

to the river, especially while the old claim had been so long unsettled (meaning Webster's). I found that my insisting on the fulfilment of their agreement with regard to boundaries would, as far as the River Piako was concerned, be mere waste of time. I accordingly proceeded with the survey. . . . I had one continued discussion with the Natives with regard to Webster's claims, but they were always most consistent in ignoring entirely the boundaries as laid down in any documents to which I had access. From all that I have seen, I am inclined to think that the Natives are in the right—at any rate, far more so than the European—in this instance. The land included in Webster's claim that was retained by them south of Pouriuri amounts to about three thousand acres (3,000 acres). Out of this I have since purchased and paid for finally about twelve hundred acres (1,200 acres). The river frontage in the block surveyed begins where the surveyor's line meets the river beyond Te Areiriri. The last-mentioned purchase brings the frontage nearly two miles further north.

To the Chief Commissioner,  
Native Land Purchase Department.

I have, &c.,  
G. W. DRUMMOND HAY,  
District Commissioner.

With the difficulty as to the particular grant issued to Webster for land at the Piako is connected the general question as to the validity of all the grants issued by Governor Fitzroy under the Land Claims Ordinance, and this brings me to the consideration of the proceedings of

### *The Third Commission.*

In order to facilitate and hasten the settlement of the land claims,\* Governor Fitzroy arranged that grants should be issued to the claimants, giving the areas in such grants according to the quantity estimated by the claimants themselves. In some cases the boundaries described in the grant did not include the given area, and in other cases they included more.

The Point Rodney Claim (305g) and the Waiheke Claim (505i) are instances of both. In 305g there was a surplus, but in 305i the area described as containing 1,187 acres proved on survey to contain 885 acres only. The original claimant and grantee was not wronged in such case, as he was granted the actual land he claimed to have bought from the Natives; but the derivative purchaser, who bought from the grantee a specific acreage, suffered considerably by the transaction; still, he ought not to have bought in such case without having a survey made, notwithstanding the difficulty of obtaining it for want of a sufficiency of surveyors in the colony at that time.

Grants, according to Governor Fitzroy's directions, were issued for lands unsurveyed and imperfectly described. In the notice published in the *Gazette* of the 23rd May, 1844, announcing his intention, the reason adduced for the issue is the impossibility of getting the land surveyed without causing such delay as would be ruinous to the parties interested. These grants are full of defects, such as recitals entirely the reverse of the fact, stating, for instance, the quantities of land conveyed were those awarded by a Commissioner, while, in fact, the grants conveyed double or treble the quantities; or that recommendations had been made, while, in fact, the claims had never been heard by a Commissioner. Some of these purported to convey more land than had been originally claimed, and most of them contained no particular description of the specific portions of land intended to be conveyed.

On the 16th August, 1856, "The Land Claims Settlement Act, 1856," was passed for the purpose, among other things, of correcting the Crown grants issued under the previous existing ordinances, and the validity of which grants had been disputed on various grounds.

The Act repealed all the former ordinances, but re-enacted all the provisions of the ordinance of 1841 which were not unsuitable for the purpose of settling outstanding claims, whilst additional powers were enacted for the purpose of calling in and cancelling or repealing all Crown grants previously issued, and of issuing corrected grants in lieu thereof. But the Act prohibited the reconsideration of any case disallowed by any previous Commissioner, or that had been withdrawn by the claimant.\*

All claimants, whether original or derivative, were required to have the exterior boundaries of their claims surveyed and plans sent in to the Commis-

\* In consequence of this prohibition the third Commission took no cognizance of the claims Nos. 305d, 305e, 305f, 305L, 305H, 305J, and 305M.