

(b) If the boundaries described shall not contain the requisite quantity, the grant shall be adjudged for so much as the boundaries do contain, in satisfaction of all claim.

(c) Where there shall be several grants of the same land, or of land within the same boundaries, the Commissioners shall adopt such scheme of division, selection, or apportionment as shall in their judgment be best adapted to meet the justice of the case.

(d) In no case shall any person be entitled to a new grant of more than the quantity expressed in the cancelled grant, except that the grant may be extended to one-sixth more than such expressed quantity.

(e) In all cases accurate maps of the lands to be granted shall be furnished to the Commissioners at the cost of the parties: such maps to be certified by some competent Surveyor to be approved of by the Commissioners.

(f) In any case not specially provided for, the Commissioners shall proceed according to such rules as they may judge best adapted to meet the justice of the case, but as near as may be in accordance with the provisions of this Act.

Provision was also made for the inclusion in the area to be granted of a quantity of land by way of allowance for surveys and fees authorized by the Act.

55. Proceedings with regard to "old land claims" which the Commissioner was empowered under the provisions of the Act to investigate were provided for in Part V of the Act, sections 25 to 28. The Commissioner was directed, in order to ascertain and determine the quantity of land which might be granted to any claimant, to inquire into and set forth, so far as it was possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid to aboriginal owners of the land; the time, manner, and circumstances of the payment; and the number of acres such payment would have been equivalent to according to the rates fixed in Schedule C to the Act (which was identical with Schedule B to the Land Claims Ordinance, 1841): and the Commissioner was to direct the issue of a grant to the person he in his judgment might deem entitled thereto, for the number of acres so to be ascertained. In any case where special hardship had been suffered by a claimant by reason of delay in settling the claim without default of the claimant, the Commissioner had power to increase the number of acres to be granted by not more than one-fourth, with the proviso, however, that no grant was to be issued of land exceeding in extent the quantity originally claimed. There was a further proviso, as in the Land Claims Ordinance, 1841, that no grant was to be issued which would convey more than the maximum of 2,560 acres to any one claimant; but under special circumstances the Commissioner had power to recommend the Governor to extend the amount to be granted beyond such maximum, accompanying such recommendation with a report of the special circumstances: and the Governor was empowered in such special case to issue a grant of land not exceeding the quantity recommended by the Commissioner.

56. The element of equity and good conscience upon which the Commissioner was required to decide the matters that came before him was emphasized throughout the Act. In the rules above quoted, taken from section 23 of the Act, he was required to proceed in any case not specially provided for according to such rules as he might adjudge best adapted to meet the justice of the case. By section 33, which is in Part VI, under the heading "General Provisions," he might be required to investigate cases of proved injustice, and to award compensation; and he was to hear the case and decide it according to equity and good conscience, and he was empowered to direct a grant of land or compensation in land as he might think equitable according to circumstances. Section 50 enacted that all proceedings under the Act were to be conducted, not according to strict law, but according to equity and good conscience, and that no informality whatever should vitiate such proceedings, and the section proceeded thus: "And in all cases not specially provided for by this Act, the Commissioners shall make such orders and adjudications and give such directions as shall in their judgment be most agreeable to equity and good conscience, and as nearly as may be in accordance with the provisions of this Act."