

#### IV. THE GENERAL QUESTION OF WHETHER FURTHER RELIEF SHOULD BE GRANTED TO ALL THE CLAIMANTS.

It will be very convenient, in considering this part of the subject, to reduce the questions involved to as narrow a compass and as precise terms as possible.

The demand for further general legislation in favour of the land claimants can only proceed from the belief that some injustice has been done which the Colonists of the present day are morally bound to repair. It is not sufficient to say that former Governments committed injustice; it must be shown that it is that kind of general injustice by the General Assembly itself, for which it ought now to provide redress by repealing the main principles of its own legislation in preceding Sessions.

I assume that there are very few, pretending to any acquaintance with the subject, who will hold that the Acts of 1856 and 1858 were oppressive against the Land claimants as a body. The accusation has indeed been made, but wherever I have known it to be made it has rested upon no sufficient ground. I feel called upon to declare as an unquestionable truth, that those Acts have operated as a great relief, and have substantially fulfilled the liberal wishes and expectations of the Assembly in passing them. Grants which 18 years ago pretended to give a title to property but which were utterly void for any purpose whatever, have been exchanged for Title deeds containing a true definition of the estate granted. Claims which had been disallowed by what Mr. Domett called an "exterminating process," have been admitted, and compensation made for the delay in their settlement. Claimants whose cases had lapsed have been permitted to relieve themselves from the exclusion enforced in real cases of default, and have received awards. Boundary disputes between claimants have been determined, and partitions made where the claims were held by tenants in common. Family arrangements have been validated, and grants issued direct to the children or heirs of the original claimants. Land which had been abandoned by the original purchasers has been surveyed and secured to the public use. A country which six years ago was almost unknown except to the few people residing there, has been mapped and made available for settlement. Compensation has been granted where land was taken possession of for the Crown upon the strength of the extinction of native title before 1840.

I deserve no credit, and I sincerely desire to take none, for these results. They have flowed naturally from the spirit which animated the Assembly, and are the product of their legislation. But if there be any persons who still decry the Acts of 1856 and 1858 as illegal and oppressive, I may point to the facts now mentioned with a just confidence that their value will be attested by the great body of the claimants themselves. I dismiss, for my part, as unworthy of serious consideration by the Government, all question of the necessity of further legislation upon the ground of general injustice; and thus the subject becomes narrowed by one great step.

If injustice, then, has been committed, it is against certain persons and not against a class. Let us begin accordingly by taking out all those against whom it cannot reasonably be alleged that any has been committed at all.

1° In the first place, we must take out all those who have received grants for the piece of land they actually bought. If a man has got all he bought from the natives, he could only have a further claim upon the country under some amiable scheme of universal compensation.

2° Secondly, we must take out all those who suffered their claims to lapse by their own default, and who did not avail themselves of the opportunity given to everybody of coming before me and showing that their claims had not so lapsed.

3° Thirdly, we must take out all those who voluntarily entered into an agreement with the Government (not being under duress) for the surrender of their claims in exchange for scrip, money, or debentures.

4° Fourthly, we must take out any who deny the power of the Assembly to make laws on the subject. It cannot reasonably be alleged by any one who denies the legality of an Act, that the Assembly is bound to provide such law as he will admit to be valid. And it would be the most flagrant injustice to those who have obeyed the law, if any one who resists it were to get better terms than they got; it would open the door to an undeniable claim on their part for compensation.