49. Clause 5 enacted that, until it should be amended as thereinafter provided, each grant which recited that the grantee was entitled to receive a grant of a specified quantity of land, but which did not set forth and describe the particular piece or parcel of land intended to be thereby conveyed, or in which such particular piece or parcel of land was not set forth and described by definite metes and bounds, or was otherwise insufficiently described, was to be deemed and taken to vest in and confer upon the grantee, his heirs and assigns, the right of selecting out of the whole of the land included within the boundaries named in the grant the quantity of land to which he might be so recited to be entitled. The Ordinance made provision, to which detailed reference is unnecessary, as to how the right of selection was to be exercised, and generally as to the description of boundaries to be contained in, and the map to be endorsed on, the grant. It also made provision for an exchange of land when the exercise of the right of selection was obstructed by the Natives, but that provision does not call for comment.

50. The Quieting Titles Ordinance was undoubtedly a necessary, useful, and statesmanlike enactment, because it was essential to resolve, as between the grantee and the Crown, the doubts that existed as to the efficacy of the grants which the Crown had issued. Even if not then passed, it would certainly have become necessary later after the decision of the Privy Council in 1851 in *The Queen* v. *Clarke*. Apart from the uncertainty of the description in the various grants of the land intended to be granted, that decision would have been a very disturbing factor which necessarily would require to be eliminated if there was to be any sanctity or certainty in titles granted by the Crown. The Quieting Titles Ordinance really anticipated the judgment in *Clarke's* case, and it had the effect, *inter alia*, of validating grants such as those which had been questioned in that case, but here again it should be remembered that the issue in *Clarke's* case was an issue only as between the Crown and the grantee which did not in any way affect or concern the aboriginal Maori owners from whom Clarke had purchased. In substance the point was whether, at the time that Governor Fitzroy extended Clarke's grant, he had the right to do so, and so bind the Crown, without the prior sanction of the Legislative Council.

51. The well-intentioned objects of the Quieting Titles Ordinance of 1849 (apart from the mere quieting of titles) were not realized. It had been hoped that all the claimants would have their lands surveyed and would receive new grants for the actual areas intended to have been originally granted, plus an addition of up to one-sixth in order to enable natural boundaries where practicable to be taken instead of survey lines. For various reasons, most of them involving practical difficulties, very few of the old grantees obtained new grants for their original ones, and in 1856 a Select Committee was set up by the House of Representatives under the chairmanship of Mr. Domett. The Committee gave very careful consideration to the difficulties created by the Old Land Claims and also by the Waiver of Pre-emption Proclamations, and made a lengthy report on the 16th July, 1856, recommending, *inter alia*, the setting-up of a Court of Commissioners; and on the 16th August the Land Claims Settlement Act, 1856, was passed, "to provide for the final settlement of claims arising out of dealings with the Aborigines of New Zealand." Mr. (afterwards Sir) F. Dillon Bell was appointed to act as Commissioner under this Act, and he certainly performed a monumental task, which occupied about six years of apparently continuous work, his final report being made on the 8th July, 1862. The cases which came before Mr. Commissioner Bell were those relating to (*a*) "old land claims" which had been before the original Commissioners under the Ordinance of 1841 and in which those Commissioners had made recommendations for the issue of grants; (*b*) "old land claims" which, for one reason or another, had not been before or had not been dealt with by the original Commissioners; and (*c*) claims in respect of the Ten-shillings-per-acre and Penny-per-acre Proclamations.