

Old Land Claims Letter Book 1840-1844
Archives New Zealand Reference ACFC 16431 OLC8/1

To H. E. Deas Thomson, Colonial Secretary, Sydney 1/40 Sydney 18 Sep 1840
Sir, In the examination of the Claims for Land in New Zealand already sent in, there appears very few points that are not very distinctly provided for in the Act passed by the Legislative Council but, if you have the kindness to lay the enclosed Queries before His Excellency the Governor, a more positive decision upon them than can be easily gleaned from the Act, will be of service to us and prevent future reference to him.

To Colonial Secretary, Sydney 2/40 09 Dec 1840 Bay of Islands
Sir, We have the honor to report for the information of His Excellency The Governor that having consulted the Lieut. Governor of New Zealand we have in compliance with his wish and in concurrence with his opinion determined upon establishing our headquarters at the intended residence of The Lieut. Governor at Auckland on the Thames, in this Colony and that Mr Fisher and Captain Richmond proceed there in the 'Victoria' for that purpose.

We have prepared and shall cause the notices, of which copies are forwarded herewith (Vide Nos 1 & 2: printed notices dated 9 December 1840) to be published in the next newspaper and suggest the publication of the notice of the course we purpose to adopt in the N.S. Wales government gazettes. With reference to the several communications, Letter 25 Nov 1840 No.42/24, received by us in regard to our duties as Commissioners & in which it is stated that the notice of the 9th Nov last contains a list of cases (27) which have been forwarded to the Commissioners, we beg to inform you that although those cases were handed to two of us, they were returned to your Office with the queries alluded to in your letter of the 2nd October last, Letter 2 Oct 1840 No.40/10, and have not again been forwarded to us.

We have therefore to request that these necessary documents may be forwarded to us at Russell; and as Coll. Godfrey remains at that place he will immediately on receiving them give notice of the day for hearing the parties and their evidence, and we shall proceed with all possible dispatch in our investigation.

In the meantime we purpose obtaining from the best sources as full information & evidence as can be procured of the nature of the Aboriginal Titles & the right of the Chiefs & others to the particular lands they may have sold or to which they claim an exclusive proprietorship against others of the same Tribes.

We have to request that in all cases where notices are published in your gazette, at least (100) one hundred may be struck off for our use, as we find the number of lists in the notice of 9th Nov last not sufficient for distribution and posting.

To Colonial Secretary, Sydney 3/40 16 Dec 1840 Russell
Sir, The notices of the Commission as stated in their letter of the 9th inst., cannot for the moment appear in the Bay of Islands gazette as that Newspaper (the only one here) has discontinued for the present. I have posted them in writing upon the doors of the Church at Kororarika and the town house at Russell, to prevent delay in the information to the further of our proceedings; and will endeavour to get them printed and circulated by some other mode if the Bay of Islands Gazette does not speedily resume its publication. E.L.G.

To Colonial Secretary, Sydney 4/40 27 Dec 1840 Russell
 Sir, Mr Fisher having discovered the documents we applied to you for in our letter of the 9th inst., we design to enter into the examination of the claims in the Bay of Islands district on the 25th of January – agreeable to the enclosed notice – Vide No.3 Printed Notice 29 Dec 1840, which you will probably think fit to publish in the Sydney gazette – if we can get the particulars of the cases &c, in conformity with the 3rd Article of your Instructions, printed in time in a government gazette extraordinary which the Lieut. Governor has requested the missionary printer to publish, and which he has promised to do if the Committee of Missionaries which meets on the 29th inst., permit him.

This is declared by the printer to be a favour, which, excepting the publication of the days of our Court sitting, cannot be repeated in future. We shall therefore most probably, be forced to request, that the particulars of the claims for examination be printed in Sydney, sent to us, & then attached to the notices of hearing.

If we were to publish in the Port Nicholson newspaper, the delays would be extreme, as the communication between this part of the Island and that place is not only most uncertain but also very rare.

