

Now when we have got to the end of the exclusions, (and unless the Assembly means to stultify itself I do not see any that could have been spared), the cases that can come before it with any reasonable demand for further general legislation, after allowing for the special cases whereof I have already given a few instances, appear to be absolutely limited to the following two classes :

1. Where by reason of the extent of the claim a certain amount of land has reverted to the Crown.
2. Where the Claimant was obliged under great pressure to surrender his claim to the Government for less than it was worth, or to accept less land than he had a right to.

It will readily be seen, that these two classes naturally divide themselves into Old Land Claims and Pre-emptive claims ; I will therefore take them separately.

First, with respect to the Old Land Claims. The demand that was practically made last Session, and which I presume will be renewed this, was that the Claimants being themselves entitled to their surplus land, the Crown had no real right to keep it. I am not going into the "colossal argument" as to whether or no the Queen's subjects who settled here before the establishment of Her Majesty's authority had a right to buy land from the natives, had a right to all they bought, had a right to require confirmatory grants of it from the Crown, and failing that confirmation had a right to the recognition of their titles by the Supreme Court. Still less shall I waste time in discussing the question whether the Ordinances of 1840 and 1841 were violations of Magna Charta and the Bill of Rights, or repugnant to the law of England. I do not suppose that the Government or the Assembly feel any interest in these fanciful controversies, in the year of grace 1862. But I feel called upon to observe on one or two points, in order that my opinion, as the person to whom the Legislature has confided so much power and discretion, should not be misunderstood.

Whether the Queen's subjects had or had not the right for which some of the land Claimants contend, of buying land from the New Zealanders and keeping all they bought, we know at any rate for a fact that the Queen's Government denied it from the first. In May 1839, when the New Zealand Company sent out their first expedition, the Government made the following declaration :—

"Lord Normanby wishes it to be further understood that no pledge can be given for the future recognition by Her Majesty of any proprietary titles to land within New Zealand which the Company or any other persons may obtain by grant or by purchase from the natives."

Afterwards, when the Crown had decided on founding a Colony here, one of the earliest instructions issued to Governor Hobson by Lord Normanby in 1839 was this :—

"You will immediately on your arrival announce by a Proclamation addressed to all the Queen's subjects in New Zealand, that Her Majesty will not acknowledge any title to land which either has been or shall hereafter be acquired in that country, which is not either derived from or confirmed by a grant to be made in Her Majesty's name."—[Dispatch, 14th August, 1839.]

At the same time Lord Normanby conveyed Her Majesty's gracious promise that under certain conditions the title so acquired would be recognised and confirmed by the Queen :—

"You will, however, at the same time take care to dispel any apprehension which may be created in the minds of the settlers, that it is intended to dispossess the owners of any property which has been acquired on equitable conditions, and which is not upon a scale prejudicial to the latent interests of the community."

This was a year before the Ordinance introduced by Sir George Gipps into the Legislative Council of New South Wales, and two years before the New Zealand Council's Ordinance of 1841. Now it is upon this promise of Lord Normanby's that a few of the Land Claimants have based a belief in their possession of certain rights. They interpreted it to mean an absolute engagement to confirm them in whatever they had actually bought. But in order to find the true interpretation of that promise, we must seek it in the solemn acts of the Imperial Government itself. When Her Majesty was advised to give the Royal assent to an Ordinance which commenced with the formal declaration that "all titles to land in New Zealand which were held or claimed by virtue of purchases or pretended purchases, gifts or pretended gifts,