

grantees are in possession of the lands granted ; but a great part of those claimed are unoccupied by anyone. Some portions have been resumed by the natives ; and some, where the native title had been extinguished, and no grants made, have been considered Crown lands, and taken by the Government as such ; although in reality it has generally had to make the natives some additional payment. Still, in a great number of cases no possession has been obtained by any one ; the natives disputing the ownership of the land in the absence of the claimants, or the insecurity of the titles they hold preventing the latter from attempting to enforce their supposed rights.

Some of the claimants, whose claims have been disallowed by the Commissioners, are still urging them ; the limit of 2560 acres is a ground of dissatisfaction with others ; some have taken grants for what they could get, but under protest ; and some, about fifty, have not yet taken out the grants prepared for them, which are still lying in the office after a lapse of 10 or 12 years.

II.—PREEMPTION WAIVER CLAIMS.

1. *Governor Fitzroy Waives Crown's Right of Preemption, under certain Conditions.*

Governor Fitzroy, in 1844, resolved upon the experiment of abandoning the Crown's right of pre-emption over native lands, and allowing the natives to sell directly to the public. He accordingly, on the 26th March, 1844, issued a proclamation, waiving the Crown's right of pre-emption over certain limited portions of land in New Zealand, and allowing purchases direct from the natives, on conditions therein stated. Certain fees were to be paid, amounting to ten shillings per acre bought ; the lands were to be surveyed ; paha, burying grounds, and some other lands excepted ; one-tenth of all lands bought to be conveyed to the Queen as reserves, for the use principally of the natives ; all risks from incomplete purchases to be borne by the buyers ; lands bought to be surveyed ; and no grants issued to any purchasers contravening any of the aforesaid regulations. By proclamation, 10th October, 1844, the fee was further reduced to one penny per acre.

By notice, 6th December, 1844, Governor Fitzroy prescribed the form of application, described the effect of the waiver of the Crown's exclusive right, as not conferring that right on the particular individual, unless so specified distinctly ; and declaring that the term "limited portions of land" meant a "few hundred acres."

The last notice was partly caused by the large amounts of land that were being bought, almost all in the immediate vicinity of Auckland. Yet though Governor Fitzroy thus expressly declared that a few hundred acres were all the pre-emptive right would be waived over, he altered, in his own hand, several applications for a larger amount to 900 acres, and in one at least to 999 acres.

1795 acres were bought under the ten shillings proclamation, and 90,000 acres under the penny one ; but no grants appear to have been issued by Governor Fitzroy for any of these lands.

2. *Lord Stanley Recognises the Sales.*

Lord Stanley, in a despatch dated 30th November, 1844, gave a "distinct but reluctant consent" to the first of the above proclamations, which, he says, he had understood to be confined to a particular district, and on 27th June, 1845, ordered Sir G. Grey to recognise any sales Governor Fitzroy might have made under the second proclamation ; but he strongly prohibited any such sales in future.

3. *Sir George Grey's Attempts to Settle these Claims.*

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, offering compensation in Colonial Debentures to land purchaser's under the proclamation of 10th October, 1844, for their outlay in purchase of lands, in deeds, surveys, and improvements. A Commissioner was to be appointed to decide and report on amounts due. Claimants having actual occupation, by building, or improving, to be allowed to purchase the land from Government at £1 per acre,—the amount spent in purchase from the natives, in improvements, &c., to be deducted. And the tenths reserved under proclamation of 26th March, 1844, might be bought from Government at £1 per acre in cash.

4. *Lord Grey's Instructions respecting these Claims.*

Meantime, the decision of the Home Government having been applied for, Lord Grey, on the