I would have refrained from writing to you until I was perfectly assured of the necessary publication here, but as there is no prospect of another vessel soon sailing to Sydney, if I delayed, there would not be time left for any warning to be given in the Sydney Government Gazette, and I do believe that we shall succeed in getting the present notices printed as before stated, but how we are to manage in future, so as to avoid most tedious delay, I cannot imagine; unless His Excellency The Governor be pleased to alter the above mentioned article of our Instructions and to allow of all printed notices from us, appearing solely in the Sydney Gazette. E.L.G.

To Colonial Secretary, Sydney 5/40 29 Dec 1840 Russell
 Sir, In consequence of the mail of the 27th inst being delayed, I have it in my power to inform you that the notices enclosed to you in my letter of that date, are now printing and will be published in a Gazette of the 31st inst. E.L.G.

To Colonial Secretary, Sydney 1/41 05 Jan 1841 Russell
 Sir, I have the honor to enclose to you for the information of His Excellency The Lieut Governor a list of the claims to grants of land in New Zealand already referred to the Commission for their decisions; and to request you will be pleased to inform us, previous to the investigation of them – which commences upon the 25th inst – whether His Excellency is aware of any counter claimants to the said grants and also if the original Aboriginal Titles to such Lands are, or have been, to his knowledge, contested by other native chiefs.

We likewise beg you to apprise us, if there be any portions of these lands at present claimed, which His Excellency the Lieut Governor may deem necessary to reserve – agreeable to the provisions of the Act 4 Vict^a No.7. By order of the Commissioners. E.L.G.

To George Clarke, Protector of Aborigines, Russell 2/41 08 Jan 1841 Russell
 Sir, I have the honor to enclose you copies of Sir George Gipp's speech upon the New Zealand Bill – of the said Act 4 Vict^a No.7; the lists of claims referred to the Commission; the published extract of instructions to them and also copies of the New Zealand Gazette containing the notices of the Commission and the list of claims about to be examined. E.L.G.

To Colonial Secretary, Sydney 3/41 19 Jan 1841 Russell
Sir, It being necessary under the 4th Clause of the Instructions issued by His Excellency Sir George Gipps, Governor of N. S. Wales & its dependencies, to us, as Commissioners appointed to examine & report on claims to grants of land in New Zealand, that we should appoint an Interpreter to attend our different Courts. We have the honor to report that we are in treaty with a gentleman who will be permanently attached to the Commission so long as his assistance may be required and as he must accompany us, and it being impossible to procure lodgings, we have to request that a lined Tent, a Table, two stools, washing basin & ewer of tin, a stretcher, mattress and three blankets may be furnished for his use – these essential articles cannot be obtained unless by a special order from Sydney.

On His Excellencys approval we would request that the Colonial Storekeeper forwards them to the Bay of Islands by the first ship.

We have also to request that His Excellency will allow us one tent for servants in addition to that already furnished which we find not large enough for the purposes required, as we are obliged to encamp by ourselves and cannot obtain the least assistance except from our own people & supplies.

To Mr John King Jnr, Tapoona 4/41 19 Jan 1841 Russell
Sir, It being necessary that an Interpreter should be appointed permanently to be attached to the Commissioners appointed to examine & report on claims to Grants of land in New Zealand we are willing to avail ourselves of your services should you be prepared to undertake the duties we shall require to be performed in that Office.

Our application to you is made at the instance & particular recommendation of Mr Clarke, the Official Protector of Aborigines, who not only affords us his gratifying assurance of your competency, but adds high... upon your conduct and character & he seems also assured that the Office would be one you would willingly enter upon.

It is intended to afford you on all occasions, where it can be accomplished, the assistance of another Gentleman also competent to act as Interpreter, as the duties during the actual sittings of our Courts will fully engage two Interpreters.

Should you determine to accept the appointment, we wish you to attend us at Russell at the earliest period in order that we may arrange the terms upon which your services are to be rendered. Our first Court will be held here on Monday the 25th inst.

To Colonial Secretary, Russell, NZ 5/41 19 Jan 1841 Russell
Sir, Having reference to the instructions issued by His Excellency Sir George Gipps to us the Commissioners appointed to examine & report on claims to grants of land in New Zealand wherein the presence of either the Official Protector of Aborigines or some person appointed in his stead by the Lieut. Governor is rendered necessary at all our investigations, we have the honor to inform His Excellency the Lieut. Governor that with a... to enable the Official Protector to arrange for the protection of the rights and interests of the Natives we have forwarded to Mr Clarke copies of all Lists of Claims & notices of our intended proceedings and we take it for granted that all the necessary information he may deem it proper to obtain will be procured by him from the different Tribes whose supposed claims are affected in the List before our first Court day the 25th inst., & will of course be expected to insure the attendance of such Native and other witnesses he may find it right to call in support of those rights and interests.

