

In the Land Claims Act of 1858, a clause was introduced enabling me, where possession had been taken for the Crown of land bought before 14th January 1840 by a claimant excluded under the Act of 1856, to estimate the claimant's outlay and direct a grant at the rate of one acre for every five shillings of expenditure. This clause was not applicable to Mr. Busby's Waipu claims; but it appeared to me that if the Crown had gained any substantial advantage in the purchase of the Ruakaka and Waipu blocks from the payments originally made by Mr. Busby, so that it might fairly appear that part of those blocks had come into our possession through a partial transfer to him of the native title, he might properly obtain the reimbursement of his outlay. I therefore communicated, in August 1861, with Mr. Johnson (formerly District Land Purchase Commissioner at Wangarei), who informed me in reply that in a political point of view the transactions between Mr. Busby and the natives had been of considerable advantage to the Government, and in a pecuniary point of view they had saved a sum of £400 to the public; that although Mr. Johnson had suffered much trouble and anxiety from the opposition of Mr. Busby and the Land League, the original purchase made by Mr. Busby was a fact which could not be evaded; and that though no specific portion of land could be pointed out as having been obtained through the purchase, Mr. Johnson and the natives had agreed that as some of the latter had sold the Waipu to Mr. Busby, the outstanding native claims should be acquired, leaving the Government to settle matters with Mr. Busby afterwards.

Under these circumstances it appears to me that Section XII of the Act of 1858 should be altered so as to allow compensation to be made: and Commissioners Godfrey and Richmond having found that the actual value of money and goods (multiplied by three) given to the natives by Mr. Busby was £831 9s. 3d., that sum would at the rate of compensation fixed by Section XII. give him 3325 acres. If this quantity were added to the quantity to which Mr. Busby is entitled at the Bay of Islands under the old grants which he has refused to surrender, and double survey allowance (to the extent of about 1000 acres under section 42 of the Act of 1856 were also added for the land which is of a worthless character, I should be enabled to make him a grant of the whole of his land at the Bay in one block.

The third case I shall take from the series of Old Land Claims is that of Mr. John Jones of Otago. The circumstances of the case may be briefly stated. The Investigating Commissioners found that the value of his payments to the natives amounted to the sum of £3957 15s., which according to the Schedule of the Land Claims Ordinance would have computed to 13,192 acres. They however recommended the maximum grant of 2560 acres. In February 1844, Mr. Jones appealed to the Governor for redress. On the 24th December 1844 the Governor in Council referred the case to Commissioner Fitzgerald with authority to recommend an extension of the award; and Mr. Fitzgerald recommended grants to be issued to the amount of 10,000 acres. The Governor immediately afterwards awarded 8560 acres, and ordered a grant to be issued for that quantity, to be selected by the Claimant. In October 1845 the Claimant sent up a plan of his selections accordingly, which were approved by Governor FitzRoy, and a grant ordered to be prepared for the 8560 acres as shown on the plan; the grant was after a long delay prepared by the Surveyor-General, signed by him, and sent in for Governor Grey's signature on the 12th September 1846. But on the 19th December 1846 the claimant was informed that the grant for 8560 acres could not be issued, as the Governor did not feel justified in making a grant to any extent beyond the original maximum award of 2560 acres. A grant to that extent was accordingly issued to Mr. Jones. The Claimant's plan reached Auckland on the 28th October 1845; and if the grant had been made out at once according to Governor FitzRoy's order, it would have been signed by him and have become one of those validated by the Quieting Titles Ordinance. The accident which enabled Governor FitzRoy's promise to be reversed thus cost the claimant 6000 acres.

When I went to Otago in 1858 the Claimant represented to me that his acceptance of the grant of 2560 acres had been given in consequence of a promise by Sir George Grey, that in the event of the other Land Claimants who had obtained extended awards from Governor FitzRoy being confirmed in their grants, His Excellency would place Mr. Jones in the same position by the issue of grants for the residue of his 8560 acres. I accordingly addressed Sir George Grey, then Governor of the Cape of Good Hope, asking him to be pleased to inform me what his recollection of the circumstance was; and I received a letter in reply, stating that though His Excellency could not after so long an interval of time precisely state what had passed at the interviews between himself and Mr. Jones, he knew that his intention was to convey to Mr. Jones, that while all he felt himself legally empowered to do was to issue a grant for 2560 acres, the Claimant's acceptance of that grant would in no respect injure any rights he might have if, upon a different system, larger grants were subsequently made to the Land Claimants. Sir George Grey added that Mr. Jones had a peculiar call on His Excel-