

And fifty per cent. above these rates for persons not personally resident in New Zealand, or not having a resident agent on the spot.

Goods when given to the Natives in barter for land to be estimated at three times their selling price in Sydney at the time.

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SCHEDULE C.—[Fees to be received by the said Commissioners.]

The above ordinance was almost a literal transcript of the Act of New South Wales, 4 Vict., No. 7, passed on the 4th August, 1840, but which became inoperative by reason of the severance of New Zealand from New South Wales in the same year. Under the last-named Act Sir George Gipps, Governor of New South Wales, appointed Colonel Godfrey and Captain M. Richmond, of H.M. 96th Regiment of Foot, to be two of the first Commissioners; on the passing of the New Zealand Ordinance, Governor Hobson renewed their appointment; and the confirmation of such appointment by the Secretary of State was published in the *New Zealand Gazette* on the 5th April, 1843.

*The First Commission.*

Commissioners Godfrey and Richmond formed what is generally called the first Commission. The one or other of them visited the locality of each claim, and took the evidence on oath of the claimant and his witnesses, and of any Natives either for or in opposition to the claimant at the place of their respective residences in different parts of the colony. The evidence was always taken down in the handwriting of the Commissioner who received it, and when signed by the witness was countersigned by the Commissioner, with the date of the day when the evidence was taken. The Commissioners afterwards met at headquarters and agreed upon a separate or joint report in each case, as the circumstances might seem to require.

Many claims which had been sent in to the Colonial Secretary, Sydney, for adjudication, and had been notified in the *New South Wales Gazette*, were subsequently decided by the Commissioners under the New Zealand Ordinance. These claims had been numbered consecutively as cases in the order of their being sent in at Sydney, and where several claims were received from the same individual they were numbered collectively as one case, the several claims therein bearing the same number with a distinguishing alphabetical letter annexed. Two hundred and eighty of these cases were gazetted in Sydney, and the same system of numbering was continued in New Zealand in respect of all subsequent cases received in New Zealand, until the total number of cases amounted to 459.

The first Commission concluded its labours by reporting on all the claims referred to it. Major Richmond, on the 8th March, 1844, was appointed Superintendent of the Southern Division of New Zealand, and Colonel Godfrey returned to England. Mr. William Spain was also a Commissioner contemporaneously with the first Commission, but, as his labours were almost exclusively limited to the investigation of claims arising out of the New Zealand Company's transactions, he is not included in the first Commission within the meaning of this document.

In the year 1844 an ordinance in amendment of the above-recited ordinance was passed, giving to a single person the powers granted to two Commissioners under the ordinance of 1841. This was called "The Land Claims Ordinance, 1844, Session III., No. 3;" and, Mr. Robert Appleyard FitzGerald being appointed, on the 25th March, 1844, sole Commissioner thereunder, he formed what is herein called the second Commission.

The reports of the Commissioners were inconclusive, as they had to be confirmed by the Governor, who also had the power of review in any case which he might think special. As a fact, Governor Fitzroy confirmed only one report of the first Commission on Webster's claims, the one in case No. 3051, all the reports being sent to the second Commission for reconsideration, with a view to making enlarged awards, as will appear hereafter.

With these remarks in explanation, the following narrative of the proceedings in relation to Webster's claims will be better understood.

The following notifications to foreigners in relation to bringing forward their claims to land for adjudication by the Commissioners had from time to time been published in the *New Zealand Gazette* :—