We have now the honor to request that His Excellency The Lieut. Governor will be pleased to communicate to us the Person he will appoint in the stead of the Official Protector should that Gentleman not be able to attend, and we beg to suggest that examined copies of the appointments of the Official Protector and of the person to attend in his stead should be sent to be filed with our proceedings.

To His Excellency the Lieut. Governor, NZ 6/41 Court of Claims, Russell 25 Jan 1841
Sir, We have the honor to draw your Excellency's attention to clause 4 of our instructions as Commissioners appointed to examine & report upon claims to land in New Zealand wherein the attendance of the Official Protector of Aborigines or some person appointed by your Excellency in his stead must take place during our investigations to protect the rights and interests of the Natives.

Your Excellency may recollect that Mr Clarke's attendance, or the appointment of some competent person in his stead, has formed one of the subjects upon which in conformity with our instructions we have advised with Your Excellency; but, after the public notification of our first sitting in the New Zealand Gazette Extraordinary, it has become our duty with reference to our instructions and to the 7th clause of the Act Vict^a No.7 to consider whether (in justice to those claimants who are in attendance with their witnesses and documents, in consequence of such notice; and which notice was submitted to and approved of by you) we could adjourn our first sitting until Your Excellency's return from the Thames enabled us assign to draw your attention to this subject and advise with you thereon.

In your absence we deemed it right to communicate to your Colonial Secretary a letter dated 19 inst., and you will perceive by it that every notification of our intended proceedings has been addressed to the Official Protector.

We were very anxious, if possible, to postpone our investigation until Your Excellency's return, but, the delay which has already necessarily taken place – the fact that a very large number of witnesses are in attendance, at the expense of the claimants, to support their memorials, our own positive instructions to proceed in our investigations with all possible dispatch – and the consideration that the public interest in so many ways, would be materially affected by any adjournment has compelled us, very reluctantly, to proceed in our examinations of the claims referred to us and so noticed.

We however, will of course, readily afford to the Protector or such person as Your Excellency may appoint in his stead, full opportunity not only of suing and considering all the evidence adduced before us, but we will – should Your Excellency or the Protector of Aborigines deem it proper – recall all or any of the witnesses already examined.

The Colonial Secretary having in reply to another communication of ours of this days date informed us that the return of the Official Protector from Auckland is daily expected, and that early steps will be taken to insure compliance with the terms of Your Instructions, we beg to assume Your Excellency that the Protector or the person appointed in his stead shall have the opportunity to reply to ever case we may examine previous to his being in attendance upon the Commission if he think the interests of the Natives require it.

To W. Shortland, Colonial Secretary, NZ 7/41 Court of Claims Russell 25 Jan 1841
Sir, The Official Protector of Aborigines not being present at this their first Court for hearing claims to grants of land as required by the 4th clause of their instructions, the Commissioners in the absence of His Excellency the Lieut. Governor have the honor to request the Colonial Secretary of New Zealand will inform them whether His Excellency has, under the same clause of the Commissioner's Instructions appointed any and what person in the stead of the Official Protector to be present at the Commissioners investigations in order to protect the rights and interests of the Natives.

The Commissioners beg to inform the Colonial Secretary that they have opened their Court and are proceeding to investigate Claims and therefore beg to be favoured with a speedy reply.

To Captain Clendon 8/41 Court of Claims Russell 26 Jan 1841
The Commissioners for examining claims to grants of land in New Zealand finding the evidence of Captain Clendon requisite in a case of Mr John Israel Montefiore beg to request the attendance of Captain Clendon at their Court at Russell on Friday or Saturday next.

To Captain Wright 9/41 Court of Claims Russell 26 Jan 1841
The Commissioners for examining claims to grants of land in New Zealand beg to inform Captain Wright and Mr Hingston that Mr Busby's claim is now before the Court and request the presence of those gentlemen at their Court if they desire to state objections.

