

REPORT OF PROCEEDINGS

OF THE

SELECT COMMITTEE

UPON

THE REPORT OF THE LAND CLAIMS COMMISSIONER.

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*Appointed August 18th. Report brought up September 8th, 1862.*

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## ORDERS OF REFERENCE.

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*Extracts from the Journals of the House of Representatives.*

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FRIDAY, AUGUST 8TH, 1862.

*Ordered,* That the Report of the Land Claims Commissioner be referred to a Select Committee, with instructions to report whether, and if so to what extent, further Legislation should take place on the subject of Land Claims, and whether effect should be given to the recommendations of the Commissioner. Committee to consist of—

Mr. WELD,  
" FOX,  
" WELLS,  
" CARLETON,  
Major NIXON,

Mr. ORMOND,  
" CRACROFT WILSON, C.B.  
Major RICHARDSON,  
Mr. WOOD,  
Hon. Mr. DILLON BELL.

Report to be brought up on the 18th August Inst.

True Extract,

F. E. CAMPBELL,  
Clerk of House of Representatives

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MONDAY, AUGUST 18TH, 1862.

*Ordered,* That Mr. C. J. TAYLOR be added to the Land Claims Committee.

True Extract,

F. E. CAMPBELL,  
Clerk of House of Representatives.

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## R E P O R T.

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THE Committee to which the Report of the Land Claims Commissioner has been referred, has very carefully considered the various cases which have been brought under the consideration of the Commissioner, and the Committee is of opinion that there are still individual cases of hardship arising from the terms of the Legislation on this subject.

The Committee beg, therefore, to recommend that an Act be passed during the present Session, having for its object the final settlement of the Land Claims ; and to suggest that the Act in question be based upon the following principles :

To exclude from its operation all those who

1. In the first place have received Grants for the Land which they actually bought.
2. Those who suffered their claims to lapse by their own default.
3. Those who voluntarily entered into an agreement with the Government (not being under duress) for the surrender their claims in exchange for Scrip, Money, or Debentures.

That any Claimant not excluded by the preceding provisions should be allowed to present a Memorial to a Judge of the Supreme Court, setting forth the grounds upon which he claims any award or further grant of land, and that the Judge should determine (after such evidence as he might think fit to require as to the allegations in the Memorial) whether there was in equity and good conscience any ground for such further award, and if the Judge should certify his opinion to that effect, he should direct certain issues to be tried by a Jury of six, impanelled from the Special Jury Lists, to assess the amount of land to be granted : and that then the Governor should issue a right of selection for the number of acres awarded by the Jury, to be selected generally out of the Waste Country Lands of the Province in which the claim was situate.

In the meanwhile, the surplus Lands and the Blocks named in the Land Claims Commissioners Report should be handed over to the Province of Auckland.

The Committee further recommend that the time for sending in the Memorial to a Judge of the Supreme Court be limited to a period not extending beyond the 31st day of March, 1863.

8th September, 1862.

READER WOOD, Chairman.

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*Memorandum appended by Mr. Carleton.*

I have agreed to this Report, notwithstanding its imperfection, being desirous of securing such benefit at least, as is proposed to be conferred upon the claimants or grantees.

HUGH CARLETON.

LAND CLAIMS COMMITTEE.

LAND CLAIMS COMMITTEE.

Wednesday, August 13th, 1862.

Committee met pursuant to notice,

Mr. Wells,  
" Carleton,  
Major Nixon,

Present :—

Mr. Ormond,  
Major Richardson,  
Mr. Wood,

Hon. Mr. Dillon Bell.

Order of Reference of 8th August, 1862, read.

Motion made and Question put, that Mr. Wood do take the chair. Agreed to.  
Committee adjourned until to-morrow, at 10.30 a.m.

Thursday, August 14th, 1862.

Committee met pursuant to adjournment.

Mr. Carleton,  
Major Nixon,  
Mr. Wells,

Present :—

Major Richardson,  
Mr. Wood.

The Minutes of last Meeting were read and confirmed.

Mr. Carleton moved, and the Question was proposed :—

" That in all cases where injustice can be shown to have been done, past legislation should not be considered as a bar to re-consideration."

And the Motion being put, the Committee divided, when there were

*Aye*, 1.

*Noes*, 4.

Mr. Carleton,

Major Nixon,  
Major Richardson,  
Mr. Wells,  
Mr. Wood.

So it passed in the Negative.

On Motion of Mr. Wells, Resolved, That as it appears from the Report of the Commissioner that there are cases which deserve special consideration, this Committee do proceed to prepare a list of such cases.

Committee adjourned until to-morrow at 10.30 a.m.

Friday, 15th August, 1862.

Committee met pursuant to adjournment, and the Chairman only being present, was adjourned by the Chairman until Tuesday next at 10.30.

Tuesday, 19th August, 1862.

Committee met pursuant to adjournment, and the Chairman only being present, was further adjourned by the Chairman, *sine die*.

LAND CLAIMS COMMITTEE.

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Friday, 22nd August, 1862.

Committee met pursuant to notice.

Present :—

Hon. Mr. Dillon Bell,  
Mr. Weld,  
“ Wells,

Mr. Carleton,  
“ C. J. Taylor,  
“ Wood.

Minutes of the last three Meetings were read and confirmed.

