

Commissioners to be guided by the real justice and good conscience of the case.

6. And be it enacted and ordained that, in hearing and examining all claims to grants as aforesaid and reporting on the same, the said Commissioners shall be guided by the real justice and good conscience of the case without regard to legal forms and solemnities, and shall direct themselves by the best evidence they can procure or that is laid before them, whether the same be such evidence as the law would require in other cases or not; and that the said Commissioners shall in every case inquire into and set forth, so far as it shall be possible to ascertain the same, the price or valuable consideration, with the sterling value thereof, paid for the lands claimed to any of the said chiefs or tribes, or any aboriginal inhabitants or inhabitant of the said Colony of New Zealand, as well as the time and manner of the payment, and the circumstances under which such payment was made, without taking into consideration the price or valuable consideration which may have been given for the said lands by any subsequent purchaser or to any other person or persons save such chiefs or tribes or aboriginal inhabitants or inhabitant as aforesaid;

And shall also inquire into and set forth the number of acres which such payment would have been equivalent to, or according to the rates fixed in a Schedule marked B annexed to this ordinance;

And if the said Commissioner or any two of them shall be satisfied that the person or persons claiming such lands or any part thereof is or are entitled, according to the declaration of Her Gracious Majesty as aforesaid, to hold the said lands or any part thereof, and to have a grant or lease thereof made and delivered to such person or persons under the Great Seal of the said Colony, they the said Commissioners shall report the same and the grounds thereof to the said Governor accordingly, and shall state whether the claim or claims reported on is or are original or derivative, with the name or names of the party or parties to whom the grant or lease should issue; and shall set forth the situation, measurement, and boundaries by which the said lands or portions of land shall and may be described in every such grant or lease so far as it shall be possible to, and they conveniently can, ascertain the same:

Provided, however, that no grant of land shall be recommended by the said Commissioners which shall exceed in extent two thousand five hundred and sixty acres, unless specially authorised thereto by the Governor with the advice of the Executive Council, or which shall comprehend any headland, promontory, bay, or island that may hereafter be required for any purpose of defence, or for the site of any town or village reserve, or for any other purpose of public utility, nor of any land situate on the seashore within one hundred feet of high-water mark:

Provided also that nothing herein contained shall be held to oblige the said Governor to make and deliver any such grants as aforesaid unless His Excellency shall deem it proper so to do.

Certain lands not to be recommended by Commissioners for grants.

7. Provided nevertheless, and be it enacted and ordained, that the said Commissioners shall not propose to grant to any claimant whatsoever any land which may in the opinion of the majority of the said Commissioners, or of the majority of the Commissioners appointed to investigate the demand of such claimant, be required for the site of any town or village, or for the purposes of defence, or for any other purpose of public utility, nor shall they propose to grant to any individual any land of a similar character which they may be directed to reserve by the Governor of New Zealand; but that, in every case in which land of such description would otherwise form a portion of the land which the Commissioners would propose to grant to the claimant, they shall in lieu of such land propose to grant to him or her a compensation in such quantity of other land as they the said Commissioners or the majority of them shall deem an equivalent for every acre or part of an acre so required to be reserved either for the site of a village or township, or for the purpose of defence, or for any other purpose of public utility as aforesaid.

8. [Commissioners' meetings.]

9. [Powers of Commissioners to examine witnesses.]

10. [Person summoned not appearing, or refusing to give evidence, may be apprehended under warrant of Commissioners, and punished by fine or imprisonment.]

11. [Salaries to be paid to Commissioners.]

12. [Fees to be taken by Commissioners on account of the Government.]

Saving the right and prerogative.

13. Provided always, and be it declared and ordained, that nothing in this ordinance contained shall be deemed in any way to affect any right or prerogative of Her Majesty, her heirs or successors.

SCHEDULE A.—[Commissioners' Oath.]

SCHEDULE B.

Period when the Purchase was made.						Per Acre.					
						s.	d.			s.	d.
From 1st January, 1815, to 31st December, 1824	...	...	...	...	...	0	6	to	0	0
" 1825	"	1829	...	...	...	0	6	"	0	8
" 1830	"	1834	...	...	...	0	8	"	1	0
" 1835	"	1836	...	...	...	1	0	"	2	0
" 1837	"	1838	...	...	...	2	0	"	4	0
" 1839	"	1839	...	...	...	4	0	"	8	0