchased in England.

In the meantime the supporters of the Company in England petitioned Parliament to investigate New Zealand affairs, and in July, 1840, a Select Committee of the House of Commons was set up to inquire into the claims of the petition. The principal witness before the Committee was Edward Gibbon Wakefield, who in the course of an examination lasting several days gave an exhaustive account of New Zealand affairs from the Company's point of view. The draft report of the Chairman, Lord Eliot, who was supported by Mr. Gladstone, was favourable to the Company, but was rejected by the majority, who simply reported the evidence without making any recommendation.⁽⁴⁾

Lord John Russell, however, was considerably influenced by Lord Eliot's report, and in November, 1840, he decided to reverse the policy of his predecessors and recognize the Company. In the same month it was decided to separate New Zealand from the Government of New South Wales, and on the 16th November a charter was signed by Her Majesty erecting New Zealand into a separate colony. The three principal islands were to be known as New Ulster, New Munster, and New Leinster; Captain Hobson was appointed Governor and Commander-in-Chief of the new colony, and instructions were issued under the Royal Sign-manual, dated the 5th December, 1840, prescribing his powers and duties. These instruments were officially proclaimed in the colony on the 3rd May, 1841.⁽⁵⁾

5. THE AGREEMENT OF 1840.

Lord John Russell directed Sir George Gipps to suspend the operation of his Sydney Land Act until further instructed, and on the 18th November, 1840, he transmitted to the Company the draft of an agreement dealing with—

"(i) The adjustment, retrospectively, of the claims which the Company has established to favourable consideration for themselves and for the emigrants whom they have sent to New Zealand:

"(ii) The incorporation of the Company with a view to future operations:

"(iii) The powers of the incorporated body, and the terms upon which the Government would deal with them in regard to Crown lands in New Zealand."⁽⁶⁾

In consideration of receiving a charter, the Company was to waive all claims to lands in New Zealand on the ground of purchases from the aborigines, and to receive from the Crown a free grant "of as many acres of land as shall be equal to four times the number of pounds sterling which they shall be found to have expended for the purposes of colonization." An accountant was to prepare an estimate of the Company's expenses, and for this purpose Mr. James Pennington, C.A., was nominated by Lord John Russell. The first 160,000 acres assigned to the Company were to be selected in those parts of Port Nicholson and New Plymouth districts already occupied by their settlers, and the rest of the land to which they might become entitled was to be selected in blocks of certain sizes.

⁽¹⁾ The above list of sections is compiled from a copy of the plan (the original plan of which is signed by Colonel McCleverty) attached to the Crown grant issued to the New Zealand Land Company, and has been checked with the New Zealand Land Company's Register of Town Sections (Wellington). The list has been compared with the original plan of Wellington signed by William Mein Smith, the Company's Surveyor-General, and agrees with such plan, with the exception of Sections 19, 281, and 858. Section 19 is not shown as a Native reserve on Captain Smith's plan, and Sections 281 and 858, although marked "N.R." on Smith's plan, are clearly European sections. Section 281, located in Cambridge Terrace, was drawn by H. De Castro, and Section 858, situated in Coromandel Street, was selected by Christopher Rawson. The actual number of sections marked "N.R." on Captain Smith's plan is 111. If Section 19 (marked "Selected by Capt. Smith" in the Company's register), is added to this total, and Sections 281 and 858 deducted, the remainder will agree with the official plan. The two plans and the Company's register are in the custody of the District Office, Lands Department, Wellington.

⁽²⁾ App. 12th Rep.

⁽³⁾ Great Britain—Parliamentary Papers, 1840.

⁽⁴⁾ House of Commons Report on New Zealand, 1840.

⁽⁵⁾ Mackay's Compendium, Vol. 1—Public Documents relating to the Colony of New Zealand.

⁽⁶⁾ Mr. Vernon Smith to Mr. Somes: App. 12th Rep.