

2ndly. Of claims in respect of which no grants have been issued.

Those never referred to a Commissioner may of course be heard by the new Commissioners.

Those referred but lapsed by default of claimants, either through claimant not appearing or appearing but refusing to pay fees, or to give evidence, are not to be reopened or heard. But it has been stated to your Committee that in some cases poor claimants who were settled on the land were actually unable to pay the fees; in such cases the general discretionary power to the Commissioners would enable them to do whatever justice required.

Those claims referred to a Commissioner but never heard by him, owing to other causes than the default of the claimant, may be heard and decided.

Those heard and disallowed by a Commissioner, your Committee are of decided opinion should not be reopened.

Those claims which have been recommended by Commissioners, but for which no grants have been issued, will be subject to all the Regulations relating to the old grants to be cancelled and the new ones to be issued.

Your Committee recommend, that in awarding land in cases never adjudicated on by a Commissioner, the new Commissioners should be bound by the scale appended to the Old Land Claims Ordinance Session 1, No 2. Further, that they should be limited to the old maximum amount of 2560 acres, except in special cases, with respect to which they may recommend to the Executive Government to grant an excess over that amount; such excess, however, in no case to be greater than the largest amount comprised in any existing old grant.

II.—PREEMPTIVE CLAIMS.

Of these claims, those under the 10s. an acre proclamation (March, 1844) may be considered as already disposed of. Any cases of possible injustice may be left to the discretionary power given to the Commissioners.

The claims under the proclamation of the 26th October, 1844, require more attention. Of these, the 53 claims which have been settled by issue of grants by Sir George Grey, and the 21 which have been resigned on receipt of compensation in debentures or money, may be considered as settled.

With respect to the 108 claims disallowed because plans and surveys of the lands were not sent in within the 3 months as required by the notice of the 15th June, 1846, or because the Attorney General refused certificate that the claimants had complied strictly with the terms of Governor Fitzroy's proclamation, your Committee offer the following remarks :—

The notices alluded were issued with the avowed design of extinguishing these claims summarily and arbitrarily. It appears clear to your Committee that it must have been absolutely impossible in very many cases to have procured complete surveys of all lands comprised in them within 3 months; considering the few surveyors there were in the country, and the amount of lands to be surveyed. Some of the claimants brought in the plans soon after the last day allowed for their receipt; and all such were steadily refused. And though it is true that two years had elapsed since the purchases were made, yet it does not appear that Government during that period had evinced any determination to enforce summary compliance with the terms of the proclamations in that particular. And in the doubtful state of the titles caused by the Secretary of State's disapproval of the proclamations, claimants were naturally unwilling to undertake the expense of surveying their purchased lands.

With reference to the claims disallowed for want of the Attorney-General's certificate, your Committee have no means of learning on what particulars of non-compliance with the terms of the proclamation the refusal of the certificate was grounded. But as it appears that the application of the principle may in some cases have been somewhat stringent, your Committee recommend that these classes of claims should be heard, and any proved injustice be remedied by the Commissioners. Yet as these purchases were only permitted on a most erroneous principle, and one clearly detrimental to the general interests; as the Home Government has given its imperial fiat to Sir George Grey's proceedings; as, moreover, any grants that, by the Proclamation, the claimants would legally have been entitled to, were only grants barring the right of the Crown, and not excluding or extinguishing the claims of any European or any native whatever; and as the payment of five shillings per acre relieved the claimants from the obligation of proving their strict compliance with the Proclamations, your Committee think it only right to recommend that the terms of the third alternative in Sir George Grey's offer, contained in his notice of the 10th August, 1847, should still be applied in all cases of lands now to be granted under these classes of claims. Five shillings per acre would then have to be paid for such lands; the limitation of 500 acres as a maximum to be adhered to; and the title of the natives proved, to the satisfaction of the Commissioners (as in all other cases) to have been extinguished.