

LAND CLAIMS COMMISSION :

lency to make this statement, as he had always preferred his claims with moderation, and shown a willingness to acquiesce in the decisions of the Government which ought not to prejudice any rights he might have. It may be mentioned that in the case of Mr. Fairburn, where a maximum grant of 2560 acres was recommended by the Commissioners, Sir George Grey issued grants to the extent of 8055 acres in 1849.

Upon Mr. Jones memorialising the Executive Government, he received a promise on the 30th September 1861 that his case would be included in one of the classes of claims to be submitted for the consideration of the Assembly this session. It appears to me manifest that in cases like this relief should be granted. The question of amount would of course depend upon various circumstances: here, for instance, Mr. Mantell, whom I requested to afford any information in his power as the former Commissioner of Crown Lands for Otago, states (in his minute of 6th September 1861) that "Mr. Jones' selections were by consent of the New Zealand Company's Agent allowed to be taken in such shapes as to give him the command of the land not granted to him."

2.—*Pre-emption Claims.*

The cases which I shall take for illustration out of the Pre-emptive Series, are those of the late Mr. Forbes and Mr. Ormsby: though I should not have thought it right to recal attention to them after the decision of the Legislature in 1858, if it had not been understood last Session that I was to bring forward again any instances in which I might myself consider relief ought to be granted.

These cases have been so often before the Assembly and the public that it seems unnecessary to refer to them in much detail. The principal points are as follows:—

Both claims were situated at Onehunga, within the site that was afterwards reserved for the Township there. During the Session held in the year 1847, Sir George Grey addressed a Minute to the Legislative Council containing a proposal for the settlement of the Pre-emptive Claims generally. Part of this Minute was as follows:—"In those cases in which lands claimed under my predecessor's Proclamations are retained by Government for sites of Towns and Villages, any expenses which the claimants may have been justly put to shall be returned to them, and some compensation in the form of land in the Village or Town shall be made to them." Appended to the Minute was a "List of claims reported on by the Commissioner, the title deeds for which are now in course of preparation": and the two claims in question were in the list.

Commissioner Matson had reported on them in May 1847, recommending a grant of 30 acres to Forbes and of 7a. 3r. 30p. to Ormsby. In the following October the Government took possession of Onehunga as a location for the Pensioners, and it was then found that "the greater portion of the land recommended to be granted by the Commissioner had been required for the Pensioner Village"; so the Reports (with others in the same list) were referred back to the Commissioner, to state the amount to be awarded as compensation for the land taken, and the quantity of land remaining which should be granted to the claimants. Eventually a grant was issued to Ormsby for 5 acres (25th October 1848) and to Forbes for 1a. 1r. 5p. (26th May 1849): and compensation offered to Forbes of £12 19s. 4d., and to Ormsby of £35 7s. 3d. An enquiry into all the Onehunga claims afterwards took place under the following circumstances. The Governor, finding that the "cases had been dealt with by the Surveyor General each upon its individual merits and not upon any general principle, thought it possible that unintentionally some inequality might have crept into the compensation awarded to the different claimants"; and in October 1849 he directed a Board, consisting of Members of the Executive Council, to enquire into the subject and report (among other things) "what additional compensation should be awarded in any case where the amount of compensation already given might appear either insufficient or not fairly proportioned to what had been allowed to other claimants." The Board made their Report, proposing a scheme of settlement which was approved by the Governor and ordered to be carried into effect: but it did not alter what had been done in the two claims under notice.

Mrs. Forbes (her husband being then dead) accepted the compensation offered, after fruitless endeavours to get her case reconsidered; and she was therefore excluded by the Act of 1856. Mr. Ormsby steadily refused the compensation, and brought his claim before me.

The 32nd Section of the Act of 1856 limited the estimate of compensation to be given in cases where the land had been taken by the Government, to an amount equal to £1 an acre; but