

on the part of the Natives, and on the part of Europeans, and reviving questions long since lapsed or settled—would be incalculable and seriously prejudice the attainment of the object in view.

7. I next come to the question of the Grants which were issued by Governor FitzRoy to satisfy for a time the Old Land Claimants.

8. The returns, before referred to, appended to the Gazettes of 1849, illustrate the nature of many of these Grants (about 350 in number).

9. Many of these Grants convey portions of land described, by exactly the same boundaries to or more Claimants, the great majority of them contain no particular description of the specific piece of land intended to be granted, the boundaries given by the Claimants, of their original claims, and the land is unsurveyed, so that in case of adjoining Grants, or of Grants and Native Lands, it is impossible to determine the respective rights of persons interested.

10. This state of affairs is highly unsatisfactory, and seriously embarrasses the colonisation of this Province. Grantees, in virtue of Grants of hundreds of acres, assert floating rights over tracts of thousands of acres, as their Grants determine no specific piece, and as the boundaries in it are those of their original claim. The exceptions often given in the Grants are, as well as the boundaries of the Grants, so vague that the land granted cannot be conveyed, or even be properly made use of.

11. Thus, vast tracts are left unoccupied. Native claims, which in many cases have never been wholly extinguished are revived in full force, and become a fruitful source of confusion and discord.

12. These Grants, though practically unnegotiable, have been declared valid by the Quieting Titles Ordinance (Sess. 10, No. 4) which, however, in its 11th clause provides a mode for the survey of the lands in question, and for a substitution of these vague Grants by Grants with definite boundaries, and in the usual form. The Commissioner can, under that clause, and by order of the Governor, *select* the quantity to which the Grantee is recited to be entitled, and the cost of survey, &c., can be made a charge on the land. Previous to July, 1851, the Grantee could himself select, but few availed themselves of the privilege.

13. Since that time, the Commissioner has never been required to select, unless at the instance of the Grantee, and as long as there is no power to force the Grantee to bring in his old Grant, for the purpose of its substitution by a New Grant, it will be very difficult to make a compulsory selection.

14. I think an additional stringency should be given to this clause, and its practical enforcement secured. Such a step, with some modification of the Ordinance in general might meet the case. The selection should be always made, where the rights of the natives are concerned, in concert with the Native Secretary or his Agent.

15. I also think some provision might be made for satisfying Native Claims that might be found to arise in respect of the surplus lands to which the Crown would be entitled, or in respect of adjoining lands,—thus, during the adjustment of this question, a way would probably be opened for extinguishing the Native Title to large districts, and for facilitating the acquisition of the country by the Crown.

16. Besides these Grants which were given to satisfy the Land Claims, there was also a credit of about £87,000 given to Land Claimants, in the purchase of Crown Land, and there still remains a credit of £7,146 3s. 3d., not yet exercised.

17. In the 'Government Gazette,' 26th October, 1844, the public were informed that the next Land Sale, 30th December, 1844, was the last at which such Land Scrip would be available.

18. The question then remains whether those who have not yet exercised their Scrip have in the face of such a Notice any equitable demands for compensation.

PRE-EMPTION LAND CLAIMS.

19. These claims have originated under Waivers of Pre-emption by Governor FitzRoy. They relate exclusively, I think, to the present Province of Auck-