To Willoughby Shortland, Esq. 10/41 Russell 03 Feb 1840
Sir, We do ourselves the honor to enclose abstracts of pay & contingent expences to the 31st Dec 1840, which we request you will have the goodness to lay before His Excellency the Lieut. Governor. We beg farther to state that Coll. Godfrey and Captain Richmond received an advance of £100 of their Salaries at Sydney.

To James Busby, Esq. 11/41 Court of Claims Russell 04 Feb 1841
Sir, We have the honor to acknowledge the receipt of your letter of the 2nd inst., and beg to inform you in reply that we consider ourselves obliged to require the payment of the fees charged to you – but we shall state your objections to such charge to His Excellency Sir George Gipps.

To W. Shortland, Esq., New Zealand 12/41 Russell 05 Feb 1841
Sir, We do ourselves the honor to acquaint you that we have received a communication from the Hon. E. Deas Thomson directing us to apply to His Excellency the Lieut. Governor for information relative to a tract of land formerly belonging to a Chief named Reti which was confiscated to the Crown in consequence of a robbery committed on Mr Busby.

We beg leave to state that Mr Busby's claims are now under consideration and therefore request you will do us the favour to furnish us with any documents or particulars there may be in this case.

To W. Shortland, Esq., New Zealand 13/41 Russell 05 Feb 1841
Sir, In submitting a Copy of a letter from the Hon. E. D. Thomson referring us to His Excellency the Lieut. Governor for information respecting certain Claims intended to be made on the part of several of the Aborigines of this Colony, we beg to request that we may be furnished with copies of the Deeds they have transmitted and any other information His Excellency may consider it necessary to afford us. (copy enclosed)

Letter from E. Deas Thomson to Colonial Secretary's Office, Sydney 02 Jan 1841
In transmitting to you the accompanying copy of a despatch from Lt. Governor Hobson enclosing a communication from the Protector of Aborigines respecting Claims to Land held in trust by Members of the Church Missionary Society – I have the honor by direction of Sir George Gipps to request that you will apply to the Lieut. Governor for the original deeds referred to in the despatch, or copies of them, for your information. His Excellency desires that you will not recommend the alienation to other individuals (ordinary claimants) of any portion of the lands vested by those deeds of trust in the Missionaries for the benefit of the Aborigines or at least that you will not recommend the alienation of any portion of the lands without fully considering those claims and being perfectly satisfied that a counter claimant may have a better title.

To Hon. E. Deas Thomson, Colonial Secretary, Sydney 14/41 Russell 05 Feb 1841
 Sir, In transmitting the enclosed letter we have received from Mr Busby objecting to the amount he has been charged for Fees &c we do ourselves the honor to state that in compliance with paragraph No.14 of our instructions we entered into each of his claims as a distinct case, and we are therefore of opinion that he should be charged the fees separately upon each.

We beg leave to add that after an attentive perusal of the Act and the instructions given for our guidance we do not feel that we would be justified in altering our decision, but as a remonstrance has been made – we request you will do us the favour to submit the matter for His Excellency's consideration and further instructions. (copy enclosed)

Letter from James Busby, 'Victoria', Bay of Islands to the Commissioners 02 Feb 1841
 Gentlemen, I have the honor to submit that in charging me with a fee of five pounds for each portion of the land claimed by me amounting in number to eleven it appears to me you have mistaken the true and literal meaning of the Act of Council. The act evidently contemplated the existence of a claim to more than one tract of land by the same individual but the fee is made payable in filing the memorial without requiring a separate memorial for each tract of land or specifying that a separate fee shall be charged on each tract included in the same memorial.

Only one Schedule or memorial was filed by me with Colonial Secretary, which was acknowledged as a single document though it contained the particulars of all the purchases made by me and I do not consider that I am required by the Act to pay more than one fee for the whole.

To the Revd Williams, Missionary 15/41 Russell 06 Feb 1841
 Revd Sir, We have the honor to request that your Committee will authorise Mr Colenso to print notices of our intention to hold Courts of claims until such time as we can under His Excellency the Lieut. Governor's arrangements procure their being published by Government.

