

Mr. Kemp's letter of the 27th June—viz, Waitaki, Moeraki, and Waimakariri, leaving four others, and among them the important pa of Woikawaiti unrepresented.

I should also have felt much more satisfied if Mr. Kemp had distinctly assured me that the Natives who were stated to be representatives of the absent tribes were actual residents from them; they may have been mere residents of Akaroa, or Otakou, or the vicinity, who being the best acquainted with, or most interested in, the absentees volunteered to represent them.

Neither did Mr. Kemp provide for any of the payments being made to the representatives; the whole of the first instalment of £500 was paid to two individuals, one living at either extreme of the block purchased; and Mr. Kemp recommends, and, in fact, appears to have promised, that a second instalment should be paid in a similar manner to the same parties.

I must confess, therefore, that I cannot but anticipate that when the question is more fully inquired into it will be found that the purchase has been made and the first instalment paid without even the knowledge that such transactions were occurring on the part of very many of those whose interests are materially affected by it.

I have, &c.,

His Excellency the Governor-in-Chief.

E. EYRE.

P.S.—In Mr. Kemp's letter of the 3rd July, on the subject of the allowance of one guinea per diem which had been promised to him as a travelling-allowance, he asserts that at a private interview with myself he was given "clearly to understand that the object of his mission would be *simply to ascertain whether the Natives were disposed to sell certain lands, and the sum of money they would be willing to receive as payment for the same; and, having ascertained these particulars, he was then to return to Wellington and report accordingly.*" This is, however, quite a misstatement of facts. It was well known from your Excellency's visit, and from letters which the Natives had written to the Government on the subject, that they were quite prepared to sell their land; the only questions that were likely to arise were those relative to the price and to the lands to be reserved, and these are points it was Mr. Kemp's province to determine, although no real difficulty was ever anticipated with regard to them. It was only in the event of Mr. Kemp's not being able to effect arrangements with the Natives *within the limits* of his instructions that he was requested to communicate with me again prior to concluding any arrangements at variance with those instructions; but under nothing but a very extreme and unlikely case did I ever contemplate Mr. Kemp's return to Wellington without completing his mission; on the contrary, I expected, and Mr. Kemp's instructions provided, that should he not be able to conclude everything in time to return by the "Fly" he was to communicate with me by that vessel, and I would take other measures for sending for him about the time he considered his labours as likely to terminate.—E. EYRE.

No. 6.—LETTER OF INSTRUCTIONS FROM MR. GISBORNE TO MR. MANTELL.

SIR,—

Wellington, 2nd August, 1848.

I have the honour, by the direction of the Lieutenant-Governor, to furnish you with the following instructions for your guidance in the discharge of the duties devolving upon you as the Commissioner appointed to complete the negotiations connected with the purchase of certain districts of land in the Middle Island which were partially entered upon by Mr. Kemp in June last.

To enable you to judge accurately of the position in which the question at present stands, I am directed to transmit for your perusal Mr. Kemp's reports relative to the arrangements made by him, and also a letter from the Lieutenant-Governor to Mr. Kemp, pointing out the particulars in which Mr. Kemp had either deviated from his instructions or had failed to carry them out. An extract from the instructions given to Mr. Kemp for his guidance is also added, from which you will be able to collect the objects and intentions of the Government in sending that officer in April last.

The case appears, then, to stand thus:—First: The Natives, or at least all of them who were communicated with, have sold their titles to or interests in that part of the Middle Island lying between the Ngatitua boundary-line and the Otakou purchase, with the exception of certain reserves to be set apart for themselves and their descendants; the purchase-money agreed to be received was £2,000, and the first instalment of £500 was paid to them on the 12th June at Akaroa. Secondly: The lands to be set apart as Native reserves were not either enumerated in the deed or marked out on the ground, and therefore, until this is done, the whole arrangement is vague and indefinite, and difficulties or disputes may hereafter arise in the interpretation. Thirdly: The deed executed by the Natives, though in equity binding upon them, is not according to our laws a legal one. Fourthly: The payment of the remaining instalments were intended to have been annual, but Mr. Kemp promised the Natives verbally that they should be half-yearly: no mention, however, of such arrangement is made in the deed itself.

The following, then, are the duties which your undertaking the office of Commissioner imposes upon you:—First: To traverse by land, accompanied by a surveyor, the whole of the district lying between the Ngatitua boundary-line and that of the Otakou Block; seeing all the Natives or, at least, the principal men of each tribe between the limits mentioned; deciding upon and seeing marked distinctly on the ground the various reserves which you may consider necessary to be set apart for the use of the Natives. In deciding upon the number, extent, or situation of the reserves to be set apart you will be guided by the following considerations—namely, that Mr. Kemp guarantees to the Natives in the deed of sale executed by them "that their places of residence and plantations are to be left for their use and the use of their children," and provides further that other additional reserves to be determined on by the Government should also be set apart for the same purpose; to the first class of reserves therefore they are strictly and literally entitled. But as it is desirable to avoid the difficulties which must certainly arise in laying out the lands for settlers from the existence of innumerable small and irregularly-shaped reserves dotted all over the country, or from their occupying important points upon harbours, it will be desirable that you should use your influence to induce the Natives to take their reserves in as few localities as possible, in as limited a