

SPECIAL AWARD.—A deed of grant to be issued to Messrs. William Abercrombie, Jeremiah Nagle, and William Webster for all that part of the Great Barrier Island (Aotea) which Commissioner Godfrey herein reports to have been validly purchased by them.
18th June, 1844.

ROBERT FITZROY, Governor.

MEMORANDUM OF AGREEMENT.—The joint claimants for a portion of the Island Aotea (or Great Barrier Island), Messrs. William Abercrombie, Jeremiah Nagle, and William Webster, mutually agreed this day in this house to a division of their joint claim, as shown in a plan of the island produced by the said parties before the Governor, the Chief Protector of Aborigines, and the Private Secretary.

ROBERT FITZROY.

GEORGE CLARKE.

J. W. HAMILTON.

Government House, Auckland, 1st July, 1844.

NOTE.—Which plan was forthwith placed in the hands of the Land Commissioner (Mr. FitzGerald), to be copied for reference, and on the back of three separate deeds.
1st September, 1844.

ROBERT FITZROY.

ULTIMATE AWARD.—Grant to William Abercrombie for 8,119 acres; to Jeremiah Nagle for 8,070 acres; and to William Webster for 8,080 acres, issued 6th July, 1844: total, 24,259 acres—for the whole of which W. S. Grahame, of Auckland, on 29th December, 1854, obtained a new grant as transferee from the Bank of Australasia, in Sydney, to whom the said lands had been assigned.

AMENDED GENERAL REPORT.

Claims 305, 305A, 305B, 305C, 305G, 305I, 305K; WILLIAM WEBSTER, claimant.

AWARDED in case No. 305, 250 acres; Case No. 305A, 250 acres; Case No. 305B, 550 acres; Case No. 305C, 800 acres; Case No. 305G, 1,944 acres; Case 305I, 1,187 acres; Case 305K, 2,560 acres: total, 7,541 acres. To be reduced in the aggregate to the maximum grant of 2,560 acres.

Dated at Wellington this 18th day of December, 1843.

M. RICHMOND,
EDWARD L. GODFREY, } Commissioners.

(Memorandum.)—The following cases preferred by this claimant have not yet been investigated, namely—305D, 305E, 305F, 305H, 305J, and 305L. No grant has been recommended in case 305M.
—M. R.

To explain this amended report, it is necessary to state that in 1842, the Land Claims Amendment Ordinance, Sess. II. No. 14, was passed and assented to by Governor Hobson,* 25th February, 1842, whereby the limitation of the maximum of grants to 2,560 acres fixed by the ordinance of 1841 was removed, and the Commissioners were empowered to recommend grants exceeding the maximum area fixed by the ordinance of 1841.

This ordinance was disallowed by the Queen, and the notification of such disallowance was gazetted in the colony 6th September, 1843, by command of Lieutenant Shortland, R.N., the Officer Administering the Government, but it was in force in the colony from February, 1842, to September, 1843, and, as the first commission had acted under it when making their earlier awards, it became necessary to annul these in consonance with the original ordinance of 1841, which had become revived in full force.

Thus it happened that Webster's original award of 7,541 acres was reduced to a maximum area of 2,560 acres, and all the persons to whom he had sold his lands as fast as he acquired them, at an average sum of twenty shillings per acre, for the purpose of extending his credit and making further purchases, were left without anything for their money, and without redress.

It may have arisen from some confusion in amending their awards as above mentioned, but it must here be remarked that the reports of the first Commission on the four first claims are somewhat inconsistent, inasmuch as in each case the Commissioners award to Webster the whole land claimed, notwithstanding his evidence that he had sold it or part of it, and then refuse to recommend a grant to the derivative purchaser on the plea that Webster, the original claimant, had been awarded a maximum acreage. If they would not grant the land to the purchasers, why grant it to Webster, unless in the expectation that Webster would convey to the purchasers. At any rate, the reports are not quite intelligible on this point, and required correction.

The Second Commission.

Governor Fitzroy, taking the case of these derivative purchasers from Webster into consideration, as also that of Webster's outstanding creditors, submitted the whole question of Webster's claims to his Executive Council, who recommended extended grants, as appears from the following minute:—

* Captain Hobson, R.N., died 10th September, 1842, whereupon the Colonial Secretary, Lieutenant Shortland, became Officer Administering the Government until the arrival of Captain Fitzroy, R.N., who became Governor 26th December, 1843, until 18th November, 1845, when Sir George Grey succeeded him.