

"3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities, and to consult the safety and welfare of our common country by joining the confederation of the united tribes.

"4. They also agree to send a copy of this declaration to his Majesty the King of England, to thank him for his acknowledgment of their flag; and, in return for the friendship and protection they have shown and are prepared to show to such of his subjects as have settled in their country, or resorted to its shores for the purpose of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its protector from all attempts upon its independence.

"Agreed to unanimously on this 28th day of October, 1835, in the presence of his Britannic Majesty's Resident."

Lord Glenelg, in a despatch to General Bourke, dated 25th May, 1836, acknowledged the receipt of the Resident's letter and its enclosures, and after recapitulating the contents of the Declaration said: "It will be proper that the chiefs should be assured in his Majesty's name that he will not fail to avail himself of every opportunity of showing his good will, and of affording to those chiefs such support and protection as may be consistent with a due regard to the just rights of others, and to the interests of his Majesty's subjects."

Most of the foregoing facts and instruments are referred to in a memorandum transmitted by Lord John Russell to Lord Palmerston, on the 18th March, 1840, and Lord John Russell concludes the paper with the following words: "If these solemn Acts of the Parliament and of the King of Great Britain are not enough to show that the pretension made by this company (the New Zealand Company), on behalf of her Majesty (to the sovereignty of New Zealand), is unfounded, it might still further be repelled by a minute narration of all the relations between New Zealand and the adjacent British colonies, and especially by the judicial decisions of the Superior Courts of those colonies. It is presumed, however, that, after the preceding statement, it would be superfluous to accumulate arguments of that nature, and the rather because they could not be intelligibly stated without entering into long and tedious details."

The formation of the New Zealand Association, and afterwards of the New Zealand Land Company, compelled the Government of Great Britain either to acknowledge the sovereignty of the Crown over the New Zealand Islands, or absolutely to disclaim it. At the time, there is little doubt they were in a position, without embarrassment, to take either one course or the other. There was no question with any foreign power, and the natives would have made no resistance to a proceeding, the meaning and effect of which they were unable to comprehend, so long as it did not interfere with any of their material rights or interests.

The Government chose the latter course, and numerous despatches and declarations of Her Majesty's Secretaries of State, written at this period, are consistent in enunciating and maintaining the principle that New Zealand was regarded by her Majesty as a free and independent State in alliance with Great Britain.

Thus, on the 12th of December, 1838, Lord Glenelg wrote to Lord Palmerston, recommending the appointment of a British Consul at New Zealand, and, on the 31st of the same month, Lord Palmerston expressed his concurrence in the suggestion.

In reply to a communication made on the 29th April, 1839, by Mr. Hutt, on behalf of the New Zealand Company, Lord Normanby, on the 1st of May, announced that "Her Majesty's Government could not recognise the authority of the agents whom the company might employ, and that if, as was probable, the Queen should be advised to take measures without delay to obtain a cession in sovereignty to the British Crown of any parts of New Zealand which were or should be occupied by her Majesty's subjects, officers selected by the Queen would be appointed to administer the Executive Government within such territory."

On the 13th of June, 1839, Lord Normanby wrote to the Lords Commissioners of the Treasury, stating that circumstances had transpired which had further tended to force upon her Majesty's Government the adoption of measures for providing for the Government of the Queen's subjects resident in or resorting to New Zealand, and with that view it was proposed that certain parts of the Islands of New Zealand should be added to the colony of New South Wales, as a dependency of that Government, and announced that Captain Hobson, R.N., who had been selected to proceed as British Consul, would also be appointed to the office of Lieutenant-Governor. A despatch, dated the 1st of July, 1839, from Lord Normanby to the Lords Commissioners of the Admiralty, says: "It having been deemed expedient by her Majesty's Government to establish some competent authority in the Islands of New Zealand, it has been determined that Captain Hobson, R.N., should proceed thither, invested with the character of British Consul. The first object contemplated in making this appointment is to obtain from the native chiefs the cession to her Majesty of certain parts of those Islands which it is proposed should be added to the colony of New South Wales, as a dependency of that Government, when Captain Hobson should assume the character of Lieutenant-Governor."

The Treasury minute, which was made in consequence of Lord Normanby's letter, is dated the 19th July, 1839, and sanctioned the advance of the funds necessary for the new undertaking and concluded: "But Mr. Hobson will at the same time state to the Marquis of Normanby that, as the proceedings about to be adopted in regard to New Zealand in the event of the failure of the anticipated