

34. Sir George Gipps, as Governor of New South Wales, put forth a Proclamation on 14th January, 1840, which recited the instructions of the Marquis of Normanby to the effect that no title to land in New Zealand would be recognized unless it was derived from, or confirmed by, a grant made in Her Majesty's name and on her behalf, but that care should be taken at the same time to dispel any apprehension that it intended to dispossess the owners of any land acquired on equitable conditions, and not in extent or otherwise prejudicial to the present or prospective interests of the community, to be investigated and reported on by Commissioners to be appointed by the Governor. The Proclamation notified that to be Her Majesty's command, and notified also that all purchases of land in any part of New Zealand made by any of Her Majesty's subjects from any of the chiefs and tribes after the date of the Proclamation would be considered as absolutely null and void and would neither be confirmed nor in any way recognized by Her Majesty.

35. On 4th August, 1840, an Ordinance was passed by the Governor and Council of New South Wales embodying similar provisions and providing for the appointment of Commissioners to examine and report upon claims to grants of land in New Zealand. Claims were to be preferred in writing within six months, otherwise they were to be null and void, but power was given to the Governor to extend the period for a further six months.

36. Clause 5 of the Ordinance provided that in hearing and examining claims to grants, and reporting on them, the Commissioners were to be guided by the real *justice and good conscience* of the case without regard to legal forms and solemnities. The Commissioners were to ascertain the price, and the time and manner of payment, and the circumstances under which such payment was made. The Commissioners were also to inquire the number of acres which such payment would have been equivalent to according to the rates fixed in the Schedule to the Ordinance. Provision was made for the issue of a Crown grant if Commissioners were satisfied that the applicant was entitled.

37. The experience over the years has justified the wisdom of this measure. Settlers had speculated upon the approaching colonization of New Zealand, and the constitutional guarantee of British sovereignty was an advantage which they had given full consideration. The rights of persons who had acquired land on equitable conditions were amply safeguarded, but the valuation placed on the land acquired was made proportionate to the time it ante-dated 1840.

38. Faced with a difficult and intricate problem, a solution had been found. The claims could either have been summarily rejected, upon the grounds that the Natives had not understood the nature of the transaction, or, failing rejection, some scheme had to be devised which, while it might prevent the Natives being deprived of their land, would at the same time give value for payments actually made.

39. Under the Ordinance any person who could prove that he had *bona fide* acquired land was assumed to have paid a rate varying according to the year of purchase, the schedule being as follows:—

From			To			Per Acre.
1st January, 1815	..	..	31st December, 1824	..	..	6d.
1st January, 1825	..	..	31st December, 1829	..	..	6d. to 8d.
1st January, 1830	..	..	31st December, 1834	..	..	8d. to 1s.
1st January, 1835	..	..	31st December, 1836	..	..	1s. to 2s.
1st January, 1837	..	..	31st December, 1838	..	..	2s. to 4s.
1st January, 1839	..	..	31st December, 1839	..	..	4s. to 8s.