

## PART II.—MODE OF DEALING WITH THE CLAIMS RECOMMENDED BY THE COMMITTEE.

### 1. *Appointment of a Court of Commissioners to Settle Claims.*

Having thus briefly adverted to the most prominent points of the history and present condition of these land claims, your Committee now proceed to suggest the mode in which it appears to them they ought to be dealt with.

And, first, the Committee have unanimously agreed that it is necessary to establish some court or tribunal, with ample powers to investigate, hear, and determine, and finally adjust and settle, every doubtful or undecided particular connected with the whole subject. For it seems clear that, wherever decisions of former Governments have given dissatisfaction to claimants affected by them, the latter will not desist from endeavours to obtain from some Government responsible to the people, or from your Honorable House, a reconsideration of their claims, and a reversal of the previous unsatisfactory decisions. Nothing less than a verdict, backed by all the authority and weight of a body representing the opinions of the whole community, will convince such claimants that finality or conclusiveness has been arrived at, and that all hope of further successful agitation of the matter would be idle. And this perhaps formed one of the greatest difficulties encountered by Sir George Grey in his attempts to settle the claims, that no enactments of his, especially with popular institutions looming in the immediate future, could absolutely fix the point where decision would be actually final, and appeal or reversal really unattainable.

But again, it has been made to appear to your Committee that injustice in some cases, and considerable harshness at least in many more, may have been done by former Governments in their attempts to settle or stifle these claims. This will be alluded to more particularly hereafter.

The fact that many hundreds of illegal or imperfect grants are in the hands of the public, which must be called in and cancelled or remodelled, would alone be sufficient to necessitate the institution of some special body to deal with them.

For these reasons chiefly, your Committee recommend the establishment of a Court of Land Claims, empowered fully to treat, investigate, and determine them in every particular. But, keenly alive to the danger and impolicy of provoking the revival or reassertion of claims that may or would soon have been suffered by the claimants to lapse through indifference, carelessness, consciousness of the weakness of the grounds upon which they rested, or from any other cause; and most anxious in no degree, beyond what strict justice requires, to open the door to the admission into the Province of Auckland (which is most affected by these claims) of all those evils which a system of general compensation has inflicted upon other provinces, and which to a certain extent must be involved in any resettlement of these claims, your Committee is desirous of laying down certain general principles for the guidance of the Commissioners to be appointed, which will restrict their action within proper limits, and save, if possible, a great measure of relief, and one demanded by justice of the Legislature, from that abuse to which from its very nature it must be peculiarly liable. And although a great discretion must be left to the Commissioners to redress every possible case of proved injustice, it is thought most useful to lay down such general restrictive principles as will relieve the Commissioners of much of the disagreeable responsibility of rejecting the exaggerated demands and urgent importunities of claimants, who themselves would be less dissatisfied with a decision based upon positive enactment than when it rested solely on the judgment of Commissioners, or might, in the exercise of an entirely unfettered discretion, have been more favourably or partially entertained by them.

It is proposed of course, as a most essential condition of the scheme, that there shall be no appeal whatever from this Court, but that the Act which constitutes it and defines its powers shall in the most express terms declare its decisions final and altogether irrevocable.

### 2. *Constitution of Court, &c.*

The next point is the constitution of the Court, and the principles that should be laid down for its guidance.

Your Committee recommend that the Court should be composed of not more than six Commissioners, including the two Judges of the Supreme Court, who should sit *ex officio*. As hundreds of grants may, under the proposed scheme, have to be corrected by the Commissioners, it is highly desirable that this should be done with the direct cognizance and under the authority of the Judges; as well as that the decisions of the Commissioners generally should receive the weight of their approval. For nothing would tend more effectually to repress dissatisfaction or cavilling at their awards, nothing give the public and all concerned a fuller assurance of justice and equity having been observed throughout, than the knowledge that the sanction of the Judges of the Supreme Court had accompanied all their proceedings.

In the appointment of the Commissioners the Provinces wherein the claims to be heard are situated should, as far as possible, be represented.