

Further, as it is essential to the effectual settlement of any claim, that the land claimed, or to be granted or re-granted, should be actually visited by a surveyor, or if necessary, in disputed cases, by some higher authority; and as the majority of the Commissioners composing the Court above proposed would be Judges or probably officers acting *ex officio*, and prevented by many causes from visiting the disputed lands in person, your Committee recommend that the Government shall have the power of appointing Assistant Commissioners, who shall be sent to the several districts to take evidence in open Court, and report upon the circumstances relating to any claim referred to them. Further, that these Assistant Commissioners, attended by surveyors, should, under proper precautions, cause the boundaries of all lands claimed, to be marked out in an unmistakeable manner; because it is absolutely essential that in every case it be decisively ascertained whether any obstruction to the occupation of the land would be raised by native owners or claimants; and no mode can be devised of ascertaining this fact so effectual as the positive attempt to define, on the ground itself, the block of land claimed.

It is further recommended, that the Commissioners should from time to time hold Courts—any three, including a Judge of the Supreme Court, forming a quorum—at some central place or places in the Northern and Middle Island as might be found most convenient, to consider the reports and evidence furnished them by the Assistant Commissioners, and finally decide upon the claims connected therewith. It is proposed that the Assistant Commissioners should be entitled to a seat at the Board of Commissioners, and have a right to deliberate and vote upon the claims preferred.

Where many blocks of land claimed lie in immediate contiguity, or nearly adjacent, it will perhaps be advisable to cause a regular survey of the district in which they lie to be undertaken. But it is proposed that the cost of such survey should be repaid in the aggregate by the claimants to whom the surveyed lands are to be granted.

3. *Particular Rules for Guidance of the Commissioners.*

And now for the particular rules to be laid down for the guidance of the Commissioners in respect of the classes and character of the claims they are to be empowered to hear and decide upon.

As it is impossible for any Committee, without really doing great part of the work of the proposed Commissioners themselves, to provide for every possible combination of circumstances on which the strength or weakness of every claim may depend, it is proposed, as has been stated, to give a special power to the Commissioners, notwithstanding anything to the contrary elsewhere enacted, to hear and decide upon any case where special injustice may satisfactorily be proved to have been inflicted. Keeping this ultimate safeguard against any injustice in view, your Committee propose to limit the action of the Commissioners in the following particulars:—

The Committee recommend that no new claims whatever, of which the Government has not received written notice before 1st July, 1856, should on any account be received or entertained.

With respect to claims already received, the same order as in the former part of this report may be observed. The “Old Land Claims” to be first considered, then the Pre-emption Land Claims.

I.—OLD LAND CLAIMS.

Of the seven classes of Old Land Claims enumerated in the former part of the report, it is recommended that—

1st. Holders of imperfect grants should be called upon to send in their grants to Government before a certain day, say the 1st July, 1858; all grants not sent in before the time fixed to be declared invalid by the Act.

After investigation by the Commissioners, the imperfect grants to be cancelled, and new ones issued in lieu thereof, subject to the same equitable rights and interests as the old cancelled ones.

These new grants should not convey in any case more than one-sixth more land than the amount the old grant declares the grantee to be entitled to. This sixth is given in order to enable natural boundaries, where practicable, to be taken instead of survey lines. The Committee think it expedient to allow a re-grant of all the land the old grants declare grantee entitled to; for although it is possible that the awards, or other grounds on which Governor Fitzroy determined the amounts so granted, may in many cases not have been strictly legal, yet as, on similar grounds, amounts of scrip were awarded and given in a great number of cases, it would be inconsistent with impartiality, were the amount of land so granted now to be reduced unless the scrip given on the same principles could be recovered to a corresponding extent, which is impossible. They think it better therefore to allow new grants to be issued for the amount mentioned in the preamble of the grants, it being understood that if the description of boundaries comprise a larger amount, in no case will that larger amount (except the one-sixth above mentioned) be given in right of the old grant.

All lands so to be regranted are of course to be previously surveyed.