

1856.

HOUSE OF REPRESENTATIVES.

REPORT OF THE SELECT COMMITTEE
ON
LAND SCRIP.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF
REPRESENTATIVES.

VOTES, No. 3, FRIDAY, APRIL 18, 1856.

3. Land Scrip :—Mr. Sewell, pursuant to notice, moved, That a Select Committee be appointed to enquire and report as to the nature and amount of Land Scrip issued within the Colony, and already satisfied; and of the amount of all such Land Scrip remaining unsatisfied; and of all outstanding and unsatisfied Land Orders. That such Committee do consist of Mr. Ludlam, Mr. Carleton, Mr. Hall, Mr. Richmond, Mr. Wells, and the mover. The Report to be brought up on the 2nd of May, 1856.
Question put and passed.

VOTES, No. 18, THURSDAY, MAY 15, 1856.

5. Postponements (1) :—Report of the Committee on Land Scrip postponed, on motion of Mr. Sewell, until this day week.

VOTES, No. 23, THURSDAY, MAY 22, 1856.

7. Postponements (3) :—On motion of Mr. Sewell, the Report of the Committee on Land Scrip postponed to this day week.

VOTES, No. 28, THURSDAY, MAY 29, 1856.

8. Postponements (2) :—On motion of Mr. Sewell, the Report of the Committee on Land Scrip postponed until this day week.

VOTES, No. 31, WEDNESDAY, JUNE 4, 1856.

6. Land Scrip Committee :—The Colonial Treasurer, pursuant to notice, moved, That Mr. Travers and Mr. Curtis be added to the Land Scrip Committee.
Question put and passed.

VOTES, No. 33, FRIDAY, JUNE 6, 1856.

5. Land Scrip Committee :—The Colonial Treasurer, pursuant to notice, moved, That Mr. Fox be added to the Land Scrip Committee.
Question put and passed.
15. Postponement :—On motion of the Colonial Treasurer, the Report of the Committee on Land Scrip was postponed to this day week.

VOTES, No. 36, THURSDAY, JUNE 12, 1856.

15. Postponement :—On motion of Mr. Stafford, the Report of the Committee on Land Scrip was postponed until Thursday, 19th June.

VOTES, No. 41, THURSDAY, JUNE 19, 1856.

7. Postponements (2) :—The Report of the Committee on Land Scrip was postponed, on motion of Mr. Fox, until Tuesday next.

VOTES, No. 46, WEDNESDAY, JUNE 25, 1856.

7. Land Scrip :—Mr. Fox, Chairman of the Committee on Land Scrip, brought up the Report of the Committee, which was read, and ordered to be printed.
D—No. 16.

REPORT.

THE SELECT COMMITTEE of the House of Representatives, appointed April 18, 1856, to enquire into and report as to the nature and amount of Land Scrip issued in the Colony, and already satisfied, and of the amount of all such Land Scrip remaining unsatisfied, and of all outstanding and unsatisfied Land Orders, report as follows :—

Your Committee have enquired into the subjects referred to it, and taken evidence thereon. There is some difficulty in ascertaining the particulars, but they find the facts, as far as they can be ascertained, to be as follows.

Scrip has been issued to a great extent in all the Settlements except Canterbury and Otago. The circumstances under which the issue took place were as follows; 1st, as regards the Settlements of Wellington, New Plymouth, and Nelson, which were founded by the New Zealand Company; that body having failed to a great extent to give possession of the lands purchased of it and paid for in cash several years before, or having given possession of worthless land, entered into arrangements for the adjustment of the claims of the purchasers. The basis of the adjustment was, a right of re-selection where desired, and an award of compensation in satisfaction for the loss occasioned by the delay in the performance of the contract. In Wellington the compensation was on a fixed scale of 150 acres in addition to every 100 originally purchased, in the case of residents, and 75 acres additional in the case of absentees. At Nelson and New Plymouth the claims of residents were adjusted by arbitration; those of absentees were taken at a fixed amount. Residents in all cases were required to select, within certain districts, then provided by the Company; absentees from districts to be thereafter assigned by the Company, but which were not assigned before it ceased from its colonizing operations. The right of selection was to be exercised within twelve months after any district had been declared open for it; and had it been effected during the continuance of the company's operations, could of course only have been made in those districts within which the Native title was then extinguished; and in all cases the right of selection was limited to the Settlement within which the claim arose.