To Colonial Secretary, Sydney 16/41 Russell 10 Feb 1841
 Sir, We have the honor to forward you herewith a copy of the Minutes of our proceedings in reference to the claims referred to us by your letter dated as in margin (No.40/21 19 Nov 1840) & from which His Excellency Sir George Gipps will find that we proceeded to investigate all the claims in the District of the Bay of Islands at the earliest day we could appoint after obtaining the means of publication.

The Cases Nos 13 to 21 inclusive have been heard and are, as regards the Claimants, closed.

Nos 12 & 27 are adjourned & if the parties interested appear at our next Court will be investigated – but as we are aware that some difficulty exists in procuring the attendance of Natives evidence we shall keep those cases open until some further notice can be given to the Claimants & it would probably be thought proper by His Excellency that a communication to this effect should be made from your Office to the parties who reside in Sydney & may not have an agent here.

This necessarily leads us to allude to the difficulty which exists in this Colony of communicating from one part of the Islands to other places, & will, we have reason to believe, cause many cases referred to us to be from time to time adjourned.

We have delayed, until the conclusion of our first sittings at this place, the publication of any further notices of investigations in the hope that the arrival of a Vessel from Sydney might enable us to advertise a day for hearing a larger number of claims than those now

before us – but as we are now without advices from Sydney later than the 10th of January last we have caused a notice to be inserted in the N.Z. Government Gazette which will be published on Friday (12th) of our intention to hear cases Nos 9, 11, 25 & 26 & the adjourned ones Nos 12 & 27 at Auckland in the Waitemata on the 10th of March next the earliest day we can fix so as to enable us to give notice to all parties interested.

In order however that no time may be lost in giving notice for the holding of our next sitting to investigate the claims we have reason to expect may be referred to us in this district we have further to report for the Governor's information that Coll. Godfrey will remain at Russell while Captain Richmond and Mr Fisher carry on the investigation at the Thames & on receiving claims they will be immediately advertised in the N.Z. Government Gazette which we understand will now be published weekly for as early a day as the nature of the present communication between Russell & Auckland will enable Mr Fisher and Captain Richmond to proceed from Auckland to either this or such other settlement as the further prosecution of our duties may require.

You will perceive that we have cases Nos 1 to 8 still to be investigated – the whole of them being claims made by George Green of North Shore Sydney. The lands claimed by him are at Stewart's Island and Middle Island & we shall not be able to proceed with those claims during the winter season but as we shall probably have to fix the holding of a Court at Port Nicholson it would, we beg to suggest, be right to give Mr Green notice that if he choose to appear there or indeed at any other of our Courts & will inform us of his intention, we will advertise his claims for investigation at an earlier period.

In the course of Mr Busby's claims being heard that Gentleman stated to us that he had a letter officially permitting him to make purchases of land & that he would produce the letter. It however afterwards was stated by him only to be tantamount to an authority & the letter he alluded to, is one of the date in margin (20 Apr 1836), addressed by your predecessor to Mr Busby as British Resident in reference to a purchase of land made by Mr McDonnell. As this question is of importance in the land on which Mr Busby's residence was built & involves a very large & valuable plot of his claim, we have to request that any correspondence upon the subject of lands between that gentleman & the Government may be copied & sent for our perusal and we would wish to be informed whether His Excellency Sir George Gipps or the late Governor Sir Rd Bourke had given either the permission or implied permission as stated by Mr Busby.

We have also to request that His Excellency will cause copies of the Proclamations issued by him in respect to this Colony & of which we have not the dates to be forwarded – but as their publication may have taken place prior to purchases made in New Zealand it will be necessary that we should file them with our other documents to guide our judgments in such cases.

The Cases Nos 23 & 24 stand adjourned for further evidence to be produced by Mr Busby - & on the arrival of the Surveyor, he will have to proceed with Coll. Godfrey to survey a disputed part of Mr Busby's claim.

We shall be prepared to report for His Excellency's final decision upon cases heard at the earliest period after our Surveyor has made his Survey & reported thereon & we purpose making an arrangement which will materially facilitate his operations by the employment of Mr Flatt in the Survey Department – his assistance being approved by the Lieut. Governor.