Moved by Mr. Carleton :

That in the opinion of this Committee a proper course will be the following :—

1. To go through the detailed return of cases, and strike out those claims which on the principle of exclusion (recommended by the Land Claims Commissioner) have been finally settled, or ought not to be again considered.
2. To make a list of all Claimants not coming within the principles of exclusion so recommended.
3. To grant to every such Claimant a right of having his case settled on one of the three courses proposed by the Land Claims Commissioner.
4. To charge such fees as will cover the expenses of investigations.

A discussion arose thereupon.

Committee adjourned until Saturday, 23rd August, at 11 a.m.

Saturday, August 23rd, 1862.

Committee met pursuant to adjournment.

Present :—

Mr. Weld,  
Hon. Mr. Dillon Bell,  
Mr. Wells,  
Major Richardson,

Major Nixon,  
Mr. C. J. Taylor,  
Mr. Carleton,  
Hon. Mr. Wood.

Minutes of last Meeting were read and confirmed.

The Committee resumed the consideration of the Resolutions proposed by Mr. Carleton the preceding day, and they being put *seriatim* were agreed to.

Moved by the Hon. Mr. Wood : That in the opinion of this Committee it is not advisable to include amongst the list of cases for reconsideration those, where by reason of the extent of the claim, a certain amount of land has reverted to the Crown.

Mr. Carleton moved in Amendment, to add to the Resolution the words: “But that those words shall not be held to exclude the re-consideration of the maximum.”

And the Question being put, that the words proposed to be added be so added, the Committee divided, when there were—

*Aye* 1.  
Mr. Carleton.

*Noes* 4.  
Mr. Wells,  
Major Nixon,  
Major Richardson,  
Hon. Mr. Wood.

So it passed in the Negative.

Then the Original Question being put, the Committee divided, when there were—

*Ayes*, 4.  
Mr. Wells,  
Major Nixon,  
Major Richardson,  
Hon. Mr. Wood.

*Noes*, 1.  
Mr. Carleton.

So it passed in the Affirmative.

Moved by Mr. Carleton: That any new Act ought to be kept altogether clear of all previous enactments, providing simply the means of holding enquiries as to whether injuries had been suffered from the Government, and what amount of compensation is due and shall be made for such injuries.

The Chairman moved in Amendment: That the consideration of Mr. Carleton's Resolution be postponed.

And the Question being put on the Amendment, it passed in the Affirmative.

The Committee then adjourned till summoned by the Chairman.

## LAND CLAIMS COMMITTEE.

Wednesday, 3rd September, 1862.

Committee met pursuant to notice.

Present :—

Hon. Mr. Dillon Bell,  
Mr. Carleton,  
Major Nixon,

Mr. Wells,  
Hon. Mr. Wood.

The Minutes of last Meeting were read and confirmed.

The Committee resumed the consideration of the Resolution proposed by Mr. Carleton at the last meeting: "That any new Act ought to be kept altogether clear of all previous enactments, providing simply the means of holding inquiries as to whether injuries had been suffered from the Government, and what amount of compensation is due and shall be made for such injuries."

And the Question being put, it was resolved in the Affirmative.  
The Committee then adjourned.

Saturday, 6th September, 1862.

Committee met pursuant to notice.

Present :—

Hon. Mr. Dillon Bell,  
Mr. Carleton,

Major Nixon,  
Hon. Mr. Wood.

The Minutes of last Meeting were read and confirmed.

Moved by Mr. Carleton: That the inequality of restitution to the land claimants, resulting from the issue of Crown Grants—for instance, the Great Barrier grant of 44,000 acres—to certain individual claimants, being in excess of the maximum—2560 acres, ought to be rectified by further legislation; and that the same measure of justice ought to be meted (equal or similar cause being shewn) to present claimants as to those who have already received grants in excess.

And the Motion being put, the Committee divided, when there were—

*Aye*, 1.  
Mr. Carleton.

*Noes*, 2.  
Major Nixon,  
Hon. Mr. Wood.

So it passed in the Negative.

On motion of Mr. Carleton, Resolved: That those claimants who have refrained from impeding the Government in the settlement of claims ought not to be placed in a less favourable position than those who have resisted.

The Chairman read a draft Report. A discussion arose thereupon, and the Question being put on the adoption of the Report, Mr. Carleton moved in amendment: In paragraph 5 to omit all the words after the words 'awarded by the Jury to be selected,' and to insert in lieu thereof: 'Out of the lands called surplus lands giving to each claimant a prior claim upon the land to which he shall have extinguished the Native title; or in the event of such land being already disposed of, out of lands not handed over to any Provincial Government, and set apart by the Governor for the purpose of such selection being exercised over them.'

And the Amendment being put it passed in the Negative.

Mr. Carleton moved a further Amendment in paragraph 5: After the words 'In which the claim was situate,' to insert the words 'Provided always that any such claimant shall be allowed the option of referring his claim to a Judge of the Supreme Court as aforesaid, or to the Commissioner of Land Claims, who should be empowered by Act of the Assembly to make an award according to equity and good conscience. Provided also that any claimant who shall have elected to go before the Commissioner shall be debarred from referring his claim to a Judge of the Supreme Court.'

And the Question being put on the Amendment, the Committee divided, when there were,

*Aye*, 1.  
Mr. Carleton.

*Noes*, 2.  
Major Nixon,  
Hon. Mr. Wood.

So it passed in the Negative. Then the Report as read was adopted—Mr. Carleton appending a Memorandum.

The Committee then adjourned *sine die*.