

This error, His Excellency observes, may probably entail upon the Government the necessity of sending down a Commissioner to have another deed of sale executed in a proper form. It is due to Mr. Kemp to observe that, from the correspondence, it appears the form of deed in question was supplied to him by the authorities.

The Lieutenant-Governor reported the matter to the Governor-in-Chief on the 5th July, 1848, and in the course of that despatch says: "It remains for me to observe that, in accordance with the wishes of the New Zealand Company's principal agent, I purpose, as soon as the worst of the winter months are over, to send down a new Commissioner, accompanied by a surveyor, for the purpose of defining and determining all the Native reserves; and after the due completion of which I propose that another and more formal deed should be executed by the Natives, and the second instalment, which by that time would become due, be paid to them. By thus correcting the mistakes which have occurred without the lapse of any long interval of time, and before circumstances can have arisen to make the Natives disposed to take advantage of any opening left them to extort further payments, I would trust that some of the difficulties, otherwise unavoidable, may in a great measure be obviated, and especially as the comparatively small amount and scattered character of the population offer greater facilities for attempting such a rearrangement than could have been hoped for in any other portion of New Zealand."

At the conclusion of this despatch the Lieutenant-Governor says: "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." As a matter of fact, as the years went by, it was urged that very many of those interested were not originally aware of the transaction.

On the 2nd August, 1848, instructions were issued to Mr. Mantell, "as the Commissioner appointed to complete the negotiations connected with the purchase of certain districts in the Middle Island, which were partially entered upon by Mr. Kemp in June last." The following duties were laid down for him:—

Firstly, to traverse by land (accompanied by a surveyor) the whole of the district lying between Ngatittoa boundary-line and Otakou Block; to see the principal Natives; and to decide upon and see distinctly marked on the ground the various reserves he considered necessary. In deciding upon the number, extent, or situation of the reserves to be set apart he was to be guided by the following consideration, viz.: 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 Governor, should also be set apart for the same purpose. To the first class of reserves, therefore, they were said to be 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 number of reserves in each locality as you can persuade them to agree to, and in as regular-shaped blocks as circumstances will admit of. Much may be done towards accomplishing this by inducing the Natives of very small settlements to unite in taking their reserves at one locality, and by getting them to consent to give up the smaller patches of cultivation in exchange for additional land nearer the larger ones, a liberal provision being made both for their present and future wants, and due regard shown to secure their interests and meet their wishes."

There are six other duties laid down, but the only ones needing passing references are—

"Fourthly: It will be necessary to have a new deed executed by the Natives, conveying the lands to Her Majesty and her successors instead of Colonel Wake-