The functions and obligations of the Company devolved on the Government in July, 1850, at which date the claims of resident purchasers had been for the most part satisfied by the selection of land, but those of the absentees remained unprovided for. •

In 1851 an Ordinance was passed by the Legislative Council of the Colony, the effect of which was to re-open the adjustments effected by the Company, and to give to all purchasers under it a right of re-selection, while it provided a Commission to adjudicate upon all claims arising out of contracts with that body. Parties desiring to re-select, or in whose favour an award of the Commissioners was made, were to be entitled to Scrip issued by the Colonial Government, which was to be taken as cash, at a fixed rate, at all Government land sales within the Colony, except those within the limits of hundreds in New Ulster, (practically within the present limits of the Province of Auckland) and the town site of New Plymouth. The 1st of January, 1853, was fixed by the Ordinance as the latest time within which claims could be preferred, unless in cases where it was made to appear to the satisfaction of the Governor that the claimant was for some reasonable and sufficient cause prevented from preferring his claim within that period. Practically, no limit was adhered to, and your Committee understand that a very large number of the claims were preferred after the date assigned, and without any reasonable or sufficient cause shown, or required to be shown, for the delay.

In the Province of Auckland, Land Scrip has been issued by the Government apparently without legal authority, chiefly in satisfaction of old Land Claims, originating either in purchases from the Natives by individuals, before the establishment of British authority in the Islands, or in the failure of the Government to give possession of Lands which it had sold.

There appears to be six classes of claims, for which Scrip has been, or ought to be issued, and of which a large amount has not yet been exercised by the holders.

1. Original Land Orders of the New Zealand Company, never selected anywhere. Of these there exist, unexercised, in Wellington, as much as may cover 500 acres; a few in Canterbury, under the Association, probably not exceeding that amount; and in the other Settlements perhaps the same quantity in the aggregate.

2. Land Orders (under the New Zealand Company) selected in districts where the Native title is still unextinguished, and where possession cannot be given; of these there are to the extent of about 30,000 acres at Wellington, and 2000 at New Plymouth.

3. Compensation Land Orders (or Scrip) under the Company's adjustments, still unselected, a very small amount, say 1000 acres.

4. Unexercised Government Scrip, issued under the New Zealand Company's Land Claimants Ordinance, before referred to, or otherwise, probably 48,000 acres.

5. Ascertained absolute contracts, not yet fulfilled, probably 1,000 acres.

6. Claims which may still be preferred under the New Zealand Company's Land Claimants Ordinance, if the limit as to time be disregarded, probably 15,000 acres.

The total amount, therefore, which the Government is bound to satisfy appears to be :—

1	.	.	.	.	.	.	.	1000 acres.
2	.	.	.	.	.	.	.	32,000
3	say	.	.	.	.	.	.	1000
4	.	.	.	.	.	.	.	48,000
5	.	.	.	.	.	.	.	1000
6	.	.	.	.	.	.	.	15,000
								98,000 acres.

It appears to your Committee that the transactions in respect of which Scrip has been issued were originally of a purely local character, and that the privilege of selecting in Settlements other than that in which the claim originated (granted by the ordinance before referred to,) was in no way based on the equity or justice of the case; and that it was unfair in its operation, particularly in reference to Otago and Canterbury, which could not reciprocate.

Your Committee think that either on the contemplated transfer of the Waste Lands, or under the existing system, (should that transfer not be effected,) all existing claims in reference to such lands should be respected. But, considering the circumstances of the issue of Scrip, the original limitation as to the right of selection within particular districts, and the length of time during which the holders have had every opportunity of selection, those Waste Lands which have been purchased since the date of the accrual of the Scrip holders' title ought to be protected to a certain extent against its operations. This they conceive would be best effected by giving a power in the Transfer of Waste Lands Act to the Superintendents to proclaim districts within which no Scrip should be exercised; such power, however, ought only to extend to those Lands in which the Native Title has been extinguished since the passing of the New Zealand Company's Ordinance; a course which practically will confer on the Scrip holders all the privileges to which by the equity of their case, regarded in reference to the inception of their claims, they can be possibly entitled.

Your Committee also unanimously concur in thinking that the exercise of Scrip should be limited to the respective settlements in which the claim satisfied by it originated, and that in no case should Scrip be allowed to pass at the Government Land Sales for more than £1 an acre.

WILLIAM FOX, *Chairman.*

*Committee Room, House of Representatives,
June 25, 1856.*

