

MEMORANDUM RELATIVE TO THE "LAND CLAIMS SETTLEMENT EXTENSION BILL."

Court of Claims,
15th May, 1858.

In compliance with the desire of his Excellency's Government, I submit the following summary of the progress made under the Land Claims Act of last Session, and explanation of the clauses in the new Bill.

The Commission has now been in operation for eighteen months. I became satisfied at a very early period of the work that the law could only be successfully carried out with the co-operation of the claimants themselves, and it is only due to them to take the first opportunity of recording the public spirit in which (with only one exception) they came forward to help in the final settlement of a question which had for so many years been in dispute between themselves and former Governments. It was an advantage that the Commissioner had not been mixed up in these differences, as it was less difficult than otherwise might have been for the claimants to see that the real object of the General Assembly was not to disturb but to validate their titles, and that as the Commission would be worked in no hostile spirit to them, the law really offered them substantial advantages. It would be unjust to them not to add, that whatever success has attended it, is owing to the confidence with which they treated the Commission from the first, and their sacrifice in many instances of long cherished opinions of their rights, in deference to the decision of the Legislature.

I am glad also to be able to assure the Government that the predictions of disturbances being certain to occur with the Natives in carrying out the Act, have proved quite groundless. So far from having the least intention of opposing the law, the Chiefs have throughout expressed great satisfaction at its existence, and have everywhere met me in the most admirable spirit. There have been a number of very complicated cases, which afforded ample opportunity for the display of a bad disposition if any had existed; there have even been many spurious claims advanced by the younger men, because they knew it was their last chance; and it is an honour to the Natives that (with two or three unimportant exceptions) they have in every instance peaceably and patiently stated their claims before me, and cheerfully submitted to any adverse decision. They have done more than yield a passive acquiescence in the law; many of the Chiefs and Assessors have given me active and intelligent help, taking pains to make themselves acquainted with the principles and even details of the Act, and corresponding with me from distant places as to the settlement of boundaries and other matters. I may specially refer to their conduct with respect to the land exchanged for scrip in 1844, which they have in most cases faithfully preserved for the Government to this day, and also with respect to land formerly sold by them but not enquired into by previous Commissions, which they might easily have deceived the Government about, if they had wished. It was predicted they would resist the reversion of surplus land in claims, to the Crown. So far from this, (and I have always carefully explained the effect of the law in such cases, and the grounds on which I required a survey of the whole exterior boundary of a claim as originally sold), they have always admitted that where their title had been extinguished, any right of theirs to the land was at an end, and that they had nothing to do with the apportionment of it by law between the Crown and its subjects; and their position in this matter is now so well understood, that whenever they wish to have back any part of the surplus land they apply for it to the Government as a matter of course.

The principal objects of the Act of 1856 were—1. To hear and determine unsettled cases in which no grants had been issued.

2. To substitute effectual grants for those of doubtful validity issued in 1844 and 1845.

3. To ascertain by proper surveys the extent and position of the lands comprised within all the old claims.

With regard to the two first points, I may briefly state that 37 previously undetermined claims have been heard, and that 194 grants comprising an area of 82,597 acres have been called in for examination. In the greater part of these cases the necessary investigations have been completed; some have been finally closed, by the issue of new grants to the amount of 25,681 acres; and many more are practically closed, only requiring the quantities awarded to be finally laid off in order that grants may be issued to the amount of 83,000 acres additional.

With regard to the third point, Surveys of Claims now exist to the extent of 212,392 acres; there are about 36,000 acres more surveyed, the plans of which will come in before long; and preliminary arrangements have been made for the survey of a portion of the scrip claims, which will probably amount to 30,000 acres in addition. Of this total of 278,000 acres I estimate that taking the surplus in private claims, and adding the above amount of Government scrip claims, with other land recovered by the Commission, the quantity already known to have reverted to the Crown exceeds 131,000 acres, after satisfying the very liberal allowances for surveys, &c., granted by the Act.

It was fortunate that the General Assembly determined to make the survey allowance large, for although a great quantity of land has been thereby absorbed, it produced the advantage of early surveys and encouraged their extension so as to comprise the whole of the land originally bought from the Natives.