

The settlement of the Scrip claims at Ngunguru and Tutukaaka will, no doubt, enable the Government to extinguish the Native title over a good deal of adjacent land, as was the case in the settlement of the Land Claims in other districts. I append a statement showing the amount of land situate in the Northern Districts of Auckland, over which the Native title has been extinguished but which has not yet been proclaimed and handed over to the Province. The extent amounts to within a few acres of 50,000, of which rather more than 30,000 acres are interspersed with the Land Claims.

If it should now be determined to hand over the surplus lands and these unproclaimed lands to the Provincial Authorities, the total immediately available will exceed 254,000 acres. As a large portion of this, however, lies within the boundaries reserved by the Governor under the Bay of Islands Settlement Act 1858, it appears to me that before it can be handed over that Act will have to be repealed. The Governor in Council certainly has the power under the Act to determine the manner in which the land reserved shall be sold, and to make regulations as to price and so forth: he might therefore make a simple Order that the land should be sold in manner provided by the Auckland Waste Land Regulations of 1859, in force as to other lands in the Province: but the application of the money accruing from sales is limited by the Act, and it would not be competent to the Provincial Legislature to appropriate it at their pleasure, as is the case with the Ordinary Territorial Revenue under the provisions of the Land Revenue Appropriation Act 1858.

III.—THE SPECIAL CASES REMAINING UNSETTLED.

I now come to the third part of the subject—that is to say the unsettled cases in which I shall propose that some further provision be made—before proceeding to consider the question of a general measure.

Strictly speaking, there are only 12 unsettled claims arising out of purchases made by Europeans from the Natives. This statement, however, requires some explanation. I exclude in the first place from the class of unsettled claims, those cases in which persons holding grants which have been duly called in by the Attorney-General have either failed to produce their grants for examination, or have not made any claim, or have not made any survey of their claims as the Act requires. I also exclude cases in which all that is wanted before the issue of the grant is the completion of surveys now in progress, or in which certain specified conditions have yet to be and will be fulfilled. I also exclude the Poverty Bay claims, which are unsettled not by reason of the default of either the claimants or myself, but which it is simply impossible to settle yet, owing to the natives' repudiation of their contracts under circumstances detailed in my report to the Governor dated 24th February 1860, printed at page 5 of this year's Sessional Papers, E. No. 1, section 1, (Dispatches). And, of course I exclude claims which were excluded by the Legislature and could not be investigated at all. Yet it is in this last class that the cases are to be found where I believe justice most requires some relief to be given. They are and will be to the end of time "unsettled claims" unless this be done; no Act which excludes them will ever lay their ghosts.

It would prolong this Report to an unnecessary length, if I were to state every case in which I think special provision should be made, or in which Committees of the Legislature have suggested relief. I propose, therefore, to take for illustration a few cases out of the three classes of Old Land Claims, Pre-emptive Claims, and Claims not belonging to those series. And if (as I suppose will be done) it should be determined to refer the question generally to Committees of the Assembly, I shall be able to offer whatever further information in detail may be required.

1.—*Old Land Claims.*

The first instance I propose to take is the Ngunguru claim of Mr. Busby; because a Committee of the House of Representatives, which investigated it last Session, reported that "the case being one of hardship, should be considered among the cases which the Government have agreed to consider during the recess with a view to legislation thereon in the next Session of the General Assembly." As the Committee did not state the grounds of their opinion that the case was one of hardship, I refrain from any observation except on one point.