

to about 90,000 acres. It should be added that by a notice published in the *New Zealand Gazette* of the 7th December, 1844, it was said that, "By a *limited* portion of land" (referring to the expression "limited portion" in the Proclamation), "not more than a few hundred acres is the quantity implied."

99. The Home Government was greatly incensed at the action of Governor Fitzroy in purporting to waive the Crown's right of pre-emption without first referring his suggestions to London for Lord Stanley's approval, and, partly at least because of that action, the Governor was recalled and Sir George Grey was appointed Governor in his place.

100. It must be pointed out that it was scarcely open to the Maoris to complain in any way of the sales made under Governor Fitzroy's two Proclamations. Firstly, the Proclamations were made under very great pressure from the Maoris themselves. Secondly, the Maoris were not bound to sell. It was a matter entirely for themselves whether or not they made any sales. If they did wish to sell, it was the sale of a known and limited area, and the question of price or consideration was a matter of agreement between the Maori vendor and the purchaser. The British Government evidently took this view of the matter, and, although incensed at the action of Governor Fitzroy, eventually consented to the first Proclamation, and, as to the second, instructed Governor Grey that, as far as pledged, the engagements made by Governor Fitzroy to the purchasers should be honoured as engagements made by the British Crown, but prohibited any such sales in future.

101. What immediately followed is succinctly stated in the Domett report of 1856 thus :—

Sir George Grey accordingly, on the 15th June, 1846, issued notices declaring that no further certificates of waiver of pre-emption would be issued ; requiring all claimants under the Proclamations to send in deeds, maps, and surveys connected with these alleged claims, to Commissioners appointed to examine them, on or before the 15th September then ensuing, after which no claims were to be received or entertained. It was further declared that, as evasions of the regulations and conditions under which the certificates of waiver were issued had in many cases taken place, the Home Government would be consulted before any final decision was come to respecting such cases.

This exterminating process was accompanied by proposals to induce the voluntary abandonment or compromise of the claims, contained in an Ordinance (Land Claims Ordinance, Sess. 7, No. 22), passed the 18th November, 1846 . . .

102. The Ordinance mentioned in the Domett report is known as the *Land Claims Ordinance, 1846*. The preamble recited that, following the Proclamation of 10th October, 1844, numerous purchases were alleged to have been made from persons of the Native race of lands over which the Queen's right of pre-emption had been waived in pursuance of the Proclamation, but no Crown grant of any such land could be safely issued until it was ascertained that such alleged purchases had been made from the true Native owners of the land, that the rights of all persons thereto had been extinguished, and that the terms and conditions prescribed by the Proclamation had been duly complied with. After further reciting that the persons claiming to have made the purchases might in some cases be willing to forgo all further claims in respect thereof on receiving compensation for their outlay therein, the Ordinance empowered the Governor to appoint a Commissioner to examine and report upon all claims to compensation to be preferred pursuant to the provisions contained in the Ordinance. Any person desirous of taking advantage of the provisions of the Ordinance was required to give notice in writing of his intention so to do, and in such notice to state the amount of outlay incurred by the claimant in respect of his purchase, or in relation thereto or in the improvement of such land. Every such claim was to be referred to the Commissioner for investigation and report, and there was a proviso that the Commissioner should not investigate any such claim unless the person making it should have duly complied with