To James Busby, Esq., New Zealand 17/41 Russell 10 Feb 1841
Sir, In acknowledging the receipt of your letter of the 8th of February last we have the honor to inform you that pending an investigation before our Court, we cannot comply with such a request as is therein contained.

To George Clarke, Protector of Aborigines 18/41 Russell 13 Feb 1841
Sir, I have the honor to enclose you a copy of the government gazette of the 12th inst., which contains a notice of the Claims to grants of Land, about to be examined upon the 10th of March next at Auckland. By order of the Commissioners E. L. G.

To the Colonial Secretary, New Zealand 19/41 Russell 15 Feb 1841
Sir, I beg leave to enclose, for the information of His Excellency the Lieutenant Governor, a list of the claims to grants of Land to be investigated at Auckland on the 10th March next and to request to know if it be the desire of His Excellency to reserve any portion of the said Lands. I have also to request His Excellency will give orders to apprise the Protector of Aborigines of this investigation, so that he may take any measures His Excellency considers necessary for the protection of the Natives upon this occasion. By order of the Commissioners, E. L. G.

To the Revd Henry Williams, Paihia 20/41 Russell 17 Feb 1841
Sir, I have the honor to acknowledge the receipt this morning of a packet addressed to the Land Commissioners containing the particulars of 14 portions of land in New Zealand claimed on behalf of the Church Missionary Society and a letter from you addressed to the Colonial Secretary, Sydney dated 01 Feb 1841. If these are merely copies of the claims you have already transmitted to the Colonial Secretary, I shall take care of them until those claims are investigated, but if you have not yet made the necessary application to that Office, I must return them to you, in order that you may forward them to him, as you must be aware the Commission cannot investigate any claim except by the orders of His Excellency, Sir George Gipps. By order of the Commissioners, E. L. G.

To James Busby Esq., Bay of Islands 21/41 Russell 26 Feb 1841
Sir, As the Surveyor to the Commission has arrived here I would wish to know what day next week it will be convenient for you to point out to us the land in dispute between you and Mr Hingston. I must have timely notice of the day in order to apprise Mr Hingston, who will accompany me; and Mr Davis the Interpreter must also be written to by me so that he may meet me there. At the same time I desire to see the Lands confiscated by Reti. By order of the Commissioners, E. L. G.

To Colonial Secretary, Sydney 22/41 Russell 17 Mar 1841
Sir, I beg leave to inform you that Mr Kemp the Surveyor attached to the Commission was unfortunately drowned on the 16 inst., by the upsetting of a Boat. He was not on duty at the time. I beg to suggest to you, that the Surveyor you send to us to succeed him, may be provided with two Tents and their furniture as these cannot be procured from the Government here. We shall have to hire four Assistants and a Boat also for the surveyor, and probably these could be procured at Sydney, upon less extravagant terms than in this Island. The disputes upon the subject of boundaries renders the speedy assistance of a Surveyor very requisite before we can make decisions. By order of the Commissioners, E. L. G.

To T. A. Perry Esq., D Inr Genl Sydney 23/41 Russell 20 Mar 1841
Mr Kemp who arrived here a fortnight ago to act as Surveyor to the Land Commission was unfortunately drowned on the 16 inst. his body was washed on shore and, after an Inquest, buried at Kororarika. His effects, including some Instruments for surveying, after having been sealed up by the Police Magistrate Mr Beckham, were delivered over to the Registrar Mr Cooper. I mention these circumstances to you as you may probably be acquainted with some of the unfortunate young man's relations who may be desirous of applying to Mr Cooper for an account of his effects and also to enable you to instruct that gentleman whether the Instruments found on the property of Government, and, in such case, what he is to do with them.

To W. Shortland, Esq., Colonial Secretary 24/41 Auckland 15 Mar 1841
Sir, We beg to apprise you that under our Notice in the New Zealand Government Gazette of the 26 February we are now entering into the investigation of claims from Kaipara, several of the parties being now before the Court and we beg to acquaint His Excellency the Lieut. Governor that neither the Protector of the Natives nor any other person appd by His Excellency in his stead is in attendance. As we have requested Mr Williams, who is the only competent Interpreter we are acquainted with here to attend and act in that capacity to the Court on this occasion we propose instructing him to attend to the interests of the Natives until His Excellency's further instructions are received by us.

