

“Middle”) Island now mostly included in Canterbury. Being by law debarred from dealing directly for the land with the Native owners, they approached the Governor-in-Chief, who in turn gave instructions to the Lieutenant-Governor of New Munster (which included the land in question) to promote the purchase from the Maori owners. That the New Zealand Company was the moving spirit in the matter seems clear from Lieutenant-Governor Eyre's letter of the 25th April, 1848, in which he acknowledges receipt of Colonel Wakefield's letter, on behalf of the New Zealand Company, “with respect to the contemplated purchase of lands in the Middle Island; and stating the limits within which you are willing to undertake payments in extinguishment of the Native title to the land referred to.” So, in the instructions to Mr. Kemp of even date the latter is referred to as “Commissioner to negotiate the purchase from the Natives of certain lands required by the New Zealand Company”; while Mr. Kemp himself in his report of the 19th June, 1848, ventures “to hope that the arrangements I have made will meet with His Excellency's approbation, and at the same time prove satisfactory to the principal agent of the New Zealand Company, on whose behalf the land has been acquired.” In addition, it is quite clear that the New Zealand Company found the money required for this and adjoining purchases.

The question of whether the Company or the Crown acquired the land is not now of much moment as far as the actual ownership of the land is concerned, since the Crown adopted and treated the contract as its own. But it does have considerable bearing on the question of how much land the Natives thought they were selling. They claim that they were told that it was a sale of, and they were only treated with for, the eastern seaboard between two former purchases, and that the consideration was never intended for more than that. Some colour is given to this view by Lieutenant-Governor Eyre's strongly expressed indignation at Mr. Kemp's action in recognizing Native rights over a large area, after being specially warned in a personal interview to guard against the “error of acknowledging a validity of title in the few resident Natives to vast tracts the larger portion of which had probably never even been seen, and certainly never had been made use of, by them; and that he [Lieutenant-Governor Eyre] repeatedly and distinctly enunciated to you that it was only rights or titles of the Natives, to the extent these might be found to exist, to the tract of country referred to which were to be purchased”—evidently referring to the theory (afterwards abandoned) that all land not actually occupied by the aborigines belonged to the Crown. Whatever may have been intended, it is quite evident that the conveyance was drawn and executed so as to cover all the land lying between the former purchases on the north and south, and the east and west coasts of the South Island, except Banks Peninsula—somewhere about 20,000,000 acres in all.

From the records we gather the following history of the events leading up to the sale: Somewhere before the 17th March, 1848, Governor Sir George Grey visited the South Island, and there “found, upon conversing with the principal chiefs of that Island, that they had all acquiesced in the propriety of an immediate settlement of their claims to land upon the following basis: that the requisite reserves for their present and reasonable future wants should be set apart for themselves and their descendants, and should be registered as reserves for such purposes, and that they should then relinquish all other claims whatever to any lands lying between the Nelson and Otago Blocks, receiving for so doing such sums as might be arranged, in four annual payments. Upon considering the number of Natives between whom the payment agreed upon was to be divided, it appeared to me that a total sum of £2,000, in four annual payments of £500 each, would be as large an amount as they could profitably spend, or was likely to be of any real benefit to them.” On his return to Wellington he communicated verbally with the Lieutenant-Governor, promising to send down the Surveyor-General to conduct the purchase. Finding, however, that officer could not be dispensed with, he subsequently (8th April, 1848) sent word to Lieutenant-Governor Eyre that he found that the services of the Surveyor-General could not be spared, and instructed the Lieutenant-Governor to appoint some other person, stipulating it should be Mr. Kemp—or, at least, he should be the

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