

Land Claims Act, 1872," I have the honor to enclose, for presentation to His Excellency the Officer Administering the Government, my report of proceedings and award of this day's date, made in accordance with clause 2 of the Act.

I have, &c.,

J. W. HAMILTON,

Commissioner under "The Taranaki N.Z. Company's
Land Claims Act, 1872."

The Hon. the Colonial Secretary, Wellington.

To His Excellency Sir GEORGE ARNEY, Knight, Chief Justice of Her Majesty's Colony of New Zealand, and the Officer Administering the Government, and Vice-Admiral thereof.

MAY IT PLEASE YOUR EXCELLENCY,—

Having been appointed by commission bearing date the 29th of January, 1873, under the Seal of the Colony and the hand of His Excellency the Governor in Council, to be the Commissioner under "The Taranaki New Zealand Company's Land Claims Act, 1872," to fix the amounts up to which Edward John Sartoris and Edwin Henry Downe, and all other holders of unsatisfied New Plymouth land orders, should be allowed to purchase Crown lands open for sale in the Province of Taranaki, I have the honor to submit for your Excellency's consideration the following

REPORT AND AWARD.

On receipt of my commission, at Picton, on the 5th February, I took passage by steamer *via* Nelson, arriving at Taranaki on the 8th. On the Monday following (10th February), the Commissioner of Crown Lands, J. Stephenson Smith, Esq., supplied me with a schedule of the New Plymouth land orders—fifty-seven in all—appearing by the records in his office to be still unsatisfied. A copy of the schedule is appended. It shows the name of each original holder, the number of his land order and of the section of land originally selected by him, as set out on the authenticated maps of the New Zealand Company's Settlement of New Plymouth, the name of the district in which the land is situated, and whether from such returns as are in the Commissioner's possession any scrip has been issued or exercised on account of such land orders.

I found that His Honor Frederick Carrington, Superintendent of Taranaki, represented by power of attorney the claimants under quite one-half of the land orders; only one claimant was represented by a resident at New Plymouth holding distinct power of attorney; for only two others could I discover attorneys, one of whom resides at Wellington, the other at Rangiora in Canterbury. I have made out and appended for future reference a statement showing, as far as could be ascertained, where inquiry would probably be successful in finding out the representatives of the original holders of the orders.

To avoid unnecessary delay and expense, I did not undertake the task of verifying any powers or titles of persons claiming now to exercise privileges which the present award may concede to original holders. It seemed that this duty would more properly devolve on the local Crown Land officers.

The Act seems to aim at shutting out all claims whatsoever at the end of two years from the date of the award. Some of the original holders of the land orders are dead, others left the Colony long ago; within the two years, their representatives over seas may hardly have had time to learn that rights of fresh purchase have accrued to them. To prevent these persons bringing forward claims at too late a date, it would probably be only fair to them that the Crown Land officers at Taranaki should be instructed to make diligent inquiry, by letter and otherwise, to trace out such representatives, and to call upon them at once to exercise their rights.

It is possible, though the Commissioner of Crown Lands thinks it hardly probable, that some two or three land orders may still be outstanding and unsatisfied, of which there is no record either in his office or in the Chief Surveyor's. Should any such order be forthcoming at a future date, I think I shall be fully able to make an award upon it, if called upon to do so. To meet a case of this kind, I am keeping by me all the memoranda of information obtained during the present inquiry.

I found that I should at first after arrival at Taranaki be somewhat dependent on His Honor Mr. Carrington (as the only resident attorney, but one for the bulk of the claims) for the earliest information by which to guide myself in forming any plan of proceedings. His Honor was at this time much engaged with the Hon. the Native Minister, and in preparations for a special meeting of the Provincial Council. After this he was obliged to be absent at Auckland for a few days. The Chief Surveyor and two or three residents who were able to afford much valuable information were also absent. These circumstances rendered my stay at Taranaki somewhat more protracted than could have been anticipated. Some plans also required a little time for preparation. In the meanwhile, seeing that large amounts in the aggregate were involved in my decision, I embraced every opportunity of becoming personally acquainted with the districts in the vicinity of the town, and thence to the Waitara, and with the values of property as given by those persons who might be considered the most reliable and competent authorities.

The Act of 1872, under which my commission was drawn, seems in the preamble so distinctly to include the Sartoris and Downe and other outstanding Taranaki claims in the same category as those provided for by the Carrington Land Grant Act of 1871, that I could only infer that the intention was that compensation should be adjusted on the same principle. A careful perusal of the Sartoris and Downe correspondence, and of the records connected therewith, upon which the Carrington Land Grant Act of 1871 is based, indicates that the compensation value rested in the main on the existing values in 1870 and 1871 of the lands which the claimant held under the original selection made some twenty-eight or thirty years ago, but which holding was determined when Governor Fitzroy disallowed Mr. Commissioner Spain's Taranaki award.

The basis, therefore, on which my present award rests is mainly, but not solely, the present estimated selling cash value of the sections as originally chosen, and taking them as unimproved at this