

claims dated the 8th of July, 1862, stated as follows: "The total area originally estimated to have been comprised in all the claims cannot be accurately ascertained. In many cases the extent of the claim was not stated. In some the contents were estimated in round numbers by millions of acres, or by degrees of latitude or longitude, or by the expression, 'as far as a cannon-shot will reach.' So far as can be estimated, however, after excluding the last-mentioned classes, the particulars as given in the return show a total of 10,322,453 acres."

In the instructions from the Colonial Office in 1839, regarding land in New Zealand, Governor Hobson was directed to induce the chiefs, if possible, to enter into a contract with Her Majesty that thenceforward no land should be disposed of, either gratuitously or otherwise, except to the Crown of Great Britain; and that immediately on his arrival he was to announce by Proclamation, addressed to all the Queen's subjects in New Zealand, that Her Majesty would not acknowledge as valid any title to land which either had been or should be thereafter acquired unless it were either derived from or confirmed by a grant to be made in Her Majesty's name and on her behalf. In order to prevent the acquisition of large tracts of territory by mere land jobbers, the Governor was also instructed to obtain by equitable contracts with the Natives the cession to the Crown of such waste lands as might be required for the occupation of settlers resorting to New Zealand. Care, however, was to be taken not to purchase any territory which the Natives might require for their own safety, comfort, or subsistence.

In conformity with these instructions Governor Hobson, shortly after his arrival in New Zealand, met assemblies of the Natives at Waitangi (in the Bay of Islands) and Hokianga, and induced them to agree to the treaty which has been named after the former place. By the second article of this instrument, which was officially promulgated and laid before Parliament,—

Her Majesty the Queen of England confers and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and individual possession of their lands, estates, forests, fisheries, and other properties which they may collectively or individually possess so long as it is their wish to retain the same in their possession; but the chiefs of the united tribes and the individual chiefs yield to Her Majesty the exclusive right of pre-emption to such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in this behalf.

The right of pre-emption being vested in Her Majesty by the aforesaid treaty, no persons could legally purchase land from the Natives after 1840 without permission or license from the Crown, or without conforming to the rules prescribed by colonial laws. Prior to the promulgation of the treaty the acquirement of Native land had also been interdicted by a Proclamation issued by Sir George Gipps, in January, 1840. The settlement of the country, and the establishment of British sovereignty of necessity effected a great change in the status of the New Zealand tribes. The assumption of the sovereignty of the islands under the provisions of the Treaty of Waitangi extinguished the separate nationalities that existed prior to its promulgation, while at the same time it saved all their proprietary rights, and, subject to Her Majesty's right of pre-emption, confirmed to the Native landowners the power of alienation which they had already begun to exercise.

The New Zealand Company's purchases from the Natives, having been made antecedent to the treaty, were also dealt with under these arrangements by a special Commissioner despatched from England to investigate their titles.

Very little land appears to have been purchased from the Natives by the Government during the first year or two after the establishment of the colony. This inaction caused considerable dissatisfaction amongst the Natives, as it deprived them of one of their chief means of obtaining money, a circumstance that was used by land speculators to foment discontent in the minds of the Natives with the terms of the Treaty of Waitangi, which forbade private speculation in Native lands.

Governor Fitzroy, shortly after his arrival in the colony in 1843, found the Natives clamorous to be allowed to sell their land. While acknowledging their obligations under the Treaty of Waitangi, they urged bitterly the injustice of the Government in refusing either to buy of them or permit them to sell to others. In fact, the Government at this time had neither money nor credit to enable them to purchase.

Yielding to these entreaties the Governor, in March, 1844, considered it advisable to waive the Crown's right of pre-emption, and permit a regular system of purchase between the settlers and the Natives under certain restrictions. Under the terms of a Proclamation issued on the 26th of the same month, all applications were to be sent in to the