To George Clarke, Esq., Protector of Aborigines 25/41 Auckland 28 Apr 1841
Sir, We have the honor to enclose for your use and information two copies of the gazettes of the 9th March and a New South Wales Government Gazette of the 23 March 1840 containing the Advertisements of claims to grants of Land in this Colony numbered consecutively from 28 to 119 inclusive. The claims No.76 to 119a have not at present been received by us from Sydney. We have to request that you will be pleased to read over & divide these claims into districts of which we will thank you to let us have a copy with your remarks as to locality. The proper places for holding our Courts, the best method of obtaining the attendance of Aboriginal witnesses – by what means the Commissioners can attend at their respective Courts & such further observations as you may deem useful for our information. We have also to request you will obtain from His Excellency the Governor directions for the attendance of a Sub-Protector during our sittings & we will thank you to inform us what arrangement is made in this respect.

To Mr William Orr, Sussex St, South Sydney 26/41 Auckland 31 May 1841
Sir, Your deceased relative Mr Kemp was accidentally drowned at Kororarika, when on an excursion for his amusement, by the upsetting of the boat he was in. His body was found a few days afterwards and buried at Kororarika. Captain Perry, the Assistant Surveyor General at Sydney was informed of the unfortunate circumstance, and also, that the Registrar of New Zealand, Mr Cooper, had taken possession – as he was bound to do – of his effects. For any account of these we must refer you to that Gentleman and to Captain Perry for any mention of his Salary as he had never been on our pay lists.

To James Busby Esq., Bay of Islands 27/41 Auckland 25 May 1841
Sir, With reference to your letter of the 2nd February containing an application for a reduction of the Fees already charged for the examination of the Commission relative to your Claims to Grants of Land in New Zealand and which application was referred to His Excellency Sir G. Gibbs I beg to inform you that His Excellency has decided that fees of five pounds separately are not to be charged on each of your cases. As I would not pay your Draft for £96 6s into the Treasury until this point was determined I have cancelled and given it to your friend Mr Clendon and he has paid me in lieu of it the following amount amounting to £46 5s (vide Fee Book). I have the honor to be sir, Francis Fish.

To the Colonial Secretary, New Zealand 28/41 Auckland 04 Jun 1841
Sir, We have the honor to enclose for His Excellency information Printed Lists of all the claims which have been referred to the Commissioners appointed under the Act of the Governor and Council of New South Wales, Vict 4 No.7. 100 copies of each notification have been forwarded to us for Circulation with the exception of from Claim No.1 to 27. As His Excellency may wish to be made acquainted with the process of the Commission we beg to state that we are prepared to report upon Nos 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 cases as soon as the Survey of them is made, and that the investigation of Claim Nos 25, 26, 9, 11 have been commenced but were obliged to be postponed for want of evidence.

To the Colonial Secretary, New Zealand 30/41 Auckland 05 Jul 1841
Sir, In reply to the memorandum of His Excellency the Governor accompanying the enclosed claim of Mr John Halls. We have the honor to state that in the first instructions given to our Commission by His Excellency Sir George Gipps we were not authorised to examine derivative claims but we have since received his orders to investigate such, having regard in their examination only to the circumstances under which the original purchase was made from the Natives. Mr Webster has sent in a claim to large grants of land in conjunction with Mr William Abercrombie and Mr Nagle.

To George Clarke, Esq., Protector of Aborigines 31/41 Auckland 07 Jul 1841
Sir, We have the honor to enclose a copy of the Government Gazette of this date containing the notices of cases we intend to investigate at Auckland on the 21st inst., and we request you will be kind enough to make the requisite arrangements with His Excellency the Governor for the attendance of a Protector of Aborigines who will likewise act as Interpreter to us on that occasion.

To Colonial Secretary, New Zealand 32/41 Auckland 15 Jul 1841
Sir, We have the honor to request you to inform us if His Excellency the Governor has any instructions for our Government in the investigation of the enclosed list of claims to grants of land on the 21 day of July; and whether any of the said portions of land are intended to be reserved by the Crown.
