

the terms and conditions prescribed by the Proclamation and by the Notice to Land Claimants published in the *Government Gazette* of 15th June, 1846. The Commissioner was required in every case to inquire into and set forth as far as it was possible to ascertain the same—

- (1) The price or consideration, with the sterling value thereof, paid to the Native Sellers for the land alleged to have been purchased.
- (2) The amount paid by the claimant (if any) for the deed of conveyance or agreement for purchase and other expenses attending such purchase.
- (3) The amount of expenses incurred by the claimant in maps, plans, and surveys.
- (4) And the outlay (if any) incurred by the claimant in the cultivation or fencing of the land, or in the erection of buildings or other improvements thereon.

103. Clause 7 of the Ordinance provided that in the hearing, examining, and reporting on any such claims, the Commissioner was to be guided by the real justice and good conscience of the case, and should direct himself by the best evidence he could procure or which should be laid before him. He was required by clause 8 to report in writing to the Governor as soon as convenient after hearing the claims, setting forth the name and address of the claimant, the situation and extent of the land alleged to have been purchased, the evidence adduced in proof of the outlay found to have been incurred under the several heads of expenditure previously mentioned, together with the total amount in respect of such outlay to which the Commissioner should find the claimant to be entitled pursuant to the provisions of the Ordinance.

104. Upon the confirmation of the report by the Governor, the claimant was to be entitled to receive from the Colonial Treasurer a debenture for the amount named in the report, and upon the receipt of any such debenture by the person named therein all right, title, interest, claim, and demand of such person in and to the land in respect of which such debenture was issued was extinguished, and so much of such land as should not be sold to the claimant as provided by the later provisions of the Ordinance was to be deemed and taken to become part of the demesne land of the Crown, saving always the rights which might thereafter be substantiated thereto by any person of the Native race. Where a claimant who had entered into occupation or taken actual possession of the land, either by cultivating, fencing, or erecting buildings on the same before the passing of the Ordinance should be desirous of purchasing the whole or any part thereof, it was declared to be lawful for the Governor to effect a sale of the land to such claimant by private contract at the rate of £1 per acre, but the claimant was to be allowed credit for the amount found to have been paid by him under the first three heads of expenditure previously mentioned, and provided further that such claimant should not in addition thereto in any case be required to pay any greater sum than at the rate of 10s. per acre.

105. To continue the history as set out in the Domett report :—

Meantime the decision of the Home Government having been applied for, Lord Grey, on the 10th of February, 1847, reinforcing the instructions given by Lord Stanley, conveyed his approval of the steps Governor Grey had taken, including the issue of the notice to send in claims within a prescribed period, on pain of the exclusion of them; declared Governor Fitzroy's Proclamation to have been "plainly in excess of his authority"; that "the arrangement was most impolitic; but that the faith of the Crown must be kept with purchasers so far as it was pledged"; that the claimants' title "resting only on strict and positive right," and "having no support from justice, equity, or public policy," Crown grants were to be given to "those only who could prove, in the strictest manner, that they had completely and literally satisfied the requisition of the Proclamations in every particular they contain." He further directs that claimants must be called upon to prove to the satisfaction of the Attorney-General that the "Native claimants were sole and true owners of the land they undertook to sell," the Attorney-General to certify the same; and, lastly, that the grant must, if issued, expressly declare that "it barred only Her Majesty's own right, and only transferred any right previously existing in her."