

discussion on the "old land claims." This makes unnecessary at the moment anything more than the mere mention of the Land Claims Ordinance of 1846, which affects only the claimants under the two Proclamations of Governor Fitzroy. This Ordinance will require further reference later.

46. An endeavour was made by Governor Sir George Grey in 1849 to settle the difficulties that existed in regard to the titles of the purchasers to whom the grants had been made pursuant to the recommendations of the original Commissioners. An Ordinance of 25th August, 1849 (Sess. X, No. 4), known as the "Quieting Titles Ordinance," 1849 (also known as the "Crown Titles Ordinance"), was enacted for this purpose. It was recited in the preamble that numerous grants of land had been made in the name and on behalf of Her Majesty by the Governor, Lieutenant-Governor, or other the Officer Administering the Government for the time being; that in many cases doubts were entertained whether such Governor or other officer was duly authorized and empowered to make such grants in the name and on behalf of the Crown, and whether such grants were otherwise made in conformity with the regulations for the time being in that behalf; that numerous grants of land claimed under the provisions of the Land Claims Ordinance, 1841, had also been made wherein the land of which the grantee was recited to be entitled to a grant formed a part only of the quantity claimed to have been purchased by him from the aboriginal Native owners and was not particularly set forth and described in such grant, and it was doubtful in point of law whether by reason of such uncertainty any or what portion of land was validly conveyed by such grant; that certain cases had already been submitted to the judgment of the Supreme Court (apparently this reference is to *The Queen v. Clarke* and another case of *The Queen v. Taylor*); and that it was essential to the prosperity of the Colony that such doubts should in all cases be removed with the least possible delay.

47. "Now therefore," the Ordinance proceeded, "for the more speedy removal of such doubts and for the effectual quieting of Crown titles," a number of substantive provisions were enacted and declared, to only some of which it is necessary to refer, at all events at the moment. Clause 1, validated previously, made grants in the following terms:—

Every grant of land within the Province of New Ulster, sealed with the Public Seal of the Colony or Province and made before the passing of this Ordinance, in the name and on the behalf of the Crown, by the Governor, Lieutenant-Governor, or other the Officer Administering the Government for the time being, shall be deemed and taken to be a good valid and effectual conveyance of the land purported to be conveyed by such grant, and of the estate or interest purported to be conveyed thereby, as against Her Majesty, her heirs and successors, and as if the same had been a valid grant of the demesne land by the Crown, and against all other persons whatsoever: Provided always that in case the land comprised in any such grant shall not be set forth and described by definite metes and bounds, the quantity of land deemed to be conveyed by such grant shall not exceed by more than one-sixth part thereof the quantity of land to which the grantee shall be therein recited to be entitled. (Entitled, that is to say, according to the Commissioners' recommendation based on the "yardstick" plus such area if any as was added by Governor Fitzroy.)

48. To meet the possibility that the issue of the original grants and their subsequent validation might in some cases prejudice the rights of Natives, the Ordinance now under discussion enacted by clause 2 as follows:—

Provided always and it is hereby further enacted, that if it shall be proved to the satisfaction of a Judge of the Supreme Court that the Native title to the land comprised in any such grant made or purporting to be made on the report of a Commissioner appointed to hear examine and report upon claims to land hath not been fully extinguished, it shall be lawful for any such Judge to award to the Native claimant or claimants proving title to the same, such sum or sums of money in satisfaction of the claim so to be substantiated as aforesaid as shall appear to such Judge to stand with equity and good conscience, and to direct the payment of the same to be made by instalments or otherwise and at such time or times and in such manner as to him may seem meet.

There followed provisions as to the payment of such satisfaction moneys or compensation, so that, as will be seen, the interests of Native claimants were safeguarded.